

THE TEXAS GUARD DURING MARTIAL LAW AND A STATE OF EMERGENCY:
A SELECT STUDY FOCUSING ON GALVESTON, SHERMAN,
BEAUMONT AND TEXAS CITY

A THESIS
SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF ARTS
IN THE GRADUATE SCHOOL OF THE
TEXAS WOMAN'S UNIVERSITY
COLLEGE OF ARTS AND SCIENCES

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DENTON, TEXAS

MAY 2001

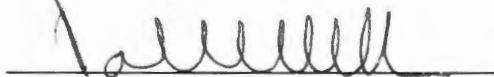
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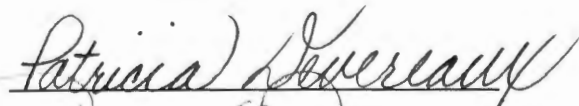
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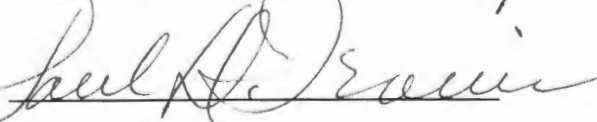


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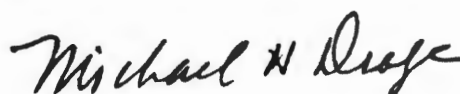
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Acknowledgements

I would like to express my sincere gratitude to Dr. Valentine Belfiglio, Dr. Paul Travis, and Ms. Patricia Devereaux for their encouragement, patience, and much-appreciated insight during the writing of this paper. I could not have picked a better Committee.

I also wish to thank my dear friends and mentors who gave me encouragement, inspiration, and made it possible for me to pursue higher education. Without their help, this goal would not have been possible. Thank you Dr. Leslie Thompson and Dr. Veva Vonler. I wish you were here!

I wish to thank my husband, Greg, for his love and support and my children, Shannon and Cole, for being proud of me and for realizing that this was important to Mom. Finally, I want to thank my parents, Walter and Betty Owen, who, after I informed them how ancient I would be by the time I finished school and how many years it would take to finish, wisely responded: "Well, how old are you going to be in 'x' number of years if you do not go to school?" They never gave up on me and never doubted that I could do this!

The Texas Guard During Martial Law and a State of Emergency:
A Select Study Focusing on Galveston, Sherman,
Beaumont, and Texas City

Abstract

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May 2001

Texas Volunteer, National, and State Guard troops hold a distinguished history of service to Texas and have proved to be invaluable in efforts to aid civil authorities during emergency situations and in extreme conditions when martial law has been enforced. This research focuses on use of Guard units during extreme racial incidents leading to the declaration of martial law as was found in Sherman in 1930 and in Beaumont in 1943. The Volunteer Guard was called to duty in Galveston in 1900 when a hurricane devastated that city. Martial law was immediately instated. In addition, troops were summoned to Texas City in 1947 after an explosion obstructed and prevented the functioning of civil processes. Although martial law was not declared during this crisis, a state of emergency was proclaimed. In all four instances, the Guard was praised for exemplary service to the State and control was rapidly restored to civil authorities.

TABLE OF CONTENTS

COPYRIGHT	iii
ACKNOWLEDGMENTS	iv
ABSTRACT	v
CHAPTERS	
I. The Texas Guard and Martial Law	1
II. Galveston, Texas 1900	32
In the Shadow of Death	39
The Volunteer Guard in Galveston	45
Aftermath	71
III. Sherman, Texas 1930	76
Mob Violence	80
The National Guard in Sherman	89
After the Violence	100
Lest We Forget	112
IV. Beaumont, Texas 1943	117
V. Texas City, Texas 1947	146
A Nation Responds	153
The 49th Battalion: Texas State Guard	158
A Brighter Tomorrow	173
VI. Conclusion	180
WORKS CITED	184

APPENDIXES		191
APPENDIX A:	Galveston Orphan's Home	192
APPENDIX B:	Brigadier General Thomas Scurry	194
APPENDIX C:	Militia in Galveston	196
APPENDIX D:	Texas State Guard in Beaumont	198
APPENDIX E:	Texas City Survivors and Scene of Destruction	201

CHAPTER 1

THE TEXAS GUARD AND MARTIAL LAW

States are not made, nor patched; they grow;
grow slowly through centuries of pain.
John Masefield [1878 - English Poet Laureate]

It is the sentinel who watches,
in order that the common laborer be not disturbed.
Abbe Raynal, 1711 - 1796 [French Philosopher and Historian]

Since colonial days, Americans have been blessed by protection provided by volunteer militia. In fact, one integral part of the volunteer militia, the National Guard, celebrated its 360th birthday in 1996, making it the oldest component of the U.S. Armed Forces.¹ Since the formation of the state, Texas has also been guarded by volunteer militia. We now refer to these volunteer troops as the Texas National and State Guard. When Americans settled in Texas they initiated and implemented a volunteer militia, which eventually developed into one of the foremost state guards in the United States.² Citizen soldiers, called the "Uniformed Militia" until 1879, the "Texas Volunteer Guard" to 1903, and the "Texas National Guard" in the twentieth century, had the traditional militia responsibility to repel invasions, suppress

¹ Adjutant General's Department of Texas, Texas National Guard, *Fact Sheet: History of the Guard* [homepage on-line]; available from <http://www.agd.state.tx.us/>; Internet, accessed 3 April 2000.

² Valentine J. Belfiglio, *Honor, Pride, Duty: A History of the Texas State Guard* (Austin: Eakin Press, 1995), vii.

insurrections, and execute the laws of the Union.³ The State of Texas has a vivid and profound history of use of Texas Guard troops during the suppression of violence caused by factors including racial conflict as well as in disaster situations, labor strikes, prohibition, control of illegal gambling, drug raids, crowd control, oil production restrictions, and other instances when local authorities were rendered powerless or when additional law reinforcement was necessary. For instance, in 1985 or early 1986, the Greenhand Operation cooperated with the Department of Public Safety in spotting marijuana fields in East Texas. The Guard was also deployed to Marfa, Texas in 1988 as part of a highly classified mission, which happened to fall during the seasonal marijuana harvest in Mexico. Reports of the adjutant general during the last quarter of the nineteenth century show that units of the Texas militia mobilized at least seventy-five times to answer calls for assistance from local and regional authorities.⁴ In addition, the Texas Guard was called to active federal duty during major wars including World War I, World War II, and the Korean War. Furthermore, in 1941, the Texas legislature established the Texas Defense Guard. In 1942, the legislature redesignated this force the Texas State Guard.⁵ The Texas State Guard was formed to defend the state when the National Guard was deployed for federal

³ The Handbook of Texas Online, *Texas National Guard* [homepage on-line]; available from <<http://www.tsha.utexas.edu/handbook/online/articles/view/TT/qnt2.html>>; Internet; accessed 2 November 2000.

⁴ Ibid.

⁵ Ibid.

service. The following is a brief indication of the number of times the Guard has been activated in recent history.

Since World War II, civil disaster and humanitarian relief occasioned the majority of militia mobilizations. Between 1947 and 1972, the state activated guard units 101 times. Civil disaster caused 96 of these, law enforcement missions 4, and race riots 1. Between 1973 and 1992 the governor mobilized Texas National Guard units 112 times--74 times for civil disaster or humanitarian relief, at least 32 times for law enforcement, 3 times for political purposes, and twice for ceremonial purposes; the cause of one activation is unclear. The ten activations for hurricane relief between 1947 and 1992 represent the largest and most expensive mobilizations.⁶

Additionally, in several instances, martial law was declared to control the situation.

Texas was the site of the worst natural disaster in American history. In 1900, a hurricane struck Galveston killing in excess of 6,000 people. Martial law was quickly enforced, and the Volunteer Guard played an invaluable role in helping the city to regain control and ascend from the devastation that the hurricane caused. In 1930, martial law was once again enforced when racial violence flared in Sherman, and in 1943, martial law was proclaimed in Beaumont--again for racial violence. Finally, this research will focus on Texas City in 1947. Although martial law was not declared, the Guard was summoned to Texas City after a violently destructive explosion destroyed portions of the town. The Guard's role in these four incidents will be discussed in-depth in the following chapters.

⁶ Ibid.

Martial law has been declared in Texas for reasons other than racial violence; however there has been a profound number of cases when mob formation has lead to unrestrained rioting due to racial intolerance. In fact, the State of Texas has a unconscionable background based upon racial conflict. In many instances, this conflict erupted into uncontrollable mob violence which resulted in the declaration of martial law as the only means possible for law and order to be restored and enforced. Lynching was also common during early Texas history, and lynching and other forms of violence were not solely directed toward black citizens. However, there is a clear indication that an enormous amount of prejudicial violence was aimed at this particular racial group. In many cases, this violence was unprovoked and the so-called justice was often swift and deadly. Again, there was a profound number of incidents when martial law was necessary to control these rage-filled mobs, and martial law has been declared for numerous reasons other than racial violence. First, one must examine the statutes, legal precedence, and executive power necessary to declare martial law. It is also beneficial to review other major instances in Texas when violence has erupted into martial law. Finally, a brief focus on the rest of America during these episodes will indicate that racial intolerance was rampant throughout the country.

Martial law has been defined as the law of military necessity. According to *Barron's Law Dictionary*, "Under a constitutional government, martial law may be imposed only in time of war or when civil authority has become

ineffective."⁷ In addition, an article in *American Jurisprudence*, states, "Martial law, in a strict sense, presupposes the existence of a state of actual war and the occupation of the district where it exists by a hostile or lawless force interrupting the civil courts in the administration of law in their accustomed mode. Martial law can only exist and military power can only be exercised over the property of the citizen when the civil arm of the government becomes powerless because of invasion, insurrection, or anarchy. It does not arise from threatened invasion; the necessity must be actual and present and the invasion real, such as effectually closes the courts and disposes the civil administration. It can never exist where the courts are open and in the proper and uninterrupted exercise of their jurisdiction."⁸

The Governor, as Head of the State of Texas, is bestowed with the power to declare martial law by state statutes and constitutional provisions. "The Governor may call all or part of the state military forces to repel or suppress an invasion of or insurrections in or threatened invasion or insurrection in the state. . . ."⁹ Furthermore, "the governor may order a commander of a unit

⁷ *Barron's Law Dictionary* (1996), 4th ed., s.v. "Martial Law."

⁸ Robert B. McKinney and National Legal Research Group, "Military and Civil Defense," *American Jurisprudence* 2d 53A (1996): SS 437-446.

⁹ Vernon's Texas Code's Annotated (1998), Government Code, sec. 431.111. Section 433.005 gives authority for other officials to request the state military forces.

The chief executive officer or governing body of a county or municipality may request the governor to provide state military forces to aid in controlling conditions in the county or municipality that the officer or governing body believes cannot be controlled by the local law enforcement agencies alone. On receiving the request, the governor may order a commander of a

of the state military forces to appear at a time and place directed to suppress or prevent tumult, riot, or the actions of a group of persons acting together by force with intent to commit a breach of the peace or violence to a person or property or to otherwise violate state law."¹⁰ Additionally, "the governor by proclamation may declare any portion of the state where state military forces are serving in aid of the civil authority to be in a state of insurrection, if the governor determines that law and order will be promoted by the declaration."¹¹ The Texas Constitution defines that the governor shall be commander-in-chief of the military forces. "He [the governor] shall be Commander-in-Chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasion."¹² The governor, as proclaimed by this constitutional provision, is the Commander-in-Chief of the Texas National Guard and the Texas State Guard and has supreme authority over all state militia. In addition, "the governor may also use the State Rangers to enforce the laws of the state. This force is given full powers of peace officers by statute with

unit of the state military forces to appear at a time and place the governor directs to aide the civil authorities (sec. 433.005).

¹⁰ Ibid.

¹¹ Ibid., sec. 431.115.

¹² Vernon's Annotated Texas Constitution, art. 4, sec. 7. All of the constitutions of Texas have contained provisions such as this. However this article was revised in 1999 to eliminate the phrase *and protect the frontier from hostile incursions by Indians or other predatory bands*.

In addition, Texas Government Code, sec. 431.054 states:

The governor has full control and authority over the Texas State Guard.

orders to aid the civil authorities in the execution of the laws."¹³ The governor also has the authority to appoint the adjutant general, who is the commander of both the Texas National Guard and the Texas State Guard. Furthermore, the Texas Constitution declares that: "The military shall at all times be subordinate to the civil authority."¹⁴ In regard to this executive power, *American Jurisprudence*, attempts to explain qualified or modified martial law.

Martial law is of various gradations, and a modified form thereof may be declared by the governor of a state during times of internal disorder and insurrection to aid in the suppression of the insurrection, within constitutional limitations. Such qualified martial law exists where the governor is compelled to call out the militia and direct it to restore order by reason of rioting and disorder in certain counties of the state, and such means of control to put in force only for the preservation of the public peace and order; within the necessary field, it is martial law with all its powers. The authority of the governor of a state to institute and enforce martial law under circumstances warranting it, where based on provisions of the state constitution, must be exercised within the constitutional limits and in the manner fairly implied therefrom.¹⁵

In determining when the Governor of Texas can declare martial law and the limitation of the executive power, it is beneficial to reexamine several landmark cases. In 1932, the Governor of Texas, Ross Shaw Sterling, declared

¹³ Vernon's Annotated Texas Civil Statutes, art. 4413 (11), (1997); Constitution, art. 4, sec. 7 (1997).

¹⁴ Texas Constitution, art. 1, Bill of Rights, sec. 24 (1997). This broad provision has been contained in all of the Texas Constitutions. . . . When he [the governor] calls out the troops, he calls them out not as military, but as civil officers (art. 1, sec. 24). Additionally, "such a provision, as incorporated here in the Texas Constitution, does not in general deprive the military authority of control over matters strictly of a military nature" (Ibid.).

¹⁵ Robert B. McKinney and National Legal Research Group, "Military and Civil Defense," *American Jurisprudence* 2d 53A (1996): SS 437-446.

martial law in East Texas oilfields to limit production. The District Court and the United States Supreme Court in *Constantin v. Smith* and *Sterling v. Constantin* reviewed the extent of executive power in regard to the use of military force when applied to civilians. The Court held that, "The Governor was without power to suspend Constitution and laws and deprive persons of access to courts by proclamation of martial law, as martial law should not be declared except on occasion of the dire and inexorable necessity, and Governor cannot set aside civil laws, except in case of actual warfare and within area of actual hostilities."¹⁶ Furthermore, the Court held, "The Governor is vested with discretionary powers in determining whether an emergency requiring military aid in the execution of the laws has arisen, and his decision upon the subject is conclusive. However, his judgment as to measures to be taken to suppress the violence and restore order are not above judicial review."¹⁷ It was intimated in that case that under the Constitution, the Governor, by declaring martial law, could not suspend the laws and deprive persons of access to the courts. He could invoke the aid of the militia only to suppress insurrections, to repel invasions, and to afford the protection necessary to preserve peace, acting in aid, and not in subversion, of the civil authority and of the jurisdiction of the courts. . . .¹⁸ In

¹⁶ *Constantin v. Smith, Sterling v. Constantin*, 57 F 2d 227, appeal dismissed 53 S. Ct. 190, 287 U.S. 378, 77 L. Ed. 375 (1932).

¹⁷ *Ibid.*

¹⁸ Texas Constitution, art. 1, Bill of Rights, sec. 24, Interpretive Commentary, (1997).

Rose Mfg. Co. v. Western Union Telegraph Co., the Texas court held that, "Martial law can only exist, and military power can only be exercised over the property of the citizens, when the civil arm of the government is powerless because of invasion, insurrection, or anarchy, and when the necessity ceases the military power must end."¹⁹ Finally in *Cole v. Texas Army National Guard*, the court held that, "At no time and under no conditions are actions of the Adjutant General above inquiry or court review."²⁰

In addition to State of Texas and United State Supreme Court decisions, the Texas Attorney General's Office also issued an opinion in regard to the powers of the governor during a period of martial law. Gerald O. Mann, Attorney General of Texas in 1939, issued Opinion Number 0-308, which concerned the power of the governor to suspend laws of the State by evoking martial law. The holdings of this Opinion are: 1) The Governor of Texas is not empowered by the Constitution to declare martial law for the purpose of suspending State laws, and 2) Constitution vests in the Legislature the sole power of suspending the laws of the State of Texas.²¹

¹⁹ *Rose Mfg. Co. v. Western Union Telegraph Co.*, 251 S.W. 337, error refused (Civ App. 1923).

²⁰ *Cole v. Texas Army National Guard*, 909 S.W. 2d 535, rehearing overruled, error denied, rehearing of writ of error overruled (App. 3 District, 1995).

²¹ Gerald O. Mann, Attorney General Opinion (Austin, Texas 1939), No. 0-308. This Opinion specifically defines when the governor can declare martial law.

It thus appears that the Governor is empowered by the Constitution to declare martial law only for the purpose of enforcing the laws of the State and for the purpose of quelling insurrections against those laws. . . . the Governor may invoke martial law for the purpose of executing the provisions of the law involved and for the purpose of suppressing or preventing any insurrection against such law, but that the power and the responsibility of suspending the operation of such law is vested exclusively in the Legislature of this State and may not be exercised by the Governor (No 0-308).

In summary, the landmark findings in *Sterling v. Constantin* are that the role of the military during martial law is to aid the civil authorities and to protect the civil institutions, and military power cannot set aside constitutional rights.²² In addition, *Constantin v. Smith* establishes that martial law cannot coexist with civilian laws and institutions.²³ Therefore, Texas law distinctly recognizes and upholds the doctrine established in *Ex parte Milligan*, which will briefly be discussed in the succeeding text.

Although this research is focusing on martial law in Texas and use of state militia, it is necessary to understand the scope of Federal authority in regard to this issue. Federal power to declare martial law can be found in federal legislation and in the supreme document of the land; the Constitution of the United States of America. The President of the United States has the authority to call forth the militia to aid civil officers and to protect states and their citizens. Article 1, Section 8 (15) empowers Congress with the authority to "provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions."²⁴ Article 2, Sections 2 and 3 grant authority to the President to, ". . . be Commander in Chief of the Army and Navy of the United States, and the Militia of several States. . . ."²⁵ Furthermore, the President, "shall take Care that the Laws be faithfully

²² *Constantin v. Smith, Sterling v. Constantin*, 57 F 2d 227, appeal dismissed 53 S. Ct. 190, 287 U.S. 378, 77 L. Ed. 375 (1932).

²³ *Ibid.*

²⁴ U.S. Constitution, art. 1, sec. 8 (15).

²⁵ U.S. Constitution, art. 2, sec. 2 (1).

executed."²⁶ Article 4, Section 4 also states that, "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."²⁷ According to Edward S. Corwin, ". . . when martial law is instituted under national authority, it rests ultimately on the will of the President of the United States in his capacity as Commander-in-Chief."²⁸ It has been documented that federal power to proclaim martial law has been used more than 100 times from the period of 1807 to 1925 in the United States. Probably utilized by the Federal Government for the first time in 1814 when proclaimed by General Andrew Jackson in New Orleans, martial law was not part of the experience of a great many Americans in the period prior to the Civil War, and therefore, its arbitrary and authoritarian nature was not especially fearsome to the public.²⁹ In addition, the federal government has declared martial law for a multitude of reasons. These include--but are not limited to--the Whiskey Rebellion in 1793, the Door Rebellion in 1842, and the enforcement of the Fugitive Slave Law in 1851. Martial law was also declared in Kansas in 1855 and in Utah in 1857. The

²⁶ U.S. Constitution, art. 2, sec. 3.

²⁷ U.S. Constitution, art. 4, sec. 4.

²⁸ Edward S. Corwin, *The President: Office and Powers 1787-1957*, 4th ed. (New York: New York University Press, 1957), 139.

²⁹ Harold C. Relyea, "National Emergency Powers: A Brief Overview of Presidential Suspensions of the Habeas Corpus Privilege and Invocation of Martial Law," *Presidential Studies Quarterly*, 7, no. 4 (1977): 238-243.

draft riots and draft resistance during the Civil War period of 1862 to 1864 and the period of reconstruction from 1865 to 1868 also include federal intervention and the enactment of martial law. The federal government additionally proclaimed martial law from 1867 to 1872 during periods of rioting, industrial strikes, and a disturbance instigated by the Ku Klux Klan.

There have been other federal incidents during which the issuance of martial law has been enacted and the extent of executive power has been reviewed; however, *Ex parte Milligan* is the landmark case that will be discussed for this research since *Constantin* uses the "Milligan Principle" in its determination of the extent of authority the military can exert over civilians. Briefly, the holdings in *Ex parte Milligan*, commonly known as the "Milligan Principle," are that neither the President nor Congress can invoke the trial of a civilian before a military court in a territory where the civil courts are open, and the Bill of Rights are applicable during a time of war.³⁰ The "Milligan Principle," however, may be easier to interpret and enforce during times of peace vs. times of war. As Chief Justice of the United States Supreme Court, William Rehnquist, said, "Silent leges inter arma (In time of war the laws are silent and the guns speak)." With these, U.S. Constitution, Texas Constitution, Texas statutes, and case precedence in mind, it is vital to determine the role of the military once martial law is declared.

The Department of the Army has defined martial rule as, ". . . the temporary government of the civil population of domestic territory through

³⁰ *Ex parte Milligan*, 71 U.S. (4 Wall) 2 (1866).

the military forces, without the written law, as necessity may require. It is the exercise of the military power which resides in the executive branch of the government to preserve order, and insure the public safety in domestic territory in times of emergency, when civil governmental agencies are unable to function or their function would itself threaten the public safety. Martial rule depends for its justification upon public necessity. Necessity gives rise to its creation, necessity justifies its exercise, and necessity limits its duration. The extent of the military force used and the actual measures taken, consequently, will depend upon the actual threat to order and public safety which exists at the time."³¹ The Army goes on to explain that martial rule is not military government, martial rule is unwritten law, and martial rule is not military law. In addition, the Army has simplified the concept of "necessity justifying martial law" by stating that necessity is the, "Sudden and unexpected calamity + civil authorities unable to act effectively = necessity."³² The Texas Adjutant General's Department in *Texas Manual on Civil Disturbances and Martial Law* also states, "Martial law depends for its justification upon public necessity. Necessity gives rise to its creation, necessity justifies its exercise, and necessity limits its duration. The most extreme situation that can arise in martial law is the closing of the civilian courts and their replacement by military tribunals. Thus far in the history of

³¹ Department of the Army Headquarters, *Emergency Employment of Army Resources* (Washington, D.C., 1956), par. 10, AR 500-50; *Law of Land Warfare* (Washington, D.C., 1956), par. 12, FM 27-10; *Military Assistance to Civil Authorities* (Washington, D.C., 1966), PAM 27-11.

³² *Ibid.*

this country, the supplanting of the civilian courts by the military has never been upheld."³³ In fact, the Adjutant General's Department goes on to explain that, "Texas military forces have the following responsibilities: 1) To use no more force than is reasonably necessary to carry out the orders of the commanders, 2) To cooperate with local civil authorities in carrying out their mission, and 3) To turn over arrested persons to the proper civil authorities."³⁴ It is also noted that only in extreme emergencies may the property of citizens be taken by the military and then only when the public is in dire danger.

All states ensure in their statutes and in their respective constitutions that the authority to declare martial law is invested within the executive branch of government. Colorado's Constitution, for example, is very clear in the specifications of enforcement powers granted to the Governor. For instance, Article 3, Section 1 of the Colorado Constitution clearly spells-out when martial law may be proclaimed. "The Governor may declare and proclaim that a civil disturbance is subject to martial law only under the following circumstances: (a) If the Governor unilaterally determines that the disturbance manifests conditions tantamount to actual war; and (b) If the Governor receives written notice directly from a state district court judge that the state and federal courts in the area of the disturbance have been forced to

³³ The Adjutant General's Department, *Texas Manual on Civil Disturbances and Martial Law* (Austin, TX, 1947), 1-5.

³⁴ *Ibid.*

close as a result of the disturbance and consequently are unable to hear and determine cases according to the law, and the Governor so concludes that to be the case in fact, or (c) In the case of impossibility of notice from a district judge, because of capture or other incapacitation, the Governor may then unilaterally decide whether the courts in the area of the disturbance have been closed as a result of said disturbance. This decision is subject to judicial review."³⁵ The power, although not always as clearly defined as found in the Colorado statutes, to declare martial law is evident throughout the United States.

It is thus apparent at both the federal and at the state level that authority for the issuance of martial law does exist. The following paragraphs offer a brief examination of select instances in Texas when martial law was actually invoked and enforced in cities or counties in Texas in order to prevent a condition of lawlessness. Select cases will focus on incidents from the early twentieth century up to the present period.

Early Texas history indicates that when lawlessness was evident and the local authorities could not uphold the law, Texas Rangers were often called to aid these authorities. Not surprisingly, considering the "wild" nature of the state, martial law was proclaimed numerous times during the 1800s, and the Rangers were often called for assistance. For instance, in 1862, General Hamilton Bee declared martial law in Gillespie, Kerr, and Kendall counties during a time when there was a threat to the Confederacy, and the Texas

³⁵ Colorado Constitution, art. 3, sec. 1, (a) (c).

Rangers were summoned for duty. Again in 1870, martial law was declared in Hill County to control a wave of rampant crime. Another early episode worth mentioning is the Great Hanging in Gainesville in 1862. This was a result of rebellion directed toward the Confederate government. Martial law was declared in Cooke County, and after being tried by a citizens court, 39 prisoners were found to be guilty of treason or mutiny and were hanged in Gainesville. These men were primarily residents of Denton, Collin, Cooke, Grayson, and Wise counties. The Texas courts justified the hangings and later pardoned all those involved. It is interesting to note that civilians complained that the Rangers were harsh with their actions and that not all of their acts were law-abiding. In defense of the Rangers, there were many times when they were ordered to use whatever means necessary to control the situation. It is said that these "means" included hanging, beating, and other forms of abuse without allowing the prisoner the benefit of a fair trial. However, the Rangers, though regarded as the state police force, were severely limited in numbers by the early 1900s.

Research reveals that after 1920, the Texas National Guard or its supplement the Texas State Guard, became the primary force that the Governor called upon in times of civil disorder. As mentioned previously, the Texas State Guard has been called numerous times to suppress lawlessness due to prohibition, turmoil related to the oil industry, labor strikes, race riots, and other incidents where local authorities could not maintain control in their communities. The National Guard has also assisted civil authorities

during natural disasters and other catastrophic events. For instance, the Guard was activated to Galveston in 1920 for a dock strike. This particular civil disorder developed after a wage compromise failed. Ironically, this incident resulted in, "Guardsmen . . . on duty from June 7 to October 8, 1920, making the mobilization the longest tour of duty because of civil disorder in the history of the Texas National Guard [up to this point]."³⁶ In 1922, martial law was enforced in Denison due to a railroad strike, and the National Guard was called in to break the strike.

In and near Mexia (including both Limestone and Freestone counties) in 1922 and in Borger in 1929, local law enforcement officials were unable to control disturbances caused by the oil boom and by prohibition. Illegal gambling establishments, an abundance of vagabonds, the production of illegal homemade whiskey, and other criminal elements--including an overabundance of prostitutes--overwhelmed the area, forcing the Governor to order in the Guard as a means of control. In 1931, the Guard was ordered to an East Texas oilfield near Kilgore to shut down the wells and enforce proration orders. According to Krenek, "Even after martial law ended, troops remained in the field to assist representatives of the Railroad Commission in enforcing proration."³⁷ Krenek also states that, "The East Texas controversy not only involved the Guard in political debate within the State, but the

³⁶ Harry Krenek, *The Power Vested: The Use of Martial Law and National Guard in Texas Domestic Crisis* (Austin: Presidial Press, 1980), 3.

³⁷ *Ibid.*, 165.

situation in the oil field also led to conflict between the State and the Federal Government over the question of states' rights."³⁸ This resulted in the controversy that the Supreme Court reviewed in *Sterling v. Constantin*.

It is evident, therefore, that the Texas militia has been summoned numerous times to suppress violence and to uphold the law during domestic disturbances. By no means has martial law been declared in every instance and by no means is this an inclusive summary of the times when Guard units have come to the aid of civil authorities. Numerous times, however, the Guard has been activated to suppress racial uprisings. In order to understand the tragedy that unfolded in Sherman in 1930 and in Beaumont in 1943, one must understand the profound racial hatred of the times.

Similar to the rest of the United States in the 1800s and early 1900s, Texans resorted to lynching and other violent means--often without the benefit of a trial--as a way to deal swiftly and cruelly with those who stood accused. Often these condemned persons were from a minority group, and they were commonly black. "Thousands of lynchings occurred in the United States prior to the 1880s, but data and statistics for their exact number and locations are incomplete."³⁹ In Texas, vigilante groups were commonly responsible for lynching. "The earliest of these groups, the Shelby

³⁸ Ibid., 166.

³⁹ Monte Akers, *Flames After Midnight: Murder, Vengeance, and the Desolation of a Texas Community* (Austin: University of Texas Press, 1999), 150. According to Akers, "Approximately 5,000 lynchings, north and south, were reported between 1882 and 1925. In most years, the average number of reported lynchings was one or two per week. A new outburst of lynching began shortly after World War I, and some scholars consider the homecoming of the 369th United States Colored Infantry to have been the catalyst."

County Regulators of 1840-44, killed at least ten people . . . [and] the San Saba County lynchers, the deadliest of the lot, claimed some twenty-five victims between 1880 and 1896."⁴⁰ Lynchings in Texas were most often the result of slave revolts or fear of a black uprising, Confederate government rebellion, the Ku Klux Klan's white supremacy beliefs, Jim Crow Laws, border disputes, murders, or rapes and alleged rapes. Often civil law authorities had no control over these mobs and were unable to protect prisoners--whether they be black or white. There were also instances when the law enforcement officers complied with the mob or vigilante groups and allowed the prisoners to be released into the hands of the blood-thirsty crowds. The Ku Klux Klan is the most well-known of these hate groups. "The humiliation of defeat, increasing idleness and violence, mistrust of all levels of government, alteration of the traditional racial order, and fear of violence by blacks all contributed to a great outbreak of lynch-mob activity and instilled in many whites a belief in a 'right to lynch.'"⁴¹

⁴⁰ The Handbook of Texas Online, *Lynching* [homepage on-line]; available from <<http://www.tsha.utexas.edu/cgi-bin/>>; Internet; accessed 9 February 2000. This article further states that the most serious outbreak of lynching occurred in North Texas in 1860, when rumors of a slave insurrection led to the lynching of an estimated thirty or forty slaves and possibly more than twenty whites.

⁴¹ Ibid. This article further states that, "Texas stands third among the states, after Mississippi and Georgia, in the total number of lynching victims. Of the 468 victims in Texas between 1885 and 1942, 339 were black, 77 white, 53 Hispanic, and 1 Indian. Half of the white victims died between 1885 and 1889, and 53 percent of the Hispanics died in 1915. Between 1889 and 1942 charges of murder or attempted murder precipitated at least 40 percent of the mobs; rape or attempted rape accounted for 26 percent. Blacks were more likely to be lynched for rape than were members of other groups, although even among blacks murder-related charges accounted for 40 percent of the lynchings and rape for only 32 percent. All but 15 of the 322 lynching incidents that have a known locality occurred in the eastern half of the state. The heaviest concentration of mob activity was along the Brazos River from Waco to the Gulf of Mexico, where eleven counties accounted for 20 percent of all lynch mobs. Other concentrations were in Harrison and neighboring counties on the Louisiana border, adjacent to Caddo Parish, Louisiana, one of the most lynching-prone areas in the country, and in Lamar and surrounding counties in Northeast Texas."

Often times, mob violence turned into rioting and the declaration of martial law. "Until the last half of the nineteenth century, the sparseness of the population in Texas prevented riots like those in eastern cities. Because local records were similarly sparse . . . information on riots that have taken place in Texas is incomplete."⁴² Other areas of the country also experienced rioting, and in a great many of these instances racial discord was involved. In 1871, rioting took place in Limestone County and again rioting developed in 1872 in Springfield. Both of these were directly related to racial intolerance. "Often state troops were required to restore order, and members of the mobs were usually left unpunished even when they were identified."⁴³ A border dispute between whites and Mexicans occurred in El Paso in 1877. This resulted in, "one of the most destructive riots . . .; property damage was estimated to cost \$12,000 to \$31,000."⁴⁴ This type of racial conflict, along with economic issues, caused riots to explode in Texas. For instance, rioting occurred in the following areas: "Fort Concho in 1881; Rio Grande City in 1888; Beeville in 1894; Houston in 1898; Laredo and Orange in 1899; Brenham in 1901; Brownsville in 1906; Slocum, Houston, and Ragley in 1904; San Antonio and Fort Worth in 1913; Houston in 1917; Longview in 1919; Galveston in 1920; Sherman in 1930; Marshall in 1937; Beaumont in 1943;

⁴² The Handbook of Texas Online, *Riots* [homepage on-line]; available from <<http://www.tsha.utexas.edu/cgi-bin/>>; Internet; accessed 10 January 2000.

⁴³ Ibid.

⁴⁴ Ibid.

Rusk State Hospital in 1955; and Texas Southern University in 1967."⁴⁵ Again, many of these incidents resulted in the civil authorities requesting assistance from the Texas Rangers or Texas National, State, or Volunteer Guard units. More often than not, incidents of lynching, mob violence, unbridled vigilante fury, and rioting with the ending result of a declaration of martial law involved racial discord; and the majority focused on the black population.

In Texas, there were several specific incidents that should be briefly mentioned. These specifically deal with the proclamation of martial law due to incidents of mob violence focused toward black individuals or even the entire black population of a town. First, however, it must be reiterated that this racial discord was prevalent throughout the United States. Some of the most relevant incidents were:

- 1866 - The formation of the Ku Klux Klan
- 1885-1886 - Anti-Chinese riots;
- 1906 - Race riot in Atlanta (martial law declared);
- 1919-1920 - Race riots in Washington, D.C; Omaha, Nebraska; Elaine, Arkansas; and Lexington, Kentucky;
- 1923 - Race riots in Oklahoma due to Klan activities (martial law was declared);
- 1923-1943 - Race riots in Detroit, Michigan; Mobile, Alabama; Marianna, Florida; Los Angeles, California; Newark, New Jersey; New York City, New York; and Philadelphia, Pennsylvania;

⁴⁵ Ibid.

