

INTRODUCTION

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ALBION W. TOURGÉE'S *Bricks Without Straw*, set in Reconstruction-era North Carolina, cries out to be rediscovered as one of the most powerful race novels ever written by a white American. The throngs of readers who rushed to purchase it when it came off the press in October 1880 certainly recognized its power. *Bricks Without Straw* sold 50,000 copies within a year—an extraordinary figure by today's standards—and Tourgée's publishers had to make a duplicate set of plates to keep pace with the demand, which averaged more than a thousand copies a day and seven thousand a week for the first six weeks.¹ Although Tourgée's better-known Reconstruction novel, *A Fool's Errand* (1879), sold three times as many copies, *Bricks Without Straw* in fact surpasses it both conceptually and artistically. Conceptually, *Bricks Without Straw* accomplishes the rare feat of envisioning Reconstruction from the black community's standpoint—a more ambitious undertaking than fictionalizing an author's own experience, as Tourgée does in *A Fool's Errand*. Artistically, *Bricks Without Straw* features an array of complex, fully rounded characters; a plot that successfully integrates the political action centered on African Americans with the love story centered on whites; a sophisticated narrative technique that relies on flashbacks rather than linear progression; a self-conscious use of dialogue and dialect to give voice to the voiceless; and an experimental open ending that calls attention to the problems history has left unresolved.

THE *UNCLE TOM'S CABIN*
OF RECONSTRUCTION

The literary achievement modern readers will prize most highly in *Bricks Without Straw* is its revolutionary approach to depicting African Americans. Casting off the blinders that so drastically limited white perceptions of African Americans, Tourgée defies conventions of racial stereotyping ubiquitous in the writings of his predecessors and contemporaries, who either embraced these conventions uncritically or resorted to covert strategies for undermining them.² No other white writer of Tourgée's time—and few since then—portrayed African Americans with such realism, treated them as independent political agents instead of as menials attached to whites, and accorded them dominant roles in the plot.

Tourgée knew that the story he wished to tell demanded a new type of novel, as perfectly adapted to impelling the northern public to complete the work of Reconstruction as Harriet Beecher Stowe's *Uncle Tom's Cabin* (1852) had been to inspiring its antebellum readers to fight against slavery. Stowe's "literary marvel," Tourgée asserted in his tribute "The Literary Quality of 'Uncle Tom's Cabin'" (1896), had wrought its magic by painting "a slavery which the free man could understand and appreciate" and by embodying it in characters familiar to the northern mind because they were "essentially New Englanders" or "blacked Yankees." Curious to learn what the emancipated slaves themselves thought of the book that had so "vividly . . . impressed [his] own young mind," Tourgée had questioned many about it. Nearly all had found Stowe's sketches of blacks and master-slave relations untrue to life. "Seems like that Uncle Tom must have been raised up North!" Tourgée quoted "one of the shrewdest and most thoughtful" freedmen as commenting. Yet far from branding the "non-realistic" mode of *Uncle Tom's Cabin* a defect, Tourgée identified it as the secret of the influence the novel had exerted. An "absolutely 'realistic' . . . delineation of the master and the slave" would not only have failed to move readers, he argued, but would have gone over the heads of the majority "who did not, and do not yet, comprehend" the institution that had so fatally shaped southern society.³

If the crusade against slavery required an *Uncle Tom's Cabin*, Tourgée believed, the challenge the country faced in 1880 required a radically different fictional vehicle for mobilizing public opinion. Fifteen years after the war, the South remained engulfed in violence, white supremacy again

reigned unchecked, and the freedpeople groaned under forms of bondage almost as oppressive as the one the country had abolished. These conditions persisted, according to Tourgée, because Northerners still viewed the South through the prism of *Uncle Tom's Cabin*. They had expected to regenerate the South through a mass religious conversion, and when it had not materialized, they had let the region work out its own salvation, confident that white and black Southerners would eventually reach an accommodation similar to that of Stowe's benevolent masters and lovable slaves.

To awaken the northern public from its slumber and summon it back to the unfinished task of liberating African Americans from white domination, Tourgée created a novel that combined the prime attribute of *Uncle Tom's Cabin*—its “power to touch the universal heart”⁴—with the social realism it conspicuously lacked. Through realism, *Bricks Without Straw* corrects readers' misconceptions and equips them for promoting effective policies in the South. Tourgée replaces Stowe's saintly Uncle Tom and comical Topsy with three-dimensional black characters endeavoring to forge new lives for themselves. He shows them interacting primarily not with whites but with each other, and he traces the development of a free, self-dependent African American community. Tourgée's realism illuminates the world of southern whites as well. *Bricks Without Straw* reveals the complexity of southern society, provides glimpses of the relations between poor whites and blacks, and probes the psychology of the former slaveholders.

Realism does not in itself arouse readers to action, however, as Tourgée's running quarrel with its literary proponents indicates that he discerned.⁵ He therefore infuses the emotional appeal of *Uncle Tom's Cabin* into *Bricks Without Straw*. Speaking through a narrator appalled by the nation's moral torpor, he strives to ignite in his readers the same fervor Stowe had sparked in hers. Stowe's readers had gone to war to free the slaves. Tourgée wanted his readers to fulfill that war's promise by rededicating themselves to the forsaken goal of Reconstruction.

WHOSE RECONSTRUCTION?

Reconstruction, the turbulent twelve-year period stretching from 1865 to 1877, derives its name from the ideal of rebuilding the post-Civil War South on a foundation of freedom and equality rather than slavery. The government program implementing this ideal originated with the Radical wing of the Republican Party, whose roots lay in the prewar antislavery movement.⁶

Reconstruction has gone down in public memory, nonetheless, as a spree of vengeance against a defeated people, because the program's fiercest opponents—the South's former slaveholding aristocrats—overthrew it by violence and captured the national media. Through the mainstream northern press, and later through such works as Thomas Dixon's *The Clansman* (1905), D. W. Griffith's *The Birth of a Nation* (1915), Margaret Mitchell's *Gone with the Wind* (1936), and the multiple tomes produced by professors of the "Dunning School," the white South's propagandists fastened their version of history on the popular imagination. As a result, generations of Americans have supposed that after the Civil War, the "prostrate" South endured a gang rape by hordes of ignorant and brutish ex-slaves, unleashed by greedy "carpetbaggers" and abetted in their depredations by villainous "scalawags"—the epithets applied respectively to emigrant Northerners and renegade Southerners.⁷ Only within the past few decades have these tenacious stereotypes begun to yield to the consensus of present-day historians, who now characterize Reconstruction, in Eric Foner's words, as "America's Unfinished Revolution."⁸

Published a mere three years after Reconstruction officially ended, and aimed at counteracting the very stereotypes historians have recently discredited, *Bricks Without Straw* offers an unparalleled inside view of this contentious epoch. As a Radical Republican, Tourgée had worked closely with African Americans and poor whites in the struggle to transform North Carolina's racial and class politics. He had also seen the ravages of the Ku Klux Klan at first-hand, braved death threats to bring the perpetrators of Klan atrocities to justice, and fought to the last against what he called the "counter-revolution" that destroyed Reconstruction (*Bricks* 394). Thus, *Bricks Without Straw* pulsates with the immediacy of lived history.

Tourgée places the newly freed slaves at the center of this history and presents the conflicts over Reconstruction primarily through their eyes—an enterprise that anticipates the African American scholar W. E. B. Du Bois's monumental revisionist study, *Black Reconstruction in America* (1935). Indeed, it is not too much to call *Bricks Without Straw* Tourgée's *Black Reconstruction*. The very words Du Bois uses to describe his project apply to Tourgée's. Both identify the "emancipated slave" as the "chief witness in Reconstruction," challenge a public record that had "almost barred" this crucial witness "from court," and emphasize the African American people's courageous striving for self-determination in the teeth of insuperable odds. Both also show how African Americans were driven "back toward slavery."⁹

Unlike Du Bois, however, Tourgée could exploit the mask of fiction and the authority he possessed as a white participant in Reconstruction to express his outrage at the nation's abandonment of African Americans. Grimly chronicling the "counter-revolution" that so swiftly eliminated the rights the freedpeople had won with the help of their white supporters, he excoriates the northern public for succumbing so credulously to the white supremacist propaganda campaign against Reconstruction. In the process, he articulates insights as relevant to the present as to the past.

Tourgée could assume his nineteenth-century readers' familiarity with the main contours of Reconstruction politics, as covered in the leading newspapers of the North. Hence, he concentrated on refuting myths about "Negro rule" and exploding the illusion that a new day of peace and harmony had dawned in the South since its ruling elites had been allowed to regulate race relations without federal interference. For twenty-first-century readers, on the other hand, an overview of Reconstruction history and of Tourgée's career, so inextricably intertwined with it, can enhance appreciation of his talents as a political novelist by revealing the factual basis of his gripping plot.

THE MAKING OF A RADICAL

Tourgée's life qualified him exceptionally well for setting the historical record straight so that the nation could undo its mistakes—the mission he undertook in *Bricks Without Straw*. Born in 1838 in Ohio's Western Reserve, a region burning with the abolitionist zeal its settlers credited to their New England heritage, he grew up exposed to many of the radical ideas he would later champion. Two of the nation's most committed antislavery politicians, Joshua R. Giddings and Benjamin F. Wade, both from Tourgée's native Ashtabula County, represented Ohio in the House and Senate. Though an "ardent disciple" of Giddings, as he afterward recalled, the youthful Tourgée did not act on his convictions that blacks were fellow human beings and slavery was "damnable." As late as February 1860, when his fiancée Emma Kilbourne announced that she had "become quite a rabid little petticoated Black Republican" (as members of the fledgling Republican party were labeled to associate them with African Americans), Tourgée made fun of her. "Will you require your Fiancée to swear fealty to your political views, and pledge himself, in black & white to vote for all Republican candidates and none others, as some others of your sex have done?" he demanded. In

hindsight he berated himself as an “egregious ass” for having held himself aloof from the abolitionist movement he portrayed so admiringly in his mature writings.¹⁰

It was Tourgée’s contact with fugitive slaves and black soldiers in Union army camps during his Civil War service that converted him into an impassioned advocate of racial equality. He enlisted as soon as the war broke out, driven like most early volunteers by a desire to prove his manhood and his patriotism. The battle of Bull Run left him paralyzed from the waist down after the wheel of a gun carriage struck him in the back during the Union army’s frenzied rout. Regaining mobility nine months later by sheer force of will, he signed up as a recruiter and joined the regiment he had raised, the Ohio 105th Volunteer Infantry, made up of men who “carried the antislavery fervor of the Western Reserve with them to the warfront.”¹¹ Hardly had the 105th arrived at its first destination in Lexington, Kentucky, than its members confronted the anomaly of an “‘abolition regiment’ in a loyal slave state,” as Tourgée put it in his history of the 105th, *The Story of a Thousand* (1896). Along the march route, he reminisced, “colored men came, one by one, and offered to bring water, to carry guns or knapsacks,—anything, if they could only follow us” and thereby hasten their own liberation and the downfall of slavery. In their wake came irate masters seeking to reclaim their runaway property. Because Kentucky was siding with the Union, the Lincoln administration’s policy obliged soldiers to surrender runaways to “loyal” claimants—orders “abhorrent” to men whose families in Ohio had been sheltering escaped slaves from the human bloodhounds on their trail. Tourgée cited several instances of soldiers and officers who defied their superiors by protecting the fugitives in their midst, provoking the Kentucky general commanding the 105th to shout, “You are all Abolition nigger-stealers.”¹²

The opportunity to rub elbows with black men under wartime conditions taught Tourgée to respect a race he had hitherto considered inferior, as he subsequently admitted.¹³ For example, while performing picket duty on a “dark and rainy night” in January 1863, shortly after Lincoln issued the Emancipation Proclamation, Tourgée was startled by the approach of a “trembling slave, who, when he had assured himself of kindly treatment, drew from secure concealment in his dusky bosom a paper containing a copy of [the president’s] message, and asked—Please sir will you tell me—is this true.”¹⁴ (We do not know what Tourgée replied, but the Emancipation Proclamation did not in fact free slaves in loyal states, though it did enable

thousands to win their freedom by enlisting in the Union Army.)¹⁵ The encounter sharpened Tourgée's awareness of how attentively the slaves were following the war news. It also convinced him that despite draconian laws against allowing slaves access to literacy, some managed to learn to read and used that skill to free themselves and their fellows. On another occasion, Tourgée and a comrade attended a "meeting of the 'Cullud population' of the Brigade," as he recorded in his diary on 7 June 1863. What he saw there of African Americans as political agents apparently impressed Tourgée enough to prompt him to request a transfer two weeks later to a black regiment. "I know there is little hope of any mercy being shown" to a captured soldier "connected with the colored troops," he mused, but "it is certainly the place for men who would serve the country best."¹⁶

The requested transfer never materialized, yet Tourgée's racial views continued to evolve as he formed closer relations with the escaped slaves who served the 105th. His diary entry of 24 October 1863 furnishes a glimpse of that evolution. Describing the latest fugitive to arrive in the camp, a man who called himself William and did not know "his 'oder' name," Tourgée crossed out the word "colored" and substituted "an American citizen of African descent." He immediately took William into his "pay and employ" and rechristened him "*Nimbus*" [double underlining in original, meaning both "halo" and "storm cloud"], he reported, "by which ancient and honorable appellation he is hereafter to be known."¹⁷ Living at close quarters, with time often hanging on their hands, the young officer and his body servant must have carried on long conversations, through which Tourgée gleaned insights he would weave into his portrayals of his African American characters. Chief among them, the militant hero of *Bricks Without Straw*, whom Tourgée likewise christened *Nimbus*, embodies the unforgettable image of black manhood that his real-life model imprinted on the future author's memory.

As the 105th fought its way through Kentucky, Tennessee, and Georgia, Tourgée met with more and more fugitives and saw slaves subjected to shocking brutality. "Oh! I am sick today—so sick! Not bodily sick—but *so* sick at heart!" he wrote Emma in November 1862 from a plantation in Danville, Kentucky, where he was recuperating from a shrapnel wound in his hip. "I have seen what would make a cynic heart-sore! My brain throbs—my blood boils!" His unwillingness to share the details with Emma hints at a sexual abuse—perhaps the stripping and flogging of a woman.¹⁸

Eight weeks later, Tourgée was captured in an ambush and spent four

months in a series of Confederate prisons from January through April 1863. Prison completed his radicalization. As he told Emma, prison taught him the meaning of “bondage”: “it is chagrin, humiliation—insult—fused in fierce flash of misery.”¹⁹ While his own experience of “bondage” led him to identify viscerally with the slaves fleeing in droves to Union army camps, prison threw him into the company of southern poor whites, kindling a sympathy that would help him forge ties with some of them during Reconstruction. “Never shall I forget . . . a prisoner in one of the Confederate Bastiles, a garulous soldier,” he recalled in an 1868 speech. “Ah! sir, this is the rich man’s [war] and the poor man’s fight,” he remembered his Confederate fellow inmate as telling him “with mournful emphasis.” Tourgée added: “It was the whole matter in a nutshell, a volume in a sentence.”²⁰

Even before his capture, Tourgée had arrived at the conclusion that the war would serve no purpose if it did not instigate a “national revolution.” In a letter to his fraternity brothers at the University of Rochester, he dedicated himself to a vision that he would promulgate for the rest of his life. Dismissing Lincoln’s original goal of preserving the Union with slavery intact, Tourgée proclaimed: “I dont care a rag for ‘*the Union as it was.*’ I want & fight for the *Union better* than ‘*it was.*’ Before this is accomplished we must have a fundamental thorough and complete revolution & renovation. . . . For this I am willing to die—for this I expect to die” [underlining in original].²¹ Tourgée’s career during Reconstruction and its aftermath confirms that he took his pledge seriously.

To his lasting mortification, Tourgée’s Civil War service ended in December 1863, when his commanders judged him unfit for active duty after he reinjured his back. Though he never won the military renown he wishfully bestowed on some of his fictional heroes, he led the vanguard of the social “revolution” in which he hoped the overthrow of slavery would culminate.

AN IDEALISTIC “CARPETBAGGER”

In the spring of 1865, Tourgée began exploring the idea of going south to aid in transmuting an oligarchy based on race and caste into a democratic republic. A vast tide of northern missionaries, teachers, and entrepreneurs, mostly of abolitionist background, had already embarked on this errand, setting up schools for the newly freed slaves and initiating experiments in “free labor,” first in areas liberated by the Union army, such as Fortress Monroe, Virginia, and Port Royal, South Carolina, in 1861–62, then throughout the

South after the Confederacy's surrender in April 1865. They hoped to consummate the work of abolition by turning the South into a replica of New England and the Western Reserve. Tourgée shared their dream.

Like many carpetbaggers, Tourgée combined idealistic motives with a desire for economic gain. The notion that slavery caused economic backwardness while "free labor" (meaning free enterprise and uncoerced wage labor) furthered economic development had long buttressed the abolitionist creed, and Tourgée wholeheartedly subscribed to it. Still, his biographers agree that idealism outweighed self-interest in Tourgée's choice of Greensboro, Guilford County, North Carolina, as his new home. Though it lacked the opportunities for windfall profits available in the rice-growing and cotton-growing coastal regions, Greensboro attracted Tourgée because it boasted a large Quaker population that had opposed slavery before the war, backed the Union and campaigned for peace during the war, and was now energetically establishing freedmen's schools across the state.²² Clearly, Tourgée was seeking a community of like-minded activists.