- 1962 - Federal troops dispatched to the University of Mississippi;
- 1963 - Race riots in Maryland;
- 1964 - Rioting in Philadelphia;
- 1965 - Rioting in Los Angeles; and
- 1967 - Riots in Detroit and New Jersey.

Again, this list is not inclusive but rather it is a brief summary of the conditions during this period in history and the significant amount of racial discord found throughout the United States. As stated above, evidence of this dissension and violence was also prevalent in Texas.

In 1894, for instance, the Beeville riot occurred due to a conflict between whites, blacks, and Mexican Americans. "Mexicans immigrated into central and eastern Texas in the 1880s and 1890s and became a source of cheap labor for farmers . . . and began to compete with liberated African Americans and unskilled whites."⁴⁶ This riot did not end in martial law, but is of "unique interest as it did not threaten white social and economic dominance."⁴⁷

Another incident involved Jesse Washington, a black man convicted of raping and murdering a white woman. For his crime, Washington was lynched and his body mutilated in Waco, Texas in 1916. This was one of the most brutal attacks in Texas by a group of outraged citizens. "This lynching

⁴⁶ The Handbook of Texas Online, *Beeville Riot of 1894* [homepage on-line]; available from <<http://www.tsha.utexas.edu/cgi-bin/>>; Internet; accessed 10 January 2000. It is interesting to note that most whites sided with the Mexicans against the blacks during this episode.

⁴⁷ Ibid.

provided the National Association for the Advancement of Colored People (NAACP) with a cause celebre to win support for an antilynching campaign."⁴⁸ However, this campaign was unsuccessful due to the attention being placed on World War I during this period of time. The Houston Riot of 1917 resulted from racial discrimination focused upon the Third Battalion of the black Twenty-fourth United States Infantry. In this incident, black soldiers resented the treatment they received from white soldiers and from the citizens of Houston. This conflict resulted in black soldiers fighting back, and during the two-hour confrontation in Houston, approximately 20 people (both black and white) were killed. Although the National Guard was not summoned, civil authorities did impose a curfew and courts-martial were held. "The military tribunals indicted 118 enlisted men of I company for participating in the mutiny and riot, and found 110 guilty. It was wartime, and the sentences were harsh. Nineteen mutinous soldiers were hanged, sixty-three received life sentences in federal prison, and one was judged incompetent to stand trial. Two white officers faced courts-martial but were later released, and no white civilians were brought to trial."⁴⁹

The Longview Race Riot took place in 1919. Again, there were prominent racial issues underlying the incident. In 1919, many whites believed that

⁴⁸ James M. Sorelle, "The Waco Horror: The Lynching of Jesse Washington," *Southwestern Historical Quarterly* 86 no. 4 (1983): 517-536.

⁴⁹ The Handbook of Texas Online, *Houston Riot of 1917* [homepage on-line]; available from <<http://www.tsha.utexas.edu/handbook/online/articles/view/HH/jch4.html>>; Internet; accessed 10 November 1999.

"Negroes would forget their place."⁵⁰ For reasons such as this, along with economic depression and fear of a racial interaction, a young black man was killed in Longview for engaging in a love affair with a white woman from Kilgore. A news article, ". . . quoted her as saying that they would have married if they had lived in the North. [The young man] . . . was safely locked in the Gregg County Jail until the sheriff willingly handed him over to a white mob that murdered him on June 17."⁵¹ Rioting soon erupted and necessitated that black citizens use force to defend themselves. "Early Friday, July 11, County Judge E.M. Bramlette and Sheriff D.S. Meredith telephoned Governor William P. Hobby, who ordered eight Texas Rangers to Longview and placed three Texas National Guard units in East Texas on alert."⁵² Before this incident ended, an additional 150 guard units were sent to Longview, and the city was placed under martial law from Sunday, July 13 until Friday, July 18. "The Rangers arrested seventeen white men on charges of attempted murder; each was released on \$1,000 bond. Twenty-one black men were arrested, charged, and sent to Austin temporarily for their own safety. Nine white men were also charged with arson. None of the whites or blacks were ever tried."⁵³

As mentioned earlier, martial law was declared in Limestone and

⁵⁰ Krenek, 105.

⁵¹ The Handbook of Texas Online, *Longview Race Riot of 1919* [homepage on-line]; available from <http://www.tsha.utexas.edu/cgi-bin/web_fetch_doc?dataset=tsha.dst&db=handbook&doc_id=> Internet; accessed 10 January 2000.

⁵² Ibid.

⁵³ Ibid.

Freestone counties in 1922. These incidents were officially attributed to the effect of the counties sudden growth due to the oil boom and the lawlessness that soon followed, including overwhelming problems with prohibition. The Texas Rangers were also called to Kirven during this period to suppress violence brought about by an angry lynch mob. The Kirven incident was a particularly disturbing one. A young white girl had been found savagely mutilated and beaten to death. Shortly afterward, three black men were arrested. Although Sheriff Mayo of Kirven tried to protect his prisoners, it was not long before the vigilante mob took the prisoners out of his control. The three black men were tied to a farm instrument and burned alive. One was mutilated before he was burned, and one was repeatedly dragged into and out of the fire to prolong his death. The grandfather of the murder victim, along with other townspeople, did not believe these black men were responsible for the death of the girl. There was, however, only a token amount of interference on the part of the white men in the defense of the accused. Sheriff Mayo appealed to the Governor's Office when the black community began to arm themselves and fought to protect their families. "In Austin, Secretary Walthal of the governor's office issued a statement to the effect that the Rangers would work under Mayo to suppress any uprising of blacks, and assured the press they were not being sent to investigate the lynchings. The Austin newspaper observed the feuding between blacks and whites was intense, and said that a race war was feared."⁵⁴ Martial law was not officially declared in Kirven; however this tragic incident caused

⁵⁴ Akers, 75.

many of the black community to move elsewhere. Without the black field workers to help with the crops, many farms were forcibly sold. This eventually led to the death of this small farming community.

Finally, we must wonder if a proclamation of martial law due to racial violence would be something that the 21st Century could expect to experience. It is possible that it could happen again. United States history, as found in the not too distant past, indicates that racial violence is not a dead issue. For instance, in Los Angeles, California in 1992, four white police officers were videotaped beating a black motorist, Rodney King. When they were acquitted, rioting and random acts of violence were ignited. This episode resulted in extensive property damage and the deaths of at least 54 persons. On May 1, 1992, President George Bush ordered 4,500 military troops into Los Angeles to restore law and order. President Bush also placed 3,000 National Guardsmen on patrol under federal authority. Curfews were enforced during the period of rioting, and businesses were shut down. This tragic incident shocked the nation, regardless of the ethnic group. It was appalling that this could continue to happen in American today.

In June of 1998, America was once again horrified at the violence which ensued in Jasper, Texas. Mr. James Byrd, a black man, was killed and decapitated after being chained to the bumper of a pickup truck and dragged for miles along a dirt road. His killers were three white supremacists. The Texas incident instigated other deaths by dragging in both Illinois and Louisiana. The murder in Jasper prompted Civil Rights leaders to demand an end to racial

violence, and justifiably, the courts sentenced two of the killers to death, and the remaining defendant received a life sentence.

The belief by white supremacists that there should remain racial segregation and anti-miscegenation laws were prominent influences lying beneath a majority of racial rioting. These beliefs, attitudes, and philosophies may be what has caused such intense hatred as that which will be discussed in the ensuing chapters on Sherman and Beaumont. This intense hatred of the black male may cause many white supremacists to develop into an animal-like mob. In fact, the plot of *To Kill a Mockingbird* is very similar to what happened in 1943 in Beaumont. In the movie, which stars Gregory Peck, a black man is falsely accused of raping a white woman. The white woman, however, had seduced the black man, then declared it was rape only after her father found out about the sexual encounter. How often in history might these same circumstances be the basis for what actually occurred and then the false accusation of rape was evoked when the sexual liaison was discovered?

One must fully comprehend the beliefs of Americans during the early to mid 1900s to understand the extent of control--which was enforced by law--to prevent a mixing of the races. Many states enforced anti-miscegenation statutes during this period. In the landmark U.S. Supreme Court case *Loving v. Virginia*, decided in 1967, the Supreme Court held that, "The Fourteenth Amendment requires that the freedom of choice to marry not be restricted by invidious racial discrimination. Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be

infringed by the State."⁵⁵ This case involved a white man who was married to a black woman. The State of Virginia had found the Lovings guilty of violating Virginia Code 20-58 and suspended a jail sentence on the condition that the Lovings leave the state and not return for 25 years. The trial judge stated, "Almighty God created the races white, black, yellow, malay, and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix."⁵⁶ The punishment for violating the state code, which defines the penalty for interracial marriage states: "If any white person intermarry with a colored person, or any colored person intermarry with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years."⁵⁷ In a 1955 case, *Naim v. Naim*, the state court found that the State's legitimate purposes were to preserve the racial integrity of its citizens, and to prevent the corruption of blood, a mongrel breed of citizens, and the obliteration of racial pride.⁵⁸ It is evident from these cases that throughout the country, the notion of racial interaction--especially sexual interaction--was unacceptable. The Supreme Court of California in *Perez v.*

⁵⁵ *Loving v. Virginia*, 388 U.S. 1 (1967).

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Naim v. Naim*, 197 Va. 80, 87 S.E. 2d 749 (1955).

*Sharp*⁵⁹ was the first state court to uphold that the anti-miscegenation statutes were in violation of the 14th amendment, and after the holding of the Supreme Court in *Loving v. Virginia*, the remaining 16 states which still carried anti-miscegenation laws in their statutes were forced to omit them. Texas was one of these states. Prior to 1967, the State of Texas reinforced the philosophy that races should not mix. The statutes included laws which decidedly prevented the mingling of the ethnic groups. *Vernon's Texas Civil Statutes*, stated: "It shall not be lawful for any person of Caucasian blood or their descendants to intermarry with Africans or the descendants of Africans. If any person shall violate any provision of this article, such marriage shall be null and void."⁶⁰ Furthermore, *Vernon's Texas Penal Code*, went on to declare: "If any white person and negro shall knowingly intermarry with each other in this State, or having so intermarried in or out of the State shall continue to live together as man and wife within this State, they shall be confined in the penitentiary not less than two nor more than five years."⁶¹ "The term "negro" includes also a person of mixed blood descended from negro ancestry from the third generation inclusive, though one ancestor of each generation may have been a white person. Any person not included in the foregoing definition is deemed a white person within the meaning of this law."⁶² In summary, the law was very

⁵⁹ *Perez v. Sharp*, 32 Cal. 2d 711, 198 P.2d 17 (1948).

⁶⁰ *Vernon's Annotated Civil Statutes*, art. 4607 (1955).

⁶¹ *Vernon's Texas Codes Annotated*, Penal Code, art. 492 (1955).

⁶² *Vernon's Texas Codes Annotated*, Penal Code, art. 493 (1955).

clear that even consensual sex between a white person and a negro was illegal and unpardonable. Thus, just how much more sinful and unforgivable would a rape be considered? Therefore, the violence which erupted in Sherman in 1930 and in Beaumont in 1943 was a direct product of the circumstances and the beliefs of the era.

The preservation of Southern womanhood seemed to be the social basis behind many of the lynchings and murders of black men who stood accused of rape. Often, as was the case in Beaumont, the black man was innocent and a white woman blatantly lied about being molested. Often times, the lynching of a black man and the accusation of rape seemed to go hand-in-hand. One author on this topic, Wilber Cash, stated that the "rape complex" brought out the worst in a mob.⁶³ White men felt a need to protect their Southern women. However, it was often the white woman herself who was the instigator--knowing that many white people considered the mixing of races (white woman and black man) as the ultimate social taboo. This is not to say that black men did not rape white women--just as white men raped the black woman--but substantial evidence indicates that not all cases reported were situations where rape actually occurred.

This is a brief background of Guard activation in Texas with an examination of select cases of martial law and racial incidents precluding martial law. However, catastrophic events have also necessitated active Guard duty. This research will focus on two incidents of martial law due to racial

⁶³ Wilber J. Cash, *The Mind of the South* (New York: Alfred A. Knopf, 1941).

violence and two incidents of catastrophic disasters where the Guard was deployed to duty. We first examine Galveston, Texas in 1900.

CHAPTER 2

GALVESTON, TEXAS 1900

Queen of the Waves, look forth across the ocean
From north to south, from east to stormy west,
See how the waters with tumultuous motion
Rise up and foam without a pause or rest.
[Old French Hymn]¹

In 1900, Galveston, Texas was a thriving seaport community and exulted a vibrant, cultural sophistication which befitted the numerous and majestic architectural marvels located throughout the city. Geographically, Galveston was advantageously situated to easily become a major shipping, industrial, educational, medical, and pleasure-seeking environment. Chartered in 1839, Galveston occupies a sliver of land 32 miles long and 1 1/2 to three miles wide, about two miles off the Texas mainland and 50 miles southeast of Houston.² According to the 1900 census, the population in 1900 was 37,789, making it one of the largest cities in Texas. The inhabitants were a diverse group with "about 22 percent of the population being black."³ Galveston was a rich city, with a cosmopolitan elegance. There was a divergent range of businesses located in Galveston including newspaper offices, theatres, hospitals, a military fort, opera

¹ During the 1900 Storm, the Nuns of St. Mary's Orphanage soothed the frightened children by singing this hymn.

² "Storm's Damage to Galveston was Catastrophic," *Dallas Morning News*, 6 August 2000, p. 2G.

³ Stephen Fox, "For A While . . . It Was Fun," *Smithsonian*, September 1999, 130.

houses, and major railroad services. Major banking entities and other highly profitable businesses added to the thriving economy. In addition, many beautiful homes, churches, schools, and other buildings were situated throughout the area. "Her great wealth stemmed from a happy coincidence of nature: Galveston had the only deep water port in Texas. More than 70% of the nation's cotton crop passed through her bustling port, which accommodated more than 1,000 ships each year."⁴ Tourism was also a major contributor to the economy in Galveston, and many flocked to the beautiful beaches of the Gulf of Mexico to find excitement or simply for rest and relaxation. The citizens themselves sought the vastness of the Gulf for solitude. In summary, prosperity and wealth were abundantly evident, and an overall exuberance for life and good fortune were apparent in Galveston.

Although major hurricanes and storms had previously struck nearby, or even in Galveston, the citizens seemed to believe there was a protection from and an immunity against an overall disaster encompassing their city. In fact, eleven hurricanes had previously hit near Galveston, and several precautions had been taken to protect the island from the ravages that a hurricane might evoke. For instance, "The Federal Government had recently spent \$7 million on dredging and building jetties to deepen the channel from the Gulf into the bay."⁵ However, there continued to be a mistaken sense of security. The sandbar,

⁴ The Galveston County Historical Museum, *The 1900 Storm: Galveston, Texas*, (Lawrensburg, IN.: The Creative Learning Company, 1999), 2.

⁵ Fox, "For A While . . . It Was Fun," 130.

which Galveston was composed of, was only 8.7 feet above sea level in 1900, and the highest house was at an elevation of only 8 to 9 feet. The city was unprepared for disaster, and many were unwilling to believe that their sanctuary could be taken away by a sudden brutal rage of the ocean. Therefore, the citizens found themselves inadequately armored against the horrific storm which hit Galveston with such immense fury on September 8, 1900, and there was virtually no escape.

The Storm of 1900 was spotted as early as August 27 as it built strength out in the Atlantic Ocean. Joseph Cline, Weather Bureau Assistant Meteorologist, lived in Galveston and was tracking the storm. Alarm for Galveston began several days prior to September 8, 1900. "The 1900 Storm was first noted as a tropical disturbance on September 2 when it was 1,500 miles southeast of Miami, Florida. By the time Isaac Cline received an advisory on Thursday, September 6, the storm already had swept across Cuba. On Friday, September 7, storm warnings were extended to Galveston, and Cline raised the hurricane warning flags over the Levy Building at Market and 23rd streets."⁶ Regretfully, his warnings to citizens were largely ignored, although many living near the beach did heed his alarm and moved inward toward the center of Galveston. Before checking on his own family, Cline made several visits throughout Galveston to warn residents of the impending and fast-approaching danger.

⁶ The Galveston County Historical Museum, 4.

Early on September 8, the city began to flood with up to 7 feet of water in most residences; however many residents were still convinced that Galveston could withstand the tide and wind and avoid any major destruction. Children played in the streets, totally unaware of the dreadful fate which awaited them. "A holiday spirit persisted until the bathhouses . . . broke apart."⁷ The wind began to rapidly gather force, and Cline recorded afterwards that the Category IV storm reached wind speed of between 120 to 135 miles per hour and a barometric pressure of 28.53 inches with a 15.7 foot storm surge. By 5:00 p.m., there was no escaping from the storm's fury, and the water rose rapidly and steadily from 3:00 p.m. until 7:30 p.m. Buildings began to collapse, and many deaths and serious injuries resulted from flying debris. Others were crushed to death as houses pounded against each other. Still other unfortunate souls were swiftly swept out to sea and lost in the infiniteness of the waters. Power was disabled, bridges were underwater, and there was no deliverance from the wind and water. As darkness fell upon the city, an indescribable panic followed. Isaac Cline stated, "The battle for our lives, against the elements and the terrific hurricane winds and storm-tossed wreckage, lasted from 8 p.m. until near midnight. This struggle to live continued through one of the darkest of nights with only an occasional flash of lightning which revealed the terrible carnage about us."⁸ For many, there was no haven to be found, and all residents of

⁷Fox, "For A While . . . It Was Fun," 132.

⁸ "1900 Storm: One Night Of Terror Became A Lasting Part Of Galveston's Identity," *Galveston Daily News*, 3 September 2000, p. 5.

Galveston tried frantically to withstand the terror of the storm's fury. Some were vainly searching the darkness for signs of lost loved ones, and numerous shouts and screams were silenced by the deafening roar of the storm. Untold numbers spent the night adrift at sea or clinging to debris. Galveston and its inhabitants were completely alone in the struggle for survival and completely severed from the outside world. "By 10:00 p.m. the worst of the storm was over. The horror had only begun."⁹ (Appendix A illustrates damage to the city.)

By Sunday morning, the storm quieted, the Gulf was reduced to an almost normal state, and the day proved to be beautiful and bright. The survivors of the storm; however, found little left of their city, of their families, or of their homes. Tragically, Isaac Cline lost his pregnant wife during the storm, and there was not a single person in Galveston who did not experience the loss of a loved one. "About one-third of the city . . . was completely gone: no houses or even streets were left."¹⁰ Many of the majestic churches, schools, and other proud structures were gone or reduced to wreckage. "More than 3,600 houses were destroyed. The soundest contemporary estimate placed the final [death] toll at 6,000 in Galveston, a thousand elsewhere on the island, and another thousand on the mainland, a total of at least 8,000 dead . . ."¹¹ The final death count will never be known as many bodies were swept to sea and scores of unknown tourists and visitors were in Galveston when the storm struck.

⁹ "Galveston's Great Storm of 1900," *Denton Record Chronicle*, 27 August 2000, p. 21A.

¹⁰ Fox, "For A While . . . It Was Fun," 139.

¹¹ Fox, "For A While . . . It Was Fun," 140.

Therefore, many were unaccounted for. Ultimately, it was determined that one-fifth of the population of Galveston was swept into oblivion. Initial reports indicated that property loss was between 15 to 20 million, but final estimates placed the damage at close to 35 million--or 700 million in today's dollars. Many thousands were left homeless or with structures that were now uninhabitable. Damage to church property alone was estimated to be \$361,000.

The worst natural disaster in the history of the United States had just befallen Galveston, Texas, and survivors were stunned and devastated by the tremendous loss of both life and property. The Galveston Storm, "more than doubled the combined carnage of the Johnstown flood in Pennsylvania, the Great Chicago fire, and the 1906 San Francisco earthquake."¹² How quickly life could be lost and prosperity could become adversity. "It required more than half a century to build up what the storm destroyed in twelve hours . . ."¹³ Historians believe that, though the winds were savage, the flooding of the city caused the majority of the deaths and the destruction.

The proud city, which once boasted of great wealth and prosperity, lay in utter ruin and devastation, and the remaining population was in shock and unable to comprehend the staggering loss of life. The once grand buildings were reduced to rubble and carnage was everywhere. Wherever one glanced the dead were found, and animal carcasses were strewn among the human bodies. Galveston was destroyed, loved ones were swept away into an endless watery

¹² "Galveston's Great Storm of 1900," *Denton Record Chronicle*, 27 August 2000, col. 2, p. 1.

¹³ "Story of the Great Disaster at Galveston," *The Galveston Daily News*, 13 September 1900.

eternity, and the survivors were absolutely numbed by the horrific death count. "They are hysterical, half crazy, paralyzed and utterly dejected."¹⁴ Though the storm had passed, the horror had only begun for Galveston. Bodies would continue to be recovered through February of 1901, with approximately 70 victims a day being found during the first month. Some victims were only identifiable by jewelry, and a total list of those who perished has never been completed--nor will it ever be complete. Those remaining would carry the scars of the unimaginable horror of the Galveston Storm forever. They survived 12 hours with a demon storm, only to find themselves in the hell of Gehenna. No, they would not forget. "Pity them, for God knows their shattered lives are enough to drive almost any of us insane if we should stop to think."¹⁵ Yet, for those others of us, those who have not experienced such great and tragic loss, we must not forget September of 1900 and the bravery and compassion which was displayed by mankind under the direst of circumstances.

¹⁴ Ibid.

¹⁵ Ibid.

In The Shadow of Death

"I hear the one terrible, solid scream of a hundred children and I can't sleep."
(Frank Madera, Survivor of the Galveston Storm)

"Then, the next day if you are fortunate enough to wake up with your home
still around you and your family still with you,
then you get down on your knees and you thank God,
because it could all be changed, it could all be gone overnight
the way it was one day in September, in 1900, right here in Galveston."
(Clarence LaCoume, Survivor of the Galveston Storm)

Rescue efforts were truly heroic and sometimes astounding. The survivors of the storm told tales of unforgettable attempts to deliver the ill-fated--who seemed to be surely lost--to a place of refuge and salvation. Cooperation and courage was essential for the survival of all. However, there were also the accounts of those who could not be saved; of the unimaginable magnitude of mangled bodies found throughout Galveston; and of madness, shock, and insanity. The devastation and despair was so overwhelming that there was no time to mourn, no time to cry, and no time to bid goodbye to those forever lost--and there were so very many lost. On Sunday, September 9, 1900, the *Galveston Daily News* published a one-page edition containing the names of the known dead. Grossly underestimated initial loss of life was reported to be between 600 to 1,000; however, it would soon be learned that entire families were lost to the storm and the count quickly escalated. The citizens had been stripped of their homes, of their clothing, and--most tragically--of their loved ones. Many were completely destitute and were entirely dependent upon rescuers to meet their most basic needs.

The accounts of bravery and of the horror were immense. Only a small portion of these stories will be utilized or examined for this research paper. It must be noted that some accounts cannot be verified. For example, it was said that the first casualty of the storm was a baby who fell from a window into its watery grave. Historians and researchers will never know with certainty if this child was truly the first to succumb to the wrath of the storm. Aside from the tragically graphic tales of death, there were untold acts of heroism recorded. On September 12, the *Galveston Daily News* fittingly noted that "Greater love hath no man than this, that he lay down his life for his friend." For instance, Mr. James Edward Bierman was awarded the Gold Congressional Medal of Honor for his brave efforts to save people. In addition, Police Chief, Ed Ketchum, stated that three of his officers, Ed Johnson, J.C. Byrd, and Mr. Rowan remained at the city hall during the storm. The city hall was a refuge for many survivors, and the two officers tended to the people--all 400 of them. Chief Ketchum reported, "After all this faithful work, they came to me at 4 o'clock this morning and asked to be permitted to visit their families. Byrd and Rowan returned shortly and reported their houses, wives, and children swept away and lost."¹⁶

In order to keep history alive, many survivor stories have been told and retold throughout the past 100 years. One survivor stated: "He could hear children calling for their mothers, women screaming for help and men begging for mercy from God." He went on to state, ". . . sounds were very faint, then

¹⁶ "Chief Ketchum: Three Faithful Officers Who Remained With Him Saturday Night," *The Galveston Daily News*, 13 September 1900.

they grew louder and louder, then the sound abruptly cut off, and he knew someone's life had ended."¹⁷ Many remembered that the Ursuline Convent and Academy nuns rang the chapel bell throughout the night as a way of leading survivors to a haven from the storm. The Convent provided shelter for approximately 1,000 persons. On September 13, a reporter from the *Galveston Daily News* described the horrific scene he witnessed. "While rowing near the Huntington wharves the naked upturned body of an unfortunate woman was observed floating in the water, with a half-born infant plainly in view."¹⁸ Tragically, it was reported on that same date the unfathomable loss of children at the Catholic Orphanage. "At the Catholic orphanage there were 343 girls, 29 boys, 10 sisters, and two men lost."¹⁹ Thankfully, this total proved to be much less when final reports indicated that at St. Mary's Orphans Asylum, 90 children and 10 sisters perished. In this instance, rescuers were moved to tears when they discovered small bodies tied to each other by clothesline and then they unearthed the nun who had tried valiantly to save them. Only three small boys from the orphanage survived: William Murney, Frank Madera, and Albert Campbell. These boys vividly recalled the courage of the sisters and stated that they sang Queen of the Waves during the storm to calm the frightened children.

Anne Reinhart-Franke related that her sister, four-year-old Hilda Reinhart, died in the storm. Before her death, Hilda said, "Momma, let's go home to God.

¹⁷ "Galveston's Great Storm," *Denton Record Chronicle*, 27 August 2000, p. 1.

¹⁸ "Story of the Great Disaster at Galveston," *The Galveston Daily News*, 13 September 1900.

¹⁹ "At Catholic Orphanage," *The Galveston Daily News*, 13 September 1900.

I am so cold."²⁰ Vince Stiglich recalled his grandfather, John Stiglich, stating, "I remember looters cutting fingers off the dead in order to get their rings. They even pulled the teeth out of their mouths for the gold fillings. It was a terrible thing. It might indeed be referred to as the worst natural disaster in American history, but all of the damage wasn't physical. Some took place in the minds of those who survived."²¹ Dan M. Cleary was only seven-years-old when the storm hit. He recalled, "Those human vultures cut fingers off corpses to steal their rings."²² The horrendous sights tested the courage of the very strongest of men. A black father, working with a clean-up gang, discovered the body of his child. "As four negroes laid the baby on a plank and started to the pyre, the aged father walked by the side of the pier for a short distance and then turned and resumed his labors with the gang removing the debris."²³

Offers of help poured into Galveston from around the nation. Money, clothing, food, and other types of assistance were immediately sent to Galveston, and many opened their homes to the storm survivors. For example, the following letter was published on September 19 in the *Galveston Daily News*:

I write to ask you if you will send me a little girl between the age of 2 and 4 years. I thought there are so many homeless orphans from the terrible disaster that you would be glad to have them adopted into good homes, and I can send you good references if you wish. I would want one not afflicted and of good parentage, and would want a nice, pretty looking child, one that I could love as my own. I have no children, only a grown

²⁰ "Voices of the Storm," *Galveston Daily News*, 3 September 2000, p. 38. Survivor account told by Anne Reinhart-Franke, only surviving child of John and Augusta Reinhart.

²¹ "Voices of the Storm," *Galveston Daily News*, 3 September 2000, p. 34.

²² *Ibid.*, p. 32. Survivor account was told to Catherine Cleary Paciotti.

²³ "Disposing of the Dead," *Galveston Daily News*, 16 September 1900, p. 1.

daughter. I apply for a little girl because I want to do something and I feel that I can do more in this way. Please let me hear at once from you. I sincerely hope the suffering is abating rapidly.

Mrs. Ella Thompson
Jackson, Mississippi²⁴

All races, ages, and social classes worked together to survive the fury of the storm and the aftermath of its destruction. Numerous accounts have recorded that all races cooperated with each other to overcome the tragedy. Author Izola Collins stated, "Families of all ethnic backgrounds pulled together for survival. They helped one another regardless of race In the time of the storm, anyone who had a home opened it to those who no longer did. Not everyone had that kind of heart, but those who did put skin color aside and humanity first."²⁵ From survivor accounts, it appears that most people did try to relieve the sufferings of others during and after the storm. Those with sturdy homes took others in and gave them shelter. As many as 50 or more persons might have passed the night together while waiting out the storm. As soon as possible, further cooperation ensured that women and children were sent safely from Galveston. In the meantime, the outside world frantically awaited news from Galveston and shuddered when reports indicated that on the Gulf side--for six blocks in toward the center of town--all was lost.

The agony was unending, and eyewitness accounts continue to endure. J.C. Roberts recalled, "An Italian woman standing in the street holding in her

²⁴ "Will Take An Orphan," *Galveston Daily News*, 19 September 1900.

²⁵ "Collins Using Family Stories, Journals To Write Book About Galveston," *Galveston Daily News*, 3 September 2000, p. 38.

hand the foot and leg of an infant severed from the little body. She was unclad, but alive and insane, and refused to leave the pile of debris which contained the remains of her little one."²⁶ Furthermore, articles praised the Boddinker brothers for the rescue of over 40 people using a small skiff. In addition, Harry I. Maxson in his survivor memoirs stated that he rescued many, he helped bury and burn bodies, and he witnessed the desecration of bodies. In addition, he recalled, "I found a woman corpse on the corner across the street and two boys, twins about five years old in the alley holding on to each other with a death grip. I got a shovel and buried them together in one shallow grave. My friend, Mayer, was sitting with his mother half-way up the stairs in their large 2-story house one block east of us. His sister was in a bed in one of the north bedrooms. During the storm the house split in two, the north half melting away into the water and the stairs hung onto the south half which stood the storm. They never saw their sister again."²⁷

There remains an oral history from Katherine Vedder Pauls in which she recalled that her mother, "groped frantically about and finally found it [a jewelry bag]. She grabbed at something to pull herself up. It was the body of a small girl. Her self-control gave way and she wept hysterically."²⁸ Arnold R. Wolfram remembered in his memoirs, "The woman did her best to reach my hand, but suddenly the jam broke loose and she was swept under and away. I can still see

²⁶ Paul Lester, *The Great Galveston Disaster*, (Chicago: Hoey Publishing Co., 1900), 100.

²⁷ Casey Edward Green & Shelly Henley Kelly, ed., *Through a Night of Horrors, Voices from the 1900 Galveston Storm*, (College Station, Texas: Texas A&M University Press, 2000), 136 & 138-139.

²⁸ *Ibid.*, 183.

her anguished face before me, can still hear her cries ringing in my ears."²⁹

Again, it must be mentioned that researchers could write voluminous accounts on what was witnessed, what profound suffering was experienced, and what heroic efforts were taken to ensure the preservation of the most fragile and precious of all existence--human life.

The city immediately began the unimaginable process of healing, of clearing debris, and of burying and burning the corpses found throughout Galveston. It was shockingly and painfully evident that they could not continue alone. Assistance was desperately needed to aid the stricken city, and local officials quickly assembled to devise initiatives to protect those remaining, to assume control of the situation, and to salvage what was left of Galveston.

The Volunteer Guard in Galveston

This is courage in a man; to bear unflinchingly what heaven sends.
(Euripides, Greek Tragic Poet, 480-406 B.C.)

As the people of Galveston looked upon their city, it was abundantly apparent that relief, aid, and protection were needed. On September 9, Mayor W.C. Jones sent an appeal for aid to the President, to the Governor, and to other prominent officials. "Unspeakable calamity has been visited upon Galveston, utterly beyond local relief. Large population shelterless, without food Not one family has escaped serious injury. . . . many weeks or months must elapse before people can become self-sustaining. Galveston has always been quick to

²⁹ Ibid., 121.

respond to distress of others. We confidently appeal to humanity of the world in greatest calamity that has befallen any community in country. Tomorrow we must begin feeding and clothing thousands of destitute. . . . we urge promptest relief to prevent death by starvation and disease."³⁰ That same day, Governor Joseph D. Sayres dispatched notice that, "Information has just reached me that about 3,000 lives have been lost in Galveston, with enormous destruction of property."³¹ He immediately made requests to the state for assistance.

To the Honorable the County Judges and Mayors of Several Counties and of the Several Cities and Towns of Texas: In consequence of the severe storm of yesterday and the day before the loss of life and property at the city of Galveston has been appalling. The people there are in great distress and relief must be immediately had. I have therefore to urgently request you to immediately call upon your people for contributions of money, clothing, and food. Action should be prompt. All supplies of food and clothing should be shipped to the mayor of Houston, Tex., who will see that it is promptly forwarded to the proper committees for distribution. All contributions of money should be sent to me, which I will transmit as soon as received.³²

Governor Sayers reported on September 12 that approximately \$100,000 in donations had already been received by his office. After notification of the disaster, President McKinley notified Mayor Jones that 40,000 rations and 1,000 tents would be immediately sent to Galveston. In addition, supplies, donations, and other forms of aid began to arrive from all over the United States.

³⁰ "Appeal For Aid," *The Galveston Daily News*, 12 September 1900.

³¹ Lester, 17.

³² "Governor Acted Promptly," *The Galveston Daily News*, 13 September 1900.

City officials promptly organized relief committees. "At 10:00 a.m. Sunday, Mayor Walter C. Jones began Galveston's recovery by calling the first meeting of what was to become the Central Relief Committee."³³ The Relief Committee was broken into subcommittees which consisted of the:

- Correspondence Committee;
- Finance Committee;
- Hospital Committee;
- Burial Committee; and the
- General Relief Committee.

The General Relief Committee was primarily responsible for the protection of property and the avoidance of looting. Announcements were then made that all able-bodied men must work, or they would be denied access to food. Additionally, all food supplies would be guarded, and all citizens were notified of the availability of fresh water. Soldiers and other officials forcibly gathered together all men able to work. Many were forced by bayonet threats to help with the cleanup process--although it is thought that most willingly helped as needed. "The Central Relief Committee continued to operate until February 1901. The committee received and distributed \$1,258,000 in donations throughout the city."³⁴ Other aid such as clothing and supplies ran up to approximately \$300,000.

In a telegram, Governor Sayers informed Adjutant General Scurry (appendix B) that he must:

³³ The Galveston County Historical Museum, 8.

³⁴ Ibid., 9.