Accompanied by Emma's parents and sisters and two fraternity brothers from the University of Rochester whom he took as partners, Tourgée leased a 750-acre farm, the West Green Nursery, and started a law practice in October 1865. The nursery, specializing in fruit trees, enabled him to demonstrate the benefits of free labor by paying good wages to his black workers and earning their loyal service. His law practice entailed representing southern Unionists who were demanding compensation from the U.S. government for property destroyed by Sherman's troops. Through these twin pursuits, Tourgée linked himself with two of the constituencies he would soon weld into an interracial coalition.²³

NORTH CAROLINA DURING PRESIDENT JOHNSON'S RECONSTRUCTION

Tourgée arrived in North Carolina at a critical juncture in national politics. Lincoln had not yet formulated a Reconstruction policy when he succumbed to an assassin's bullet in April 1865, but in his last speech, delivered to an audience that included John Wilkes Booth, he had indicated a limited willingness to award voting rights to some black men: "the very intelligent, and . . . those who serve our cause as soldiers."²⁴ Tourgée would always believe that Lincoln's endorsement of black suffrage, however tentative, sounded his death knell.²⁵

The eight-month interval before Congress reconvened in December (an oddity of the nineteenth-century political calendar) left Reconstruction in the hands of Lincoln's successor, Andrew Johnson. A Tennessee Unionist of poor-white origin who harbored virulent anti-black prejudices, Johnson adamantly opposed black suffrage. Indeed, he opposed measures to *protect*, let alone empower, the ex-slaves. That stand led him to veto two key bills Republicans passed in February 1866: the first extended the life of the Freedmen's Bureau, the federal agency that mediated between whites and blacks during the transition from slavery to freedom; the second spelled out the basic civil rights to which freedpeople, like all other American citizens, were entitled. Johnson viewed such measures as infringements on states' rights. He wanted instead to readmit the defeated Confederate states into the Union as expeditiously as possible with minimal conditions—acceptance of the Thirteenth Amendment abolishing slavery and repudiation of both secession and Confederate war debts. Accordingly, he granted wholesale pardons to ex-Confederates and restored their property rights in plantations confiscated during the war, some of which had been turned over to the freedpeople on the understanding that by tilling the land, they could earn ownership of it. Johnson's lenient terms for "restoration" (the word he favored in lieu of "reconstruction"), his determination to allow the former rebel states "undisputed management of their own internal affairs," and his undisguised commitment to a "white man's government" emboldened the South's ruling elites to reassert their power.²⁶

North Carolina followed the same pattern as other southern states. Conservatives swept the November 1865 elections, and the state assembly hastily enacted a Black Code designed to keep the freedpeople in subjection, so that despite the demise of slavery, employers could count on a captive black labor force. Its provisions labeled "vagrancy" (that is, unemployment) as a misdemeanor and allowed courts to fine or imprison offenders or sentence them to the workhouse; penalized employers for "enticing" or "harboring" workers who left exploitative bosses in quest of higher wages elsewhere; required convicted criminals to pay off their fines and court costs by laboring in ball and chain on road construction and other public works; forbade blacks to purchase "guns, swords, or knives" without a license obtained one year in advance; and imposed the death penalty for "insurrection, conspiracy, sedition or rebellion," as well as for "*intent* to rape a white woman" (italics added). As if the Black Code did not suffice, a Militia Law revived the antebellum slave patrol by establishing an "all-white militia . . . to be called

out to quell any ‘insurrection among free persons of color’ or any disturbances “*in any way* alarming the citizens of any county.” Finally, taxes weighing unequally on black laborers and white landowners “compelled [blacks] to pay an unjust & extortionate share of the public expenses.”²⁷

The state’s legislative assault on African American rights validated a drive already under way to terrorize the freedpeople into submission. By January 1866, agents of the Freedmen’s Bureau in North Carolina were “so overwhelmed with cases of ‘robberies, frauds, assaults, and even murders’ committed against blacks that one reported hearing ‘as many as a hundred and eighty complaints in one day’ and lamented that ‘no records of them could be kept.’” The bureau’s records did nevertheless note “fifteen murders of blacks by white men in 1865 and 1866.”²⁸

Appalled by both the violence and the Black Codes, congressional Republicans sought to write into the Constitution guarantees that would prevent states from reintroducing slavery under new guises. The Fourteenth Amendment, passed in June 1866, defined “all persons born or naturalized in the United States” as “citizens of the United States and of the State wherein they reside” (terms that for the first time explicitly included African Americans); prohibited states from denying citizens “equal protection of the laws” or depriving them of “life, liberty or property, without due process of law”; and temporarily “barred from national and state office men who had taken an oath of allegiance to the Constitution and then aided the Confederacy.”²⁹ Like most of the southern state legislatures elected in 1865 under President Johnson’s restoration plan, North Carolina’s General Assembly voted overwhelmingly against ratifying the Fourteenth Amendment.

While the dispossessed slaveholders were devising methods of securing a bonded labor force, their former chattels were exercising their new freedoms and organizing to protect them. In parades, demonstrations, and public meetings, the freedpeople celebrated their emancipation and “called for legal and political rights.”³⁰ They also banded together in Union Leagues, which served simultaneously to impart “political education,” provide a forum for airing grievances against employers, and arrange for self-defense. At typical league meetings, “Republican newspapers were read aloud, issues of the day debated, candidates nominated for office, and banners with slogans like ‘Colored Troops Fought Nobly’ prepared for rallies.” Members additionally used league meetings to share information about “suing their employers, avoiding fines for attending political meetings, and ensuring a fair division of crops at harvest time.” Some leagues even “engaged in strikes for higher

wages” and held military drills.³¹ Of the political activities in which North Carolina freedmen participated, the most impressive were two statewide conventions held in Raleigh at the African Methodist Church in 1865 and 1866. Both passed resolutions praising Radical Republican leaders for working to “secure to the colored citizen his rights.” Both also addressed North Carolina white elites, at first in moderate, then in militant tones. The 1865 convention, as if anticipating and hoping to forestall the Black Codes, petitioned the state legislature to frame “some suitable measures . . . to prevent unscrupulous and avaricious employers from the practice of . . . acts of injustice towards our people.” The 1866 convention protested against “outrages” local whites were committing, called on the African American community to publicize them in the national press, and organized a state Freedmen’s Educational Association to “aid in the establishment of schools, from which none shall be excluded on account of color or poverty.”³²

AN AGITATOR FOR EQUAL RIGHTS

North Carolina’s politically awakened black masses and intransigent white ruling class were poised for conflict when Tourgée inaugurated his model of free-labor farming in Greensboro. From the start, the relations he and Emma formed with the African American community constituted an affront to white mores and subjected the couple to ostracism so extreme that white women gathered back their skirts when Emma passed them in the streets.³³ Not only did the generous wages Tourgée offered undermine the planter class’s strategy for maintaining a pool of cheap black labor, but his fraternization with his workers violated the racial hierarchy that upheld white hegemony. He and Emma founded Greensboro’s first school for the freedpeople, situated on their premises, and the Tourgées and Emma’s family members taught there until the school relocated in June 1867 (becoming Bennett Seminary in 1873, which remains extant today). Emma also “made a daily habit of reading the newspaper aloud” to the West Green Nursery’s employees. Further grating on the sensibilities of the white gentry, the Tourgées interacted socially with their African American neighbors, sometimes attended black church services, and received African American guests in their home. Nor did they simply flout the racial caste system—Tourgée actually sapped its economic basis by helping African Americans to acquire land, in defiance of a ban by white planters. Like his autobiographical persona Comfort Servosse in *A Fool’s Errand* (1879), Tourgée appears to

have “cut up” a portion of his acreage into “little farms of ten and twenty acres,” erected log houses on them, and sold them “to colored people on six or ten years’ time.”³⁴ He dreamed of launching a Freedmen Land Agency with branches in every state, which could enable African Americans to purchase land on easy terms through northern capitalists acting as intermediaries, but General Oliver O. Howard, head of the Freedmen’s Bureau, never considered Tourgée’s proposal.³⁵

To be sure, Tourgée did not always escape the racial arrogance his culture bred in whites. His correspondence with local African American leaders reveals that he sometimes offended them. Responding to an unjust accusation of disloyalty, for example, Tourgée’s political ally Harmon Unthank objected, “I understood that the principle of the republican party was liberty, Freedom of speech &c, but by the way you write, I do not think *freedom of speech is allowed*” [underlining in original].³⁶ Similarly, when Tourgée presumed to ask the African American candidate James E. O’Hara to withdraw from the ticket to prevent the defeat of the Republican slate, O’Hara shot back a “torrent of angry abuse,” complaining that white Republicans were still treating their black colleagues as “masters” did their “servants.”³⁷ These expressions of resentment nonetheless indicate that Tourgée’s African American associates felt free to chastise him and expected him to listen to them. Far more representative of the local black community’s assessment of him is a testimonial that appeared in an African American newspaper almost three decades later by a man who had known Tourgée since 1867. “He was then the same upright, brave, bold, courageous, outspoken friend of humanity” as he continued to be in the 1890s, wrote this admirer, adding: “In the hearts of the loyal people of [North Carolina] Judge Tourgee is idolized.” Significantly, he cited as witnesses the “living” models on whom Tourgée had based the African American characters in his novels: “Unthank in ‘Hot Plowshares,’ Nimbus in ‘Bricks Without Straw,’ and Wilks, in the ‘Fool’s Errand.’”³⁸

If Tourgée’s efforts to promote racial equality foundered in the social and economic realms, they proved extremely effective in the political arena. Displaying a talent for coalition building, he unified Quakers, poor whites, upper-class converts to radicalism, and African Americans under the umbrella of the Republican party. His political career began in the local Union League and culminated in a judgeship.

Tourgée joined an interracial chapter of the Union League, perhaps at the invitation of a black member, as *A Fool’s Errand* suggests. The association

met in a schoolhouse furnished by the Freedmen's Bureau and brought together freedmen and a handful of white Union loyalists.³⁹ Tourgée served as corresponding secretary and apparently wrote the pledge members repeated at their councils, which reflects the group's radical egalitarianism. In language echoed again and again in his own political writings, it calls for "elective judges, equal justice to all men and an *everlasting* reconstruction" and vows not to "countenance any social or political aristocracy," to "aid in elevating and educating the people, to wrest power from the rich," and to "prevent the leaders of [the Confederate] rebellion from holding offices of trust and emolument."⁴⁰ Through his participation in the League and other interracial organizations, Tourgée soon won a reputation as an electrifying speaker and fearless champion of both the black and the white poor.