Proceed at once to Galveston and advise me of conditions. Fifty thousand rations and 886 tents should reach Houston for Galveston to-day from San Antonio. Say to the people of Galveston that I am doing my very best for their relief. Contributions are coming in promptly. Also say to them that I have requested the president to order a boat to ply between Galveston and the mainland until others can be secured.³⁵

After being summoned by Governor Sayers, General Scurry immediately left for Galveston and arrived on September 11 with approximately 200 militia. That same day, General Scurry notified Governor Sayers that he:

Had just returned with several Galveston people. Conditions there beggar description. Accounts have not been exaggerated. One thousand lost is too conservative. While a considerable portion of provisions have been destroyed by water, there is sufficient on hand to relieve immediate needs. The citizens seem to have the situation well in hand. United States troops and Company C, Texas Volunteer Guard, with citizens, patrol the streets to prevent thieving. The estimate of 10,000 destitute and homeless does not seem to me to be excessive.³⁶

General Chambers McKibben, Commander of the Department of Texas, arrived during the evening of September 11, 1900, under orders from the Secretary of War.³⁷ In addition, the Houston Light Guards arrived on September 12. "The Houston Light Guards, 50 strong, under the command of First Lieutenant John S. Hoover, arrived from Houston this morning and reported to General Scurry for orders."³⁸ Indicating an increase in the number of Houston Light Guards, the *Galveston Daily News* reported on September 12 that, "A

³⁵ "General Scurry's Orders," *The Galveston Daily News*, 14 September 1900.

³⁶ "General Scurry's Message: Says Estimate Of One Thousand Dead Is Too Conservative," *The Galveston Daily News*, 13 September 1900.

³⁷ Shelly Henley Kelly to Trayce Hudy, 23 June 2000, "Martial Law in Galveston," personal e-mail.

³⁸ "Light Guards Here," *Galveston Tribune*, 12 September 1900.

battalion of militia arrived from Houston Tuesday night, consisting of the Houston light guard, seventy-five men, who volunteered for service when Mayor Brashear of that city called for volunteers for relief work at Galveston; Houston light artillery, fifteen men; Houston cavalry, thirty men, all under command of Captain McCormick, ranking officer."³⁹ Governor Sayers ordered the Rough Riders of Dallas to Galveston on September 13, and stated that, "With the four companies already here, namely the Houston light guard, Houston cavalry, Houston artillery and Galveston sharpshooters, and the Shaw rifles of Navasota and Rough Riders of Dallas now in route here, will make six companies, aggregating 250 men."⁴⁰ The Dallas Rough Riders, Troop B, First Texas Cavalry arrived in Galveston on September 15 under the command of Captain P. Ormonde Paget. The troop consisted of 45 men, and they were escorted by Captain Roach of the Trezevant Rifles. Additional battalions (appendix C) on duty in Galveston included: Company C of Galveston, Company K of Caldwell (Burleson Guards), an additional troop from Houston, Troop B of Dallas, Light Battery D of Houston, Calvert Light Guard (Company I), M.B. Loyd Rifles (Company H), and Fort Worth Fencibles (Company D). The Trezevant Rifles (Company E) of Dallas and the Shaw Rifles (Company C) of Navasota arrived on September 19. Additionally, United States Marshall John Grant, along with twelve deputies, arrived in Galveston on September 15. Military authority was immediately instated, and orders included a curfew and travel restrictions,

³⁹ "Law and Order," *The Galveston Daily News*, 12 September 1900.

⁴⁰ "Martial Law: More Troops Coming," *The Galveston Daily News*, 14 September 1900.

prohibition of the possession of firearms, and the forbiddance of gambling. In fact, four gamblers were threatened with their lives. "The gamblers were permitted to leave the island and threatened with death if they returned."⁴¹ The saloons were closed the day after the storm hit, and these bars would remain closed throughout the ordeal.

Martial law was requested as early as September 9 after meetings with Mayor Jones; Ed Ketchum, Chief of Police; and other city officials. One reason cited for the necessity of martial law was that merchants with food supplies were driving prices up. "Mayor Jones and other men of conscience were shocked at these proceedings, and the mayor decided that the only protection for the citizens would be to declare martial law, confiscate all food stuffs and other necessities for the common good, and thus stop the looting and holdups."⁴² On September 13, the City of Galveston was officially placed under martial law. The official proclamation was issued by Mayor Walter C. Jones.

Under the authority committed to me by the statutes of the state of Texas and the charter of the city of Galveston, I hereby declare the city of Galveston under martial law. Adjutant General Scurry is placed in absolute control of military, and all city and county officers must cooperate with him. On and after this date all residents of the city, without special passes; must be off the streets before 10 o'clock at night.⁴³

To the Public: The city of Galveston being under martial law and all good citizens being now enrolled in some branch of the public service. It becomes necessary to preserve the peace, that all arms in this city be placed in the hands of the military.

⁴¹ "A Warning To Sports," *The Galveston Daily News*, 13 September 1900.

⁴² Lester, 85.

⁴³ "Order Out Of Confusion. Adjutant General Scurry Placed In Charge Of The City Under Martial Law," *The Galveston Daily News*, 13 September 1900.

All good citizens are forbidden to carry arms except by written permission from the mayor, chief of police, or the major commanding.

All good citizens are hereby commanded to deliver all arms and ammunition in the city and take Major Fayling's receipt.⁴⁴

I have assumed absolute control of all matters relating to order and cleaning up the city.

I have appointed General Thomas Scurry commander of all working and police and guard forces.

All passes to all persons whomsoever, unless signed by Hunt McCaleb, adjutant, are hereby revoked.

The appointment of Hunt McCaleb is hereby approved.

I exhort all citizens to cheerfully obey orders from those who are placed in authority.

This declaration of martial law has been rendered necessary in order that our latent forces may be promptly directed with a view to burying the dead, aiding the living and cleaning the streets and city of debris and wreckage.⁴⁵

On September 13, news accounts stated that, "By a proclamation issued by Mayor Jones to-day the city was placed under martial law, and the policing of the city and guarding of property was given to the militia under command of General Scurry, adjutant general Texas volunteer guard. General Scurry appointed Lieutenant Colonel Hunt McCaleb, late of the Galveston immunes, as adjutant of the two battalions of militia now in the city. The rules, so far as could be learned today, under which the militia will operate are that all persons on the street after 10 p.m. must have a pass signed by General Scurry and attested by Adjutant McCaleb before they can pass through the military lines."⁴⁶ Adjutant General McCaleb was primarily in charge of keeping records and other

⁴⁴ "Under Martial Law," *The Galveston Daily News*, 13 September 1900.

⁴⁵ "The City Under Martial Law," *The Galveston Daily News*, 14 September 1900.

⁴⁶ "Military Rule," *The Galveston Daily News*, 14 September 1900.

headquarter duties, and Captain McCormick of Houston was responsible for the barracks and the patrolling troops.

Galveston city officials had placed the city under military authority immediately following the disaster. In fact, prior to the arrival of General Scurry, Major Lloyd Fayling was in charge of the local militia. Major Fayling recalled that the people of Galveston were, "frightened out of their wits, while crazy men and women walked up and down the streets crying and weeping at the top of their voices. There were corpses in every direction."⁴⁷ It was under these conditions that Major Fayling was appointed Commander in Chief of the Military Forces by J. H. Hawley, Chairman of the Committee of Public Safety.

By the authority invested in me as Chairman of the Committee of Public Safety of the City of Galveston, I, J.H. Hawley, do hereby commission, L.R.D. Fayling as commander in chief of the military forces and the special deputies police, with the rank of Major only subject to the orders of the undersigned, the Mayor and Chief of Police.⁴⁸

"The first military force raised by the city (Sunday morning) for the protection of property and for enforcing the orders of the mayor, was a squad of a half dozen barefooted privates of Battery O, found on the street by Major Fayling five minutes after he was commissioned. By Monday volunteering militiamen and citizens had swelled the number of military forces under Major Fayling's command to over 150 men."⁴⁹ In addition, Major Fayling organized Company A,

⁴⁷ Lloyd Fayling, Major U.S.A., "Reminiscence--L.R. Fayling Papers," 1905, Courtesy of the Rosenberg Library and Texas History Center (MSS#80-0021), Galveston, Texas.

⁴⁸ Green & Kelly, 82.

⁴⁹ "Military Force," *The Galveston Daily News*, 13 September 1900.

Company B, Company C, and a troop of cavalry. Most of these troops were a mixture of soldiers and volunteers. Major Fayling was extremely pleased with the men working under him. "I have never seen such a mixed body of men keep such perfect discipline, and they were altogether the finest lot of fellows that I have ever commanded. There was not a case of insubordination. And I never heard a word of complaint . . . But we had the city under complete control from the first. Order was absolutely maintained."⁵⁰ In his memoirs, Major Fayling noted that the men under him were told to "shoot anyone caught looting the dead or desecrating corpses in any way. If anyone resists your authority, shoot."⁵¹ He stated that the morning after the storm, "It was not yet daylight, but looting had already begun."⁵² In addition, Major Fayling said, "We drove hundreds of Negroes at the bayonet point to assist in the work of burning and loading the dead on barges for sea burial, and on one occasion by orders of the Mayor, . . . we marched to the foot of Tremont street, taking every able-bodied man, white or black, met with, and forced them at the bayonet point to assist in the awful work."⁵³ Major Fayling recalled that the stench of the city was terrible, and his men worked to dispose of the decomposing bodies. "Men would say, 'For heavens sake don't make me do that! I won't go, you can shoot me if you want, but I will not and I can not.' Our only answer was 'Load with ball

⁵⁰ Lloyd Fayling, Major U.S.A., "Reminiscence," 1905, Courtesy of the Rosenberg Library, Galveston, Texas.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Green & Kelly, 85.

cartridge, take aim'--and fortunately we never had to go any further."⁵⁴ In addition, during his commission, Major Fayling escorted Ms. Clara Barton of the American Red Cross to Galveston. The city was extremely grateful for the actions of Major Fayling, and his work was highly praised.

The Mayor of Galveston, on behalf of the citizens of Galveston and in his own behalf, desires to say that the work Major L.R.D. Fayling did for the city of Galveston was most magnificent and cannot be expressed in words. He built the foundation on which a lot of good work has been done. The initiative, courage and discipline displayed by Major Fayling deserves the highest praise. He has the official and personal thanks of the Mayor and citizens.

Walter C. Jones, Mayor of Galveston⁵⁵

There were many others who volunteered their services to the devastated city and took on unpleasant, but extremely necessary, responsibilities. Hundreds stepped into unfamiliar roles or were assigned additional duties. For instance, the *Galveston Daily News* reported, "Sheriff Thomas has charge of the deputy sheriffs and special deputies, while Mr. J. H. Hawley is in command of the military forces guarding property and protecting the inhabitants during the disturbed state of affairs."⁵⁶

On Thursday, General Scurry began to issue General Orders. All citizens were informed that if these orders were not obeyed, violators would be severely punished. Civil authority had now become subordinate to military power. The following are some of the General Orders which were issued.

⁵⁴ Lloyd Fayling, Major U.S.A., "Reminiscence," 1905, Courtesy of the Rosenberg Library, Galveston, Texas.

⁵⁵ Green & Kelly, 92-93.

⁵⁶ "Work Of The Police," *The Galveston Daily News*, 13 September 1900.

General Order No. 1: Under authority vested in me by Walter C. Jones, mayor of Galveston, Texas, I have this day assumed command of all forces in the city, Hunt McCaleb is hereby appointed adjutant general and Grove S. Reid assistant adjutant general.

General Order No. 2: All passes signed by W. A. McVille, chairman of the relief committee, will be recognized by all guards.

General Order No. 3: Passes issued to workmen will be respected when issued by the . . . chairmen of relief committees . . .

General Order No. 4: Physicians, surgeons and ministers of all denominations are not to be interfered with at any hour of the day or night, under any pretext whatsoever.

General Order No. 5: All passes signed by C.H. McMaster, water commissioner, will be recognized by all guards.

General Order No. 6: All officers appointed by the chief of police or assistant chief of police and by the sheriff of Galveston county will be obeyed and respected in the discharge of their duties.

General Order No. 7: These headquarters will be removed to the ground floor of the Telephone building and will be open for the transaction of business at 7 a.m. September 14.

General Order No. 8: All foremen of gangs and working parties will make a verbal report in person to this office at the close of the day's work of the condition of their district, the work done, bodies recovered and burned and names of men impressed into service and men working voluntarily, together with length of time worked.

General Order No. 9: Guards, foremen of gangs and working parties or others acting under the authority of this department will exercise due diligence to avoid working any hardships on private individuals or impressing men for service. The conditions, however, are so critical and it is so necessary that sanitary precautions be taken to preserve the lives and health of the people of this stricken city, that individual interests must give way to the general good of all. If it is found feasible to secure volunteers, general impressment will be avoided, but the medical fraternity being a unit is the opinion that further delay or procrastination will bring pestilence to finish the dire work of the hurricane, the interests of no individual, firm or corporation will for one instant be considered where it runs counter to the interests of the whole people. No effort is to be spared to secure volunteers for work, but failing this every able-bodied man is to be put to work to clear the wreckage, burn the hundreds of

bodies under it and save if possible the lives of those who yet remain. I trust this position may be thoroughly appreciated and understood and that all people will govern themselves accordingly.

General Order No. 10: The work of clearing the city is progressing satisfactorily under the most adverse circumstances. Men not now working in gangs are wanted to work in gangs of ten. They will be put to work under proper authority if they communicate with this office.⁵⁷

Additional orders were published on Sunday, September 16, 1900.

General Order No. 11: All passes signed by the Board of Health will be recognized by all guards.

General Order No. 12: Working parties are now discovering a quantity of household effects, wearing apparel, etc. Orders will at once be issued to all officers and guards and foremen of working parties to permit them to save such effects as they may.

General Order No. 13: G. A. Dillinger and Marco Stewart are hereby appointed special inspectors for the purpose of guarding against indiscriminate use of fire in destroying the bodies and debris.

General Order No. 14: Persons actually employed cleaning up private property will not be impressed into public service. Physicians residing outside of the city will be permitted to enter on certifying that they are willing to work for thirty days under direction of the board of health.

General Order No. 15: All persons detected in obtaining relief stores of supplies under false pretenses, forging or duplicating orders previously filled, or committing any act of fraud or deception . . . will be immediately and severely punished. The public is hereby cautioned and warned not to infringe this order, under the severest penalties.

General Order No. 16: All foremen of working gangs . . . will report daily at headquarters for the purpose of rendering the names of such men as are being worked under them and to turn in the time such men have worked. . . . It is confidently expected that these men can eventually be paid for this labor. . . .

General Order No. 17: Dr. John Grant, United States marshal, will . . . take control and command of the question of who shall enter the city of

⁵⁷ "Martial Law. Official Orders Issued By General Scurry That Must Be Obeyed And Respected," *The Galveston Daily News*, 14 September 1900.

Galveston over all the railroad lines leading to Galveston, and shall have control of the matter of who shall disembark from all ships and other craft of whatsoever kind touching the shores of Galveston Island. He shall also take command of the rangers and all special officers and such detachments of militia as may have been detailed to serve on the mainland at the junction of the railroads at Virginia Point and at Texas City. Marshall Grant will take command of the various detachments that may be placed upon the various craft plying between Galveston Island and the mainland for the preservation of order and facilitating of passenger traffic and United States mail service.

General Order No. 20: Captain E.G. Roach, Third Infantry is hereby appointed inspector of militia forces in this city.

General Order No. 21: Captain J.P. Alvey . . . is hereby placed in charge of all valuables, money, diamonds, gold. . . All such valuables . . . must be taken to his office. All valuables in the possession of sheriff's forces, police department and all other parties . . . must be taken at once to Captain Alvey's office. Any private parties or individual holding or retaining articles discovered will be liable to the most vigorous punishment of military law. In the course of a few days, upon proof of identification, valuables will be turned over to their respective owners.

General Order No. 22: Mr. Thomas Boyd and Mr. William Tootil are hereby appointed special officers and inspectors of buildings. All buildings which in their judgment they deem unsafe and uninhabitable must be vacated.

General Order No. 23: The work of recovering bodies, cleaning the city, and rendering it again inhabitable is of such great importance and the necessity for expedition so great, that it will be impossible to relax any of the efforts now being made to-morrow, and all work parties, foremen and gangs will continue their work in their respective districts regardless of the fact that it will be Sunday and under ordinary conditions a day of devotion. This office wishes to congratulate and commend the splendid citizens who have so zealously taken hold of the enormous difficulties confronting them, and who are now so strenuously pushing the measures of relief demanding immediate attention, and it feels that no effort will be spared or relaxed until the whole work is completed.

General Order No. 24: The magnitude of the work which has devolved upon this office requires that relief be had in order that the work may proceed with greater expedition and without hindrance or confusion. H.N. Ricker is hereby appointed inspector general of the city forces, with

the rank of colonel. He will have full direction of all work now under way and to be done, and he will be obeyed and respected accordingly.⁵⁸

The September 17 edition of the *Galveston Daily News* published the following

General Orders:

General Order No. 25: Guy M. Bryan, Jr. is hereby appointed aide de camp on my staff and will be obeyed and respected by all officers and men accordingly.

General Order No. 26: It has been reported . . . that members of working parties . . . have been impressed into different service without regard to the authority under which they are acting . . . and under no circumstances whatsoever will any one properly accredited and bearing evidence that he is engaged in one branch of relief work be impressed into the service of any other department.

General Order No. 27: All persons are warned against interference with men employed in reconstructing the waterworks.

General Order No. 28: No passes to vehicles will be recognized unless issued by this office, or chairmen of relief committees, or foremen of working gangs.⁵⁹

In addition, on September 18, the succeeding General Orders were posted:

General Order No. 28: To the Foremen of All Gangs: I regard it as very important that the work of removing debris and getting rid of dead bodies be facilitated, and consider the idea of simply clearing a small space for a street and throwing the lumber back to each side as not being practical, and that it does not further the work as rapidly as it should be done. You are therefore directed to begin work on the outside and throw the lumber back towards the beach, leaving a space for street way. If it is impracticable to remove the dead bodies through the space suggested back near the beach, to be burned, it will be necessary to move the debris back half a block in order for the burning of dead bodies to take place between the old and new piles of debris.

⁵⁸ "The Full Text Of The Military Law," *The Galveston Daily News*, 16 September 1900, p. 1. [Note: General Order No. 18 and General Order No. 19 were not located.]

⁵⁹ "Disposing of the Dead, More Military Laws Promulgated," *The Galveston Daily News*, 17 September 1900.

General Order No. 29: Robert Palliser, A.H. Bottomley, Frank Jones, and Pat Callen are hereby appointed special officers and inspectors of buildings. All buildings which in their judgment they deem unsafe and uninhabitable must be vacated.

General Order No. 30: Was not issued.

General Order No. 31: Amending general order No. 29. Mr. N.J. Clayton has been appointed building inspector with the same authority given the other building inspectors in general order No. 29.

General Order No. 32: Dogs running loose in the streets having become a menace to human life, it is ordered that those owning same keep them confined in their premises. Otherwise they will be destroyed.

General Order No. 33: In view of the fact that a number of idle women are wandering about the streets and refusing to work, it has been decided by the central relief committee to establish a camp, in which these women will be held and kept off the streets and out of the way of those who are performing the herculean task of cleaning this city and burying the dead. Warning is hereby given that all those idlers will be required to stay at their homes or be taken to camp. This order is not to be construed as aimed at females who are transacting business in the city, but is designed to correct the evil brought about by the vicious and idle class.⁶⁰

Additional orders were publicized on September 19:

General Order No. 34: Mr. Stewart Wheeler has been designated to collect all idle stock and will establish a public corral . . . , where all such stock will be properly fed and cared for and used in the public service during the emergency requirement.

General Order No. 35: Howard R. Perry is hereby appointed assistant adjutant general, and will be obeyed and respected accordingly.

General Order No. 36: Mr. Joe Lee Jameson is hereby appointed special inspector. He will be permitted to pass at any and all hours.

General Order No. 37: Upon the recommendation of the board of health and the auxiliary board of health of the city of Galveston, it is hereby ordered that the surgeon or person in charge of each and every hospital, permanent or temporary, all camps, and one and all of the medical relief stations for the care of the sick and wounded, . . . shall without delay

⁶⁰ " Street Cleaning Work," *The Galveston Daily News*, 18 September 1900.

thoroughly cleanse and disinfect and place in perfect sanitary condition the premises under their charge. Dr. Geo. H. Lee is appointed inspector of all camps and stations coming under the provisions of this order, and will see that it is carried out.

General Order No. 38: Captain H.M. Delamater, quartermaster First Infantry, Texas volunteer guard, is appointed quartermaster of the city forces, and Lieutenant John R. Ricker, commissary Third infantry, Texas volunteer guard, is appointed commissary.⁶¹

On September 21, the following Orders were made public:

General Order No. 43: All guards or others having arms issued by this office, or by Major Fayling or his subordinate Officers, will turn them in at 12 noon, September 21, 1900, at the armory of the Galveston Sharpshooters. . .

General Order No. 44: On account of the great danger to buildings from fire, debris will not be piled on sidewalks, but will be placed in the middle of streets, leaving passageway for vehicles on each side.⁶²

Final orders on September 22 were as follows:

General Order No. 44: The proclamation of Hon. Walter C. Jones, mayor, of September 13, declaring martial law in Galveston, has been revoked by his proclamation of September 20.

It is desired to express to the citizens of Galveston, the admiration and appreciation of the military authority for the loyal manner in which they have supported that authority, without which support the success which has rewarded the efforts to bring order out of chaos would have been impossible.

It is particularly desired to express to the splendid citizens of all classes, both white and black, who have so grandly responded to the call for volunteers to work in rescuing the living and burying the dead, the profound appreciation of those who have undertaken to direct affairs during the crucial period of Galveston's history. As the people of this city desired the sympathy of mankind in their heavy affliction, they challenge the admiration of the world through their magnificent courage

⁶¹ "Latest Military Orders," *The Galveston Daily News*, 19 September 1900.

⁶² "Martial Law Goes Out," *The Galveston Daily News*, 21 September 1900.

in meeting conditions which confront them, and boldly and bravely taking hold of the work of rehabilitating their city.

General Order No. 1: Lieutenant Colonel George T. West is hereby assigned to the command of the troops of the Texas volunteer guard retained in service by the mayor to assist in maintaining order. By command of the governor.⁶³

Thus, as the orders indicate, the city was partitioned into districts or wards, passes were required to enter areas of Galveston, and travel was prohibited late at night unless approved by military officers. Most importantly, gangs of men were formed to clear the city and to dispose of the bodies. As early as September 12, General Scurry had suggested that police officers, sheriff deputies, etc. police the city during the day. The militia would take charge of policing activities at 7:00 p.m. He further stated, "He was here to work in harmony with the city and county authorities and that there was no occasion of any conflict if all the departments would work in concert and divide up the work."⁶⁴ General Scurry also reiterated that he was in Galveston "acting for and by authority granted by Mayor Jones."⁶⁵ All told, the city of Galveston was protected by a force of about 2,000 officers, deputies, and militia, and by September 17, there were 3,000 volunteers aiding the city.

The sights facing the survivors, the militia, the volunteers, and all others

⁶³ "Martial Law No More, Militia Will Remain Here," *The Galveston Daily News*, 22 September 1900. Note: Captain McCormick was relieved of command on September 19 and replaced by Captain E.H. Roach. Captain Roach was replaced by Lieutenant Colonel West, and Lt. Col. West was relieved by Captain C.O. Elliott. Captain Elliott served until the guard was removed on October 7, 1900.

⁶⁴ "Law And Order," *The Galveston Daily News*, 12 September 1900.

⁶⁵ "Order Out Of Confusion," *The Galveston Daily News*, 13 September 1900.

involved in the rehabilitation of Galveston were catastrophic. Death and decay was everywhere, and some noted that you could not move without stepping upon or viewing a dead body. Immediate efforts were taken to dispose of the decomposing bodies--the stench of rotting flesh was ghastly. "The saturated ground prevented mass burial. Polite formalities had to be suspended; bodies were piled on wagons without ceremony, taken to barges and dumped [weighted] at sea. When they floated back to shore, immediate cremation became necessary. In the 80-degree weather, the foul stench of putrefying flesh quickly became overwhelming. For a month, about 70 bodies a day were found among the piles of wreckage."⁶⁶ Select accounts of the storm indicate that some men refused to touch the bodies, and many had to be forced to do so. "This was especially true of the negroes."⁶⁷ Many men had to drink whiskey and tied fabric around their noses in order to drown the stench of decay and to strengthen their souls for the grim job. "All of the bodies are badly decomposed, swollen to enormous proportions and of so dark a hue that it is impossible to tell only by the hair, when any hair is visible, whether the corpses are those of white people or of negroes."⁶⁸ The *Galveston Daily News* stated that on Monday more than 700 bodies were buried at sea. As the outside world began to reach Galveston, it was recorded that, "the very atmosphere smelt of death. . . . Long before we landed we had seen the naked forms of men, women and children

⁶⁶ Fox, "For A While . . . It Was Fun," 140.

⁶⁷ "Story of the Hurricane Which Swept Galveston," *Galveston Daily News*, 12 September 1900, p. 1.

⁶⁸ "Number Of Victims Is Probably 10,000," *Dallas Morning News*, 13 September 1900, p. 1, col. 3.

floating in the bay and were depressed until the entire party was heartsick."⁶⁹ Records of the dead were not complete; however, as of September 18, there were reports of "1763 bodies and their disposition; 700 of them were carried to sea and buried, 1063 bodies were either interred or consigned to the pyre and yet it is certain that at least a few hundred more bodies have been found and buried and not reported. It is evident that some of these 700 bodies have been washed ashore again; but these are not included in the above list."⁷⁰ The sea unmercifully returned the dead, and the body count continued to grow. In Paul Lester's *The Great Galveston Disaster*, he recorded that General McKibben reported Battery O, First Artillery lost 28 men.⁷¹ Furthermore, Lester stated, "The salt marshes presented an indescribable sight. Nude forms of human beings . . . no man could count them without going insane. It looked like a graveyard, where all the tenants of the tombs had been exhumed and the corpses thrown to the winds."⁷²

Looting was referenced and graphically illustrated throughout various reports on the tragedy. Racism was evident in earlier accounts of the storm; however later reports of the tragedy tend to recognize the great number of black looters killed as mere myth. The *Dallas Morning News* reported on September 12, "Ears have been cut from the heads of the dead and fingers cut off to get their jewelry and that about twenty-five men were reported killed for

⁶⁹ "Story of the Great Disaster at Galveston," *The Galveston Daily News*, 13 September 1900.

⁷⁰ "Street Cleaning Work; The Keeping of Records," *The Galveston Daily News*, 18 September 1900.

⁷¹ Lester, 136.

⁷² Lester, 240.

robbery, one soldier killing five of them."⁷³ "The shooting of eight negroes for looting was reported. . . ." One soldier at guard mount reported . . . that he had been forced to shoot five negroes.⁷⁴ Under General Scurry's command, the militia, as well as other officers, were instructed to not shoot unless in an extreme emergency; however, earlier reports indicated that looters were to be shot on sight. *The Great Galveston Disaster* also recounts that several negroes were shot by soldiers for not halting.⁷⁵ "It is learned on unquestionable authority that the soldiers under Adjutant General Scurry have to-day (Wednesday the 12th) slain no less than seventy-five men, mostly negroes, guilty of robbing the dead. One of these had in his pocket twenty-three human fingers with costly rings on them."⁷⁶ "Up to Tuesday morning seven negroes were found robbing the dead and paid the penalty with their lives. They were shot dead and their bodies were carted away with the dead victims of the storm."⁷⁷ On September 18, the *Galveston Daily News* praised Captain McCormick, and he clarified, "the report that gained circulation that a number of negroes were shot for looting, is false. If there were any persons shot by the soldiers, it was before he [Captain McCormick] took charge and before General Scurry assumed

⁷³ "Men Shot For Robbing The Dead," *The Dallas Morning News*, 12 September 1900, p. 1, col. 6 & 7 and p. 4, col. 6.

⁷⁴ "700 Buried," *Galveston News*, 11 September 1900.

⁷⁵ Lester, 82.

⁷⁶ Lester, 97.

⁷⁷ "Order Out Of Confusion. Work Of The Police: Seven Negroes Killed Who Were Detected Robbing The Dead," *The Galveston Daily News*, 13 September 1900.

command and the city was placed under martial law."⁷⁸ In addition, in his memoirs, Mr. Ben C. Stuart, a storm survivor and staff member of the *Galveston Daily News*, was quoted as saying, "The local military authorities had been called out to preserve order. There was some looting, but the remedy was swift and effective. Current reports were that seventy-five ghouls had been shot in their backs. Diligent inquiry discloses the incorrectness of this report. It may be said that if any were killed it was not in excess of half a dozen."⁷⁹ The extremely high figure in regard to the number of looters killed and the indication that the majority were black may well have been an indicator of the racial intolerance of the time. However, General Scurry praised the black population for their participation in salvaging the city.

Other accounts of racism were noted in articles about the storm. For instance, on September 14, the *Galveston Daily News* featured an article regarding the city being placed under martial law. Interesting segments of this article, with blatant displays of racism, are as follows:

The supply depots are overrun with negroes, and white woman and children have the greatest difficulty in getting anywhere within range of the committees. It is said the negroes go from ward to ward and draw supplies at each depot as being a resident of each ward. Most of the negroes applying are women, and they invariably claim that they have no husbands, or that they have lost all relatives. The orders are to issue no supplies to able-bodied men who do not work, and the order is being made a nullify by this 'widow' racket. Many families are caring for scores of destitute persons, and are entirely without help. The women are doing the cooking and trying to arrange their disorganized households. Negro women pass by, but absolutely decline to work, or ask \$4 or \$5 a day, or other extravagant rates of pay. . . . However, there are many who

⁷⁸ "Street Cleaning Work, The Keeping Of Records," *The Galveston Daily News*, 18 September 1900.

⁷⁹ Green & Kelly, 99.

distinguished themselves in rescuing people during the storm, and many have been faithful throughout this terrible time. It is only a part of the race that is acting badly and the fact is appreciated that many of them are acting thus through ignorance or fear.⁸⁰

On September 17, General Scurry praised the black citizens of Galveston. He said that, "he desired to say a word in favor of the negroes who have volunteered their services. He said he has several gangs of negroes at work and they have worked like beavers. The volunteer negroes, and they are in the majority, are doing excellent service. I have had not occasion to urge them to work; in fact the reports show that they have earned a very commendable reputation. Galveston, like all other cities, is bothered with an element of negroes who are worthless fellows. Some of these have had to be impressed into service . . . But these are few, I must say, and the better element is accomplishing great things."⁸¹

Numerous relief agencies, as well as private citizens, were in Galveston to render aid. The Salvation Army and the Red Cross were two such agencies. Ms. Clara Barton, American Red Cross founder, arrived in Galveston on September 17. "American Red Cross founder, Clara Barton, who was 78, made organizing relief in Galveston her last mission of mercy. When she saw that black residents were being denied the same access to aid as whites, she quickly enacted a segregated system to ensure that all Galvestonians were helped."⁸² Thus, Ms.

⁸⁰ "Wire Communication. The City Under Martial Law," *The Galveston Daily News*, 14 September 1900.

⁸¹ "Disposing of the Dead, Work of Street Cleaning," *The Galveston Daily News*, 17 September 1900.

⁸² "Galveston's Great Storm of 1900," *Denton Record Chronicle*, 27 August 2000, p. 21A.

Barton was driven to ensure that all races were treated equally. All told, the American Red Cross spent \$120,000 on aid to Galveston.

Relief efforts were overwhelming. Prior to the arrival of some agencies, Mayor Jones made additional appeals for aid to Galveston. On September 13, 1900, he sent the following telegram to Governor Sayers:

After the fullest personal investigation here, we feel justified in saying to you, and through you to the American people, that no such fell disaster has ever overtaken any community or section in the history of our country. The loss of life, appalling, can never be determined, is estimated at 5000 to 8000 people. There is not a home in Galveston that has not been injured, while thousands have been destroyed. The property loss represents accumulations of sixty years and more millions than can be safely stated. Under these conditions, with 10,000 people homeless and destitute, with the entire population under a stress and strain difficult to realize, we appeal directly in the hour of our great emergency to the sympathy and aid of mankind.⁸³

Additionally on September 13, 1900, Mayor Jones sent a telegram to the President:

The people of Galveston, through me, desire to return their sincere thanks for the great interest you and the United States government, through you, have manifested in their behalf in the hour of trial. While their sufferings are indescribable, yet they have ever in their minds the great government which never fails to respond to the distress of its citizens, and they also know that at the head of that government is an upright Christian gentleman, whose every effort is to relieve distress with all the means and power at his command.⁸⁴

On September 19, Governor Sayers thanked the public by wiring the following telegram to the Associated Press:

To the people of the United States, whose munificent generosity has, without solicitation from me, contributed so much to the relief of the

⁸³ "An Appeal To Mankind," *The Galveston Daily News*, 14 September 1900.

⁸⁴ "An Appeal To Mankind. Official Message Sent Last Night--The President Thanked," *The Galveston Daily News*, 14 September 1900.

storm sufferers. I, as Governor of the State, beg to tender my most profound and most grateful acknowledgements, assuring them that their generous benefactions will be held in lasting remembrance by the people of this State. We have not been left to stand alone in our trouble, but messages of earnest sympathy, accompanied by large contributions in money and supplies, and also in personal assistance, through the Red Cross and other benevolent societies, have had the effect to relieve the situation of much of its sadness and misfortune.⁸⁵

As the situation improved, city officials prepared to restore civil authority.

General A.P. Wozencraft, who had been dispatched to Galveston to represent Governor Sayers, departed on September 20. He felt as though the situation in Galveston was now under control.

Martial law ended at high noon on September 21, 1900. A proclamation was issued by Mayor Jones, upon recommendation of General Scurry, which returned control to the civil authorities:

Hon. Walter C. Jones, Mayor of Galveston, Texas--Sir: I have the honor to report that, in my opinion, the conditions upon which you based your proclamation declaring martial law in Galveston, have rapidly changed. Order has been restored, the energies of the city have been directed into the proper channels, and the moment is opportune for a return to civil processes.

I would respectfully ask that you prepare to resume the functions of civil government within twenty-four hours.

Such troops of the Texas volunteer guard as may be necessary will be retained here while needed to aid the civil authorities in maintaining order. Very respectfully your obedient servant.