From local notability, Tourgée rose to national prominence when Unionists of Guilford County chose him as their delegate to the Southern Loyalists convention in Philadelphia, held on the heels of President Johnson's convention of his own supporters. The 1866 electoral campaign was shaping up as a referendum on the Fourteenth Amendment, which Johnsonites repudiated and Radical Republicans promoted. To refute the Johnsonites' claim that peaceful conditions in the South warranted swift readmittance of the ex-Confederate states with no further interference in their internal affairs, Radicals wanted first-hand testimony from southern loyalists on the violence raging in their home districts. Tourgée and the Louisiana carpet-bagger Henry Clay Warmoth, who "emerge[d] as the two most influential men in the entire convention," presented a devastating report on the "Non-Reconstructed states." It charged that the old planter class had merely replaced slavery with "serfdom" and that Unionists of both races suffered "continual persecution" at the hands of the ex-Confederate "rebels" they had helped their country to defeat. The report also demanded that the "strong arm" of the federal government be "interposed" to protect its loyal citizens. In an extemporaneous speech, Tourgée elaborated on the reign of terror in the South, quoting a Quaker witness who had "seen the bodies of fifteen murdered negroes taken from one pond." He went on to prescribe a radical remedy: "*both* 'the disenfranchisement of all traitors' *and* 'the enfranchisement of *all* loyal men,'" black as well as white. "Two thousand North Carolinians had sent him to Philadelphia" to advocate these measures, Tourgée proclaimed. Despite the crowd's applause—and despite a powerful plea by Frederick Douglass—Tourgée could not muster a majority for black suffrage. But he could see that the tide was turning. Writing to Emma, he

conveyed a message to one of his black associates: "Tell Clark that he will have a chance to vote and all other rights in less than two years."⁴¹

Unknown to Tourgée, Conservatives in North Carolina had been reading newspaper accounts of the Philadelphia convention. They seethed over the picture he had painted of the mayhem in their state—a picture they knew would impel congressional Republicans to prolong the Freedmen's Bureau's surveillance of North Carolina labor relations and possibly send back federal troops. The Conservative Governor Jonathan Worth denounced Tourgée as a "vile wretch," branded his speech "a tissue of lies from beginning to end," accused him of trying to "make the North hate the South," and unsuccessfully pressured Tourgée's Quaker supporters to disavow him. He also orchestrated a slander campaign against Tourgée in the Conservative Greensboro *Patriot*, which unleashed a flood of hate mail. "It is about time that your lying tong [*sic*] was stopped—and if you ever show your ugly face in Guilford County again, I will take care with some of my friends that you find the bottom of that *niger pond* you have been talking so much about," wrote one anonymous correspondent. "You have traduced and villified us at Philadelphia," charged another: "You *knew* that fifteen dead Negroes had not been taken from one pond. You *knew* that Southern loyalists and Negroes *are* safe here provided that they behave themselves." Contradicting himself, this correspondent warned in the next breath: "Your stay in North Carolina had better be short if you expect to breathe the vital air. It is settled that you cannot live here."⁴²

Cut off from news of North Carolina during his whirlwind speaking tour after leaving Philadelphia, Tourgée did not realize that a "hurricane" was brewing over his household and that Emma was bearing the brunt of it in his absence. When he finally heard from her in mid-October, he learned that his business partners had dissociated themselves from him to avoid financial "ruin" and were menacing Emma and her family members with being "*turned out of doors*" [underlining in original]. The West Green Nursery had also stopped paying its workers. "The boys . . . look upon me as the only protector of their rights while you are away," Emma wrote. "They have had but half rations for some time and not a cent of money and some of them are getting barefoot and the cold weather coming on they need their winter clothing. . . . I have distributed ten dollars among them and fed them time and again." One "hungry and barefoot" man had told Emma, "We never would have known who was our friend here if Mr Tourgee had not gone away," revealing the true character of the firm's other owners.⁴³

On his return, Tourgée bought out his partners, but he did not manage to prevent the firm from going under, leaving him penniless and in debt. Undaunted, he continued his political activism, starting a short-lived Republican newspaper, the *Union Register*, delivering speeches all over the state, and joining with other local Radicals to petition Congress in favor of a drastic Reconstruction plan that entailed long-term federal control of the South, the division of the region into territories rather than states, the enfranchisement of former slaves, and the disfranchisement of former Confederate office holders.⁴⁴

In the Reconstruction Act of March 1867, Congress granted the Radicals' prayers for black suffrage in the South, but imposed only temporary disfranchisement on the leaders of the rebellion. Instead, the Reconstruction Act required the ex-Confederate states to hold new constitutional conventions, form new governments, and ratify the Fourteenth Amendment as conditions for readmittance into the Union. The changed suffrage rules meant that a very different electorate, consisting of 72,932 blacks and 106,721 whites, of whom a large segment had long resented the domination of slaveholding planters, would determine the outcome of that process in North Carolina.⁴⁵

THE 1868 CONVENTION

Tourgée played a key role both in the 1867 election, during which he helped woo poor white voters to the Republican side with forceful appeals to their class interests, and in the 1868 state constitutional convention, where he served as one of 107 Republican delegates versus thirteen Conservatives. Though the youngest member of the convention, the twenty-nine-year-old Tourgée took the most conspicuous part in its deliberations and contributed more than anyone to shaping the constitution it produced. The newspapers covering the convention furnish a gauge of his visibility. Not only did the Republican North Carolina *Daily Standard* print long extracts from his speeches, but the Conservative *North Carolinian* caricatured them in detail. Tourgée obsessed white supremacists as a race traitor responsible for all the indignities they suffered at having their former slaves occupy fifteen seats in a once-exclusive forum where they themselves were now reduced to an impotent minority. Conservatives might dismiss the other Republican delegates as a "Troupe of Minstrels" performing in a "Burnt Cork' Convention," but they could not ignore Tourgée. The *North Carolinian* dubbed him

“the Tourgee” as if to indicate that it considered him *sui generis*—an unclassifiable anomaly, a “Nondescript animal” in a “Natural History” museum featuring “Baboons, Monkeys, Mules, Tourgee and other Jackasses.”⁴⁶

The epithets Conservatives slung at Tourgée show that they recognized him as a formidable adversary who too often carried the day. Tourgée’s eloquent speech in favor of incorporating black suffrage into the state constitution, for example, shifted the debate from the “anatomical and physiological difference between white and black races” (the ground on which Conservatives argued against granting blacks the vote) to the debt the country owed African Americans for having helped defeat the Confederate rebellion. “The question of the colored man’s right to vote . . . is a dead issue, a settled question, it has been forever fixed and decided, by the colored man himself” through the blood he shed in the war for freedom, Tourgée contended. Invoking the notorious Fort Pillow massacre in which scores of black soldiers had been murdered in cold blood after a fierce battle, he vowed: “If I forget that day and its lesson of noble manhood, and ever fail to give my voice and my strength for the equal, political, and Civil rights, to that race which gave one hundred and eighty thousand such heros in the darkest hour of the conflict to snatch the Banner of freedom from such foes, may God forget me and mine forever.” The *North Carolinian*’s scorn testified involuntarily to the power of Tourgée’s rhetoric: “In listening to his tribute to their valor and patriotism during the war, the uninformed hearer would have thought the nigger alone ‘crushed the rebellion.’”⁴⁷ Clearly, Tourgée was challenging racist images of African Americans in ways that threatened to wean white voters away from Conservatives by promoting an alliance across lines of race.

Tourgée’s leadership at the convention was so effective, writes his recent biographer Mark Elliott, that “nearly every article” of the state’s 1868 constitution “bore the marks of [his] influence.” Among the innovations he introduced were the division of counties into self-governing townships that elected their own commissioners, school boards, justices of the peace, and constables; the abolition of property qualifications for holding political office; the popular election of superior court judges, hitherto appointed by the state legislature; the abrogation of equity courts and the simplification of the judicial system; the banning of stocks, whipping posts, branding irons, and other methods of corporal punishment; the reduction in the number of crimes punishable by death from eighteen to four (unable to achieve his objective of abolishing the death penalty, which he called “Judicial murder,”

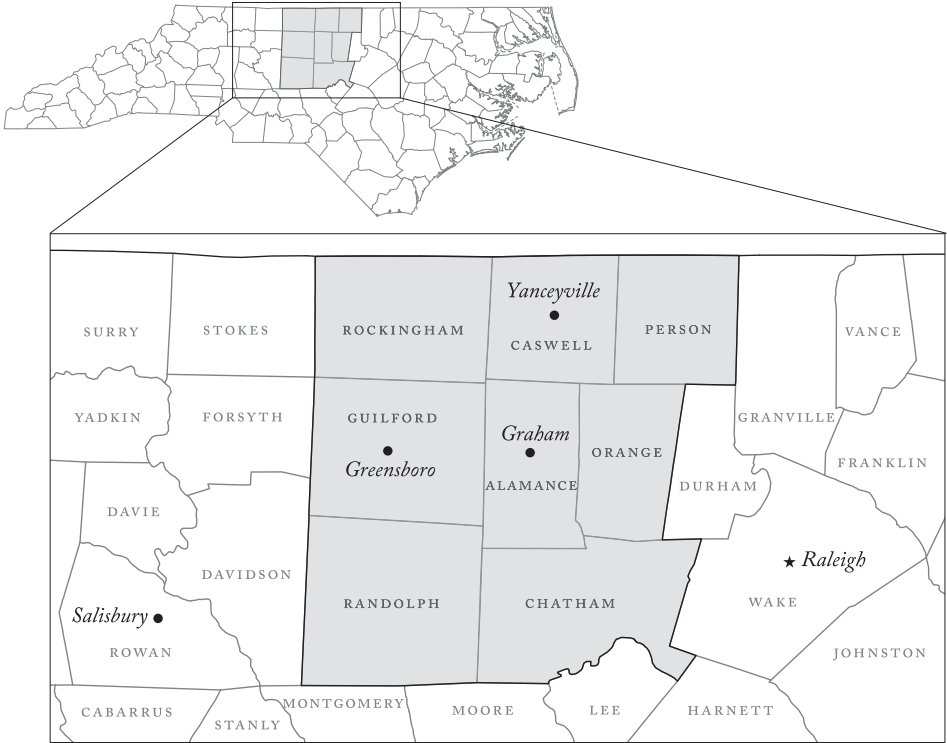
Tourgée privately lobbied Quakers to agitate for restricting it to cases of first-degree murder); the insertion of a clause affirming that the purpose of punishment was “not only to satisfy justice but also to reform the offender”; the elimination of court costs for defendants found innocent in criminal proceedings; and “the incorporation of a ‘Homestead Clause’ that protected debtors from having their land seized by creditors.”⁴⁸ All these innovations served to democratize and humanize the political system, empower the common people, and alleviate the burdens of the poor.