THOMAS S. SCURRY
Brig. Gen. Commanding City Forces⁸⁶

In response, Mayor Jones made the citizens aware of the situation

⁸⁵ "Sayers' View of Situation," *Dallas Morning News*, 20 September 1900, p. 1, col. 4.

⁸⁶ "Martial Law Goes Out, Militia Will Remain Here," *The Galveston Daily News*, 21 September 1900.

by issuing the proclamation ending martial law.

Proclamation

It having been officially reported to me by Brigadier General Scurry, commanding the municipal forces of the city of Galveston, that the necessities of the situation requiring the institution of martial law in the place of civil authority have passed; that order has been restored and the scattered energies of the city directed into the proper channels; that the clogged course of commerce and trade are again ready to be opened, that Galveston may undertake the work of her future; now, therefore,

I, Walter C. Jones, mayor of the city of Galveston, do issue this, my proclamation, declaring that all forms of civil processes and civil government will and shall be resumed at noon Friday, September 21, 1900.

All forces now employed in the work of cleaning the streets and removing wreckage will continue as heretofore under the direction of N.M. Ricker, superintendent of the department of labor.

All records of the time worked and pay rolls will be transferred under direction of Brigadier General Scurry to the superintendent of the department of labor, that these men may be paid for labor which has been performed. Brigadier General Scurry will retain here such troops of the Texas volunteer guard as in his judgment may be necessary to aid the proper civil authorities in preserving the peace and maintaining order.

I do hereby enjoin upon all good citizens to earnestly work for the upbuilding and rehabilitating of our city, trusting and believing that having passed through the greatest crisis and greatest disaster recorded in civil history, we will go steadily on to an assured future.

WALTER C. JONES,
Mayor of Galveston⁸⁷

As of September 21, the total death count was not known, nor was it known how many more bodies remained buried in the rubble. The work of clearing debris and finding the dead would continue. However, with the situation stabilized, it was stated that some units of the Volunteer Guard would

⁸⁷ Ibid.

remain in Galveston, but the military would be subordinate to civil control and would be there solely to assist the civil authorities. The city would remain guarded, gambling and drunkenness would continue to be prohibited, and saloons would remain closed. As General Scurry prepared for departure, his gratitude to the citizens of Galveston--as well as their gratitude to General Scurry and his troops--was acknowledged. For example, General Scurry commented that, "he was never treated more kindly and he feels that the citizens were alive to the fact that what he did was for their own good and the good of Galveston."⁸⁸ Mayor Jones expressed his gratitude toward General Scurry and his men by stating, "He [General Scurry] has brought peace and order out of chaos and with a remarkable display of executive ability, he has brought sunshine from darkness and gloom."⁸⁹

News articles on September 22, noted that the men who worked so tirelessly during the clean-up process would be paid \$2 per day, and they would continue their work in finding bodies to be gathered at the beach for disposal. These men had worked endlessly without the expectation of pay, and they would continue with these efforts in order to help their city once again stand strong.

The Volunteer Guard assisted in Galveston until early October. At that point, a once again independent Galveston began to look toward the future, to

⁸⁸ Ibid.

⁸⁹ Ibid.

look past the destruction and death, and to ensure that this type of tragedy would not again inflict such terrible agony upon the city.

On September 29, 1900, General Scurry was interviewed regarding the destruction of Galveston:

Galveston has passed through an ordeal of wind and water, of wreck, ruin, desolation, and woe seldom if ever known in the history of the world. In the twinkling of an eye its homes have been demolished, its industries crippled, at least one-seventh of its population killed, and more than 15,000 of its surviving citizens made absolutely destitute. From a condition of splendid wealth, it has been reduced to absolute poverty. Three fourths of its estimated valuation has been totally destroyed. Two weeks ago there was but one city in America--Providence, Rhode Island--wealthier in proportion to its population. Today there is scarcely a city in America poorer than Galveston.⁹⁰

However, this was not the end for Galveston--rather it was a rebirth and an awakening. The city would rebuild, it would overcome its losses, and it would become stronger than before.

Aftermath

In Galveston there is a mourning; in the city by the sea there is sobbing and tears. When the young of us have grown old, when they in their turn are grandfathers, when a century of years has drifted past as sea wreck drifts, will the legend of Galveston be told and retold again, and white-faced children, clinging to the granddames' robes, will listen to the story of how the storm god came in rage, and how the gulf, beaten by his thong, rushed in and did his bidding. They will hear the awful story that will never die.

(Excerpt from *The Great Galveston Disaster* as repeated by
Clarence LaCoume, Survivor,
Galveston Daily News, September 3, 2000, *Voices of the Storm*)

One hundred years later, Galveston, Texas can once again boast of prosperity. The city refused to be destroyed by the forces of nature and by the

⁹⁰ Thomas Scurry, "The Destruction of Galveston," *Collier's Weekly*, 29 September 1900, 3.

wrath of the *Storm God*. Once again, tourism draws many to the city, and new buildings have replaced the old. Today, hospitals such as the University of Texas Medical Branch are major entities in Galveston. Other industries and businesses continue to thrive, and many beautiful homes and buildings majestically rise throughout the town. Sophistication, cultural prominence, and prosperity are again evident and flourish throughout Galveston. Through the rebuilding efforts and devotion of the citizens of Galveston, the city has continued to be a prominent component of Texas and is home to many prosperous business ventures, is a much-desired vacation destination, and is a cultural inspiration for the rest of Texas.

Immediately following the storm, a 17-foot seawall--running 3 miles long--was built. This seawall has been extended to 10.04 miles and was completed in 1961. Sand was pumped in from the Gulf floor to raise the height of the island, and more than 2,200 buildings were raised, at an approximate cost of 16 million or more than 100 million in today's value. In addition, vastly improved means of communication and prediction of a storm's advance are in place. Galveston is now prepared for a disaster and is aware that one can strike. Perhaps, never again will the people of Galveston be vulnerable and unprepared for the fury of the Gulf. Other storms have since hit Galveston, and prior precautions such as the seawall and the raising of the buildings have helped to ensure survival. In 1915, another storm hit, but without the devastation found in 1900. Remarkably, only 275 lives were lost during this storm. After the storm in

1915, Galveston once again rebuilt and moved toward the future. In 1961, Hurricane Carla struck, and Hurricane Alicia hit Galveston in 1983.

As mentioned above, the exact number of those who perished in the Storm of 1900 will never be known; nor, do we know the number of those who died following the storm. Many died from injuries received during the disaster, others died from sicknesses and diseases such as pneumonia and dysentery. Regretfully, many of those killed were visiting Galveston, and many were tourists or hobos who never made it home. A great many of the dead may have been unaccounted blacks. "But remember that . . . there are a certain number of people who are unknown beyond the limits of their own home. In this class also can be included many colored people. Colored people always know each other, but it is in many instances that they know nothing of surnames. There are servants whose names are not known beyond Mary or Liza or by whatever. . ."⁹¹ As for the survivors, it would be safe to say that most were assuredly haunted by the storm for years afterward--if not forever.

It is worth mentioning again that most men worked without promise of pay, and most willingly volunteered their services. The town stood united, and worked cooperatively to survive and rebuild. On September 14, 1900, the *Dallas Morning News* quoted survivor, Mr. F. McCrillis as saying, "The people of Galveston are rising to the occasion and I never saw braver, stronger-hearted or more intelligent men. It is wonderful the way they face the fearful disaster.

⁹¹ "An Enormous Task Ahead," *Dallas Morning News*, 19 September 1900, p. 1, col. 2.

They have made no mistakes."⁹² These proud and courageous people put aside their own grief and heartache and forged ahead with what had to be done for the good of the entire community. Amazingly, in a little over a month, order was restored and the Volunteer Guard was released from command.

Tribute has been paid to those who were lost in the storm. For instance, in September of 2000--100 years after the storm--the city of Galveston held services, seminars, exhibits, and other commemorative events to remember those who suffered, those who died, and those who helped save the city. In addition, organizations such as the Women's Health Protective Association donated plaques, etc. in remembrance of those who perished. "The Women's Health Protective Association . . . on September 8, 1901, held a memorial service."⁹³ "The nearly illegible inscription on a pink granite marker says: To the unknown who perished in the storm of September 8, 1900."⁹⁴

"Galveston soothed and compassed by the tenderness of mankind, is veiled in the folds of heaven's mercy, and the shrieking tempest is now but a whisper from the sky, the angry wave but the gentle falling of tears from the stars."⁹⁵ When the demons shrieked upon Galveston, God took his chosen ones and carried them away to await us all at heaven's gate. In doing so, he left behind a stronger and more determined people to ensure the survival of

⁹² "The Horror Grows," *Dallas Morning News*, 14 September 1900, p. 3, col. 1 & 2.

⁹³ "Tour Sites Recall Storm's Power," *Dallas Morning News*, 6 August 2000, p. 12 G.

⁹⁴ *Ibid.*

⁹⁵ "Tragedy Of The Storm," *Dallas Morning News*, 16 September 1900, p. 16, col. 3.

Galveston. To ensure that once again, it would become a place of peace and of refuge for its people.

CHAPTER 3

SHERMAN, TEXAS 1930

It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important.

Martin Luther King, Jr. (Wall Street Journal, November 13, 1962)

Sherman, the seat of Grayson County, is located in North Texas and is approximately 65 miles north of Dallas. Today, Sherman is known as an industrial center with a strong local economy; and it is home to such major corporations as Texas Instruments, Procter and Gamble, Fisher Controls, Johnson and Johnson Medical, and Kaiser Aluminum. In fact, the Sherman of today is often referred to as the *Athens of Texas*. Furthermore, higher educational institutions such as Austin College and Grayson County College help blend an intellectual perspective into this thriving industrial environment. It is hard to comprehend that 70 years ago, this same community was the scene of mob violence and murder.

In 1930, Sherman was already well on its way to becoming a leader in both educational and industrial arenas. Along with numerous expanding industries, Sherman had its own hospital, two rail lines, and an ever-increasing school system. There was a strong and prominent black community which included black professionals such as dentists, physicians, lawyers, funeral directors, a druggist, a dressmaker, and others. Until May of 1930, this blending

of cultures and ethnic groups provided an atmosphere of--at least outwardly--acceptance of all races.

What happened in Sherman that May was not highly unusual. Although not as common as in the 1800s and early 1900s, "lynch law" was still found to be used as a means of domination and white supremacy social control. Often, those very people entrusted with the protection of an accused--such as law enforcement officials and other civil authorities--simply stepped aside and turned their backs on the violent mob, which may have consisted of their neighbors and relatives. Many times, these law enforcement officers never attempted to pursue mob participants, or they made half-hearted attempts to make arrests while having no intention of actually following through with indictments or other charges. Prior to World War II, many Americans, specifically those from Southern states, continued to believe that the *Negro* would forget his "place" in society, that jobs would be scarce for the white population due to employment of the *Negro*, and that--bottom line--the *Negro* was socially and intellectually inferior to the white race. Racism was vividly blatant, and anti-miscegenation laws and segregation were firmly held laws and ideals of many of the white populace. Furthermore, there was always that underlying mythical and unfounded notion that black men had an uncontrollable sexual desire for white women, and this desire would ultimately lead to rape. As noted in Chapter 1, the State of Texas, in 1930, reinforced this philosophy with the continuation of laws which decidedly prevented the mingling of the races. Article 4607 of *Vernon's Texas Civil Statutes* and *Vernon's*

Texas Penal Code Articles 492 and 493 clarified that it was unlawful for white and black individuals to sexually interact or to marry.

There was often an unfounded and irrational fear behind the unjust and cruel treatment of blacks. For many white men, this fear was fueled by simple ignorance and the incomprehensible knowledge that some blacks had actually succeeded in rising above their own lower, middle, and even upper class white standard of living. The basis behind the Sherman tragedy was a combination of these beliefs, of fear, and of ignorance--all of which were intertwined with the alleged rape of a white woman. This explosive combination caused the catastrophic chain of events to be set in place. The wheels of justice began to quickly turn, and this so-called "justice" culminated in a lynching.

The mob that formed in Sherman in 1930 consisted of both outsiders and those living in Sherman. There had been recent heavy rains with hailstorms, and farmers were bored and found themselves unable to work in their fields. Some contributed this boredom as yet another factor behind the mob formation. As absurd as it may seem, it gave those itching for excitement a means of filling long, idle hours. There were many others, both from Sherman and elsewhere, who were part of the mob merely as spectators just wanting to witness the excitement. Once the lynching began, there were some who attended who had no intention of participating in the lynching, but they could not pry themselves away from the morbid sight. In Texas, as other parts of the country, it was not uncommon for entire families to gather together to watch a lynching. Some viewed these heinous crimes as a form of rarely seen entertainment and as a

warning to all other blacks. Pictures were taken of lynchings and postcards were made and sold, body parts were taken as souvenirs, and some with a stomach for killing even brought picnic baskets so that the spectators could enjoy their lunch while watching the tragedy unfold. In 1908, a Drug Company in Sabine County, Texas, produced a picture postcard of five hanged African-American men hanging from a tree. Beneath the photograph, the lynchers included a poem about white supremacy. . . .

The Dogwood Tree

This is only the branch of a dogwood tree;
An Emblem of White Supremacy.
A lesson once taught in the pioneer's School,
That this is a land of White Man's Rule.

The Red Man once in an early day,
Was told by the Whites to mend his way.
The negro, now, by eternal grace,
Must learn to stay in the negro's place.

In the sunny South, the land is free,
Let the White Supreme forever be.
Let this a warning to all negroes be,
Or they'll suffer the fate of the dogwood tree.¹

Thus, as history indicates, this was the very type of mindset of the crowd that began to form at the courthouse in Sherman, Texas, on May 9, 1930. What evolved in the *Athens of Texas* was a monumental dark spot for Sherman and would forever be a part of the history of the small town. Though the years have erased the horror, what the "good ole boys" did in Sherman will never be

¹ Thomas D. Russell, *The Dogwood Tree* [homepage on-line]; available from <http://ccwf.cc.utexas.edu/~russell/SimkinsTMLS.htm>; Internet, accessed 17 August 2000.

forgotten. Some say that even today, the black community in Sherman has yet to regain its status. In an effort to combat the tragedy that occurred, let us not forget George Hughes--his crime, his murder, his possible mental defect, and his impact upon Sherman, Texas.

Mob Violence

You have many enemies that know not why they are so, but,
like village curs, bark when their fellows do.
Shakespeare (1564-1616)

George Hughes, a 41 year-old black male, was from the small town of Honey Grove in Fannin County. Arthur F. Raper, in his *Tragedy of Lynching*, quoted the Honey Grove *Signal Citizen* of May 16, 1930: "It came to light here this week that Hughes had changed his name after leaving Honey Grove, his former name being George Jackson. He worked for a number of years on a farm south of Honey Grove, and his former employer stated Tuesday that he was a hard-working negro and the best help about the farm he had ever had. He further stated that he was at that time a trusted employee, although he did not appear to be bright at all times." Raper went on to state that, "Though known as a half-wit, and considered crazy at times by those who knew him best, it is well established that Hughes had never been before the courts."²

² Arthur F. Raper, 1969, "The Tragedy of Lynching," *Patterson Smith Reprint Series in Criminology, Law Enforcement, and Social Problems*, 25 (1967): 330.

On May 6, 1930, however, George Hughes was charged with three indictments of criminal assault and two counts of attempted murder.³ He was arraigned in a special session of the Fifteenth District Court after the testimony of four witnesses. Newspaper accounts stated that both the victim's and Mr. Hughes' descriptions of the crime were synchronous. There was no question as to the guilt of the defendant; his story agreed in all major details with that of his victim.⁴ Mr. Hughes, being represented by Mr. George Hines, entered a plea of guilty before Judge R.M. Carter. At this point, one must question the plea made by Mr. Hughes. Did he fully comprehend the proceedings, and did he completely understand the guilty plea was in all likelihood his death sentence?

Because of the high probability of violence erupting, city officials had requested that Texas Rangers be present for the indictment. Rangers present were Captain Frank Hamer, Sergeant J.B. Wheatley, J. W. Aldredge, and J.E. McCoy. Frank Hamer was to become a Texas hero just a short four years later. In 1934, Captain Hamer would become nationally known as one of the pursuers of Bonnie Parker and Clyde Barrow. He, along with other officers, caught and killed the infamous outlaws, and for his bravery, Congress awarded him a citation.

³ According to records from the Grayson County District Clerk's Office, the Special Grand Jury presented only 2 indictments. Both were for felony rape.

⁴ Graham Landrum and Allan Smith, *Grayson County: An Illustrated History of Grayson County, Texas*, 2nd ed. (Fort Worth: Historical Publishers, 1967) 93.

Allegedly, Hughes, who was continuing employment as a farm worker and who had resided only briefly in Grayson County, had attacked a white woman on a farm near Sherman. The victim, Mrs. Drew Farlow, stated that Hughes had come to her farmhouse at approximately 10:00 a.m. on May 3 looking for her husband in order to collect money that was owed to him. Once the victim explained that her husband was not home Mr. Hughes left, but he returned shortly thereafter and assaulted the woman. After tying her to the bed, he went in search of her small son. The child had apparently fled the home after Hughes arrived. Two neighbors were alerted of the crime when they found the child crying. Hughes, who was armed with a shotgun, fired at the neighbors and again fired at Deputy Bart Shipp after the Deputy was summoned to the scene. "Both barrels of the shotgun discharged, Hughes threw up his hands and surrendered upon demand."⁵ He was peacefully taken into custody.

The newspapers immediately featured articles on the rape, and many successfully enraged the public. "Southern newspapers fanned the fires of mob violence by describing the atrocities of the crimes of the accused black man. Guilt was not important. . . . Graphic details of the assault against Mrs. Drew Farlow were implied throughout the article, and one easily envisioned the young, innocent white mother fighting off the sex-crazed Negro as he overpowered and brutally raped her."⁶

⁵ Ibid.

⁶ Beth Crabb, "May 1930: White Man's Justice For A Black Man's Crime," *The Journal of Negro History* 75 , no. 1-2 (1990): 31.

For his own safety, George Hughes was held in custody in a Dallas jail. Rumors, however, indicated that Hughes was staying in the Grayson County jail, and there on May 6, a mob formed and demanded swift and deadly justice. Believing that Hughes was being held in the Grayson County jail, the mob--consisting of members from Sherman, Whitesboro, Pottsboro, and other communities in close proximity to Sherman--grew ever larger and more boisterous in front of the jail. By 11:00 p.m., Sheriff Arthur Vaughan convinced the troublemakers that Hughes had been moved from the county jail and allowed four men and a boy to inspect the cell block.⁷ At this time, it must be noted that some accounts stated that Rangers did not arrive until May 7, after the incident at the jail and upon the request of the civil authorities. However, research indicates that they were already on duty in Sherman by May 6.

The trial was set for Friday, May 9, and Hughes was delivered to the Courthouse under escort of two Texas Rangers. Both Rangers were carrying rifles and were prepared to protect their prisoner. An armed crowd again began to form--this time outside the Courthouse. The crowd continued to grow and soon became increasingly volatile and aggressive. District Judge R.M. Carter opened court promptly at 9:30 a.m., and the proceedings began. George Hines, Hughes's court-appointed attorney, and County Attorney Joe P. Cox completed jury selection shortly before noon. At 12:10 p.m. Judge Carter asked the

⁷ Ibid.

defendant how he pleaded. George Hughes responded: "Guilty."⁸ As the trial began, the congregation outside began to grow increasingly restless and were making it impossible to proceed. In fact, Judge Carter, to no avail, demanded that the crowd disperse, and the Texas Rangers and local law enforcement officials--including Sheriff Arthur Vaughan--were finding it impossible to control the situation. According to Captain Frank Hamer, "One of the agitators walked to the foot of the stairway and asked me if I was going to give the prisoner up to them. I told him we were not. He said: 'Well, we are coming up and get him.' I said that anytime you feel lucky, come on, but when you start up the stairway once more there are going to be many funerals in Sherman. For twenty or thirty minutes, things were quite."⁹

As the first witness began testimony, full-scale violence erupted when the mob forced their way into the courtroom. Shortly after twelve, Mrs. Farlow, feebly waving to the onlookers, was carried on a stretcher through the mob into the courtroom.¹⁰ Graham Landrum and Allan Smith stated in their account of the riot, "Soon after noon, a woman threw a rock through one of the courthouse windows. Immediately, the crowd followed her example, breaking out window lights on all sides of the building. About 2:30, two boys in their teens threw a can of gasoline through one of the broken windows in the southeast corner of

⁸ "Negro Cremated in Grayson County Courthouse Destroyed by Fire Started by Large Mob," *Sherman Daily Democrat*, 9 May 1930, p. 1.

⁹ "Hamer Denies Getting 'Don't Shoot' Order," *Dallas Morning News*, 15 May 1930 p. 1, col. 4 & 5.

¹⁰ Crabb, "May 1930: White Man's Justice For A Black Man's Crime," 32.

the first floor."¹¹ Witness statements indicated that the southeast corner was the office of the County Tax Collector, and it was feared that all records would be destroyed. Just before the teens threw the gasoline into the office, Rangers and local officers resorted to the use of tear gas to control the mob attacks, and shots were fired into the air to warn the crowd. Captain Hamer, several other Texas Rangers, and local officers stopped the initial onslaught, but the mood of those demanding the black man was encouraged by a rumor that the Rangers were ordered not to fire into the crowd.¹² This "don't shoot" rumor intensified the mob's bravery, and several people (including women) began to throw bottles, rocks, bricks, etc. at both the Rangers and at the courthouse.

The fire rapidly spread throughout the courthouse, and many were forced to be evacuated by means of using fire ladders. The mob and their antics brought about intensified confusion, destruction, and violence. The fire department found it impossible to keep the fire from spreading. As soon as a water hose was aimed toward the fire, the agitated mob members would cut the hoses.

At the first indication that the mob was forcefully obtaining entry into the courtroom, Hughes was locked in a vault in the District Clerk's Office. "They took Hughes into the vault, gave him a stool to sit on and a bucket of water, and sealed the vault door."¹³ Once it was realized that the fire was out-of-control

¹¹ Landrum and Smith, 93.

¹² Crabb, "May 1930: White Man's Justice For A Black Man's Crime," 32.

¹³ Crabb, "May 1930: White Man's Justice For A Black Man's Crime," 33.

and the courthouse was doomed, reports vary as to what happened to Hughes. Some witness statements and investigations indicate that Hughes was given the choice of staying in the vault or facing the mob. He supposedly chose to remain in the vault. Other accounts state that the vault could not be opened even though many apparently attempted to rescue Hughes. Whatever the truth might have been, Hughes was left locked in the vault in the now totally engulfed building. "Nor, was the mob, which now numbered some four or five thousand, placated by the burning of the courthouse."¹⁴ The mob continued to try and get to Hughes, but the fire prevented them from doing so. Later that night, after the fire had consumed the building and had begun to die out, the mob was able to dynamite the vault. Once the vault was opened, they found the body of George Hughes. Again, there are conflicting theories--this time as to how Hughes died. Some say he died of suffocation, which is the most credible explanation. Other documents indicate that he was alive until the vault was dynamited. On May 11, the *Dallas Morning News* reported: "A Justice Court Saturday returned a verdict that Hughes died of suffocation when he was locked in a vault of the Courthouse burned to the ground by the mob."¹⁵ Then on May 12, other papers also reported that the coroner's ruling was that Hughes died of suffocation. Whatever the cause, Hughes was dead. Yet incredibly, the mob was still not appeased. Witnesses have stated that teenage boys made up a majority of the mob, and many have said that these boys were the main instigators and

¹⁴ Landrum and Smith, 93.

¹⁵ "Sherman is Quite," *Dallas Morning News*, 11 May 1930, p. 14, col. 2.

the driving force behind the madness. Many felt that the adult men would not have started the fire but that they were motivated to react violently while hiding behind the boys.

As the fire raged on and the insanity engulfed Sherman, it was painfully obvious that the Rangers on duty in Sherman and the local law enforcement officers were helplessly outnumbered. According to some articles but disavowed by others, Captain Frank Hamer had driven to a nearby community to make contact with Governor Dan Moody. Governor Moody, upon Hamer's recommendation, ordered the Texas National Guard from Dallas to report immediately to Sherman. Governor Moody placed the Guard under the command of Colonel L.E. McGee, 112th Calvary, Texas National Guard. At approximately 6:00 p.m., National Guardsmen from Denison arrived. Once the Guard units from Dallas reached Sherman, the mob began to throw bottles, rocks, and other forms of projectiles at the soldiers. It appeared that they now projected their rage toward the Guardsmen. One woman in front of the mob held her baby high over her head and shouted, "Shoot it, you yellow nigger lovin' soldiers; shoot it."¹⁶ There were numerous injuries reported of both Guardsmen and of those in the crowd, and the National Guard was ordered to retreat to the county jail. This action prevented the injury and possible death of many innocent civilians. "During the withdrawal towards the jail, two troopers were cut off and the mob were attempting to kill them--so the officers went to their aid and several shots were exchanged at this time in self defense. The mob

¹⁶ Raper, "The Tragedy of Lynching," 326.

were using bricks, concrete, and clubs."¹⁷ "Good judgment was used in not firing at the crowd," Mayor J. S. Eubank said. "It was made up of many women and children and innocent persons would have been killed and wounded."¹⁸

At 11:30 p.m., the mob successfully obtained the body of George Hughes. His body was taken from the vault, which was about all that was left of the old courthouse, and thrown down to the waiting crowd below. "There was a soundless thud as he slid limply down the face of the ladder and hit the ground below."¹⁹ The crowd cheered when the body hit the ground, and they quickly chained Hughes' body to the back of an automobile and dragged him to the black district in Sherman. There they made a pyre and set his body on fire.

Many blacks began to flee the city as the mob now turned their still unrelenting vengeance upon them. Black businesses were looted, set afire, and the black citizens themselves were threatened with bodily harm. By late afternoon of the next day, the nightmare was over, George Hughes had been punished, and he had posthumously met the fate of the Dogwood Tree. "The body was cut down and given to a Negro undertaker although he could not prepare it for burial because his undertaking establishment had been burned to the ground, as had that of Sherman's other Negro undertaker. In the end, a

¹⁷ "Final Report re: Martial Law Duty, Sherman, Texas, May 27, 1930, " Headquarters 112th Cavalry, (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

¹⁸ "Sherman is Quiet," *Dallas Morning News*, 11 May 1930, p. 14, col. 2.

¹⁹ Crabb, "May 1930: White Man's Justice For A Black Man's Crime," 34.

white undertaker was summoned."²⁰ The crowd even then continued their ghoulish activities. "The lower limbs of the tree were stripped of leaves, carried away as souvenirs by the crowd."²¹

Meanwhile, detachments of National Guardsmen were sent to the black district to patrol streets, make arrests, and protect those few blacks who had chosen to remain in Sherman. As the Guard began its patrol, rain began to fall. This rain, along with the presence of the Guard, seemed to have a calming effect upon the city. The chaos of the past two days, the instantaneous hatred which had sprung up during the entire episode, and the rapidness of the destruction of the community was shockingly evident to all those in Sherman. The madness was over, but the horrors and atrocities that had been committed were beginning to soak into the very souls of the citizens of Sherman.

The National Guard in Sherman

Blessed are the peacemakers, for they shall be called the children of God.
Matthew 5:9

On Saturday, the town awoke to a powerful military presence. "By dawn on Saturday, May 10, more than 300 Guardsmen were in Sherman and order was restored after a day and night of violence and destruction."²² When Guardsmen

²⁰ Raper, 329.

²¹ "Sherman is Quiet," *Dallas Morning News*, 11 May 1930, p. 14, col. 2.

²² Harry Krenek, *The Power Vested: The Use of Martial Law and the National Guard in Texas Domestic Crisis . . . 1919-1932* (Austin: Presidial Press, 1980), 122.

arrived, they found that many of the black businesses and homes were virtually destroyed, with many being reduced to ashes and rubble. On the morning of the tenth, a committee of Sherman citizens went to Colonel McGee with a request that the city be placed under martial law.²³ Upon this request, at 10:45 p.m., Governor Dan Moody issued the proclamation for martial law. This proclamation stated: ". . . a declaration of martial law is essential to the preservation of law and safety" and "directed Colonel McGee to assume supreme command of the situation."²⁴ Furthermore, on May 10, Governor Moody was quoted as saying, "It is regrettable that the State is forced to take the extreme steps of calling out the National Guard to prevent mob violence but this is a government of law and order and not of mobs. The power of the State Government should be utilized to the fullest to protect the orderly administration of justice in accordance with the law of the land."²⁵ Governor Moody said Friday night he had previously instructed rangers to "keep a mob from getting that negro, and to avoid any trouble if they could." He said reports that he instructed rangers "not to shoot," were erroneous.²⁶ Frank Hamer reported to Governor Moody that a press dispatch was responsible for the report circulated in Sherman that the Governor had issued orders to the rangers

²³ Krenek, 123.

²⁴ Proclamation by the Governor Dan Moody of the State of Texas, 10 May 1930, Courtesy of Archives and Information Services Division--Texas State Library and Archives Commission, Austin, Texas.

²⁵ "Negro Locked in Vault Cremated by Sherman Mob, Courthouse Burned, Troops Pushed Back by Lynchers," *Dallas Morning News*, 10 May 1930, p, 3, col. 1.

²⁶ *Ibid.*

not to shoot.²⁷ "I did not receive, while at Sherman, any orders from you nor have I ever at any time received an order from you not to shoot in the protection of any prisoner from mob violence."²⁸ Governor Moody further termed the action of the mob in firing on the soldiers as treasonable. "The action of this mob in undertaking to set aside the laws of the country and making itself a group of murderers and incendiaries by burning the courthouse and killing the negro is unpardonable."²⁹ Governor Moody was adamant that those responsible for the destruction of property and for the injury to the troops would be punished.

As noted previously, numerous guardsmen and civilians were reported injured. The wounded were listed as Capt. John B. Dunlap, nose broken; Capt. Albert Sidney Johnson, head and jaw bruised and cut; Capt. George A. Brewer, Jr., head bruises; Private Perry McClain, head and nose smashed; J.L. Milton, 18, shot through neck but not seriously wounded; and Floyd Barker, 20, shot through leg.³⁰ Additional injured were Walter Bailey, hit over the head and in the back of the neck with a rifle; Dan Shero, shot with birdshot while in the courthouse; Lynn Scott, 17, hit over the eye with a bottle and seriously cut; and Weldon O'Neal, 18, hit in the back of the head with a bottle.³¹ Furthermore,

²⁷ "Hamer Denies Getting 'Don't Shoot' Order," *Dallas Morning News*, 15 May 1930 p. 1, col. 4 & 5.

²⁸ *Ibid.*

²⁹ "Moody Will Push Probe," *Denton Record Chronicle*, 10 May 1930 p. 1, col. 2.

³⁰ "Negro Locked In Vault Cremated by Sherman Mob, Courthouse Burned, Troops Pushed Back by Lynchers," *Dallas Morning News*, 10 May 1930, p. 3, col. 1.

³¹ "Guardsmen Hurt," *Dallas Morning News*, 10 May 1930, p. 1.

Colonel McGee was injured when he was hit in the back of the head by a flying object. Military reports also listed Major S.J. Houghton Jr., contusion of head and minor scalp wounds; Capt. Stafford, bottle cut right forearm; Sergeant L.S. Page, contusion and lacerations right side of nose, possible fracture of nose; and Private Charles G. Evans, scalp wound.³² Colonel McGee reported that forty to fifty shots were fired by the militiamen, mostly over the heads of the crowd, while the air was filled with soda water bottles, bricks and timbers, showered on the troops as they fell back toward the jail, retreating rather than shoot into the crowd to stop it.³³

Meanwhile, approximately 225 additional Dallas and Fort Worth guardsmen were dispatched to Sherman to join Colonel Lawrence McGee and the fifty Dallas Guardsmen who had arrived earlier, along with those Guardsmen sent to Sherman from Denison. Guardsmen were armed with bayonets and patrolled the streets and were stationed around the square in Sherman. They were positioned at strategic sites throughout Sherman, such as the black section of town and at the Courthouse. The *Dallas Morning News* reported that 400 guardsmen and 9 Rangers were on duty in Sherman on May 10. Since many black citizens had returned to their homes by this time, Guardsmen were driven to ensure the protection of these citizens and of their property. In addition, troops patrolled at the black school, making sure there would be no further

³² "Medical Department Detachment, 112th Cavalry, Military District, Sherman, Texas," *Consolidated Report of Medical Department. Det. 112th Cavalry, from May 11, 1930 through May 1930*, (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

³³ "Guardsmen Hurt," *Dallas Morning News*, 10 May 1930, p. 3, col. 1.

arson attempts. The Guardsmen were actively protecting the community, and their numbers must have been overwhelming to the people of Sherman. The *Dallas Morning News* noted on May 14 that, ". . . the number of soldiers here is much larger than were used to maintain martial law at Borger last fall."³⁴

The military commander began to issue orders to the troops and to civilians, while ultimately trying to regain and maintain law and order. General Order No. 1, which was issued by Colonel McGee, stated: "The action of the Governor of Texas in declaring martial law in Justice Precinct No. 1, Grayson County, Texas, and ordering National Guard troops into said county does not supersede or suspend the constitution or the statute laws of Texas, but does recognize that the enforcement of the laws of the State of Texas by the peace officers of Justice Precinct No. 1, Grayson County, and the City of Sherman has been rendered inoperative or powerless by existing conditions. The purpose of declaring martial law and in placing the control of said district in the hands of National Guard troops, is to reestablish the constitutional and civil government and to reestablish the law and order in said county and city. [Furthermore,] they [civil authorities] are enjoined hereby to cooperate with the military authorities in the enforcement of all civil laws as well as military regulations."³⁵ General Orders No. 2, issued on May 10, stated: "Persons charged with the violation of State laws will be complained against, and submitted for trial in the Civil Court under competent jurisdiction and all persons charged with violation of

³⁴ "Armed Force at Sherman is Being Reduced," *Dallas Morning News*, 14 May 1930, p. 1, col. 4.