The Conservatives made a last-ditch effort to defeat the proposed constitution in the April 1868 election. “WHITE MEN, ORGANIZE!” they exhorted poor voters: “Be true to your RACE” and “hand down to your children a white man’s government.”⁴⁹ Poor white voters did not rise to the bait, however, joining African Americans and carpetbaggers in ratifying the constitution by a healthy margin. This biracial coalition also elected William W. Holden, a Republican governor of poor-white origin, and sent a Republican majority to the state legislature. Tourgée himself won election as a state Superior Court judge, a position he would hold until 1874.

“THE REIGN OF TERROR”

The Conservative press began defaming Tourgée even before he assumed office. In “what became the standard method of creating the popular image of Republican debasement and villainy,” newspapers circulated “irresponsible slanders” which they refused to retract when exposed as unfounded.⁵⁰ Although Tourgée’s impartiality and competence eventually earned him tributes from fair-minded Conservatives, the public vilification of him never abated. Tourgée’s commitment to upholding the rights of African Americans—whether by ensuring that they served on juries, by fining lawyers for using the epithet “nigger,” or by setting aside guilty verdicts based on flimsy evidence—met with constant misrepresentation. Notwithstanding his stiff sentences of those he judged rightly convicted, white supremacists charged that his leniency toward black criminals provoked recourse to lynch law. In reply Tourgée vowed: “I shall continue to act on my own sense of justice, my own apprehension of the law, and my own conviction of duty entirely unmindful whether the same please friend or foe. . . . I prize my own self respect too highly to do otherwise, and believing as I do that justice should at least be ‘color blind,’ I shall know no man by the hue of his skin.”⁵¹

Tourgée’s judicial term coincided with the heyday of the Ku Klux Klan,



Map of North Carolina with the eight counties in Tourgée's judicial district highlighted in gray. Also indicated are Raleigh, the state capital and site of the North Carolina constitutional conventions Tourgée attended; Greensboro, the seat of Guilford ["Horsford"] County, where Tourgée resided during most of his stay in North Carolina; Graham, the county seat of Alamance, where Wyatt Outlaw was lynched; Yanceyville, the county seat of Caswell, where John W. Stephens was murdered; and Salisbury, the site of the Confederate prison whose graveyard Mollie visits before leaving North Carolina.

whose depredations centered in the piedmont counties of his own Seventh District circuit. Obtaining indictments and convictions of Klan members and persuading the U.S. Congress and President Grant to act against the organization represented the greatest challenges Tourgée faced as a judge.

What "precipitated the Ku Klux Klan's campaign of terror," as historians have shown, was "the strength of white Republicanism and biracial cooperation," and what dictated the form of that campaign was the Conservatives' "realization that appeals to race consciousness were not working" to deter low-to-middle-income whites from voting with blacks. Having failed to regain power through demagoguery, Conservatives turned to organized

violence. They concentrated their attack on the piedmont counties where the “Republican party rested on a coalition of black and white voters,” and “their strategy focused on intimidating enough blacks” and immobilizing or recapturing enough whites through scare tactics and racist manipulation to break the Republican coalition.⁵²

Conservatives launched their campaign of intimidation and terror as early as mid-April 1868, when the Republican North Carolina *Daily Standard* reported that “outrages perpetrated by the atrocious Kuklux clans” were occurring in many localities and that landlords were threatening to “discharge every colored man who votes the Republican ticket.”⁵³ By February 1869, Klan violence had mushroomed into what the *Daily Standard* called a “Reign of Terror.” Week after week, this Republican organ tallied the victims. In March it described the case of “an industrious colored man” who, “to get his honest due, sued for the wages of his labor” and won. “A short time after, the Ku Klux came, in the dead hour of night, to his house, whipped him nigh unto death, beat and maltreated his wife, and nearly killed his little child, *five months old*, while lying in the cradle. Later they turned out, a hundred or more strong, paraded the streets and gave to such men as would assist this man in obtaining justice warning to ‘beware.’”⁵⁴ In April the paper editorialized: “The murders and outrages committed by the bloody miscreants who call themselves the Ku Klux have become alarmingly frequent in this State. The houses of Union men have been broken into in the dead of night and themselves, and sometimes their families, murdered in cold blood. Union men have been driven from their homes because they dared to vote for the right. Hundreds of citizens have been prevented from voting at all by the threats of these midnight murderers.”⁵⁵ In September after yet another “colored man [had] been hung, and several white men shot at and maltreated,” the *Daily Standard* renounced its policy of advising victims to rely solely on the “protection of the law.” The law did not afford adequate protection, concluded the paper’s editor, because so many law officers belonged to or shielded the Klan: “We now tell those who are assailed to fight, to resist force with force, and murder with death,” but not to “commit similar outrages in retaliation.”⁵⁶

The Republican organ’s call for armed resistance triggered a barrage of self-righteous vituperation from the Conservative press, led by the Raleigh *Daily Sentinel*. Its editor, Josiah Turner Jr., “the man who did the most to promote the Ku Klux conspiracy in North Carolina,” had himself been traveling around the state fomenting violence.⁵⁷

Already totaling “at least fifteen murders and hundreds” of “beatings,

cuttings, shootings,” and other atrocities in 1869 alone, Klan terrorism in Tourgée’s piedmont district reached its peak in the months before the 1870 elections. The two counties singled out for the brunt of the terror campaign, Alamance and Caswell, boasted “an able and moderate Negro-white Republican leadership, which Tourgée had helped to establish” and which had proved “instrumental” in “swinging” both counties to the Republican party in the fall 1868 elections.⁵⁸ The Klan thus targeted the leaders who had achieved these results—the black artisan Wyatt Outlaw in Alamance, town commissioner and president of a Union League chapter that brought together black and white workingmen, and the poor white artisan John W. Stephens in Caswell, a state senator and trusted champion of the black population, who had “incurred Conservative displeasure as a Freedmen’s Bureau agent and as a magistrate handling controversies between Negro laborers and the tobacco planters of the county.”⁵⁹

On 26 February 1870, “a band of one hundred or more” masked night-riders took “military possession” of Alamance’s county seat, dragged Outlaw from his home in front of his screaming child, “bludgeoned” him in the street, slashed his lips to advertise the fate all “mouthy” blacks could expect to meet, and hanged him from a tree limb “pointed in silent mockery toward Judge Tourgée’s courthouse less than a hundred feet away.” Tourgée knew Outlaw well and believed he was killed because he had been “ferretting out previous acts of violence which had been committed in the county,” thereby discovering “the identity of some of the parties engaged in them.” It is equally likely, as historians have argued, that Outlaw was killed because he had forged such successful cross-racial alliances, even organizing an “armed night patrol of five black and white men in response to Ku Klux attacks.”⁶⁰

On 21 May it was Stephens’s turn to succumb to the assassins he had long expected. Tourgée felt especially close to the self-educated Stephens, whom he had tutored in the study of law, helped pass the bar exam, advised on political matters, and regularly stayed with while holding court in Caswell, once joining an interracial group of supporters in defending Stephens’s home against an anticipated Klan attack that did not materialize. During his last visit with Stephens only a month before his murder, Tourgée had assisted him in drawing up his will. “Since you left,” Stephens had written Tourgée in a letter completing arrangements to provide for his family, “the K.K.^s has still bin committing their helish deeds. They have taken out of his house another white man Mr W^m. I. Ward and tied him to a tree and severley beat him. & a col. man by the name of Young Richmond and in addition to there usual barbarianism they castrated him it is thought that he will die.”⁶¹

Stephens's "murder sent a thrill of horror and alarm through the breast of every republican in the state—" commented Tourgée. "Each one saw that this was only the fate he himself might expect. . . . For the first time the conviction forced itself upon the mind of every reasoning man that the Conservative party in the state were bound to control it, if by no other means at least by the cord and dagger—If they could not outvote the republican party they were bound to out murder it—." The circumstances of Stephens's assassination particularly shocked his fellow Republicans, though their suspicions would not be verified until two years later, when a black servant woman testified in a sworn affidavit that she had overheard former sheriff Frank Wiley brag to her employer on the night of the crime: "I have done the best days work of my life today. We have put old Stephens out of they [*sic*] way and the negros will not have the sway here any longer." (Her testimony was confirmed long afterward by the deathbed confession of a participant in the murder.) Wiley, whom Stephens had ironically been wooing to run on a "compromise ticket" in the futile hope of placating Conservatives, took advantage of a political meeting in the courthouse to lure Stevens into a room where a "group of waiting assassins," including "leading citizens of the county," overpowered, strangled, and stabbed him to death.⁶²