³⁵ "Martial Law Orders Given," *Dallas Morning News*, 12 May 1930, p. 1, col. 1.

ordinances of the city of Sherman will be tried by the Provost Marshall."³⁶

General Orders No. 3, issued on May 10 at 11:00 p.m., stated again that martial law does not supersede or suspend the constitution and/or the Statute laws of the state of Texas; proclaimed that the carrying of firearms is prohibited; no firearms, ammunition or explosives of any character will be sold, bartered, exchanged, or given away within the affected Precinct; there will be no interference of any kind or character with the military authorities, and this includes the State Rangers, the Civil Authorities, or any other person cooperating with and under the direction of the military authorities; all persons coming within the Statutory definition of vagrant will be arrested; all rights of property. . . , will be held inviolate and will not be disturbed; all houses or buildings where the manufacture and sale of intoxicating liquors is carried on or permitted to be carried on, where prostitution is carried on or permitted to be carried on, where gambling is carried on or permitted to be carried on, is closed; all military officers, soldiers, State Rangers, and/or other persons on duty with the military authorities will be treated with respect; any person who by word spoken, in person and/or over the telephone or written or by any act, token or sign, attempts to intimidate, or place in fear or terror of any bodily harm, or injury to businesses of any person in the territory affected by martial law will be arrested by military authorities; no loitering on the streets; and the Provost

³⁶ "General Orders Number 2," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

Marshall will enforce this General Order.³⁷ General Orders Number 6, issued on May 16 stated, "Persons who are part of the organized mob declared by the Governor of Texas in his proclamation of May 11, 1930 to exist in the city of Sherman, Precinct Number One of Grayson County, Texas, who are arrested and charges filed in Civil Court for violation of the law, will be detained in custody until all danger of an attempt to resume mob violence has been removed and obedience to law has been restored."³⁸ These orders specifically restricted civilians from some of the "good ole" boy activities: No firearms, explosives, etc. were to be sold or bartered for in Sherman, no liquor would be sold, and places of prostitution and gambling were closed. Furthermore, all stores would close at 6:00 p.m. during the period of time that the city was under martial law. The military was in command and conformity to regulations and respect toward the militia would be shown at all times.

As a part of the historical perspective of this account, it is worthwhile to mention the following incident in order to clarify how these two Guardsmen were injured. On May 15, the Office of the Provost Marshall reported on the accidental shooting of Sergeant E.J. Boyle and Private Sam Bryant.

Sgt. Boyle withdrew his pistol from the holster, removed the clip and to assure himself that the piece was empty ran the slide and snapped the trigger several times, while engaged in conversation with the other soldiers, he then absent mindedly replaced the clip ran the slide and snapped the trigger again, firing the piece. The bullet passed through the fleshy part of the right thigh of Sgt. Boyle and struck Pvt. Bryant who was

³⁷ "General Orders Number 3," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

³⁸ "General Orders Number 6, " (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

asleep on an adjoining cot in the left forearm passing through the elbow. Findings were accidental and in line of duty.³⁹

Any indication that these two soldiers were injured during the rioting is erroneous.

The National Guard was actively trying to gain and to maintain control. However, the relentless and unwarranted harassment of black citizens continued. On May 13, typewritten warnings, which advised negroes to leave Sherman within 24 hours or risk having their homes destroyed, were found by National Guardsmen tacked on several residences in the negro section of town. "Colonel L.S. Davidson, Provost Marshall, advised the negroes . . . to disregard the warnings and reiterated his statement that the lives and property of negroes would be protected. 'If we have to shoot to kill to do it, we will,' the Colonel said. 'Guards in the negro section had been strengthened,' said Colonel Davidson, 'and the troops had been ordered to shoot anyone they caught attempting incendiarism.'"⁴⁰ "We will not hesitate to kill these kind of persons if necessary to protect the negroes."⁴¹ "The Blacks have shown their confidence in the militia and the protection furnished by martial law declared by Governor Moody . . . , as they are returning to work and negroes who left town are drifting

³⁹ "Report of accidental shooting of Sgt. E.J. Boyle and Pvt. Sam Bryant," Office of the Provost Marshall, Sherman, Texas (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 15 May 1930, photocopied).

⁴⁰ "Warning Sent Negroes at Sherman," *Denton Record Chronicle*, 13 May 1930, p. 1, col. 4.

⁴¹ "Armed Force at Sherman is Being Reduced," *Dallas Morning News*, 14 May 1930, p. 16, col. 4.

back . . ."⁴² With the National Guard stationed in Sherman, the city was once again quite and returning to normal; and soldiers continued to scout the area to discourage and to disband any reformation of mob activity.

The Adjutant General's Department issued Special Orders No. 123 on May 23, 1930. This order clarified that verbal orders issued May 9, 1930 and directed Colonel Lawrence E. McGee to proceed to Sherman with a detachment of officers and enlisted men of the Texas National Guard for the purpose of giving aid to the civil authorities in the suppression of mob violence are hereby confirmed and made of record and that verbal orders directing Colonel McGee to take command of this martial law district, taking such steps and using such force as might be necessary to restore order and enforce the laws of Texas, are hereby confirmed and made of record. Thirdly, pursuant to proclamation of the Governor issued May 23, 1930, terminating the state of martial law . . . effective at 12 o'clock noon, May 24, 1930 . . . Colonel McGee is hereby directed to arrange for the departure from Sherman . . . not later than 12 o'clock noon, May 24, 1930, of all officers and enlisted men of the Texas National Guard now on duty in that territory.⁴³

Just prior to the ending of martial law, Mayor J.S. Eubank began to prepare for the removal of the troops. On May 23, 1930, Mayor Eubank issued a proclamation to the citizens of Sherman which stated, "The loyal cooperation of

⁴² Ibid.

⁴³ "Special Orders No. 123, May 23, 1930," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 23 May 1930, photocopied).

all good citizens in the suppression of disorder and the protection of the persons and property of all classes of our citizens is of the highest importance, and all persons everywhere are commanded and urged to govern themselves."⁴⁴ Furthermore, the proclamation proclaimed that disorderly assemblies would not be tolerated in Sherman.

The attack upon the Guard in Sherman led to a review of the protection of the troops and of general operational procedures to be used during times of civil unrest. On May 31, 1930, Colonel McGee, in his memorandum entitled *Riot Duty Recommendations*, advised that for future operations:

- 1) All National Guard organizations be thoroughly trained and schooled in Riot Duty;
- 2) [He noted that] Civil authority is always averse to ask for troops or martial law and it is well that they should be unless they can not cope with the situation. However when ever the aid of troops is asked these civil authorities responsible making the request should give a thorough and complete report of the existing conditions and be ready to advise the military commander as to details of the situation in order that he may make a correct estimate of the situation and decide how he will dispose his forces, etc.⁴⁵ Colonel McGee also noted that had the service rifle, the service pistol, and the automatic rifle been used . . . "by my troops at Sherman against a mixed crowd of women, children,

⁴⁴ "Cooperation Sought From Citizenship," *Sherman Daily Democrat*, 23 May 1930.

⁴⁵ "Headquarters 112th Calvary, Riot Duty Recommendations, May 31, 1930," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 31 May 1930, photocopied).

and toughs, there would have been enormous casualties." "On the other hand, the situation at Sherman, . . . could have been quickly and efficiently handled, if we had been properly equipped. Steel helmets would have obviated all head injuries. . . ." Furthermore, Colonel McGee suggested the use of small birdshot and buckshot, gas hand grenades, gas masks, and calvary haversacks.⁴⁶

The bravery, the calm and professional behavior, and the proficient training of the National Guard did not go unnoticed. The community expressed a sense of pride in the Guard. For instance, the *Dallas Morning News* ran a story on May 23, 1930, which praised the National Guard on their display of discipline and self-control.

Theirs was remarkable discipline under difficult circumstances. Only officers fired, and that in protection of injured men. Sherman mobsmen owe some lives to that fact." ". . . the small group of Dallas National Guardsmen on the scene conducted themselves with a measure of forbearance rare in the annals of the Guard service. Understanding that the use of their weapons would have caused many casualties among women, children and others not actually engaged in rioting, the troopers withheld fire under provocation that would have taxed the patience of veteran soldiers.⁴⁷

On June 10, 1930, a resolution was passed by the citizens of Sherman. The resolution stated that the citizens of Sherman, ". . . profess our deep appreciation of and gratitude to the official and enlisted personnel of the Texas

⁴⁶ Ibid.

⁴⁷ "At the Call of Duty and letter from the Dallas Chamber of Commerce to officers and enlisted personnel of the 112th Cavalry, Dallas, on May 17, 1930," *Dallas Morning News*, 19 May 1930, (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 19 May 1930, photocopied).

National Guard and the members of the Texas Ranger force upon their fearless and efficient behavior. . . . Special commendation be made of the Rangers and of Colonel McGee and the men under his command for their magnificent display of courage, judgment, tact and discretion. they averted the wholesale shedding of blood and thus protected the lives of many innocent women and children spectators. . . . after a week's observation of the officers and men of the Texas National Guard and the members of the Ranger Force [we find] that no better disciplined or behaved force could be mustered into service. . . . their behavior at all times and upon all occasions [was] above reproach."⁴⁸

The Guard was preparing to leave Sherman, and the Military Court of Inquiry had begun their investigation into what ignited the tragedy and what elements transpired to cause such madness in Sherman, who was responsible for the murder and destruction, and other issues. In addition, the court prepared to bring their findings before the grand jury.

After the Violence

When roused to rage, the maddening populace storms their fury,
like a rolling flame, bursts forth unquenchable;
But give its violence ways, it spends itself, and as its force abates,
learns to obey and yields to your will.
Euripides [Greek Tragic Poet, 480-400 B.C.]

On May 12, the Military Court of Inquiry began its proceedings, which are similar to those of a grand jury. The Court of Inquiry was composed of Colonel

⁴⁸ "Resolution from Citizens of Sherman, June 10, 1930," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 23 May 1930, photocopied).

L.S. Davidson, Provost Marshall, and Majors Earl Z. Crowdus and John W. Naylor, Assistant Provost Marshalls. "Military rule will be supreme over the constituted civil authorities, but none of the civil governmental agencies will be set aside," Colonel McGee said.⁴⁹ The Court of Inquiry sessions are executive. The body resembles a grand jury. . . . Its findings will be presented to the grand jury . . . where it is thought sufficient grounds exist for further investigation and indictment. Colonel Davidson said the court is an investigating body and will not fix guilt, except to inform the grand jury of evidence of guilt.⁵⁰ On May 15, the *Dallas Morning News* reported that the Federal Government would also be investigating the Sherman incident. United States District Attorney Randolph Bryant will have access to the records of the military court of inquiry now in progress and from the evidence collected by this body, he will be able to sort out possible Federal angles to the mob acts. "Whitecapping is against a Federal statute and posting notices against negroes probably would be classed as whitecapping."⁵¹ According to *Webster's Dictionary*, "Whitecapping is a member [in the United States] of a lawless, secret organization that, under the pretext of protecting the community, committed crimes of terrorism and violence, especially against Negroes: they wore white hoods."⁵² Furthermore, on May 16, United States District Attorney Bryant stated, "The Federal authorities possibly

⁴⁹ "Arresting Leaders of Sherman Mob Plan of Military," *Dallas Morning News*, 12 May 1930, p. 1, col. 1.

⁵⁰ "Military Court is Conducting Rioting Probe," *Dallas Morning News*, 13 May 1930, p. 1, col. 4.

⁵¹ "U.S. To Probe Mob Rioting At Sherman," *Dallas Morning News*, 15 May 1930, p. 1, col. 4 & 5.

⁵² *Webster's New Twentieth Century Dictionary*, (1979), s.v. "Whitecapping."

will not be able to prosecute for destruction of property . . . , but can prosecute for threats against negroes, under the constitutional guarantee of rights to enjoy life and property."⁵³

Many witnesses testified during the Military Court of Inquiry investigation, and it is imperative to include some of these statements which were taken during the court proceedings. Some of this information was inclusive only to the proceedings, and news articles did not include all the subject matter cited below. This author has randomly selected statements to be included which were found to be relevant to the outcome of the proceedings. H.L. Doggett told the court, "There is a boy that was up there, and they placed the negro's head on this window sill and just gave him a tip like that, and he made about three rolls over and hit the ground." William (Bill) Sofey stated, "I had hold of the chain once." T.W. McGraw said, "I don't know whether it was Horace or not, but Slim Jones, when he got up there wouldn't let anybody else up there. I knew Slim so well. After he threw him out, he stood up on the ladder and made a speech, 'Take him to negrotown, take him to negrotown, take him to negrotown', somebody hollered, 'Throw the negro out.'" Johnny Bryant testified, ". . . they got the torch and cut a hole in there someway with the torch, and I don't know how they done about the dynamite. I don't know who the first man was that got him. I believe it was that little old Roach kid; I am not sure." After being asked about the condition of the negro once he was thrown from the window and whether he was dead, Johnny Bryant continued by saying, "I judge

⁵³ "City Prepares for Lifting of Martial Law," *Dallas Morning News*, 16 May 1930, p. 2, col. 1.

he was. His clothes were pulled down, the best I could tell." Mr. Bryant was then asked if the body had been mutilated, and Bryant replied,

Yes sir, it was done purposely. Of course, I couldn't tell much--he was on fire, they threw something over him that went up like--I don't know what. His penis had been cut off, it looked like. I am not sure of that, but I will tell you what attracted nearly everyone's attention, between his legs there was something hanging down just about that far. (Witness indicates approximately 12 to 14 inches) and you know any man dragging would not have anything between his legs. I couldn't tell much about it from where I was, but that thing hanging down between his legs--I don't know what it was. . . . it looked like an entrail.

Mr. Bryant went on to state that he had not witnessed anyone mutilating the body and, "they were hollering, 'We have got the negro, and take him to negrotown.' Some of them said the next day--that is the argument I was telling you about awhile ago, whether it was cut off at the Courthouse or down there. I don't know where it was cut off at." When asked which men were having this discussion, Mr. Bryant replied, "I don't recall any names. If I can think of it I will sure tell you. I don't know the people." Next, Robert Carter testified Mr. Hughes' penis was cut off, "when they swung him up to the sycamore." He then said, "Slim Jones cut it off. He cut it off, he left it hanging." Jim M. Brown was questioned by the court. The court stated, "As I understand your testimony you did a thing there that was in violation of the orders of the peace officers who were sent here for the purpose of protecting this negro and you were willing to take a chance with him to see whether he would shoot you and he did shoot you?" Mr. Brown replied, "Yes sir,

honor for the sake of the woman. Honor for the sake of the woman that had been mistreated by the negro." Major Naylor then asked him, "Is that why you wanted to join the mob and mob the negro?" Mr. Brown replied, "That is it exactly."⁵⁴

On May 16, news articles were reporting that arrests were up to 30 and up to 47 by May 17. On May 19, J.P. Cox, Country Attorney, Grayson County, Texas, notified Colonel McGee that the following defendants were indicted by the Grand Jury empanelled in the Fifteenth District Court of Grayson County, Texas, which convened Monday, May 19th, 1930 at Sherman:⁵⁵

Alvin Norman	5 True Bills
Leonard O'Neal	5 True Bills
Cleo Wolfe	5 True Bills
C.E. Briggs	5 True Bills
Jeff (Slim) Jones	5 True Bills
Cheny Wells	5 True Bills
Jess Roper	5 True Bills
Duck Roach	5 True Bills
Howard Fletcher	5 True Bills
Pete Marshall	5 True Bills
Mike Covey	5 True Bills
Jim May	5 True Bills
Bill Sofey	5 True Bills
Horace Reynolds	5 True Bills
Jimmie Arnold	5 True Bills
Webb Purdom	5 True Bills
Roy M. Allen	5 True Bills
Leslie Cole	5 True Bills
J.B. McCasland	5 True Bills
John Simmons	1 True Bill
Leo Luton	1 True Bill

⁵⁴ "Military Hearing at Sherman, Texas, May 13, 14, 15, 16, and 19th, 1930," no. 2, 327-632. (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

⁵⁵ J.F. Cox, County Attorney, Grayson County, Texas to Col. McGee, Military Commander, 19 May 1930, Texas Military Forces Museum, Adjutant General's File, Camp Mabry: Austin, Texas.

A True Bill is endorsed by the Grand Jury and provides that the evidence is sufficient to warrant a hearing. The charge as presented to the grand jury follows:

The unspeakable crime committed upon a young white woman in the Choctaw community near Sherman by a negro brute some three weeks ago shocked the sensibilities of the best people of this county. The people expected immediate action upon the part of county officials to the end that swift and sure justice be meted out to the perpetrator of the horrible crime in accordance with the laws of this state.

A special grand jury was immediately convened and indictments returned. At the very earnest request of relatives of the outraged lady, and after they had assured the officials that they were willing for the law to take its course, the case was set for May 9.

In the meanwhile, a full and complete confession was secured by the county attorney from the negro. Other evidence necessary for the conviction of the defendant was secured by the sheriff's department. Both the sheriff and the county attorney worked day and night to be ready for trial.

On Tuesday night prior to the day of trial there was a small demonstration before the jail, composed largely of boys. Relatives of the injured lady pled to the crowd to let the law take its course, as the officials had assured them the negro would be summarily dealt with. Upon such representations by the relatives, the crowd quickly dispersed.

Every detail for the trial had been completed by the county officials, and the defendant had waived all his rights under the statute, except the right of trial by jury, which meant that if the jury should return the death verdict, the negro could have been transferred to the penitentiary at Huntsville and put to death immediately.

The above and foregoing matters constitute briefly the facts leading up to the day of the trial.

As a matter of precaution, the county officials requested Governor Moody to send some state rangers here to assist local officers in keeping order during the trial. At 9:30 o'clock Friday morning, the date set for the trial, the case was called and announcements of ready were made by both the state and the defendant. A jury was quickly selected and sworn in. The first witness for the state was on the stand testifying, when the rioters rushed the court room door, interrupting orderly court procedure.

Gentlemen, it will be impossible for me in this charge to you to give you all the facts connected with this horrible matter after the trial was stopped. These are matters which it will be your duty to thoroughly investigate. The military authorities, from their investigations, are in possession of facts which will be of great assistance to you in ferreting out those responsible for mob violence, the destruction of county and private property and assaults committed upon soldiers of the national guard.

The county attorney and his assistants can furnish you with the law covering the various phases of law violations involved.

The sheriff and his department will gladly render you all assistance in their power in arriving at the truth concerning these violations.

Gentlemen of the grand jury, it will be your duty to go thoroughly and exhaustively into an investigation of all the facts surrounding these violations of the law, and return indictments against all persons whom your investigations show are guilty of participation in them.⁵⁶

On May 20, indictments were returned by the grand jury in the Fifteenth District Court against 14 men--each with five separate counts-- for rioting, engaging in a riot to burn the courthouse, burglary of courthouse with explosives to commit arson, engagement in riot to commit arson, and engaging in riot to commit murder. Those men from Sherman included: Alvin Morgan, Cleo Wolfe, C.E. Briggs, Jeff (Slim) Jones, Jim May, Bill Sofey, Horace Reynolds, Jimmie Arnold, Leslie Cole, and J.B. McCasland. The other four men were from Van Alstyne and were Roy Allen, Webb Purdom, Leonard "Baldy" O'Neal, and Jess Roper. Of those indicted, most were poor, undereducated, and had previous minor court records. Several were very young. For instance, J. B.

⁵⁶ "Seventy Indictments Returned on Mob Riots in Sherman on May 9," *Sherman Daily Democrat*, 20 May 1930.

McCasland was only seventeen and had already had brushes with the law for cattle stealing.

All men were transferred on May 23 to the Dallas County Jail to await trial in Criminal District Court No. 2 of Dallas County. The change of venue was ordered following a conference of city and county officials with Colonel L.E. McGee. "Difficulty in securing a jury and in obtaining a fair and impartial trial because of sentiment in this county were given as reasons for transferring the case to Dallas."⁵⁷ Rangers assisted the local authorities in transporting the men to the Dallas jail.

Meanwhile, the citizens of Sherman were preparing for the lifting of martial law. A resolution was adopted by over 100 citizens.

That we deeply deplore and unreservedly condemn the acts of the mob made up partly of rioters from the city, but greatly augmented by others from a distance. . . ; that we are profoundly grateful for the presence and protection of the National Guard and the Rangers; that we pledge to all officers, military and civil, all the assistance and cooperation we can render in their efforts to apprehend and punish all guilty participants in the riot; that we tender our utmost cooperation in safeguarding all our people and their property; and that we heartily approve the steps now being taken under which will be promptly organized an efficient force which will act with the National Guard and Rangers, as long as they are with us, in apprehending and bringing to punishment the guilty, in protection of the safety and property of all our citizens, irrespective of color and which force will so continue to act after the guards and rangers are withdrawn.⁵⁸

The trial was set to be held in Dallas on November 17, 1930. As jury selection began, the Court was astounded to find:

⁵⁷ "13 Indicted In Sherman Riots Sent To Dallas," *Denton Record Chronicle*, 23 May 1930, p. 1, col. 8.

⁵⁸ "City Prepares For Lifting Of Martial Law," *Dallas Morning News*, 16 May 1930 p. 2, col. 1.

That they [the jurors] would not convict the defendant if the State proved him guilty beyond a reasonable doubt . . . and it plainly appeared to the court that in Dallas County there was such a bias in favor of the defendant and prejudice against the State in these cases . . . that it would be impossible to secure a jury to try the cases fairly and impartially. . . . Further, the Court made inquiry and discussed the matter with numerous individuals and respectable citizens of this county . . . and to his astonishment he finds that the sentiment is overwhelmingly against the State's case without regard to the facts or guilt of those engaged in violation of the law. it is the solemn opinion of the Trial Judge that if a fair and impartial trial alike to both the State and the defendant is to be had, it cannot possibly be had in North or Central Texas.⁵⁹

Judge C.A. Phippen thus transferred the causes to the 98th Judicial District Court of Travis, County Texas, Austin, Texas. Judge Phippen stated that this was "the nearest county in which the trial court believes that a fair and impartial trial may be had . . ."⁶⁰ The trial was set during the week of June 1, 1931, before Judge J.D. Moore.

J.B. McCasland was the first case--and ultimately the only case--to go before the court in Austin. "Cases against McCasland in which the state expects to announce ready are burglary by explosives to commit arson, rioting to commit arson at the courthouse, rioting to commit arson on Mulberry Street property, and arson."⁶¹ It is interesting to note that, "McCasland will be taken to

⁵⁹ "Minutes, Criminal District Court No. 2, Dallas County, Texas," 17 November 1930, 364-365. Courtesy of Jim Hamlin, District Clerk, Dallas County, Texas by Deputy David Daniels.

⁶⁰ Ibid.

⁶¹ "Their Cases Called First at Austin," *Sherman Daily Democrat*, 27 May 1931.

Austin from McKinney, where he was convicted this week on plea of guilty in three cases of chicken theft and one of burglary."⁶² Approximately 240 subpoenas--some duplicative--went out for both the state and for the defense. On June 1, the trial began, and Mr. J.A. Carlisle represented McCasland. The jury included men from a variety of occupations consisting of farmers, a school teacher, a drug store owner, a mechanic, the manager of the University of Texas press, a gas company employee, a bowling alley employee, a former superintendent of the Confederate State Home, a driver of a soda water truck, and an oil company employee. It was noted in news articles that Mr. McCasland's relatives did not attend the trial, and it was specifically stated that his mother was home ill during the proceedings.

The trial progressed at a rapid pace, and by Wednesday, June 3, the prosecution rested. All defense witnesses denied that Mr. McCasland was one of those they saw carrying a gas can toward the courthouse, and Mr. Carlisle said that he had many other witnesses to testify in the defense of Mr. McCasland. One wonders if some of these witnesses were themselves now in jail. On June 3, the *Sherman Daily Democrat* noted, "Five Sherman riot case witnesses may have to be bailed out of jail before they can testify. Austin police and deputy sheriffs arrested the quintet in a park Tuesday night after neighbors had complained they were disturbing the peace."⁶³ On Thursday, June 4, Carlisle

⁶² Ibid.

⁶³ "Prosecution Rests in McCasland Case Now on Trial in Austin Court - Five Witnesses in Jail," *Sherman Daily Democrat*, 3 June 1931.

pleaded with the jury not to send one boy to the penitentiary for something fifteen or twenty thousand people did. He wanted to know why the case was not tried in Grayson County where the citizens knew the circumstances, the defendant, and the witnesses.⁶⁴ Bart Shipp, then deputy sheriff, said he saw McCasland with the can [gasoline can] only four feet from the courthouse and a few seconds later saw a like or similar can shoved through a courthouse window and liquid flow from it.⁶⁵ Circumstances leading to the burning of the courthouse were ruled inadmissible.

Only one defendant, J.B. McCasland, was sentenced for his crimes. On June 4, 1931, he was convicted of arson and rioting and sentenced to two years (the minimum sentence) for each conviction. The jury deliberated for only one hour and twenty-two minutes before they reached their verdict. District Attorney Joe P. Cox said that McCasland's conviction was "to be the first conviction in Texas in a case growing out of mob violence against a negro attacker of a white woman."⁶⁶ Henry Brooks, District Attorney, said the conviction would give notice to the United States that Texas juries did not approve destruction of property by a mob.⁶⁷ It was stated that the other cases would probably not be called anytime in the near future. J. B. McCasland's dance with the justice system, however, was not quite finished. Again in 1931,

⁶⁴ "Riot Case Soon To Be With Austin Jury," *Sherman Daily Democrat*, 4 June 1931, p. 1

⁶⁵ Ibid.

⁶⁶ "McCasland is Convicted at Austin," *Sherman Daily Democrat*, 5 June 1931.

⁶⁷ Ibid.

he was convicted of chicken theft and sentenced to one year in the state penitentiary [425 S.W. 2d 1112 (Tex. Crim. App., Oct 14, 1931) (No. 14649)].

On October 23, 1931, causes #20009 and #200010 against George Hughes were dismissed due to the death of the defendant.⁶⁸ On November 2, 1931, all cases were dismissed except those against Jeff Jones, Webb Purdom, and Jess Roper. These cases were to be tried in Gainesville, Texas. All three defendants were accused of two counts of arson and one count each of rioting, rioting with intent to commit murder, and burglary by explosives to commit arson. In addition, Jeff Jones was charged with rioting to commit arson by explosives. In June of 1932, District Judge Ben W. Boyd of Gainesville, after consultation with Criminal District Attorney Joe Cox, dismissed all charges by states motion against these last three defendants and the case was officially closed.⁶⁹

On March 11, 1982, Mrs. Mae McCasland, mother of J.B. McCasland, passed away. The obituary stated that Mr. McCasland continued to reside in Sherman. One can only speculate what status he held thereafter in that community. Did he regret his participation in the murder of George Hughes and the destruction of the Courthouse and black homes and businesses? Did he ever feel remorse when he peered into the dark eyes of the black citizens of Sherman? Finally, was justice truly served when only one defendant, J.B. McCasland, was judged and sentenced for his part in the rioting? Ironically, this

⁶⁸ Grayson County District Clerks Office to Trayce Hudy, 24 July 2000, "Murder of George Hughes," personal e-mail.

⁶⁹ District Clerk, Cooke County, 235th Judicial District, Gainesville, Texas and "Rioting Cases are Dismissed," *Sherman Daily Democrat*, 3 June 1932.

man alone carried the public's guilt and shame and was sentenced for the crimes committed--even though many others participated in the insanity of May, 1930.

Lest We Forget

Many of the ugly pages of American history
have been obscured and forgotten. . . .
America owes a debt of justice which it has only begun to pay.
If it loses the will to finish or slackens in its determination,
History will recall its crimes and the country that would be great
Will lack the most indispensable element of greatness--justice.
Martin Luther King, Jr.
[Where Do We Go from Here: Chaos or Community? (1967)]

On May 24, martial law ended in Sherman, and Major DuPont B. Lyon, Public Safety Director, assumed charge of peace officers in Sherman. All persons in confinement in the county jail under the provisions of General Orders No. 6 were returned to the custody of the Sheriff.⁷⁰ A total of 71 arrests were made by Rangers and military authorities and 32 prisoners were released or transferred to the Sheriff or Federal authorities.⁷¹ The National Guard was on duty in Sherman for a total of 16 days, and the State and City of Sherman paid a high price for the rioting. For instance, "To maintain martial law here is costing the State of Texas about \$1,500 a day for the quartering, feeding and pay of the troops, it was estimated at military headquarters. A bill of approximately \$10,000 was run up, including transportation of soldiers. . . . Base pay of

⁷⁰ "Final Report, Headquarters Provost Marshall, Military District Sherman, Grayson County, Texas, Precinct No. 1, May 24, 1930." (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department File, 1930, photocopied).

⁷¹ Ibid.

enlisted men is \$1 a day. Meals cost \$1.20 a day for the soldiers, and those lodged in the hotels cost \$1 a day. The two Colonels on duty draw base pay of \$600 a month. The troops are here on State call, and the pay roll must be met by the State."⁷²

Further violence followed the incident in Sherman. On May 17, it was reported:

The body of George Johnson, negro, about 30, who early Friday afternoon had slain G.F. Fortenberry, 50, farmer, was dragged through the streets of Honey Grove and burned in front of a negro church after it had been taken from a cabin, two miles east of here, where the slayer had barricaded himself and where he met death at the hands of the posse which surrounded the shack. Many citizens tried to dissuade the mob from burning the body. No attempt was made to destroy property of negroes. Officers made no statements regarding the burning and no plans for an investigation had been made.⁷³

However, it must be mentioned that the Sheriff and several business men did assure protection of the black population in Honey Grove. A petition was circulated, after being signed by numerous members of the community.

To the negro people of Honey Grove and vicinity: Learning that some of the negroes of Honey Grove and surrounding country have become alarmed on account of recent events, we, the undersigned officers and citizens, wish to assure them that no innocent negro will be harmed in any way, and that their property will not be molested. The officers guarantee the negroes full protection, and we say to every negro who wants to do right, stay right here and do not be afraid of any harm being done you. This is your home, and you will be protected in your rights, just as you have always been.⁷⁴

⁷² "Armed Force At Sherman Is Being Reduced," *Dallas Morning News*, 14 May 1930, p. 16, col. 4.

⁷³ "Bullet-filled Body of Negro Slayer is Burned by Crowd," *Dallas Morning News*, 17 May 1930, p. 1, col. 1.

⁷⁴ "Negroes Assured of Protection at Honey Grove," *Dallas Morning News*, 20 May 1930, p. 4, col. 3.

On May 31, there was another lynching. This lynching was a little further from home and occurred in Chickasha, Oklahoma.

According to a 1990 *Sherman Democrat* interview with Sherman citizen, Mr. Alexander Bate, "Sherman's black community," he said, "was just never the same. However, although blacks lost a lot to an angry mob, many white people extended their hands in genuine friendship."⁷⁵ After 70 years, although apologies have been made for the destruction in Sherman, Hughes' death has not been commented upon nor have any recorded apologies been made regarding his death.

Ironically, those closest to the crime, were the ones who demanded that the mob disperse and that justice be allowed to take its course. "Members of the family of the white woman criminally assaulted by the negro suffocated in the Grayson County Courthouse vault when the structure was burned by a mob last Friday played no part as leaders in the acts of violence, so far as the military court of inquiry has been able to find. . . . the father of the woman asked the crowd to disperse and go home when a mob visited the jail seeking the negro two to three days before the trial."⁷⁶

There is no doubt--as evidence indicates--that through proper legal procedures, George Hughes would very likely have paid with his life for the crime committed. He may very well have been guilty, but justice should have been served in the courts, not by the hands of a lynch mob. Again, one

⁷⁵ "The Day Grayson County Burned," *Sherman Democrat*, Sunday, 6 May 1990, p. D1 (Living Section).

⁷⁶ "Victims Family Exonerated," *Dallas Morning News*, 17 May 1930, p. 12, col. 1.

questions his plea of guilty and his ability to understand the legal process. Was his plea voluntary or was he told--possibly by force--how to plea? We do not know the answer, but we do know that Texas continues to execute the mentally disabled--albeit by legal methods. As recently as August 9, 2000, Texas legally executed another mentally impaired man. Oliver Cruz had an IQ of within 64 to 76, and he was emotionally equivalent to the level of a young child. Though his execution was fervently protested, the State proceeded with his death sentence. Many believed he did not fully understand what was happening. In summary, Mr. Cruz, as well as Mr. Hughes, may very well have committed the crimes of which they stood accused; however, the hard question remains as to whether they should have been punished by death without having the capability of fully understanding their crimes or their punishment.

Times have changed since the 1930s; however, lynching and hate crimes continue to occur. As noted in Chapter 1, Mr. James Byrd, a black man from Jasper, Texas, was dragged to his death by members of a hate group in June of 1998. A jury found his murderers guilty--two received the death sentence, and one received a life sentence. Thus, the hate continues, and one must wonder why this racial hatred is so very much a part of the heritage of Texas and why the hatred for the black man appears to be so profound.

Hopefully, the future will be brighter for minorities in Texas and elsewhere. On September 7, 2000, a jury award 6.3 million dollars to an American Indian woman and her son. They had been threatened and beaten by members of the Aryan Nations, one of the most volatile and prominent hate

groups in America. This landmark case implies that hate groups will be held accountable for their actions and that racial crimes will not be tolerated. Only future generations, however, will be able to see if the legend of the dogwood tree will finally be put to rest. For these future generations, one can only hope profoundly and pray that the Texas National and State Guard troops will not be needed to suppress such extreme acts of racial violence as those evidenced in Sherman. As we move onward toward the hope of this brighter future, lest we forget men like George Hughes and scenes like that which occurred in Sherman, let us help history keep the past alive so that our children of all colors may strive toward that time when racism truly becomes just another segment of our past. As Martin Luther King, Jr. so eloquently stated, "America owes a debt of justice, which it has only begun to pay."⁷⁷

⁷⁷ Martin Luther King, Jr., "Where Do We Go From Here: Chaos or Community" (1967).

CHAPTER 4

BEAUMONT, TEXAS 1943

The mob is a monster, with the hands of Briareus, but the head of Polyphemus, strong to execute, but blind to perceive.

Caleb C. Colton (1730 - 1832, English Clergy)

World War II marked a time of increased racial rioting in the United States. Economic issues and the fear by whites of equality for blacks were the prominent underlying factors behind this new outbreak of violence. Blacks were tired of being suppressed and began to claim their rightful spot in job markets and in other equality arenas. "This opportunity for economic advancement was coupled with a renewed black activism as civil rights leaders sought to abolish social barriers to black equality, such as segregation in the armed forces. Like the World War I generation, in the early 1940s, blacks saw the war as an opportunity to fight for liberty, democracy, and social justice both at home and abroad. But one effect of the new activism was the heightened resistance by whites to the very idea of black social and economic equality."¹ The Beaumont riot was instigated when a white woman accused a black man of rape. This accusation triggered a lynch mob, which many claim swelled to well over 4,000. The violence which followed necessitated the declaration of martial law.