The Klan's campaign of terror worked. Republicans stayed away from the polls, and Conservatives recaptured the state legislature in 1870. The victors soon reinvigorated many of the Black Codes' provisions, but reframed them in race-neutral language to conform to the Fourteenth Amendment.⁶³ They also proceeded to consolidate their grip on power by devising methods of perpetuating one-party, one-race rule. These methods included gerrymandering districts, altering "voting procedures and requirements . . . in a manner hostile to black and lower-class voters," lengthening residence requirements, disfranchising voters for "petty crimes," "confus[ing] less literate voters" with a "multiplicity of ballot boxes," refusing to register black voters, stuffing ballot boxes, and throwing out returns from Republican-dominated precincts. Such tactics, replicated in other southern states, would last into modern times.⁶⁴

"THE JURIES ARE ALL KU KLUX"

Throughout the Klan's ascendancy, Tourgée fought a losing battle against it. Though he held a special court session in the summer of 1869, at which he managed to secure indictments of twenty suspected Klan members, to his disgust "all the defendants 'proved a *perfect alibi* without a particle of trou-

ble,” necessitating a “Not Guilty” verdict.⁶⁵ Writing to Emma from Alamance, he fumed: “The juries are all Ku Klux or at least a controlling element of them are so. . . . Yesterday three men were tried for cutting a colored man in pieces almost—stabbing and beating and maltreating in every possible manner—but it was all of no avail—‘Not Guilty’ was the verdict—It is no crime for a white man to cut a colored man open in Alamance—” Tourgée would later tell President Ulysses S. Grant that he had tried “sixty-four times . . . to break into” the Klan’s “impregnable fortress” so as to “secure testimony sufficient to enable [him] to demand from juries indictment and conviction.” He had never obtained a conviction; at best, he had procured a few indictments where Republican jurors predominated.⁶⁶

As Stephens’s murder showed all too starkly, Tourgée was risking his own life by taking on the Klan. Indeed, after Stephens’s mangled body was found in the courthouse basement, Governor Holden himself instructed Tourgée not to hold court in Alamance because he would be “in personal danger to do so”—a directive Tourgée characteristically disregarded, though he considered Alamance “decidedly the worst county in the district” and feared he might not “outlive” the session.⁶⁷ He later uncovered plots “to hang him in downtown Greensboro, to waylay him as he rode his circuit alone in his buggy, and to create a court row during which he was to be shot.” In retrospect, he concluded that he escaped Stephens’s fate mainly because Klan leaders feared they might provoke a clampdown by the federal government if they assassinated a nationally prominent figure. Meanwhile, Tourgée persisted in his defiance, “fortif[ying] his home against attack, and . . . [riding] to court heavily armed and via circuitous buggy routes.”⁶⁸

Besides continuing to stand up to the Klan in court, he lobbied for federal intervention. In a strong letter to Joseph C. Abbott, U.S. Senator from North Carolina and a fellow carpetbagger, Tourgée provided statistics on the atrocities that had culminated in Stephens’s murder: four arsons, 400 or 500 houses broken into, eleven murders, and a total of at least a thousand outrages in his judicial district. By “outrages,” he specified to correspondents who contested his figures, he meant “*all violations of the rights of the person, of property or of the domicile, by persons in disguise,*” including “the binding, gagging and beating of men and women, indiscriminate shooting,” and “the wanton terrifying of pregnant females” [underlining in original]. He underscored that he based his statistics on complaints filed by parties who had “flocked to [him] from every county in the hope of legal redress,” many of whom bore on their bodies “unmistakeable evidence” substantiating their allegations.⁶⁹ Abbott shared the letter with his Republican col-

leagues in the Senate and House, and Tourgée had the satisfaction of knowing he had “helped to speed the passage, ten days after Stephens’ death, of the first Enforcement Act,”⁷⁰ a major step toward extending federal jurisdiction over state lawlessness.

Before Tourgée could savor this triumph, the *New York Tribune* published a leaked and garbled version of his letter to Abbott, which put his life in even greater danger, subjecting Emma to unbearable stress. Desperate to escape “this miniature Hell,” Tourgée implored his friends in Washington to find him a foreign post. “I wouldn’t mind yellow-fever, cholera, fleas, earthquakes, vertigo, small-pox, cannibalisms, icebergs, sharks or any other name or shape of horror—provided always there are no K.K.K.,” he announced in one “Private and Confidential” appeal.⁷¹ Nothing came of such pleas, but Klan violence in North Carolina abated once the victorious Conservatives took their seats in the state legislature. Now that they were back in power, they needed social stability rather than anarchy.

Meanwhile, Governor Holden had terribly “bungled” his own attempt to stamp out the Klan by forming a militia of white Unionist mountaineers, rounding up suspected Klansmen without adequate evidence, and suspending habeas corpus. Tourgée judged these measures ill-considered and illegal, and Holden paid dearly for them when the Conservative legislature impeached, convicted, and removed him from office.⁷²

At the national level, however, Tourgée’s tenacious lobbying yielded more promising results. A congressional investigating committee began holding hearings and taking testimony in 1871, with Tourgée supplying names of witnesses to summon from North Carolina, among them some “Alamance Kuklux who [were] willing to puke the thing up.” Not only did the inquest produce a thirteen-volume *Report . . . [on] the Condition of Affairs in the Late Insurrectionary States* and a separate two-volume *Senate Report* on North Carolina that remain the best sources of information on the Klan, but it also led to passage of the April 1871 Ku Klux Klan Act. A departure from the prevailing understanding of federal versus state sovereignty, that act designated as federal crimes “conspiracies to deprive citizens of the right to vote, hold office, serve on juries, and enjoy the equal protection of the laws,” and it provided for federal prosecution of such crimes and the possibility of military intervention and suspension of habeas corpus if states did not police themselves.⁷³

His hands strengthened by legislation that confronted Klan members with the threat of being tried and convicted in federal courts, Tourgée

doggedly pursued the murderers of Outlaw and Stephens. By December 1871 he had accumulated enough evidence to frighten two reluctant participants in Outlaw's hanging into confessing and naming their fellow murderers. Their revelations prompted others to turn themselves in or skip the country. "The waters are stirred and sinners are coming to step into the pool almost every hour," Tourgée wrote excitedly to Emma. "I have knocked a big hole in the bottom of the bucket and think the κκκ milk will spill badly—"74 Ten days later he exultantly informed President Grant that he had induced an Alamance grand jury made up largely of Klan members to indict "sixty-three members of the Klan for felony and eighteen for the murder of Wyatt Outlaw"—an achievement he credited to the "unflinching firmness" of the Grant administration's support. He added: "Many of those indicted are of the most respectable families of the county—The confessions now in my hands also reveal the perpetrators of similar crimes in other counties—"75

Tourgée's exultation proved premature, for Outlaw's assassins would never stand trial, and Stephens's would go to their graves undisturbed. Less "unflinching" than Tourgée believed and beleaguered by corruption charges, Grant sensed a shift in the public mood during the electoral campaign of 1872, when a group of Republicans bolted from the party and called for ending Reconstruction and cleaning up government. After winning reelection, Grant pardoned all convicted Klansmen. The North Carolina legislature followed suit with a blanket proclamation of amnesty that covered all crimes committed by Klansmen but did not extend either to blacks languishing in jail for lesser offenses or to the "unjustly impeached" Governor Holden.⁷⁶

THE COLLAPSE OF RECONSTRUCTION

The bitterest defeats were yet to come. Alienated by Republican malfeasance and battered by a severe economic depression on the eve of the 1874 election, voters nationally delivered the Democrats a sixty-vote majority in the House of Representatives, awarded them the governorships of eight northern states, and drastically narrowed the Republican edge in the Senate. Tourgée took no consolation from the one accomplishment Republicans salvaged from their lashing at the polls—the passage by the lame duck Congress of the 1875 Civil Rights Act, authored by one of the chief architects of Radical Reconstruction, the late Massachusetts Senator Charles Sumner. Its outlawing of racial discrimination in public accommodations,

theaters, transportation facilities, jury selection, and, in its original form, public schools, would affect white Southerners “like a blister-plaster put on a dozing man whom it is desirable to soothe to sleep”—it would generate a white supremacist firestorm, yet prove unenforceable, Tourgée prophesied.⁷⁷ North Carolina seemingly confirmed his forebodings. Fortified by the national mood registered in the election results, Conservatives there called another constitutional convention in 1875. This time they enjoyed the majority (having thrown out the votes in a Republican county), and Tourgée was reduced to a rearguard defense of the reforms he had fought so hard to institute in 1868. Reacting to one of his glum letters about the Conservatives’ maneuvers, Emma agreed that she, too, could hardly “bear to think” about “how they are tearing up the Constitution . . . and all being done by *fraud* too” [underlining in original].⁷⁸ The “tearing up” nevertheless proceeded, and when the convention ended, the 1868 constitution so popular among North Carolina’s common folk and so loathed by its elite was shorn of its most democratic feature: the system of local self-government Tourgée had introduced. Beginning in February 1877, the governor and the state legislature would appoint all officials, from judges down to supervisors of election, locking one-party rule into place. In addition, the constitution now mandated segregation and banned interracial marriage, thus giving legal sanction to African Americans’ inferior status.⁷⁹