¹ U.S. Army Center for Military History, *The Role of Federal Military Forces in Domestic Disorders, 1877-1945*, by Clayton D. Laurie and Ronald H. Cole (Washington, D.C.: GPO, 1997), 407.

"Beaumont then joined Detroit, New York, Los Angeles, Mobile, Philadelphia, Indianapolis, Baltimore, St. Louis, and Washington, D.C., as sites of bloody race riots in the summer of 1943."²

Beaumont, the county seat of Jefferson, had experienced a phenomenal growth in size in the 1940s. "Beaumont lay on the banks of the Neches River just east of Houston. In 1940, Beaumont contained 59,000 citizens, with black residents forming 32 percent of the population. By mid-1943, the city had grown to an estimated 80,000 persons, or an increase of 21,000 inhabitants in three years, with blacks still representing fully one-third of the citizenry. The city and its surrounding area was an 'arsenal of democracy,' teeming with war production."³ Immediately prior to the riot, racial tension had gradually been escalating in Beaumont. There was overcrowding on city buses, housing conditions were sparse and forced blacks into the vicinity of the white neighborhoods, food shortages were common, and blacks were beginning to resent the overall treatment inflicted upon them by the dominate white population. To contribute to the tension, a Ku Klux Klan rally was being held in the city. In severe conflict with the goals of this group, the black community was preparing to celebrate Juneteenth. This mixture of racial intolerance

² The Handbook of Texas Online, *Beaumont Race Riot of 1943* [homepage on-line]; available from <<http://www.tsha.utexas.edu/handbook/online/articles/view/BB/jcb1.html>>; Internet; accessed 10 November 1999.

³ James A. Burran, "Violence in an Arsenal of Democracy: The Beaumont Race Riot, 1943," *East Texas Historical Society* 14 (1976): 39-51.

resulted in ill-tempered feelings precariously simmering, and tension was slowly igniting throughout the town.

The white population decidedly felt that blacks were infringing upon their territory and that this minority group was beginning to forget their place in society. "On June 30, 1942, three altercations between blacks and whites occurred aboard city buses within the black district. Each of these incidents involved the presence of black passengers in the white sections of the buses because of overflow from Jim Crow sections. Further racial difficulties aboard buses occurred on July 2, provoking the ire of whites and undoubtedly stimulating discord."⁴ In addition to the bus issues, a mentally disturbed black man, Curtis Thomas, had been shot by police on June 4 while attempting to escape custody after being accused of raping a white teenager. Thomas died from his injuries before a mob could proceed with lynching. "The fact that Thomas succumbed on June 8 precluded another lynching attempt, but the racial hatred of some whites became even more indignant since Thomas had died before he could be properly punished."⁵ The Pennsylvania Shipyards, Beaumont's largest war industry plant, was in a state of extreme turbulence. Animosity had been running rife throughout the plant and was directed at black workers. Anglo employees were incensed by the rape of the teenager by Thomas, and then another very volatile situation erupted.

⁴ Ibid.

⁵ Ibid.

On June 15, 1943, an unnamed white woman accused a black man of rape. She could not give an accurate description of her assailant, but to the angry workers, the fact that he was black was proof enough of his guilt. A mob began forming at the Pennsylvania Shipyards, and angry workers walked out of the shipyards and began descending upon the town. The first stop was the jail, where they believed the rapist was being held. Ross Dickey, Chief of Police, and Sheriff W.W. Richardson allowed the mob to tour the jail, thus proving to them that the black rapist was not in custody. At this point, the local law authorities could already foresee the violence and destruction that the mob was capable of inflicting. "About midnight on June 15, the mob, which may have numbered over 4,000 began rioting through the nearby black districts of the city."⁶

The terror began and blacks were beaten and terrorized throughout the city of Beaumont. Looting, torching of buildings, destruction of homes and theft of possessions, and assaults on blacks and whites by weapon-wielding mob participants were occurring throughout Beaumont. Shortly after the violence erupted, ". . . about 2,500 blacks fled the city by foot or auto, some never to return."⁷ As the violence escalated, Chief Dickey and Sheriff Richardson called in all auxiliary members of the police force to help combat the angry rioters. "Mayor George Gary mobilized the Eighteenth Battalion of the Texas State Guard late that night, and acting Texas Governor A.M. Aikin, Jr., declared Beaumont to be under martial law [on June 16]. A force of 1,800

⁶ Ibid.

⁷ Ibid.

guardsmen came to Beaumont, as did 100 state police and 75 Texas Rangers."⁸ Immediately, businesses were closed, roads were blocked, a curfew was placed upon the city, Juneteenth was canceled along with other public meetings, bus service was diverted around the city, mail service was stalled, and, overall, the town was either shut down or functioning on a limited and restricted basis. "The rioting affected not only Beaumont but also surrounding towns. The Consolidated Steel Shipyards in Orange temporarily dismissed all black employees"⁹

On June 16, Acting Governor Aikin issued Proclamation No. 6935:

WHEREAS, there exists in the City of Beaumont, Jefferson County, Texas, an intolerable situation contrary to the laws of this State resulting in conditions of riot and lawlessness and property damage; and

WHEREAS, such law violations and continued threatening violations have assumed such proportions as to render it advisable and necessary for aid to be given the civilian law enforcement officers; and

WHEREAS, the Mayor of the City of Beaumont and the Sheriff and other duly constituted authorities and numerous representative citizens have appealed to us for such aid in the keeping of the peace . . . ;

NOW, THEREFORE, I, A.M. Aikin, Jr., Acting Governor and Commander-In-Chief of the Military forces of the State of Texas do by virtue of the authority vested in me under the Constitution and laws of this State, declare a state of martial law in the following described territory to-wit:

The area embraced within the corporate limits of the City of Beaumont, Jefferson County, Texas;

⁸ The Handbook of Texas Online, *Beaumont Riot of 1943* [homepage on-line]; available from <<http://www.tsha.utexas.edu/cgi-bin/>>; Internet; accessed 10 January 2000.

⁹ Burran, "Violence in an Arsenal of Democracy: The Beaumont Race Riot, 1943," 39-51.

And I hereby direct Brigadier General, Arthur B. Knickerbocker, Adjutant General of the State of Texas, to assume supreme command of the situation in the territory affected subject to the orders of the Governor of Texas, Commander-In-Chief of the military forces of this State, as given through the Adjutant General.¹⁰

Proclamation No. 6936, also issued on June 16, mandated that the area of martial law include:

The area embraced within the corporate limits of the City of Beaumont, Jefferson County, Texas; and on and along the rights-of-way of Federal highways numbered 90, 96, 69 and 287, and State Highway No. 106, together with all county and other roads leading into or out of the City of Beaumont, Texas, for a distance of five miles in any direction that said highways and roads run from the corporate limits of said City of Beaumont, Texas.¹¹

Martial law was not lifted until June 20, 1943, by order of the Acting Governor's Proclamation No. 6950.

WHEREAS, Units of the Texas State Guard, the State Department of Public Safety and Texas Rangers, with the cooperation of the local authorities, have succeeded in restoring order within said City, and it appears that the emergency requiring the state of martial law no longer exists:

NOW, THEREFORE, I, A.M. AIKIN, JR., Acting Governor and Commander-In-Chief of the Military Forces of the State of Texas, do hereby declare that the state of martial law heretofore proclaimed in the above described area be at an end, and no longer in force and effect from and after 10:00 o'clock A.M., June 20, 1943; and the officers and men of the Texas State Guard shall return to their respective stations; and the Adjutant General will issue the necessary orders to make this Proclamation effective.¹²

¹⁰ Proclamation No. 6935 by Acting Governor A.M. Aikin, Jr., 16 June 1943, Courtesy of Archives and Information Services Division--Texas State Library and Archives Commission, Austin, Texas.

¹¹ Proclamation No. 6936 by Acting Governor A.M. Aikin, Jr., 16 June 1943, Courtesy of Archives and Information Services Division--Texas State Library and Archives Commission, Austin, Texas.

¹² Proclamation No. 6950 by Acting Governor A.M. Aikin, Jr., 19 June 1943, Courtesy of Archives and Information Services Division--Texas State Library and Archives Commission, Austin, Texas.

Once martial law was enacted, the military immediately began an investigation into the rioting incidents. Arrests were made, and those arrested were brought before a military Court of Inquiry for questioning. "By June 20 a military tribunal had reviewed the cases of the 206 arrested. Twenty-nine were turned over to civil authorities on charges of assault and battery, unlawful assembly, and arson. The remainder were released, mostly because of lack of evidence."¹³ No serious penalties were imposed on the vigilantes, and no one was ever convicted of the murders of three black citizens. "Ironically, the day after the rioting ended, the results were released of a physical examination performed on the woman who reported being raped by a black man on June 15. The examination, directed by Dr. Barker D. Chunn, a reputable Beaumont physician, disclosed that the woman had in fact not been raped. Moreover, Chunn determined that sexual relations had been absent during the twenty-four hour period surrounding the alleged assault."¹⁴

There are recorded eyewitness statements pertaining to the rioting in Beaumont. Mr. Ben Woodhead, who was a reporter in 1943, told how the mob stormed the offices of a downtown plant. According to Mr. Woodhead, the mob burst into an executive's office and told him they were there to get the blacks. "The executive calmly pulled out a gun, pointed it at the mob, and stated that if

¹³ The Handbook of Texas Online, *Beaumont Riot of 1943*.

¹⁴ James A. Burran, "Interview with Clyde C. Rush," *New York PM*, (1943): 4. John Dollard, in *Caste and Class in a Southern State* (New York, 1937) chap. VII, suggests that fabricated rape stories by white women in many cases were results of hysterical and masochistic tendencies, together with avert sexual attraction toward black men.

they wanted to go through the door into the plant, there would be six of you (unprintable) lying dead right there on the floor."¹⁵ Mr. Smythe Shepherd, the owner of a laundry in Beaumont, was interviewed by Ms. Judith Linsley of the McFaddin-Ward House Museum as part of the Museum's oral history program. Mr. Shepard recalled that during the 1940s, most of the laundry employees were black. He stated during the interview:

One time we had a race riot and all our employees were black, so we had to come down and guard the doors with guns and we picked them up from home and brought them to work and took them home so they would be safe. That lasted a few weeks, but we'd see gangs walking up and down the streets, and they'd come to the laundry and we had people with guns so they would just keep walking.¹⁶

Ms. Fayette Donovan's grandfather founded the first African-American school in Beaumont. During an interview, she recalled that she passed soldiers on her way to work. She further recollected that she called a cab line and had a conversation with one of the drivers. She asked him if he was afraid to drive her home to be with her mother and babies and asked if he had a gun. He told her he was not afraid and that he did have a gun. She then said that she told him he could drive and she would shoot. Ms. Donovan also stated that black business owners were asked to close their shops.¹⁷

¹⁵ Ben Woodhead, *Beaumont at Large: An Ex-reporter's Reservoir of Random Reminiscences* (Beaumont: McFaddin-Ward House, 1968).

¹⁶ Ms. Judith Linsley, "Oral Interview with Smythe Shepherd for the McFaddin Ward House Museum," *Oral History Program*, (1998): Tapes #180-181.

¹⁷ Ms. Judith Linsley, "Oral Interview with Fayette Donovan for the McFaddin Ward House Museum," *Oral History Program*, (1996): Tapes #155 and 156.

In 1943, the Governor of Texas was Coke R. Stevenson; however, Governor Stevenson was out-of-state when the rioting began, and martial law was, therefore, declared by the authority of Acting Governor, A.M. Aikin. Governor Stevenson was kept apprised of the situation by Acting Governor Aikin and Adjutant General Arthur B. Knickerbocker. In a letter to the Honorable Coke R. Stevenson dated August 17, 1943, Arthur B. Knickerbocker, Brigadier General, The Adjutant General, noted that the officers should be commended for their conduct, promptness, and their precision in observing the law.

The report would not be complete without the commendation of this office for soldierly manner and the conduct of officers and men incident to this operation. The State Guard responded promptly and orderly, and the business of their mission was accomplished with precision, carefully observing all of the laws and proprieties in a manner like veterans.¹⁸

He also complimented the Task Force Commander, Lieutenant Colonel Sidney C. Mason, and the Department of Public Safety. In conclusion, Brigadier General Knickerbocker stated, "The operations carried out in this connection have been most highly commended by all echelons of the public, including the colored citizens of Beaumont."¹⁹ In the report filed by Lieutenant Colonel Sidney C. Mason and sent to Governor Coke Stevenson, it was noted that the

¹⁸ Arthur B. Knickerbocker, Brigadier General Adjutant General, to the Honorable Coke R. Stevenson, 17 August 1943, Texas Military Forces Museum, Camp Mabry: Austin, Texas.

¹⁹ Arthur B. Knickerbocker, Brigadier General Adjutant General, to the Honorable Coke R. Stevenson, 17 August 1943, Texas Military Forces Museum, Camp Mabry: Austin, Texas. Included with this letter is the report filed by the Task Force Commander, Lieutenant Colonel Sidney C. Mason. According to Lt. Colonel Mason, his report was "a narration of events immediately prior to and during the domestic disturbance at Beaumont insofar as the Military Department of Texas was involved."

examinations of the prisoners were made under military order, but, ". . . the decision as to the disposition of the prisoner was, in every case, made by the duly elected civil officers of the County of Jefferson and the City of Beaumont."²⁰

Furthermore, Lieutenant Colonel Mason stated that:

It is the opinion of the Zone Commander and of the Peace Officers who were on duty in the Beaumont area that the disorder at Beaumont was in no sense a race riot. No Negroes were arrested at any time by the military or civil authorities and none were at any time actively engaged in rioting. It is also stated by the peace officers that few, if any, citizens of Beaumont, using the word citizen in the sense of persons normally domiciled, paying taxes and voting in Beaumont, were involved in active rioting. This opinion is concurred by members of the military Court of Inquiry. It appears to have been the case that rumor had been rife in the area, as in many parts of the State, that we were going to have trouble with the negroes.²¹

²⁰ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, 1943, photocopied): 6.

²¹ Ibid. It is essential to address that the report states, "A rape case was reported immediately prior to the inception of the riot, a reported crime which was never substantiated by the investigations of the Sheriff and the Rangers. Rumor, built on this reported crime, ran wild through the defense plants at Beaumont and through the surrounding area. Many persons, examined by the Court, related that they had been told by persons whom they considered credible that the civil authorities at Beaumont were requesting the citizens to arm and come to their aid; that a Negro uprising was in progress in Beaumont and assistance was needed." Furthermore, "Every cooperation was given to the military and civil authorities by the citizenry of Beaumont, including the colored leaders. The rapid restoration of law and order was very materially expedited by the fact that people of all classes, influenced by leading citizens, promptly realized the terrible error which had been permitted to exist in the thinking of the mass. Persons who had been involved in the rioting were sickened by their own excesses and sought to make such amends as were possible. It is not believed that a remote probability exists of any recurrence of rioting in the area which suffered."

It must be realized that Lt. Colonel Mason's report did not consider the Beaumont riot a racial riot. If there had been an uprising of blacks against whites, would the decision have been a different one? A document obtained from the U.S. Army Military Institute from 23 July - 3 August 1948, which was declassified after 12 years, gives a fairly accurate opinion of the beliefs during the 1940s toward blacks. This document is entitled *Department of Army Position on Parity of Standards, Allocation, and Utilization of Negroes*, (U.S. Army Military History Institute/Army War College, Fort Leavenworth, Kansas, 23 July - 3 August 1948, no. C-13306.2-2) and states, "The Negro presents a difficult training problem. Not only does it take a great deal longer to train Negroes but more training cadre are required than are necessary for training white troops." Furthermore, "Already faced with a staggering training problem with insufficient trained cadre the Army cannot afford the burden of training 100% of the Negro input. It is further believed that any action which keeps the Navy and Air Force Negro strength below 10% is direct discrimination against the Negro race." In summary, in 1943, the military decidedly viewed the *negro* as being intelligently inferior.

Lieutenant Colonel Mason's report indicated Major Fred S. Stone, Commanding Officer of the 18th Battalion, Texas State Guard, was notified of the situation in Beaumont at 9:20 p.m. on June 15, 1943. "Major Stone immediately ordered the mobilization of the 18th Battalion, in accordance with the Mayor's call."²² In addition the following events transpired on June 15:

At 10:40 p.m., the Adjutant General directed the Battalion Commander, 18th Battalion, to proceed to comply with the orders of the Mayor of Beaumont, and to cooperate with local civil authorities for the protection of life and property, and restoration of law and order.

At 11:10 p.m., the Adjutant General communicated by telephone with Major Phillip T. Williams, Commanding Officer, 43rd Battalion, Texas State Guard, at Port Arthur, and instructed Major Williams to alert the 43rd Battalion for possible emergency duty. . . .

At 11:28 p.m., the Mayor of Beaumont again phoned the Adjutant General, advising that the mob had increased to 6,000 persons, and was destroying property.

At 11:30 p.m., the 18th Battalion cleared the area in the vicinity of the City Police Station of rioters. . . . This action, agreed upon with local police officials, released the Police of Beaumont, the Rangers, and State Highway Patrolman, who had previously been held closely to the vicinity of the city jail, to curb rioting and disorder in other parts of the city.²³

On June 16, 1943, the following events occurred:

At 8:45 a.m., the 18th Battalion Commander advised the Adjutant General that Ranger Captain Purvis recommended martial law in the area as the only means of restoring law and order.

²² "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943," (Austin, Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, 1943, photocopied): 1.

²³ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943": 1-2.

At 2:00 p.m., city and county officials of Beaumont were advised by wire that additional troops were being dispatched to that city to assist the local authorities. The following troops were ordered to proceed to Beaumont:

- 2nd Battalion, Houston, with Company C, 7th Battalion; Company's A and D, 22nd Battalion; Company D, 48th Battalion--all of Houston;
- 16th Battalion, Baytown (Comprised of Companies from Baytown, Highlands, and Liberty);
- 43rd Battalion, Port Arthur, with Company's A and B, 9th Battalion, Port Arthur;
- 44th Battalion, Nacogdoches;
- 22nd Battalion, Houston; and
- 48th Battalion, Houston.

At 5:20 p.m., a conference with Colonel Mason and local leaders was held. He advised them that State Guard troops being dispatched to Beaumont were being sent there to cooperate with the City, County, and State Police for the restoration of law and order, and the protection of property . . . and it was desired to work. . . in accordance with the advice and suggestions of the civil authorities then in charge.

At 5:55 p.m. orders were issued by the Zone Commander: All civil laws of the state of Texas and City of Beaumont to remain in force and effect. No intoxicating beverages to be sold or transported in the martial law zone. A curfew to go into effect at 9:30 p.m. requiring all person except those engaged in essential health and utilities services, or war workers, to be off the streets. No inbound traffic, except that identified as essential, to enter the zone, and no weapons or intoxicants to enter the zone under any circumstances. To enforce these orders, road blocks were placed in all arterial highways. Strong security detachments were stationed in all of the several colored districts of Beaumont . . and other vital points. Streets were patrolled by Rangers, members of the Texas Highway Patrol, City Police, Sheriff's deputies, and Guardsmen.²⁴

Lt. Colonel Mason further reported that:

During the entire operation there existed a most desirable and commendable spirit of cooperation among all representatives of constituted authority in the area. The full efforts of all were turned . . . toward the common and of restoring law and order in the shortest

²⁴ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943": 2-3.

possible time. In all matters of policy, the Zone Commander had the benefit of the advice . . . of Ranger Captain Purvis, Ranger Captain Gonzales, Sheriff Richardson of Jefferson County, and Ross Dickey, Chief of Police of the City of Beaumont. Colonel Homer Garrison, Director of the Department of Public Safety, and Chief Hill Foreman of the Texas Highway Patrol also . . . consulted many times with the Zone Commander.²⁵

In addition, Lieutenant Colonel Mason summarized the cost of the operation in Beaumont. According to his report, the total cost of the deployment of the Texas Guard to Beaumont during the period of martial law was \$33,000.00, as of August 18, 1943.

There was extensive press coverage which focused on the Beaumont riot. For instance, on Wednesday, June 16, 1943, the *Austin Statesman* noted that Texas Guards and Rangers were deployed to Beaumont, and sheriff's deputies were searching for the Negro man accused of raping the white woman.²⁶ According to this article, "The mobs formed after the white woman, the wife of a war plant worker, was attacked by a Negro whom she had given work. The Negro, she said, came to her with a story of how he had been rejected from the army and was without money. During the afternoon, after she had put her three small children to bed for their naps, the Negro entered the house and attacked

²⁵ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943": 4.

²⁶ *The Austin Statesman*, 16 June 1943, pp. 1 & 9. There also appears a short article in this paper that vividly represents racial violence found throughout the country. In Marianna, Florida, "A mob of white men broke into the Marianna jail here about midnight, seized a Negro prisoner, and lynched him. The Negro, Cellon Harrison, about 30, was being held for the murder three years ago of a white man. Harrison had been convicted and had twice been sentenced to die. On each occasion, the Negro was granted a stay of execution."

her."²⁷ It was also indicated that Homer Garrison, the Director of the Department of Public Safety, ordered 50 State Highway Patrolmen and Texas Rangers to Beaumont on June 16. Additionally, Adjutant General Arthur Knickerbocker told the press that 300 members of the Texas State Guard in Beaumont were called to duty and that 600 members of the Port Arthur Guard were on the alert in the event their services were needed.

The *Beaumont Journal* and the *Beaumont Enterprise* also carried coverage of the rioting in their June 16th editions of the newspapers. The *Journal* reported that a white man was killed, three persons were hospitalized, eight Negroes were treated, and people were urged to stay home.²⁸ Sheriff W.W. Bill Richardson admonished the mob gathered at the courthouse with the statement, "You have delayed us 15 hours in our search for the criminal."²⁹ Further reporting disclosed that downtown stores, shipyards, cafes, and laundries were closed or running on skeleton crews, buses were called in early, and postal routes were restricted. The city was declared "out-of-bounds" for Army men, and there was an additional report on neighboring cities, such as Orange, taking similar precautions. The Fire Department noted that there had been eleven alarm calls, and all of these alarms were in the Negro section of town. The *Beaumont Enterprise* reported that Negroes were beaten, streets were jammed with rioters, and the victim of the rape had given a description of her

²⁷ Ibid.

²⁸ *The Beaumont Journal*, 16 June 1943, pp. 1 & 5.

²⁹ Ibid.

assailant.³⁰ According to the *Enterprise*, "The Negro was described as being black, weighing about 150 pounds, and wearing brown trousers, brown shoes and hat, and a purple shirt. A first description said he was wearing a pink shirt. The woman was not bruised seriously, but was admitted to the hospital suffering from a minor case of shock."³¹

On Thursday, June 17, the *Dallas Morning News* ran headlines proclaiming that, "2 were dead, 60 were wounded, and 100 houses were burned in the Beaumont race riot."³² Riot coverage also included articles on a curfew being imposed at 8:30 p.m., Acting Governor A.M. Aikin's, declaration of martial law in Beaumont, and the destruction of black homes and businesses by being set on fire and/or damaged by rocks. There was also a report on black youths being attacked. "A group of Negro youths waiting at the bus station to go to Houston to enter the Army were chased out of the building by white men but were rounded up later by officers and soldiers and taken out of town safely."³³ Also included in this article was a notice that Juneteenth was banned, and ironically, Juneteenth is the very day that black citizens observe the granting of emancipation. The *Dallas Morning News* graphically described the mob that formed in the black district and reported that Rangers were forced to use tear gas on the mob to get them to disperse. Sheriff Bill Richardson told the crowd

³⁰ *The Beaumont Enterprise*, 16 June 1943, pp. 1 & 2.

³¹ *Ibid.*

³² *The Dallas Morning News*, 16 June 1943, pp. 1 & 9.

³³ *Ibid.*

gathered at the courthouse, "Fact is, I'll take you all on--one at a time. And let me tell you, I'm going to keep order and law in the county."³⁴ Texas State Guardsmen were forced to erect a barrier around the police station, which consisted of a barbed-wire fence, and they proceeded to guard this area using bayonets (appendix D). As of June 17, over one-hundred white men were in custody, but no charges had been filed, fire alarms totaled 16 calls to the black section of town, and several women had been sent to Dallas for their protection. Furthermore, on June 17, Governor Coke Stevenson reported, "I have confidence in the adjutant general and director of public safety acting wisely in the situation. I shall keep in touch with the developments and return, of course, if it becomes necessary."³⁵

Austin Statesman news coverage of the rioting on June 17 featured articles on the hearings being conducted before the Court of Inquiry. In fact, more than 125 cases against white men charged in the rioting were scheduled to be heard. These hearings were to be held in secret, with no press in attendance. In addition, weapons had been seized from white rioters, and reports indicated that very few weapons had been recovered from the blacks. Property damage included ten to fifteen burned automobiles, and the black owners had been pulled from their vehicles and attacked. In a *Statesman* article entitled, "Men at Beaumont Acted Like Crazy People," several witnesses gave accounts of the violence they observed. "It was really hell. I saw men run up and set

³⁴ Ibid.

³⁵ Ibid.

fire in houses, and when the firemen came to put them out, you could see them a block ahead setting more fires. By this time, most of the Negroes had vanished, but every once in awhile one would run out and the mob would take out after him. I would not be surprised if several more dead Negroes were found later."³⁶ In addition, "Already one Negro and one white man have been reported dead and police officials concurred in the belief that there might be more fatalities, saying that they did not think hospital records reflected the true number of the injured."³⁷ The report also verified that 125 members of the mob were being held by authorities. "Under martial law, they cannot be released under bond. Both city and county jails were kept under heavy guard. . ."³⁸

An officer at police headquarters told reporters, "I was on duty and before I knew it, the place was filled with men. They took over the place. You could not reason with them, could not convince them we did not have the Negro suspected of the crime in jail. There were four young Negroes who had been arrested for dice shooting and the cry 'we'll take them' was raised by the mob. We finally got the mob outside without the Negroes. I would say there were 5,000 men---and a few women--in the crowd milling around the jail and city hall. Any minute I expected them to take the buildings apart and us with them."³⁹

³⁶ *The Austin Statesman*, 17 June 1943, pp. 1 & 15.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

Shouted threats were heard from the rioters. "We're not through yet. There'll be other days, and when we get started this time, we won't stop."⁴⁰

The rioters looted stores and shops, and what was not destroyed was stolen. The destruction of numerous buildings--both homes and businesses--was horrific. The *Beaumont Enterprise* reported, "Beaumont's case is the third recent instance in Texas history, following New London and East Texas. Authority for what is known as martial law derives from the state's statutes and constitution, but anyone arrested for an offense under martial law is tried by civil authorities in a normal way. In other words, under a declaration of martial law, the military performs the functions prescribed by civil authorities. The constitution gives the Governor authority to pull out the militia for enforcement of the laws of the state in an emergency. An area placed under martial law usually is that within the boundaries of a city or county. The Texas State Guard, formerly the Texas Defense Guard, is the state militia. Normally, the National Guard is, but that organization is now federalized, serving as a component of the United States Army. The State Guard was authorized by statute to replace the National Guard in time of war."⁴¹ "The state guard has arrived, and the situation is well in hand, was the expressed sentiment of . . . three law enforcement leaders last night while mapping their strategy to combat the race disturbance. [They] are Col. Sidney C. Mason of the Texas adjutant general's department, Austin, in general command under martial law as zone commander;

⁴⁰ Ibid.

⁴¹ *The Beaumont Enterprise*, 17 June 1943, pp. 1, 3, & 7.

Ross Dickey chief of Beaumont police . . .; and Capt. L. H. Purvis, in command of Texas Rangers sent here."⁴² It was reported that Police Chief Dickey had been injured during the rioting.

The *Enterprise* published the official proclamation issuing martial law, and the article stated, "An order officially declaring martial law in Beaumont was issued last night under General Orders No. 1 by Lieutenant Colonel Sidney C. Mason."⁴³ Additional articles noted that black citizens were afraid to be treated at the local hospitals and, "It was estimated, probably conservatively, that at least a thousand Negroes walked out of the city Tuesday night and early Wednesday morning, and that at least 1,500 rode away in automobiles. A good many families took their long-time servants to their homes for the night. Negroes hid themselves in vacant lots and gathered closely in their homes."⁴⁴ In addition, city leaders in nearby towns, such as Port Neches and Silsbee, were also taking precautions to guard their cities against similar racial conflicts.

On Friday, June 18, the *Dallas Morning News* reported that the racial rioting in Beaumont was being controlled. "The looted material taken from the Negro homes and stores were displayed, and . . .the material seized by police included uncounted numbers of coins, leather shoe half-soles, clothing, half a dozen milk bottle nipples, shotguns, files, a rope-handled sash weight, and

⁴² *The Beaumont Enterprise*, 17 June 1943, p. 1.

⁴³ *The Beaumont Enterprise*, 17 June 1943, p. 7.

⁴⁴ *Ibid.*

many rounds of ammunition."⁴⁵ It was announced on the 18th that the curfew had been extended from 8:30 to 9:30 p.m.

In addition, the Military Court of Inquiry reported that, ". . . the Court of Inquiry convened Thursday afternoon, closed to the public. The court, under the jurisdiction of Lt. Col. Royal G. Phillips of the State Department of Public Safety, was convened to inquire into the activities of Negroes and whites suspected of taking part in the rioting. The court recessed until Friday after considering seventeen prisoners brought before it. All but one of the group were released, and he was turned over to city authorities."⁴⁶ Relative to this, Lieutenant Colonel Mason's report to Governor Coke Stevenson stated:

It was found that there were approximately three hundred prisoners arrested during the emergency. The arrests had been made both prior to and after the declaration of martial law by City, County, and State officers and military authority. . . . a Court of Inquiry was ordered. Lt. Colonel Royal G. Phillips, Assistant Chief of Staff, G-2, . . . was detailed as President of the first section of the Court. Major Edward D. Konkon, Commanding Officer, 2nd (Light Guard) Battalion . . . was detailed as President of the second section of the Court. The District Attorney of Jefferson County and the City Attorney of the City of Beaumont, . . . together with the City, County and State Police officials, were constantly in attendance while the courts were in session. As each prisoner was brought before the Court, the purpose of the martial law and of the Court was carefully explained. When the examination of each prisoner had been completed, the District Attorney and the City Attorney indicated whether it was desired to hold the prisoner for formal charges or whether he should be dismissed. Because of the great number of prisoners, it was necessary to hold the Court almost constantly in session. During a period of sixty hours the Court recessed only long enough to permit its members an occasional hour of relaxation, or for meals. When martial law was lifted, every prisoner taken during the emergency had been

⁴⁵ *The Dallas Morning News*, 18 June 1943, p. 1.

⁴⁶ *Ibid.*

examined and either released with an admonitory lecture by the President of the Court or remanded to jail for action by the civil courts.⁴⁷

Again, Lieutenant Colonel Mason reiterated his earlier statement that prisoners were released to the civil authorities--upon the recommendations of the civil officers. Additionally, the press proclaimed that, "City authorities suggested that the riot may have been inspired by fifth columnists. Chief Dickey stated that, 'There had been rumors of fifth column activities here, and we have been checking up on them.' City Attorney, Albert Tatum, said, 'A check was being made into the validity of a white woman's story that she had been raped Tuesday by a Negro, which story set off the rioting . . . a physician's examination had opened the story to question.'"⁴⁸ The *Dallas Morning News* also indicated that Draft Board officials were involved in the military inquiry because, "The draft status of some of the persons involved may have changed recently."⁴⁹ Finally, it was noted that the city was resuming normal activities with streetcars and buses running on schedule, the black population was beginning their return to work, and stores and businesses were reopening.

The *Austin Statesman* reiterated that rioting was under control in Beaumont, and the city was returning to normal. According to the *Statesman*, estimated damage to the city was set at approximately \$20,000. The Military Court of Inquiry commented that, "The one man turned over to the civil

⁴⁷ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943": 5.

⁴⁸ Ibid.

⁴⁹ Ibid.

authorities was charged only with possessing a shotgun with a barrel which was too short."⁵⁰

On June 18, Police Chief Ross Dickey confirmed, "A medical examination [on the alleged rape victim] showed no evidence of rape." Chief Dickey also stated that he had, "no evidence to verify rumors that racial troubles were stirred up by axis agents and . . . it was up to the Federal Bureau of Investigation to decide how the riots were started."⁵¹

Meanwhile, Houston officials were trying to quell rumors in their city before severe racial conflict developed. The most common rumor was that, "The Negroes would utilize their Juneteenth celebrations to riot against the white inhabitants of the city."⁵² As an attempt to quite rumors such as these, ads were placed in the city papers by city leaders and private citizens of both ethnic groups. "There is no plan for any outbreak or riot in the Houston area on Saturday, June 19, or at any other time."⁵³ Finally, it was noted that Acting Governor A.M. Aikin, Jr. had stated that martial law would probably be lifted on June 18.

Coverage in the *Beaumont Enterprise* indicated, "Officers had searched the woods near the Tuberculosis Hospital after a black man was seen, possibly fitting the description of the rapist. Officers were unable to apprehend him,

⁵⁰ *The Austin Statesman*, 18 June 1943, pp. 1 & 15.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

and they believed he left the area by train. Police Chief Dickey stated, 'No evidence of fifth column activity in rioting is yet uncovered. There is somebody behind it, and if I could get my hands on him, I would wring his neck.'"⁵⁴ Other articles in the *Enterprise* on June 18 reported that the largest mobilization of peace officers ever was assembled in Beaumont to enforce the martial law order, the military officials were acting with local authorities to probe looting and to investigate the destruction, and final charges were to be turned over to the state or U.S. agency. Sheriff Bill Richardson commented that, "Weapons would not be released to rioters until all had calmed down."⁵⁵ Other articles discussed the production at shipyards and noted that production was back on schedule, and a short article described that the huge job of feeding the 2000 state guardsmen on duty in Beaumont was being accomplished.