The presidential election of 1876 completed the wreck of Reconstruction all over the country. A “tidal wave of fraud” and violence led to disputed returns in South Carolina, Louisiana, and Florida, and the results hung in the balance for months, until a fifteen-member electoral commission that included five Supreme Court Justices awarded the presidency to the Republican Rutherford B. Hayes. In what many contemporaries believed to be a quid pro quo, Hayes promptly initiated a “let alone” policy in the South, euphemistically called the New Departure, that entailed ending federal military intervention, abandoning the freedpeople, and conciliating the white supremacists who had returned to power throughout the former Confederate states.⁸⁰

Tourgée would always blame northern Republicans for the debacle. Unable to think beyond the next election (in his judgment), they had been in too much of a hurry to readmit the ex-Confederate states to the Union and had sought a short-term panacea rather than a long-term solution to the problem of rebuilding the South on a democratic foundation. The congressional leaders who had formulated Reconstruction policy had assumed that if granted the ballot, the freedmen would be able to defend themselves

—an assumption that disregarded the gaping disparities of power, economic resources, education, and political experience between newly emancipated slaves and their erstwhile masters, as well as the lingering “effects of Slavery, upon every class of [the South’s] inhabitants.” Lacking first-hand insight into the “bitter scorn of a long dominant race for one they have held in bondage,” they naively supposed that the dispossessed slaveholders would soon realize it was in their interest to woo the votes of their liberated chattels. Once the rise of the Klan revealed the intransigence and ferocity of the white supremacist opposition, northern Republicans simply walked away, betraying both the freedpeople and the white Unionists who had rallied to their side.⁸¹

The nationwide collapse of Reconstruction left Tourgée with no prospects for employment. Being reduced to penury for the second time in a decade all but destroyed the Tourgées’ marriage, already strained by years of contending with social ostracism, public vilification, and Klan terrorism. “Your face has gathered a fixed patient look as if you were all the time carrying some burden—” Tourgée lamented to Emma, fearing he had “been so engrossed and careless” that he had paid scant attention to her feelings.⁸² Emma’s patience finally gave out, and in 1878 she returned to her family in Erie, Pennsylvania, taking their daughter with her, but Tourgée could not give up the struggle. Having lost his judgeship in the election of 1874, Tourgée ran for Congress in 1878 (against Emma’s wishes) and met with a crushing defeat. “The feeling of hate to the North is growing so apparent here that I wonder I should not better have appreciated its strength,” he admitted to Emma. Although Emma had held out hope of their starting a new life together in the North, Tourgée still could not make the break. “There is nothing for me here—and yet I hate to leave. . . . I have strung so many sweet hopes on bright dreams here that I seem almost to have knit my heart into the land,” he wrote poignantly.⁸³ In the depths of his despair at being “dead politically,” Tourgée found a new vocation. If he could no longer act in the political or judicial sphere, he could influence public opinion through literature and thus perhaps reverse the nation’s catastrophic course.

A FOOL’S ERRAND

Tourgée had begun exercising his literary imagination toward the end of his judgeship. With the intention of demonstrating that despite its official demise, “*Slavery still lives and dominates*” through the “unconscious influ-

ences” it continues to exert, especially on the mentality of the “master race,” he had started a novel titled *Toinette*, which he carried with him on his judicial circuit and wrote in off hours.⁸⁴ The plot, involving a slave concubine who renounces her illicit relationship with her master after he emancipates her and sends her to Oberlin College, illustrates two of Tourgée’s principal ideas, which he would develop in many subsequent works, including *A Fool’s Errand* and *Bricks Without Straw*: first, that education offers the key to regenerating the South by freeing the minds of whites and blacks alike from slavery’s “unconscious influences”; and second, that the best hope for the region’s future lies in an alliance between emancipated slaves and poor whites.⁸⁵ Published in 1874 under the pseudonym Henry Churton, *Toinette* sold modestly, to Tourgée’s disappointment.

The novel that would at last gain Tourgée a national audience on the subject closest to his heart—Reconstruction and why it had failed—would be *A Fool’s Errand. By One of the Fools* (1879). Its protagonist Comfort Servosse, whom the narrator refers to ironically throughout as “the Fool,” follows a trajectory much like the author’s. Tourgée portrays him as a political ingénue gradually radicalized by his exposure to southern intolerance, but he gives Servosse his own political opinions and shows him undergoing the same social ostracism, abuse in the local press, inundation of threatening letters, attempts on his life, and thwarted struggle with the Ku Klux Klan that he himself had undergone.⁸⁶ The thirteen chapters *A Fool’s Errand* devotes to the Klan, drawn from Tourgée’s voluminous files, overwhelm the reader by sheer accumulation. As if amassing evidence in the courtroom, Tourgée summons an array of witnesses brutalized by the masked marauders. The parade of grisly testimony climaxes with scenes faithfully rendering the murder of “John Walters” (aka Stephens) and the lynching of “Uncle Jerry Hunt” (aka Wyatt Outlaw).

A Fool’s Errand provides not only a graphic eyewitness account of the terrorism that overthrew Reconstruction but a postmortem of the disaster. It is northern Republicans who turned Reconstruction into a fool’s errand, he stresses, not the idealistic “fools” who dedicated their lives to implementing the Radicals’ program of racial equality. The party’s “cowardly, vacillating, and inconsistent” policy unleashed the Klan, and Republican leaders’ “cowardly shirking of responsibility” and “snuffing whine about peace and conciliation” allowed it to triumph. Tourgée documents his charges with fictionalized versions of his exchanges with the northern politicians he sarcastically calls “the Wise Men.” Cementing his case, a chilling letter from

one of the Wise Men responds to the Fool's plea for decisive action against the Klan by arguing that the Constitution does not authorize the federal government to "interfere in the internal affairs" of the southern states: "If the colored people and the Union men of the South expect to receive the approval, respect, and moral support of the country, they must show themselves capable of self-government, able to take care of themselves. The government has done all it can be expected to do,—all it had power to do, in fact. It has given the colored man the ballot, armed him with the weapon of the freeman, and now he must show himself worthy to use it."⁸⁷ Only one remedy remains, concludes Tourgée at the end of *A Fool's Errand*: "Let the Nation educate the colored man and the poor-white man *because* the Nation held them in bondage, and is responsible for their education: educate the voter *because* the Nation can not afford that he should be ignorant."⁸⁸

Published anonymously in November 1879, a few months after Tourgée left the South never to return, *A Fool's Errand* caused a sensation. The novel sold so fast that bookstores could not keep up with the demand, exceeding 5,000 copies in the first six weeks and nearly 150,000 before the year was out. Domestic sales would reputedly "[reach] the high water mark of 600,000" in Tourgée's lifetime, and translations into German, French, Italian, Swedish, and Russian would extend its fame beyond U.S. borders. Reviewers widely hailed *A Fool's Errand* as "The New 'Uncle Tom,'" predicting that it would prove "as serviceable in enlightening the North about the startling events of the reconstruction period" as Stowe's masterpiece had in exposing the evils of slavery. Even a North Carolina organ recognized the power of a novel "destined, we fear, to do as much harm in the world as 'Uncle Tom's Cabin.'" Tourgée must have been especially gratified by the reviews that urged statesmen to heed his message. "If every representative and senator in Congress, if the governors and state officers of every State in the Union, could read this volume," proclaimed one newspaper, ". . . we should be nearer a solution of the problem of reconstruction."⁸⁹

Eager to capitalize on the success of *A Fool's Errand*, Tourgée's publishers persuaded him to drop his anonymity and furnish both a factual companion volume and a fictional sequel to his bestseller. *The Invisible Empire* (1880), bound together with *A Fool's Errand* as an appendix to the second edition, remains valuable as a contemporaneous documentary history of the Klan. Its fictional successor *Bricks Without Straw*, completed on the eve of the 1880 election, would become a popular hit in its own right and help bring to power a Republican president more sympathetic to African Americans.

BRICKS WITHOUT STRAW

Complementing *A Fool's Errand*, *Bricks Without Straw* shifts the focus from Tourgée's autobiographical persona to the freedpeople, whose story he had subordinated to his own in the earlier work. Elevating them from minor characters into central protagonists, and implicitly answering the Wise Man in *A Fool's Errand* who had questioned the capacity of the "colored people" for "self-government," Tourgée's second Reconstruction novel portrays the newly emancipated slaves not as pitiful victims of white violence but as active agents in a struggle for self-determination. *Bricks Without Straw* consequently restricts the Klan to a single, albeit devastating, episode in its dramatization of Black Reconstruction.

Tourgée explains the title in a satiric preface that purports to be a translation from an ancient Egyptian papyrus. Paralleling the Bible's Exodus story, it tells of how Pharaoh commands the laborers he holds in bondage to make bricks with stubble gathered from the fields instead of with straw furnished by the taskmaster. Pharaoh wants to build a palace that will advertise his "glory" to the world, but he wants his laborers to do it overnight without the necessary materials, just as the American nation wants the newly freed slaves to uplift themselves overnight by their own unaided efforts. Speaking through the "king's jester" Neocapos, who undertakes the "fool's errand" of ridiculing Pharaoh's folly, Tourgée warns that the "palace" built with these ill-made bricks will eventually collapse. The rest of the novel illustrates how the nation has imperiled its own safety by condemning the slaves it has emancipated at such great cost to make bricks without straw.