One final report noted that the thirty-seven-year-old Acting Governor A.M. Aikin, Jr., "Completed his first full day as acting governor today having faced two of the numerous emergencies that confront the state's top executive. He declared martial law in the Beaumont area last night and today granted a 30-day reprieve for a condemned slayer, Rex Beard. Aikin, president pro tem of the senate, became acting governor because both Governor Coke R. Stevenson and Lieutenant Governor John Lee Smith are out of the state. He holds the full

⁵⁴ *The Beaumont Enterprise*, 18 June 1943, pp. 1 & 5.

⁵⁵ *Ibid.*

responsibilities and privileges of the governor until replaced by Stevenson or Smith. It was not certain when either would reenter Texas."⁵⁶

The *Dallas Morning News* coverage for Saturday, June 19 contained a short article on the military court. "Approximately 145 prisoners had been examined and about ninety remained to appear before the military courts of inquiry. . . ." ⁵⁷ Lieutenant Colonel Royal G. Phillips told reporters, "None so far have been held for assault to murder, and there were two possible arson cases. Particular attention is being paid by the courts to the fifth column angle."⁵⁸

It was also noted, "Representative Martin Dies of Texas had disclosed . . . that the House Committee on Un-American Activities, of which he is chairman, would include the trouble at Beaumont at length in its report on a nationwide investigation of racial troubles and rioting when the report is made to Congress. He said that the Committee had been conducting probes in Beaumont, Port Arthur, Orange, and Houston sections for several months as a part of a national investigation seeking particularly the causes and influences behind racial troubles and rioting."⁵⁹

Austin Statesman coverage added that, "Except for 1,600 state guardsmen patrolling the city, Beaumont appeared normal."⁶⁰ Additionally, the

⁵⁶ Ibid.

⁵⁷ *The Dallas Morning News*, 19 June 1943, p. 2.

⁵⁸ Ibid.

⁵⁹ Ibid.

⁶⁰ *The Austin Statesman*, 19 June 1943, p. 1.

Beaumont Enterprise reported for Saturday that martial law might be lifted on Sunday and that 184 prisoners' cases had been heard but no charges had been filed. Colonel Homer Garrison, Director of the Texas Department of Public Safety, arrived in Beaumont on June 19. "Colonel Garrison promises to leave 70 men here as long as civil and military officials desire."⁶¹ Shipyard production was back to normal; however, ". . . Negroes were turning in their badges on being paid. Those who quit said they were returning to their homes, mostly in Louisiana and in smaller east Texas towns, because they didn't like things around Beaumont."⁶² Also noted in the *Enterprise* was that the rape victim had viewed Negro suspects, and that, "None of the blacks held in alleged assault case are identified as assailant."⁶³

On Sunday, June 20, the *Dallas Morning News* reported that martial law would be lifted. "Governor Aikin's formal order lifting martial law was filed with the Secretary of State, Sidney Latham. State guard officials were notified immediately."⁶⁴ Governor Aikin's said:

Martial law will be lifted in Beaumont as of 10 o'clock Sunday morning, June 20. I have talked with the local officials, Col. Homer Garrison, Jr., Director of the Department of Public Safety, who is there at this time, and Brig. Gen. Arthur B. Knickerbocker, Adjutant General of Texas. Order has been restored and we feel the situation is well in hand and that the local officials are in position and well able to preserve order. I particularly want to commend the Texas State Guard, the Department of Public Safety, and the local officials for their splendid cooperation each with the

⁶¹ *The Beaumont Enterprise*, 19 June 1943, pp. 1 & 2.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ "Martial Law To Be Lifted In Beaumont," *The Dallas Morning News*, 20 June 1943, pp. 11.

other. As a further precautionary measure, the Rangers and other units of the State Department of Public Safety will remain in Beaumont temporarily to be of any assistance necessary to the local officials.⁶⁵

The press concluded this article by noting that twenty-eight men were being held to face charges after the Military Courts of Inquiry had completed their investigations. Again, it was stressed that these men would be turned over to local authorities.

Beaumont Enterprise articles stated that none of the men being held would, "be permitted bond until the charges are filed and preliminary hearings held tomorrow. Colonel Phillips praised local police and sheriff's forces, as well as the State Guard, State Police and the Rangers."⁶⁶

On Monday, the *Dallas Morning News* announced that martial law had been lifted. Similarly, the *Beaumont Enterprise* published a short article on martial law being lifted and noted that the barbed-wire fences had been removed. It was reported that during the period of martial law, 1,600 Texas State Guardsmen were dispatched to Beaumont. The paper goes on to describe that, "A dozen or more misdemeanor cases will be heard in city court today and charges are expected to be filed in the county attorney's department against seven men held for the state. A religious service on the city hall lawn marked

⁶⁵ Ibid.

⁶⁶ "Martial Law Here is Ordered Lifted at 10 This Morning," *The Beaumont Enterprise*, 20 June 1943, pp. 1 & 2.

the farewell to Beaumont for the guardsmen. Preaching services were held, and the 18th battalion, Texas State Guard Band gave a concert."⁶⁷

Finally, there was coverage appearing in the *Beaumont Enterprise* on June 22. Thus far, charges had been brought forward against the rioters, which included disturbing the peace, other types of misdemeanor charges, and charges of arson and assault. "Fines of \$100 each were given four men and \$25 were levied against eight by Judge J.B. Synnott in corporation court. The men were charged with unlawful assembly, loitering, assault and battery, and receiving and concealing stolen goods. The heavier fines were assessed against men for setting fire to a Negro business and house on Gladys street, and looting stores after they had been broken into."⁶⁸ "Major Fred Stone, commander of the 18th battalion of the Texas State Guard, estimated that the riot cost the state approximately \$30,000 including maintenance and pay for members of the State Guard, and the legislature at the last session appropriated only \$3,000 for the emergency fund from which the expenses must be paid. Governor Coke R. Stevenson announced that he will issue deficiency warrants for the full amount."⁶⁹

⁶⁷ "Martial Law is Lifted as State Guard Leaves," *The Beaumont Enterprise*, 20 June 1943, pp. 1 & 2. It is interesting to note that this same paper carries an article entitled *False Rumors Start El Paso Racial Trouble*. This article indicated that a Negro soldier was killed and a white man critically wounded following reports of riots in the city.

⁶⁸ "Courts to Hear Additional Riot Cases Next Week 156 Pistols, 56 Shotguns and 44 Rifles--With Knives and Clubs Confiscated Here During Riots, Race Riot Costs State \$30,000," *The Beaumont Enterprise*, 22 June 1943, pp. 1 & 12.

⁶⁹ *Ibid.*

It is important to recognize that the Beaumont incident was the first deployment of the newly formed Texas State Guard, and their performance was highly commended.

In the opinion of the Zone Commander and of Regular Army and National Guard officers who witnessed the operation, greatest commendation is due all of the organizations and individuals on duty in the Zone. It is to be remembered that, in a critical situation such as existed in Beaumont, one single, ill-judged act by any officer or any soldier in the Task Force could have precipitated a crisis which would have been far reaching in effect. No untoward incidents occurred. Organizations moved into the area in businesslike manner, reported for duty without confusion and performed their assigned duties in such a manner that no criticism could accrue therefrom. That fact that no act of violence occurred in the Zone from a period four hours after the declaration of martial law until the end of the martial law period is a sufficient testimonial to the accuracy of the foregoing statements.⁷⁰

It is evidenced by the review of State reports and correspondence, eyewitness accounts, and newspaper coverage that the riot in Beaumont was a tragic part of Texas history. It became clearly apparent that the white woman who instigated the entire affair had not been raped. There was never any justification found for her allegation, and her misguided attempt for attention cost lives; property; the necessity for the black population to fear for their safety or to flee the area; and a decree of martial law, which was necessary for the protection of the community. Many black citizens left Beaumont and never returned, and the fear of being unjustly persecuted must have lingered on for those left behind. The fact that Lieutenant Colonel Mason's report stated that

⁷⁰ "Report from Lieutenant Colonel Sidney C. Mason, Task Force Commander to the Honorable Coke R. Stevenson, Governor of Texas August 1943": 6.

this racially-motivated uprising in Beaumont was not considered a race riot is hard to comprehend!

Regretfully, there may always be severely prejudiced Anglo citizens who raise their children to believe that the white race should remain dominate and will enforce in their children a hatred for those of other colors. Hopefully, somewhere along the line, these children will see that we are all one, we are all equal, and we should love and respect each other irregardless of skin color. It cannot be stated enough that we are much more similar than different. As Martin Luther King said in his powerful speech *I Saw the Promised Land* on March 28, 1968:

We [the Black citizen] mean business now, and we are determined to gain our rightful place in God's world. I just want to do God's will. And He's allowed me to go up to the mountain. And I've looked over. And I've seen the promised land. I may not get there with you. But I want you to know tonight, that we, as a people will get to the promised land. And I'm happy, tonight. I'm not worried about anything. I'm not fearing any man. Mine eyes have seen the glory of the coming of the Lord.⁷¹

Martin Luther King knew what society was missing by the subduing of the black population. Black citizens have made great contributions in Texas and have earned a respected place in the society and in Texas history. With this in mind, may we all experience a bright future in a "promised land" free of racial violence and free of the lawlessness and turmoil which produces martial law.

⁷¹ Martin Luther King, "The Promised Land," March 28, 1968.

CHAPTER 5

TEXAS CITY, TEXAS 1947

... for all these things must come to pass,
but the end is not yet.
[Matthew 24:6]

Texas City is located eleven miles from the Gulf of Mexico, and by 1941, the port community's population had rapidly expanded due to major industrial and navigational activities. In turn, these new industries ignited a need for an ever-increasing work force. The United States commitment to the war in 1941 furthered the boom in Texas City, propelling it into fourth position among Texas ports.¹ Among other businesses, Texas City could boast that it was home to a rare smelting plant. Furthermore, on a site donated by the Texas City Terminal Railway Company, the Tin Processing Corporation began operation of the only smelter in the western hemisphere.² Thus, Texas City was experiencing phenomenal growth in both industry and population, and opportunities abounded for even more industrial expansion. Major companies such as Union Carbide, Monsanto Chemical Company, and Republic Oil Refinery all had either thriving branches or main headquarters located in Texas City, and a lack of adequate housing was becoming a problem for many residents as a steady

¹ The Handbook of Texas Online, *Texas City, TX* [homepage on-line]; available from <<http://www.tsha.utexas.edu/handbook/online/articles/view/TT/hdt3.html>>; Internet; accessed 8 May 2000.

² Ibid.

influx of workers swarmed into town striving to gain access to the multitude of employment opportunities to be found in Texas City. Dreams were becoming realities for those willing to work hard, and throughout the town, postwar nationalism efforts and patriotic sentiments were strongly evident.

On the morning of April 16, 1947, however, these dreams were shattered by what has come to be known as the Texas City Disaster. Survivors say that the morning of April 16 was sunny and clear. The early dawn foretold of another beautiful day, and the dock area began to bustle with normal workday activities. In opposition to the calmness of the day and within a few hours, all citizens in Texas City would be traumatized by death, by destruction, by injury, and/or by the overall devastation that would penetrate their community.

At approximately 8:00 a.m., crew members from the French ship *Grandcamp* discovered a small fire burning in the inner cavities of the ship. The *Grandcamp* was loaded with ammonium nitrate (fertilizer), and this particular shipment had additionally been coated with carbowax to protect the cargo from moisture. "Ammonium nitrate by itself is not inherently unstable and presents no danger of spontaneous combustion. It is, however, a strong oxidizing agent. Thus, the chemical reaction that takes place when ammonium nitrate is directly exposed with some carbon compound--in this case the carbowax-coating--creates a potentially explosive mixture, especially at high temperatures."³ Once alerted of the fire, Captain de Gullebon of the *Grandcamp* decided against using water to extinguish the fire believing the

³ John Ferling, "Texas City Disaster," *American History*, February 1996, 48-64.

Grandcamp decided against using water to extinguish the fire believing the cargo might suffer water damage. Instead, he ordered the hatch sealed and attempted to smother the fire by using steam. However, when the fire continued to rage below deck, the Captain ordered the crew to abandon ship, and Texas City firefighters were immediately summoned to the dock area. Twenty-seven firefighters arrived to combat the blaze. In addition, curious bystanders converged to the dock area to observe the burning ship; and dock workers, crew members, and employees from the nearby industries were only minimally concerned with the fire while they prepared for yet another busy day. It was not long before tragedy struck.

At approximately 9:12 a.m., the *Grandcamp* exploded. The explosion tore through the wharf area, instantly killing all twenty-seven fireman, Monsanto and other plant employees, spectators, crewmen, and many others--both in the area and also in adjacent sections of Texas City. To fully comprehend the power behind the blast, it is worthwhile to note that some persons compared the force to that of an atomic bomb. Experts later determined that the force of the explosion at ground zero was greater than that of the atomic explosions of either Hiroshima or Nagasaki.⁴ A twenty-ton portion of the ship's deck landed nearly a half mile from the docks. An anchor was hurled even further.⁵ The *Grandcamp's* 3,200-pound anchor, broken off at the neck, was hurled 1.6 miles,

⁴ "Passing Years Fail to Erase Memory of '47 TC Disaster," *The Galveston Daily News*, 16 April 1979.

⁵ Ferling, "Texas City Disaster," 52.

creating a 10-foot crater.⁶ People living and working nearby were killed in homes and in businesses by the explosion, and flying debris mutilated, blinded, and otherwise maimed many of the town's population. Devastation was extensive, and a second blast from the *Grandcamp* caused the Monsanto plant to erupt in flames. "In addition, fragments of debris, catapulting through the air like missiles, caused numerous outbreaks of fires at refineries. It was reported that the *Grandcamp* explosion could be heard up to 150 miles away. A huge mushroomlike cloud billowed more than 2,000 feet into the morning air, the shock wave knocking two light planes flying overhead out of the sky."⁷ This cloud of smoke could be seen for many miles as a harbinger to disaster.

As the city frantically reacted to this initial tragedy, a second French ship, the *High Flyer* also exploded with even more force than that of the *Grandcamp*. "Sixteen hours after the *Grandcamp* blew up, the *High Flyer* disintegrated in a huge explosion, killing and wounding only a few more persons but adding greatly to property devastation."⁸ The *High Flyer*, which was also loaded with ammonium nitrate, additionally carried a shipment of sulfur. Remarkably, this explosion killed only a few bystanders and rescue workers; most had evacuated the area when it became evident that the *High Flyer* was also on fire and that tow boats would be unable to dislodge the already damaged ship from the dock.

⁶ Bob St. John, *The Dallas Morning News Company*, 1997, available from http://intoweb1.newsbank.com/bin/gate.exe?f=doc&p_nb_id=>.

⁷ Hugh W. Stephens, *The Texas City Disaster, 1947* (Austin: The University of Texas Press, 1997) 3.

⁸ Stephens, 75.

Additionally, oil tanks throughout the industrial area began to catch fire and to detonate, and when the *High Flyer* exploded, the *Wilson B. Keene*, which was docked nearby, was also destroyed. Adding to the already horrific devastation was a mini-tidal wave. It was reported that the force of these explosions caused a fifteen-foot tidal wave to pour inland as far as one hundred feet or more, washing the bodies of the already dead and injured out into the ocean. In addition, people in nearby cities not only heard, they also felt the force of these explosions. "People in the streets in Galveston were thrown to the pavement, and glass store fronts shattered.⁹ Buildings swayed in Baytown fifteen miles to the north."¹⁰ Many structures, which had survived the *Grandcamp* explosions, were reduced to rubble by this additional blast from the *High Flyer*. "So considerable was the blast that it was recorded on a seismograph a thousand miles away in Denver, Colorado."¹¹ The devastation was almost beyond human comprehension. The once dynamic community was reduced to such a state that Texas City resembled a bomb detonation site, which was very similar to that of a war zone.

According to researchers, the exact number of people killed is even today a questionable statistic. This is partly due to the fact that some transient workers simply left town and never returned; others may have been killed or were missing. The ship's anchor monument in Texas City records 576 persons

⁹ Stephens, 4.

¹⁰ Ibid.

¹¹ Ferling, "Texas City Disaster," 53.

known dead, 398 of whom were identified, and 178 listed as missing.¹² The remains of an additional 63 unidentified individuals were buried in a memorial cemetery. Injuries were in the thousands, and property loss and damages ranged from a low of \$50 to a high of \$67 million. "More than 1,100 vehicles were damaged or demolished, as were 362 railroad freight cars; three locomotives were destroyed.¹³ In excess of 500,000 barrels of oil burned."¹⁴ Over 1,000 homes were destroyed, and many others were later condemned. "Although not all casualties were residents of Texas City, the total was equivalent to a staggering 25 percent of the town's estimated population of 16,000."¹⁵ "About a hundred known to be at the docks simply disappeared, later to be listed as missing and presumed dead, among them the twenty-seven volunteer firemen and members of Republic Oil's fire-fighting unit."¹⁶ Rescue efforts, which had begun shortly after the *Grandcamp* explosion, greatly intensified. However, "a full week passed before the last of the fires were extinguished, and a month had gone by before the last body was pulled from the tons of rubble."¹⁷ The town was in flames, the survivors were in shock and

¹² The Handbook of Texas Online, *Texas City Disaster* [homepage on-line]; available from <<http://www.tsha.utexas.edu/handbook/online/articles/view/TT/lyt1.html>>; Internet; accessed 20 March 2000.

¹³ Ferling, "Texas City Disaster," 61.

¹⁴ *Ibid.*

¹⁵ Stephens, 5.

¹⁶ Stephens, 36.

¹⁷ City of Texas City, [homepage on-line]; available from <<http://www.texas-city-tx.org/docs/history.htm#1941>>; Internet, accessed 10 May 2000.

horrified, and questions were beginning to surface as to why this tragedy occurred and what could have prevented this catastrophic loss of both life and property. See appendix E, illustrating damage to both persons and property.

A multitude of reasons have been given by investigative agencies, survivors, and rescue workers as to what preceded the tragedy and what measures could have possibly prevented it. It was reported that the dock area in Texas City was not adequately zoned for safety and that numerous regulations were being violated. Cigarette smoking was allowed onboard ships, and even those with posted "No Smoking" signs did not sufficiently make this regulation mandatory even when combustible chemicals such as fuel oil were abundantly found--both on and off the ships. Federal regulations were often remiss, and the bags of ammonium nitrate were not properly labeled to indicate their explosive contents. The possibility of the *High Flyer* also exploding was overlooked, and precautions were not taken to attempt to tow the *High Flyer* away from the docks until it was too late. Perhaps most tragic of all, spectators were allowed to stand in close proximity to the burning *Grandcamp* when the entire area should have been promptly evacuated. Finally, the town of Texas City was simply not prepared to cope with a disaster of this magnitude. No emergency plan was in place; thus, once rescue workers began to arrive, chaos quickly followed. Though rescue attempts were heroic, there was initially no emergency preparedness in place, which resulted in often chaotic and misguided confusion. For instance, it was unknown as to which state agency should handle which duties, who was in charge, and necessary procedures such

as the transporting of the dead and dying to appropriate facilities was often unrecorded--thus leaving survivors unable to locate missing loved ones. Understandably, the magnitude of the destruction, the vast number of deaths, and the substantial and horrific types of injuries sustained justifiably overwhelmed the rescue workers.

A Nation Responds

The air is full of farewells to the dying, and mournings for the dead.
[Henry Wadsworth Longfellow, 1807-1882, American Poet]

Survivors of the tragedy, many narrowly escaping death themselves, frantically searched for loved ones during the confusion following the explosions. For example, parents rushed to area schools to collect their children; meanwhile, the schools released children to return home. This left a period of time when children were thought to be lost and were reported as missing. Husbands rushed home to find homes damaged and missing wives--who were themselves frantically searching for their husbands. Initially, this type of confusion left many survivors wandering the streets in a dazed state while searching for their loved ones. Many stories of heroism and the sheer will to survive was memorably and acutely described. For instance, "Fred Grissom, a young engineer who had recently graduated from Texas A&M, was blinded by flying glass, yet carried a secretary with two broken legs to safety, then she

guided him through the litter."¹⁸ Dozens of accounts were reported of persons so severely injured that there was little hope for their own survival--yet, they struggled to help others. Other survivors witnessed gruesome sights which must surely have scarred their very souls. "W.H. Lane, a research chemist, heard a co-worker call to him: 'Hey Harry! Look at me! Ain't I lucky? I didn't even get scratched.' The man got on a bicycle, rode two hundred yards, and fell off dead; the back of his skull had been blown away."¹⁹ Many survivors and rescue workers related stories of the dead receiving such extensive damage that many could not be identified. Some victims of the blast were in pieces; therefore, some bodies were neither identified nor claimed. Fragments of bodies--arms, legs, heads, intestines--were thrown throughout the dock area, and many had been washed into the surrounding waters. The horrors were endless. "In a trim, undamaged automobile, sat a decapitated woman and child."²⁰ Truly, it was an unimaginable and indescribable agony which engulfed Texas City.

Within thirty minutes, rescue workers began the plight to Texas City. Included in rescue efforts were medical personnel, Army and Navy units, the Coast Guard, policemen, firefighters, the Salvation Army, the Red Cross, the State Highway Patrol, morticians, other relief organizations, and many civilians willing to help. The Public Health Service arrived within a few days to spray

¹⁸ Ferling, "Texas City Disaster," 54.

¹⁹ Ferling, "Texas City Disaster," 56.

²⁰ Elizabeth Lee Wheaton, *Texas City Remembers*, (San Antonio: The Naylor Company, 1948), 4.

DDT in order to prevent disease. Money poured in from all over the United States and some foreign countries, and this money was distributed to those needing help by the newly established Texas City Disaster Relief Committee. Among those who received donations from this Committee were the injured, the homeless, and those who lost their caregivers or the financial support of husbands or parents. For some, extensive and long-term medical care was also provided from this fund. Numerous major corporations contributed in various ways to help the victims of the Disaster. Monsanto Chemical Company immediately contributed \$500,000 to help employees who survived the blasts and to assist the families of those employees who were killed. The *Texas City Sun* reported on April 18, 1947, that Anheuser-Busch company had contributed \$25,000 to the Relief Fund.²¹ In addition, medical supplies, clothing, food, and other items were rushed to Texas City to aid victims. Among other caregiving responsibilities, the Red Cross, Salvation Army, and the 4th Army from Fort Sam Houston established field kitchens, transported victims to area hospitals, and provided shelter for the homeless.

Once rescue operations were underway, confusion remained a problem. "The Mayor of Texas City and his assistants were endeavoring valiantly to bring order out of this confusion, but were handicapped by the hysterical attitude of the citizens, the rumors and reports which spread rapidly among the crowds, the lack of communications within the city, the lack of any wherewithal with

²¹ "Food, Clothing, Materials Arrive for Rehabilitation of Residents," *The Texas City Sun*, 18 April 1947, 33, no. 140.

which to work, and the ruined or semi-ruined condition of public buildings which prevented the various officials from carrying out their functions."²² As stated above, it was virtually impossible to determine the agency or the person(s) in charge, who was to perform what duty, what priority needed to be handled first--other than treating the injured,--or how to best go about getting the entire rescue operation under some sort of control. As a staggering number of people were reported missing, it was initially an overwhelming task to determine if they were among the dead. Bodies were removed without authorization as families claimed the bodies of their loved ones and then took them to be prepared for burial--sometimes to other cities. Soon, however, the Mayor and other officials began to take charge of these problems by appointing committees and an official spokesperson for Texas City. As mentioned, the removal of bodies was one major area which was adding to the chaos. "This prompted the mayor to appoint a three-person dead body commission which had to provide written authorization before bodies could be removed from the town."²³ The city auditorium and high school gym became emergency medical clinics, and a vacant garage was used as a mortuary. Bodies were brought to the garage for cleaning, for burial preparation, and for identification. Camp Wallace, which was located approximately ten miles away, became the cold

²² U.S. Army, Adjutant General's Office, *4th Army Report of Disaster Relief Activities by Military Personnel during the Texas City Disaster*, by Brig. Gen. J.R. Sheet, typescript, 8 May 1947, 2.

²³ Stephens, 70.

storage area for the bodies until loved ones could be notified and the bodies could be claimed and ultimately prepared for burial.

Through it all, volunteers worked courageously, some going for days without sleep or much-needed rest. The Red Cross managed to obtain two billion units of penicillin in addition to tetanus vaccines, blood plasma, and other vitally need medications; brought in specialists for the treatment of gas gangrene; helped provide burial expenses; and provided an endless supply of food for workers and survivors. The Red Cross also established an inquiry station for the numerous calls pouring in from across the nation regarding missing loved ones from Texas City. Some reports indicate that over 27,000 calls were handled. The total [Red Cross] cost was \$1,202,092.38, and the aid did not officially end until August 27, 1959.²⁴ In addition to the \$1,202,092,38, the deferred payment amount of relief provided by the Red Cross totaled \$217,000.00. This excess relief was for extended medical treatment and prolonged maintenance for families.

Many others provided additional assistance to the stricken town and contributed in numerous ways to support those victims in Texas City. For example, ". . . . within minutes after . . . the grim tragedy . . . the services and talents of our country's greatest artists of stage, screen, and radio were placed at the disposal of the Governor of Texas for benefit performances to raise funds for the relief of the suffering citizenship."²⁵ Some of these performers were

²⁴ Ferling, "Texas City Disaster," 64.

²⁵ Texas, *House Concurrent Resolution 97*, (1947).

Frank Sinatra, Phil Silvers, George Burns, Gracie Allen, Diana Lynn, Bob Hope, and Marjorie Reynolds. As relief flooded the community, Texas City Mayor, J.H. Trahan, requested additional assistance from the 49th Battalion of the Texas State Guard. The Guard quickly responded, and--upon the subsequent order of the Governor--headed to the devastated town prepared to assist and aid however they might be needed.

The 49th Battalion: Texas State Guard

The race of mankind would perish did they cease to aid each other.
We cannot exist without mutual help.
All therefore that need have a right to ask it from their fellow-men . . .
[Walter Dill Scott, (1869-1955), American Educator]

Records pertaining to the Texas City Disaster, which were originally generated from the Adjutant General's Office, initially detail minute-by-minute and hour-by-hour coverage of Guard communications, correspondence, and other functions during the crises. Below is an account of the Guard activation as recorded by the Texas Adjutant General's Office.²⁶

April 16, 1947, 10:00 a.m.

On the morning of April 16, Mr. William L. McGill, Executive Secretary of the Governor's Office, sent the first copy of correspondence referring to the Texas City Disaster to the Adjutant General's Office. This memo explained that

²⁶ "Adjutant General's File on Texas City Disaster, 1947," (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

the Governor's Office had received notification of the disaster at Texas City at 10:00 a.m. Understandably, at this point the details were somewhat sketchy and relayed that the tanker that had exploded belonged to Monsanto Chemical Company, emergency personnel had been dispatched to the area, the Texas Highway Patrol was furnishing radio communications, and the Texas National Guard Unit in Houston would be advising the Adjutant General's Office of further details. Once this memorandum was received at the Adjutant General's Headquarters, the staff noted that the correspondence was subject to verification. Additional notification rapidly followed as Texas State Guardsmen responded to the news of the tragedy.

10:00 a.m.

Colonel Robert M. Ives, 143rd Infantry, Houston, Texas, talked with Colonel William H. Martin, Assistant Adjutant General, and reported that it was believed that damage from the explosion was extensive, and Colonel Martin suggested that Colonel Ives contact the State Guard Commander in Texas City, Colonel McLean or Mike Murphy.

10:50 a.m.

A call was placed from Colonel Whitley of Beaumont to Colonel Mason. During the course of the conversation Colonel Whitley was instructed to go to Texas City and report to the law enforcement officers to see if there was any assistance that he could offer.

10:58 a.m.

Adjutant General Arthur B. Knickerbocker received a call from Sheriff Polk requesting that General Knickerbocker solicit help from the Governor.

11:04 a.m.

General Knickerbocker contacted Colonel Garrison of the Texas Department of Public Safety to see what their stance was in regard to the explosion. Colonel Garrison explained that they were still investigating, and he suggested that the Adjutant General wait for definitive information.

11:10 a.m.

Mr. William L. McGill, Executive Secretary from the Office of the Governor, released a statement to the press. This statement described the preliminary findings on the disaster including the reported number of injuries released by the American Red Cross, a status on disaster relief activities, and the efforts of the Texas Highway Patrol. Governor Beauford Jester asked that the telephone company and telephone workers make it possible for phone service to be restored to Texas City as quickly as possible.

11:15 a.m.

Colonel Burton Miles, 48th Battalion of the Texas State Guard, notified Colonel Martin that the 147th Tank Battalion in Houston possessed the necessary arms, etc. which were needed in Texas City. Colonel Miles stated that this Battalion did not, however, possess the necessary vehicular transportation.

11:27 a.m.

Colonel Martin notified Colonel Mason that the, "Texas State Guard Units in Houston and vicinity have enough equipment for use in case of an emergency. In addition, trucks and drivers were available at Camp Mabry."²⁷

11:30 a.m.

Lieutenant Colonel George W. McLean, 49th Battalion, advised General Knickerbocker of the details of the explosions. In addition, he noted that, "the people are completely panic-stricken." Colonel McLean proposed that 1,000 men be sent to the area and that "no organization and no count of injured" was yet available. General Knickerbocker responded that Colonel McLean should, "deputize as many people as possible to take care of the situation. . . it would be some time before [the] state guard could be moved into the area."²⁸ He also advised that Colonel McLean continue communication with the Texas Department of Public Safety.

12:50 p.m.

Lieutenant Colonel McLean telephoned from Texas City asking that General Knickerbocker speak with J.C. Trahan, the Mayor of Texas City. "Mayor Trahan said they might want to declare martial law some time in the early evening before 8:00 o'clock. He said if they could handle it, of course they would, but it is possible that they will need approximately 2,000 men, at least

²⁷ Ibid.

²⁸ Ibid.

1,200. There are some officers from the Fourth Army here, and they are already alerted. General Knickerbocker told him that he thought they should start deputizing as many men as they could."²⁹ General Knickerbocker next spoke with Mr. Sandburg, Vice President of the Texas City Railway Terminal, to inform "him that there was being sent to Texas City 10,000 pounds of blood plasma, and also that the Governor was thinking about flying down there to look the situation over and see just what was needed and what action would have to be taken."³⁰

1:01 p.m.

Mr. McGill, Executive Secretary, issued the following report: "Colonel Garrison [Department of Public Safety] just advised the Governor that he had received a formal report from Captain Purvis of the Texas Rangers and Captain Rose of the Highway Department which stated that they had just been in conference with Mr. Lettish [Ladish], Chief of Police of Texas City, and that he stated that with the units that the Department of Public Safety had brought in he felt that it would not be necessary at this time to call for any further help from the State Guard. The situation might develop later on but right now it is under control and the Department of Public Safety has 79 men in there. They think that as far as looting at night is concerned they can take care of it."³¹

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

1:20 p.m.

Colonel Miles, 48th Battalion (Houston), called Lieutenant Colonel Richard B. Jones, 147th Tank Battalion (Houston). During this conversation it was mentioned that Lieutenant Colonel Delmar, 22nd Battalion, left for Texas City at noon, the auditorium [presumably at Texas City] was being used to treat the injured, and that the police in Texas City and the Department of Public Safety felt that they could handle the situation.

2:25 p.m.

Colonel Robert M. Ives, 143rd Battalion, reported to Colonel Martin that men were ready to go to Texas City upon notice by the Adjutant General. Colonel Martin instructed Colonel Ives, "to stand by and be prepared to move to Texas City if the Governor ordered him to do so. Colonel Ives was instructed that no troops were to be considered as having been ordered out except by express orders from the Governor through the Adjutant General's Office. Colonel Ives was informed by Colonel Martin that warning telegraphic orders had been forwarded to Lt. Colonel Delmar, CO, 22nd Battalion, Texas State Guard, and to Lt. Colonel Miles, CO, 48th Battalion, Texas State Guard, giving them instructions to be prepared to move on order."³²

Sometime after 3:00 p.m.

Colonel Delmar reported back to Colonel Mason what he had witnessed in Texas City. In response to his inquiry, Colonel Mason notified him that there

³² Ibid.

had not yet been a request for martial law. Colonel Delmar stated that at 1:30 he met with the Chief of Police and Lieutenant Colonel George W. McLean, 49th Battalion. Colonel McLean believed that martial law should be declared, but Chief Ladish, "said he had more policemen than he knew what to do with. The City of Houston gave 90 policemen to handle traffic in the city. Highway Patrol took outlying areas--highways. The Army is going to guard stores to prevent looting. Texas Rangers and local police will work the dock area." Furthermore, Colonel Delmar stated, "I left Texas City about 3:00 p.m.. There were no fires at all, and ambulances and fire trucks all over the area. It doesn't look like they would require anything additional to what they had. They have restricted the danger area, and only rescue crews are going in. They need no additional help -- just need to run some strays out of town. There is a special train of doctors and nurses coming from the Navel Hospital. They have road blocks a mile from the city."³³

7:00 p.m.

A telegram was received from Leonard E. Clark, Lt. Colonel, (INF, Commanding, Marshall, Texas) which notified General Knickerbocker that the 33rd Battalion was available for disaster duty.

In addition to the above referenced materials, Texas State Guard rosters were assembled and consisted of the 147th Tank Battalion, the 143rd Infantry Battalion, and the 49th Battalion. All such Battalions were asked to stand

³³ Ibid.

ready. The Battalion Commander was Lieutenant Colonel George W. McLean, Jr., and Major Rex H. Brewer was listed as the Headquarter Executive Officer. Along with Guard Officers, the rosters also contained the names of all Captains, First Lieutenants, Second Lieutenants, and Unassigned Guardsmen from Company B.

On April 16, J. C. Trahan, Mayor of Texas City, issued an official proclamation summoning the 49th Battalion of the Texas State Guard to Texas City. Chief Ladish was able to dissuade Mayor Trahan from requesting a declaration of martial law.³⁴ The proclamation was addressed to the Commanding Officer of the 49th Battalion and asked for assistance in suppressing felonies. Section (3) and section (4) of the proclamation state:

(3) That due to the damage to communications caused by the above described explosion, I am unable to communicate with the Governor of Texas, to get him to order the active militia stationed here to aid the civil officers in keeping the peace. That unless the active militia lends immediate assistance the aforesaid felonies will be committed.

(4) For each and all of the aforesaid reasons, and acting under the authority granted me by Article 5831,³⁵ Revised Civil Statutes of Texas, I call upon you as Commanding Officer of the active militia stationed here to activate your units to suppress the tumult and to keep the peace

³⁴ Stephens, 60.

³⁵ Vernon's Annotated Texas Civil Statutes, art. 5831(1962): "When there is in any county, city or town in this State tumult, riot or body of men acting together by force with intent to commit a felony, or breach of the peace, or to do violence to person or property, or by force to break or resist the laws of this State, or when such tumult, riot, mob or other unlawful act or violence is threatened and that fact is made to appear to the Governor, he may issue his order to any commander of a division, brigade, regiment, squadron, battalion, troop, battery or company of the active militia of this State to appear at the time and place directed, to aid the civil authorities to suppress or prevent such violence and in executing the laws; provided, whenever the necessity for military aid in preventing or suppressing such violence and in executing the law is immediate and urgent, and **when it is impracticable to furnish such information to the Governor** in time to secure military aid by his order, the district judge of the judicial district in which the disturbance occurs, or the sheriff of such county, **or the mayor of such city**, or town, **may call in writing for aid upon the commanding officer of the active militia** stationed therein, or adjacent thereto; and the civil officer making the call shall at once notify the Governor of his action. Id." [NOTE: Arts. 5790 to 5890c. Repealed by Acts 1963, 58th Leg. p. 209, ch. 112 § 3; Acts 1965, 59th Leg., p. 1601, ch. 690 § 3.]

and to protect the property and lives of the citizens of the City.

I hereby invest you with all the civil authority possessed by me for each and all of the purposes above set out.³⁶

Immediately upon receipt of the Mayor's proclamation, First Lieutenant Alfred R. Webster of the 49th Battalion issued Special Order No. 1 designating specific guard duty for the 49th Battalion. Governor Jester, in consultation with Chief Ladish and Mayor Trahan, declared that a declaration of martial law would not be issued. Instead, on April 17, Governor Jester issued Proclamation No. 41-371, which declared a state of emergency in Texas City:

NOW, THEREFORE, I, Beauford H. Jester, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby declare a state of emergency in the affected area of the Texas Gulf Coast; . . .

(1) The Texas Department of Public Safety is designated to represent the State and Governor in giving such aid and assistance as local law enforcement officers may require, and to coordinate all police and rescue activities in the affected area;

(2) The Adjutant General of Texas will take such emergency steps as may be indicated to hold the military forces of the State in readiness for such service as may be determined upon in further conference with the Governor;

(6) I commend the Texas Department of Public Safety for the steps it is taking to deal drastically with all attempts at looting or other lawless activity;

(8) I suggest--reverently and earnestly--that the people of Texas offer, in public service and in private communion with Almighty God, their prayers for our stricken people and for their fellow beings who are

³⁶ "Adjutant General's File on Texas City Disaster, 1947," (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

devoting a full measure of strength and effort to relieve their great suffering.³⁷

Governor Jester, in this official proclamation, declared that the American Red Cross was to be the official relief agency and the designated agency to which all funds for assistance would be routed. In furtherance of this proclamation, and once the Texas City crises had ended, Governor Jester sent a letter to the Red Cross on May 11, 1947 thanking all those involved for their heroic efforts.

The press quickly published headlines notifying the public that a State of Emergency Proclamation had been issued for Texas City. The *Denton Record Chronicle* reported word of this proclamation, as did the *Houston Press*, the *Texas City Sun*, and other newspapers. The *Texas City Sun* announced, "Texas City Probably Best Guarded Area in World: State and national guardsmen, county and city officers, policemen from Houston, Galveston and other areas, number about 500. They were stationed everywhere and patrolled endlessly."³⁸ On April 17, the *Houston Post* made readers aware that the 49th Battalion of the Texas State Guard was ordered into the Texas City area on the afternoon of the 17th by Adjutant General Arthur B. Knickerbocker. This article noted that the,

³⁷ Proclamation No. 41-371, by Governor Beauford Jester, 17 April 1947, Courtesy of Archives and Information Services Division--Texas State Library and Archives Commission, Austin, Texas.

³⁸ "Texas City Probably Best Guarded Area in World," *Texas City Sun*, 18 April 1947.

"governor's office said the proclamation did not amount to a declaration of martial law."³⁹

Also on April 17, 1947, the *Houston Post* publicized Adjutant General Arthur B. Knickerbocker's General Orders No. 32, commanding the 49th Battalion to active duty.

... a state of emergency having been declared, the Forty-ninth Battalion, Texas State Guard, is hereby ordered to active State duty in accordance with Article 5830⁴⁰ Revised Civil Statutes of the State of Texas, and the Commanding Officer is directed to report to the senior Law Enforcement Officer of Texas City and will cooperate in the protection of life and property and render such other assistance as may be required.

Colonel William H. Martin, Assistant Adjutant General of Texas, is directed to report to the Texas City Area without delay, and is authorized to organize such staff assistance as he deems necessary and will, upon his arrival, take command of such State troops called to active State duty in this stricken area.⁴¹

Additionally, on Thursday, April 17, *The Houston Post* reported "Governor Jester expressed himself as believing that the situation is well in hand and that martial law would not be needed. He said if the situation becomes more critical,

³⁹ "State of Emergency Proclaimed," *Houston Post*, 17 April 1947.

⁴⁰ Vernon's Annotated Texas Civil Statutes, art. 5830 (1962): "When an invasion of, or insurrection in, this State is made or threatened, or when the Governor may deem it necessary for the enforcement of the laws of this State, he shall call forth the active militia or any part thereof, to repel, suppress, or enforce the same, and if the number available is insufficient he shall order out such part of the reserve militia as he may deem necessary. Id." [NOTE: Arts. 5790 to 5890c. Repealed by Acts 1963, 58th Leg., p. 209, ch. 112, § 3; Acts 1965, 59th Leg., p. 1601, ch. 690, § 3.]

⁴¹ "Adjutant General's File on Texas City Disaster, 1947," (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

he stands ready to place all the forces of the state at the disposal of Texas City officials. He had not ordered out the national guard, he stated."⁴²

On April 18, Adjutant General Knickerbocker received a Western Union telegram from Colonel Martin stating that Mayor Trahan had expressed a desire that the troops remain on duty through Sunday night. Colonel Martin recommended that Mayor Trahan's request be granted.⁴³

Briefly, it must be noted that the deployment of the Texas State Guard in this type of situation is not a violation of the Posse Comitatus Act. *Black's Law Dictionary* has defined Posse Comitatus as the power or force of the county. The entire population of a county above the age of fifteen, which a sheriff may summon to his assistance in certain cases; as to aid him in keeping the peace, in pursuing and arresting felons, etc.⁴⁴

Furthermore, Congress passed the Posse Comitatus Act, which prohibited deployment of federal troops against civilians for the purpose of law enforcement. This prohibition is codified today in 18 United States Code, Section 1385. It applies only to the Armed Forces, which includes the National Guard when deployed as a reserve Component pursuant to Title 10 United States Code. However, when We in the National Guard are training for our federal mission pursuant to Title 32 of the United States Code, or serving our state governors in local emergencies, the Posse Comitatus prohibition does not apply.⁴⁵

⁴² *Houston Post*, 17 April 1947.

⁴³ Colonel Martin to Adjutant General Knickerbocker, 18 April 1947, (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

⁴⁴ *Black's Law Dictionary*, (1933), 3rd ed., s.v. "Posse Comitatus."

⁴⁵ "A National Guard Frontier of the Next Century," *National Guard Review*, (1998), [e-journal] <<http://www.nationalguardreview.com/library/hometown.html>> (accessed 1 May 2000).

Therefore, the legality of summoning the Guard to work in conjunction with civil authorities is protected both constitutionally and statutorily and is not prohibited.

With this background in mind, records indicate that on April 18, Alfred R. Webster, Battalion Commander, charged Captain Milton L. Hinkley with the responsibility of training and of the supervision of the troops. Other correspondence from Commander Webster includes two letters dated April 19 appointing the Officer of the Day and Officer of the Guard; the total number of personnel from the Headquarters 49th Battalion, Company B 49th Battalion, and Company C 49th Battalion required to report for active duty; and a memorandum to these same personnel ordering them to report to the supply room for the issuance of supplies.

On April 19th at 10:00 a.m., a Western Union telegram was sent from Adjutant General Knickerbocker to Colonel Martin advising Colonel Martin to, "make whatever disposition you deem necessary in regard to the officers and men under you in Texas City."⁴⁶ If possible, Colonel Martin was requested to have all troops back at their home stations no later than Monday, 21 April 1947.

On April 21, 1947, Executive Secretary, William McGill sent a memorandum to Governor Jester as a follow-up to the Texas City Disaster and in regard to proposed new legislation. This letter concerns a proposal for additional legal authority which would allow the "Governor to ask for emergency

⁴⁶ "Adjutant General's File on Texas City Disaster, 1947," (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

legislation to strengthen his powers to control situations of this character, short of martial law." Mr. McGill noted that the, "Adjutant-General, Health, Highway, and Welfare Departments very quickly integrated their activity with the Governor's Office. The Adjutant-General instructed his forces to coordinate for the time being through the Public Safety Director." Mr. McGill believed that legislation was unnecessary and that the, "Governor--under the Constitution--is the Commander and the designation of anyone else would probably not be understood by the state departments concerned." In addition, Mr. McGill stated that, "how far the State can go into a situation like this--short of martial law--is questionable. Perhaps there should be a law clarifying the matter. But it must be drawn with extreme care to prevent charges on the local level that there is undue interference and that the State is power-happy. The State Departments which deals so intimately with local authorities will be in best position to advise on this."⁴⁷

A copy of Mr. McGill's letter was also sent to Adjutant General Knickerbocker, who responded to Governor Jester on May 2, 1947, that he does not see the necessity for such legislation. He further noted that State agencies normally concerned with such relief are operating at a high degree of efficiency. General Knickerbocker stated, "I am convinced that the Governor has at his disposal well organized and well controlled agencies capable of handling any situation which might arise. With the progressive organization of the Texas

⁴⁷ William L. McGill, Executive Secretary, to Governor Beauford H. Jester, 21 April 1947, (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

National Guard, the Governor will have a military force capable of taking over any area wherein military action may be needed in the event of an emergency." General Knickerbocker further pointed out that some agencies arrived at Texas City without adequate means of sustaining themselves. This was not true of the Texas State Guard. "The State troops, on the other hand, ordered into the area, arrived with field ranges, set up a subsistence and supply system, had cots and blankets, and were completely self-sustaining insofar as the size of the unit was concerned." He also pointed out that the ". . . Red Cross had a larger burden thrown upon it to feed the people in the area who were rendered homeless because of the necessity of caring for volunteers going into the area with no means of caring for themselves. Many of these people were a liability rather than an aid in the rescue work." Adjutant General Knickerbocker concluded by asserting that, ". . . I recommend that no legislation be submitted at this time, but that all State agencies involved in disaster operations be required to formulate workable disaster plans, and that these disaster plans be so coordinated that the Governor will be able to call one or more agencies in time of need, and the plan of action of each agency will not conflict or interfere with the actions of the other."⁴⁸

In summary, the Texas State Guard was relieved from duty at Texas City on 21 April 1947 by order of Mayor J.C. Trahan. A Rearguard of 10 men under

⁴⁸ Adjutant General Knickerbocker to Governor Beauford H. Jester, 2 May 1947, (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

2nd Lieutenant John A. Rakestran remained on duty until 28 April 1947.⁴⁹ During the time the State Guard served in Texas City, they assisted wherever needed and directed. The battalion helped to transport the wounded to hospitals and the dead to morgues, and effectively acted to restore order.⁵⁰ Similar to a martial law situation, the Guard worked cooperatively with civil authorities and other state agencies to maintain order and lawful control and to ensure that all persons and property were well protected during the crises.

A Brighter Tomorrow

To every thing there is a season, and a time to every purpose under the heaven;
A time to be born, and a time to die; . . . a time to kill, and a time to heal;
A time to break down, and a time to build up;
a time to weep, and a time to laugh;
A time to mourn, and a time to dance;. . .
[Ecclesiastes 3:1-8]

The Texas City Disaster was recorded as the worst industrial disaster in United States history. [Furthermore, the Texas City Disaster] . . . is probably the second worst in the list of tragedies which have struck Texas.⁵¹ The *Denton Record Chronicle* cited the Galveston hurricane of 1900, which killed 5,000 to 8,000 persons as the worst disaster in Texas history.

⁴⁹ "Adjutant General's File on Texas City Disaster, 1947," (Austin: Camp Mabry: Texas Military Forces Museum, Adjutant General's Department Files, photocopied).

⁵⁰ Richard Morehead, "Jester Rules 'Emergency,'" *The Dallas Morning News*, 18 April 1947, vol. 62, no. 200, pp. 1-2; Gamble, *op. Cit.*, p. 29.

⁵¹ "Texas City Explosion Second Worst of State's Tragedies," *Denton Record Chronicle*, 17 April 1947.

In the aftermath of the destruction, death, and despair, the survivors of the Texas City Disaster began to rebuild their town, their lives, and retained a sense of compassion for their fellow man. Mayor Curtis Trahan said, that the courage of Texas City citizens was "proven in crisis [and] will be the foundation and cornerstone of a future filled with promise and potentiality."⁵² All races joined together to save their town, their friends and family members, and color did not seem to matter when so many human lives were at stake. "As a farm boy carries stovewood, seemingly oblivious to danger, a giant Negro tramped tirelessly back and forth, bringing out the maimed and dying."⁵³ "I was proud of the people though, after everybody came. Everybody started helping each other. Color didn't make any difference. You couldn't tell whites' from the Negroes anyway."⁵⁴ The courageous efforts of all those involved, regardless of race or gender, gave testimony to the love that shared grief and tragedy can invoke in people. Further testimony of this was found on April 19, when a memorial service was held for the victims of the Texas City Disaster. This service was an interracial, interfaith service with both black and white clergy from all faiths officiating.

On June 22, 1947, in donated coffins, the 63 unidentified persons of the Texas City Disaster were laid to rest in a plot of land purchased by the Disaster

⁵² John Gillinger, *Survival!*, prod. Sherman Grinberg, videocassette.

⁵³ Elizabeth Lee Wheaton, *Texas City Remembers*, (San Antonio: The Naylor Company, 1948).

⁵⁴ "People Were Running Through the Streets, Bleeding and Screaming; Recounts Survivor," *Houston Press*, 16 April 1947.

Relief Committee, and this site now serves as a memorial cemetery and park in remembrance of those killed. An estimated 5,000 mourners attended the funeral service which was once again an interracial, interfaith service. It was a striking [funeral] procession, probably the longest in the history of funeral service.⁵⁵ The Reverend F.M. Johnson, a black preacher, officiated as minister of Texas City's First Baptist Church from the black community. Today, Reverend Johnson continues to pastor this same church. "Each site [at the cemetery] is marked with a piece of granite smaller than a brick and bearing a number which links it to a paper listing everything that is known about the human being who lies there."⁵⁶ "The simple, ecumenical service held on June 22, 1947 had a healing effect on the citizens of the small town which had suffered so much. From the chanting of the Rabbi, through the Latin prayers of the Catholic priest, to the spoken words of the Protestant ministers, black and white, the people found a solace and a sense of community they have never completely lost. Ecumenical services were rare in 1947, and racially mixed services were unheard of in the segregated 1940s."⁵⁷ The Disaster linked together all ethnic groups, and that formed the foundation for the promise of a new beginning for Texas City. Fittingly so, an angel made of Italian marble resides over the unidentified dead.

⁵⁵ "The Unidentified," *Mortuary Messenger*, July 1947: 6.

⁵⁶ Meriworth Mabry, *Texas City Memorial Cemetery: For the Unidentified Dead Killed in the 1947 Disaster*, July 1990. [In cooperation with the Galveston County Historical Commission.]

⁵⁷ Ibid.

As life began to move onward, and those left behind were buried but not forgotten, the citizens of Texas City began to rebuild their town. Many local industries chose to remain in Texas City, and growth once again flourished. Intensive review of what caused the explosion was conducted by several organizations including--but not limited to--the Coast Guard, The National Fire Protection Association, the Fire Prevention and Engineering Bureau of Texas, the National Board of Fire Underwriters, and the Bureau of Mines. The National Fire Protection Association, after a thorough investigation, determined that the exact cause of the fire on the *Grandcamp* would never be known. The Fire Prevention and Engineering Bureau of Texas and the National Board of Fire Underwriters concluded their report by stating that smoking must still be considered as a principal source of the fire. These bureaus recommended stringent smoking control; appropriate labeling, storage, and handling of hazardous materials; and adequate fire fighting operations be set in place and proper equipment installed. The Coast Guard report also contributed the tragedy to a careless smoker. A complete lack of understanding in regard to hazardous chemicals was found to be profoundly evident as well as lax federal, state, and Coast Guard regulations. Ignorance of the powerful potential for additional explosions was completely overlooked, as indicated by the fact that curious bystanders were allowed to linger near the dock area.

Thankfully, however, the Disaster brought forth the necessity of providing stronger safety regulations and a new knowledge of the need for disaster preparation plans to be designed and implemented. For example, some

positive results have been lawfully enforced and regulated emergency management operations, more federal and state intervention, more efficient policies in regard to disaster management, thorough evaluation of disaster relief agencies, and the knowledge of the handling of and appropriate labeling of hazardous materials. Many other polices and guidelines have since been made mandatory by both state and federal law. The Texas legislature passed the Civil Protection Act of 1951, which established a uniform system for disaster management in the state and organized the duties of relief agencies in emergency cases.⁵⁸ In the event of another such disaster and with the development of new laws and regulations, these relief agencies can now work cooperatively without undue obstructions and confusion.

Lawsuits were immediately filed and retribution and justice was sought. "Over 270 suits totaling \$170,000 were filed by 8,485 plaintiffs in federal district court. All cases were consolidated into *Dalehite v. United States*, making it the largest damage action suit ever against the government."⁵⁹ In 1950, the District Court ruled in favor of the plaintiffs; however, in 1952, the Court of Appeals reversed the judgment of the District Court. The case went on to the Supreme Court with the Plaintiff's contending that the government was liable for damages based on the Federal Tort Claims Act. The Federal Tort Claims Act of 1946, clearly indicated that the United States shall be liable, respecting . . .

⁵⁸ Vernon's Revised Civil Statutes, art 6889-4. *Civil Protection Act* (1951).

⁵⁹ Brian Mitchell, "The City that Refused to Die: Texas City, Texas," *Prologue*, Spring 1998, 46-53.

tort claims, in the same manner and to the same extent as a private individual under like circumstances. However, in 1953, the Supreme Court held that:

A claim against the United States for damages resulting from an explosion of Ammonium Nitrate fertilizer manufactured for it and under its direction, while being loaded for export, . . . to fall within the exception from the Tort Claims Act of claims based upon the exercise or performance on the part of a federal agency or an employee of the government. A further point is that the Tort Claims Act does not embrace the absolute liability imposed upon one who engages in an activity attended with potential danger to others.

JACKSON, J., in whose opinion BLACK and FRANKFURTHER, JJ., joined, dissented on the ground that the Tort Claims Act should be construed as recognizing liability in cases where a private person would be liable; that in the circumstances a private person would have been deemed negligent; and that the negligence here was not in the exercise of an administrative discretion but in the execution of the plan adopted.⁶⁰

With the ruling of the Supreme Court, the only recourse left to the Plaintiff's was congressional interference, and in 1955, Congress approved the Texas City Disaster Act. Under this Act, the plaintiff's finally received compensation for their losses. Over \$17 million was paid to survivors, and in 1959 the Act was further amended to include permanent disability as well. In 1959, the Texas City Disaster Act disclosed that a total of 1,719 claims had been filed, 1,390 claims settled, and 329 claims remained unsettled.

With this settlement, darkness was finally lifted from Texas City. The dead live on in the memories of those who loved them; the unknown dead have found a final resting place overseen by a beautiful marble angel; the city has rebuilt and prospered once again; the survivors were eventually compensated--at least monetarily--for their tragic losses; and, perhaps most of all, some

⁶⁰ Dalehite v. United States, 346 US 15, 97 L.Ed 1427, 73 S Ct. 956, (1953).

researchers have indicated that the town grew to love one another after the tragedy, forgetting the outward appearance of skin color. In the racially segregated 1940s and 1950s, this indeed was an omen of what could be once acceptance of each individual is based on the person himself rather than the race one happens to be born into. This promise of hope shone brightly in Texas City in 1947 and, according to researchers, continues to shine for those left behind.

CHAPTER 6

CONCLUSION

As we move into the 21st Century, the Texas State and National Guard continues to remain an indispensable and vital component, one without which the protection of this vast State would become uncertain. Veteran soldiers, as well as those newly trained, hold the preservation of the State as their highest goal while in their military role. These proud citizens of Texas are the men who form the Guard and who train on a regular basis to maintain their abilities, to empower themselves with additional knowledge, and to strengthen their skills to provide more efficient protection. In April of 1998, there were 1,448 members of the Texas State Guard, and these guardsmen train a minimum of eight hours per month.¹ The State Guard is devoted to the protection of property and life; and, in addition, the National Guard is ready to aid the federal government nationally in providing necessary power and assistance to safeguard the nation. Furthermore, these guardsmen work cooperatively with city leaders and designated officials when summoned for aid and also participate in services and other types of programs as required. Their service role, although not covered in this research, is not strictly for the suppression of rioting or for the preservation of a community when inflicted with devastation.

¹ Adjutant General's Department of Texas, *Texas State Guard* [homepage on-line]; available from <http://www.agd.state.tx.us/index.htm>; Internet, accessed 22 November 2000.

The Guard performs many types of services including rescue missions and other vital operations.

The Guard continues to recruit and seek members for service to the state. "To volunteer for service in the Texas State Guard a person must: (1) be a state citizen; (2) be at least 17 years of age; (3) meet qualifications that the governor prescribes; and (4) be acceptable to and approved by the governor or adjutant general under the governor's direction."² Furthermore, "the Texas National Guard is composed of: (1) the state military forces organized as the Texas National Guard; (2) persons held to military duty under state law; (3) persons who accept appointment or voluntarily enlist in the Texas National Guard; and (4) members of the reserve militia mustered into the Texas National Guard."³ This statute also proclaims that the National Guard may not exceed 37,000 personnel except in cases such as those found necessitating martial law and other types of insurrections.

The future of the Guard is as pragmatic and fundamental to the existence and preservation of Texas as is the position of the chief executive. We, as Texans, can only implore that the state militia will never again be deployed to suppress such extreme instances of racial intolerance leading to violence or to assist in catastrophic situations involving extensive devastation and destruction as was evidenced by the preceding chapters. These watchmen over Texas continue to protect, to defend, and to promote peace throughout the state.

² Vernon's Texas Codes Annotated (1998), Government Code, sec. 431.052.

³ Vernon's Texas Codes Annotated (1998), Government Code, sec. 431.041.

Without these sentries, tranquility, as we know it, would surely be lost. From the formation of Texas, the founders of this state recognized the significance of a state militia, and the importance of these forces has not abated as we move into a new century. Thankfully, as we enter into the 21st century, Texans find that these proud guardians of the state endure and that the defense of the state and of its citizens are guaranteed due to the highly skilled and dedicated members of the Guard.

Texans all--both proud and strong, bound as one to defend our home.
At the Governor's beck and call, they are there to help with law.
They have helped in times of strife, whether it be disaster or riot.
They stand together to protect all races
and to keep Texas safe in all places.

In 1900, Governor Sayers declared martial law when Galveston city
leaders saw all the destruction and devastation
caused by the worst hurricane ever to hit the nation.
Thousands died and many were lost.
In human life, Galveston paid an untold cost.
The Volunteer Guard under Adjutant General Scurry
rushed to Galveston in a hurry.
There they helped to guard the city
and to bury the dead--
the magnitude of which was a great pity.
Houston Light Guards and Houston Light Artillery,
along with other types of military
aid arrived to help the city
drowned by the worst storm of the 20th Century.

In 1930, Sherman saw another form of martial law
When an angry mob killed George Hughes, who was a black man stood
accused of the rape of a white woman.
The mob grew deadly and help was summoned.
Shots were fired and the courthouse burned,
proof of what hatred can spurn.
Governor Moody called in McGee, and
the Guard worked to restore peace and tranquility.

Soon with help from Texas Rangers, Sherman was protected from the dangers of hate, bigotry, and deadly anger.

In Beaumont, you saw them dare to protect blacks from violence flared. Martial law the Governor declared and called the Guard to the nightmare.

Safe they helped the town to be,
though many blacks fled for their own safety.
Racial rumor started all this trouble, and loss of life and property doubled before the citizens of Beaumont saw the racial rumor had a flaw.
The white woman was not raped,
and the black community did not deserve such a fate.

A few years later in Texas City, an industrial disaster struck,
which was a catastrophic pity.
Many died, were lost or maimed
The Governor called the Guard who quickly came,
and a State of Emergency was proclaimed.
The Guard was there with the Red Cross, DPS, and others ordained
To help the citizens of that town in what was
the worst industrial tragedy ever found.
Color mattered not during those days,
as racial barriers began to fade away.
The town worked as one together in what became a bond forever.

Texas history rings bright and true,
and the Guard has always been there too.
The citizens of Texas should thus not fear,
whether martial law or disaster--the Guard will readily prepare.
The Guard will come and help Texas still,
wherever needed -- and they always will.

In memory of all those who have gone before,
and are awaiting us at Heaven's door
Though tragic as the end may be, thankfully, by '47 Texas City taught us
to see that whatever our color or race may be,
We are one, we are proud, and we Texas free!⁴

⁴ Trayce Hudy, May 2001. Dedicated to the Texas Volunteer, National, and State Guard troops--both past and present.

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APPENDIXES

APPENDIX A
GALVESTON ORPHAN'S HOME



Galveston Orphan's Home
Courtesy of Rosenberg Library, Galveston, Texas

APPENDIX B
BRIGADIER GENERAL THOMAS SCURRY



Brigadier General Thomas Scurry
Courtesy of Rosenberg Library, Galveston, Texas

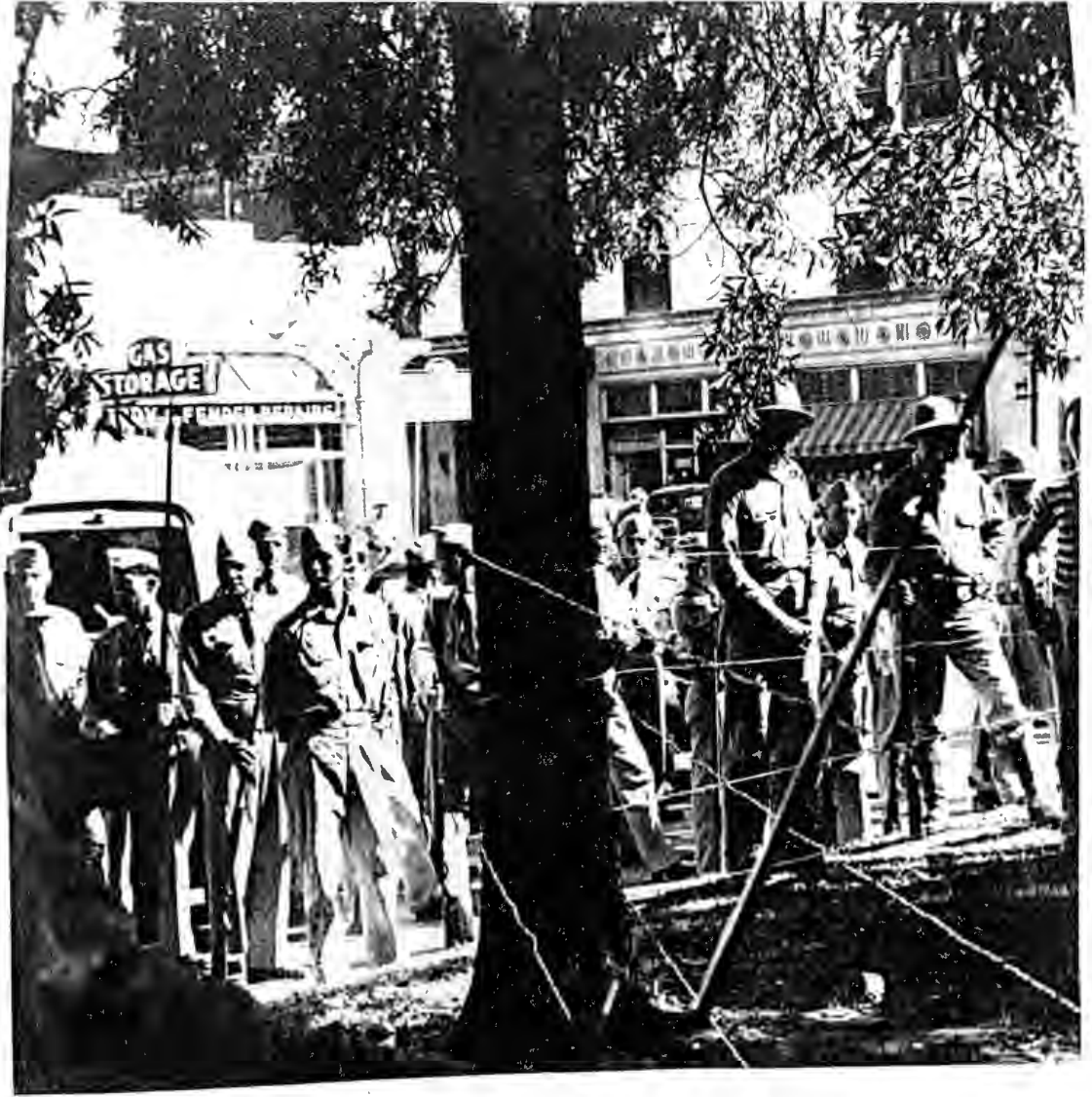
APPENDIX C
MILITIA IN GALVESTON



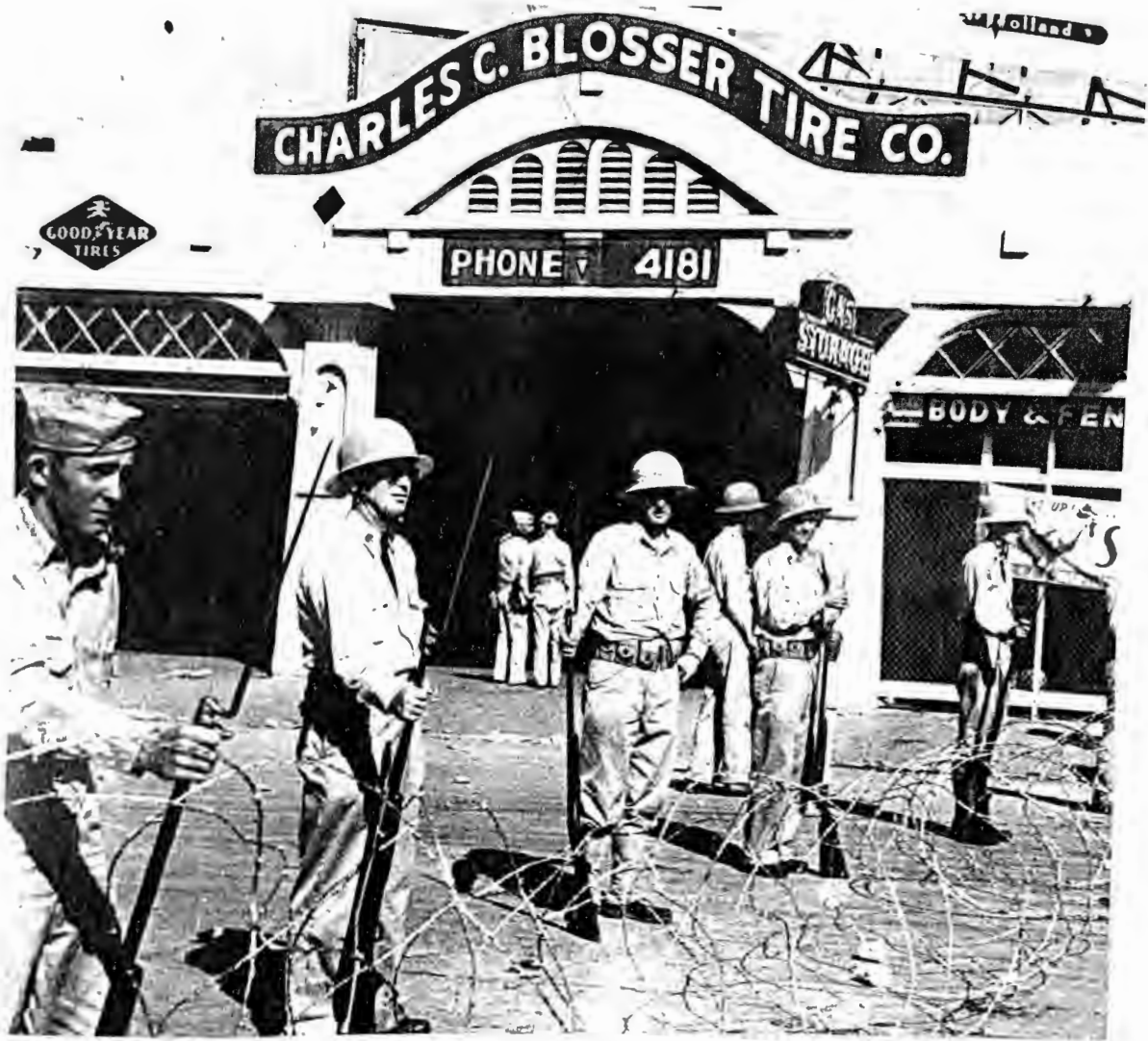
Militia in Galveston
Courtesy of Rosenberg Library, Galveston, Texas

APPENDIX D

TEXAS STATE GUARD IN BEAUMONT



Texas State Guard in Beaumont
Courtesy of Texas Military Forces Museum, Camp Mabry, Austin, Texas



Texas State Guard in Beaumont
Courtesy of Texas Military Forces Museum, Camp Mabry, Austin, Texas

APPENDIX E

TEXAS CITY SURVIVORS AND SCENE OF DESTRUCTION



Texas City Survivors and Scene of Destruction
Courtesy of Dallas Public Library, Texas/Dallas History and Archives Division



Texas City Survivors and Scene of Destruction
Courtesy of Dallas Public Library, Texas/Dallas History and Archives Division