COUNTERING STEREOTYPES,
REPRESENTING AFRICAN AMERICANS

Tourgée carefully crafted the narrative strategies, characters, and plot of *Bricks Without Straw* to challenge the stereotypes that white supremacists had disseminated of Reconstruction as an era of rampant "Negro domination" and to present an alternative history of the brief interlude during which African Americans in the South had sought to exercise the rights the U.S. Congress had extended to them in the Thirteenth, Fourteenth, and Fifteenth Amendments awarding them freedom, citizenship, and (for men) qualified suffrage.⁹⁰ The novel proper opens with a fictional device that mirrors the legislative process of giving black men a voice in determining

their own and the country's future—a chapter-long monologue in which the main protagonist Nimbus ponders the “strange queries which freedom had so recently propounded to him and his race.” “I’m dod-dinged now ef I know who I be ennyhow,” exclaims Nimbus as he reflects on the changes of identity he has undergone over the past few years and recalls how each step of his journey from slavery to citizenship has been marked by a white authority’s forcing him to adopt an unwanted second name (89). Tourgée makes clear that Nimbus equates naming with establishing an identity and that he regards defining his identity for himself as the essence of freedom. Like Malcolm X a century later, Nimbus refuses to let white society “brand” him or his children with the “slave-mark” of his master’s surname (119).

Nimbus speaks in dialect, as do all the uneducated characters in *Bricks Without Straw*, black and poor white alike, because Tourgée’s commitment to giving the disempowered a voice requires transcribing their speech as authentically as he can. Indeed, he explicitly avows this aim in an 1894 letter to an editor at *McClure’s*. “You know I am a realist, in a much broader sense than those who claim the name, and *my* realism compells me to represent men as talking as I find that they really do—” he specifies [underlining in original].⁹¹ Reflecting the trend toward literary realism on which Tourgée comments, dialect appears in the fiction of most nineteenth-century American writers and even some British writers seeking to capture regional, ethnic, and class accents. Tourgée’s rendering of southern black folk speech resembles Charles Chesnutt’s, but falls short of the skill with which Mark Twain and Frances Ellen Watkins Harper convey their folk characters’ accents to the ear rather than to the eye, minimizing demands on the reader. Of course white southern writers like Thomas Nelson Page and Joel Chandler Harris also pepper their fiction with dialect, but their black characters, inevitably stereotyped as faithful slaves, serve as mouthpieces through whom their creators lament the passing of the harmonious race relations that allegedly prevailed under slavery.

In striking contrast, Tourgée’s description of Nimbus systematically reverses both the falsifications of racist ideology and the clichés of minstrelsy. Unlike the “burnt-cork” stage Negro, emphasizes Tourgée, Nimbus is no comic figure (100). “Earnest,” “thoughtful,” and “quiet,” he does not shuffle or jump Jim Crow, but holds himself manfully erect. His head is not apelike, as caricatured in such proslavery texts as Josiah C. Nott’s and George R. Gliddon’s *Types of Mankind* (1854),⁹² but “shapely” and “well-balanced.” His “self-reliant character” gives the lie to claims that the Negro cannot manage

without white supervision. While discrediting the stereotypes that “have come to represent the negro to the unfamiliar mind,” Tourgée simultaneously draws attention to the racializing process that the white mind goes through on seeing a human being in a black skin. The white reader, he implies, cannot recognize a “fine figure of a man” in “ebon hue.” Instead, the white mind automatically perceives the same traits differently under a different racial exterior, even resorting to a different vocabulary to register its impressions. Tourgée pointedly notes, for example, that “if [Nimbus] had been white,” his face would be perceived as “grave,” but because he is black, the appropriate word is “heavy.” Similarly, the very person who “in a white skin would have been considered a man of great physical power and endurance” metamorphoses into a savage brute in the white imagination once the skin color changes to black (100).

Tourgée specifically dispels the image of the black man as a savage brute—a major ingredient of the white supremacist campaign against Reconstruction—in a scene that shows Nimbus demanding his rights and shielding himself against violence, but not retaliating in kind when his former master Potestatem Desmit brandishes a cane over his head. “Tse been a sojer sence I was a slave, an’ ther don’t no man hit me a lick jes cos I’m black enny mo’,” warns Nimbus as he parries the blow and wrests away the cane (153). Loath to harm an “ole man,” he leaves Desmit on the ground “where he had fallen or been thrown” in the tussle—an ambiguity that heightens Nimbus’s self-restraint—and decides to lodge a complaint and “let de law take its course” (154). It is not the freed blacks who violate the rule of law, Tourgée indicates, contrary to white supremacist propaganda, but their disgruntled erstwhile masters.

Along with the stereotype of the lawless black savage, Tourgée counters allegations that Reconstruction had delivered the reins of government to ignorant ex-slaves who launched a carnival of misrule. Accordingly, he depicts Nimbus as unwilling to run for office on the grounds that he “hain’t got no larnin’” and understands tobacco cultivation better than governance (207). Rather than aspiring to rule over whites, Nimbus acts as a leader of the African American community. Tourgée meticulously delineates the factors that have gained Nimbus his leadership: service in the Union army, which has “taught him to stand his ground, even against a white man,” a crucial “lesson of liberty” (153); investment of his military bounty money in land, through which he has acquired economic independence; skill and hard work, which have helped him prosper as a tobacco farmer; community

spirit, which he has demonstrated by donating a portion of his land and timber to establish a church and school for the freedpeople and by selling small parcels of his plantation to freedmen anxious to follow his example of home ownership and self-employment; and willingness to defend the rights of his fellow freedmen at great risk to his own safety, which encourages them to do likewise. In short, Tourgée characterizes Nimbus as a born leader whose illiteracy does not prevent him from exerting a beneficial influence over his peers, but does give him a sense of his limitations.

Tourgée's extensive interactions with African Americans enabled him to portray Nimbus with a realism unmatched by any other white writer of his day. Compared to Nimbus, for example, Mark Twain's Jim in *The Adventures of Huckleberry Finn* (1884), the best-known African American character of post-Civil War fiction, dwindles into a one-dimensional figure. Tourgée modeled Nimbus on several black men he had known during his stints as a Civil War soldier and Reconstruction politician and judge. His hero's first and most obvious real-life prototype, of course, is the fugitive slave Tourgée had renamed Nimbus, as recorded in his Civil War diary.⁹³ Perhaps commenting wryly on an actual altercation he had with this fugitive, Tourgée describes the fictional Nimbus as protesting vigorously against being christened "George Nimbus" by the Union army officer who musters him under that name into "Company C, of the — Massachusetts Volunteer Infantry" (105), paralleling Tourgée's Company E of the 105th Ohio Volunteer Infantry. A second model for Nimbus is Wyatt Outlaw. An ex-slave like Nimbus, he too had served in the Union army, contributed to building a church (in his case on land he had helped purchase), boldly resisted intimidation, and mobilized African American (and poor white) voters after the war, the transgression for which he had been lynched by the Klan.⁹⁴ A third model for Nimbus is Tourgée's Greensboro neighbor Harmon Unthank, who had cooperated with him during North Carolina's 1868 constitutional convention and the Republican and Union League campaigns the same year. A prosperous carpenter recognized as the "uncontested 'boss' of the black community," Unthank, like Nimbus, helped fellow African Americans to purchase property and thus start on the road toward economic independence.⁹⁵

Yet no one-to-one correspondence links any historical figure to Tourgée's fictional hero.⁹⁶ As he explained to a reader who asked him to identify the historical originals of the characters in *A Fool's Errand*, his "characters were *all* creations pure and simple" [underlining in original], but "built upon

actualities” that had come under his observation. In incorporating historical events into his novels and drawing on his “knowledge . . . of locality and incident to give verisimilitude, flavor and . . . interest,” he sought to provide a “true picture of the time,” not snapshots of recognizable people.⁹⁷

Though Nimbus is the most memorable of the African American protagonists in *Bricks Without Straw* (or for that matter in Tourgée’s entire corpus), the treatment of Nimbus’s childhood friend and fellow community leader Eliab Hill also challenges stereotype. It invites comparison, for example, with such representations of mulattoes as Stowe’s George Harris in *Uncle Tom’s Cabin* and Rebecca Harding Davis’s more complex, but problematic, Doctor Broderip in *Waiting for the Verdict* (1867). Unlike Stowe and Davis, Tourgée portrays Eliab not as a racial type but as an individual. He does not attribute Eliab’s “erect,” manly carriage, “thoughtful brow,” and “nobility of expression” (118) to his white blood, as Stowe does George Harris’s. Nor does he ascribe Eliab’s “womanly” traits and physical weakness to the “taint” of black blood and the ill effects of miscegenation, as Davis does Broderip’s.⁹⁸ Instead, Tourgée traces the “suffering” etched on Eliab’s face to an “affliction” resulting from a childhood “cold . . . which settled in his legs . . . producing rheumatism” (apparently polio or rheumatic fever, as evidenced by his “shrunk and distorted” limbs [118, 127]). The severely impaired mobility this affliction has caused, Tourgée later specifies, accounts for Eliab’s predisposition toward the passive, “womanly” courage of a martyr rather than the “aggressive,” masculine courage of a soldier. Tourgée underscores, however, that Eliab is no Uncle Tom. Far from being religiously “averse to taking life in self-defense,” Eliab reacts to a Klan incursion by wishing he had a good repeating rifle, so that “he might not only sell his life dearly, but even repel the attack” (272–73).

While eschewing the overt racial theorizing to which Stowe and Davis resort, Tourgée subtly controverts racist ideology. He depicts Eliab, like Nimbus, with a “broad, full forehead” and a “finely poised” head rather than the misshapen cranium imputed to the Negro in Nott’s and Gliddon’s *Types of Mankind* (a feature Davis reproduces in Broderip’s “low, heavily marked forehead”).⁹⁹ He offsets Eliab’s “womanly eyes” with a masculine “directness of gaze” (118) that suggests pride in his identity rather than the sense of inferiority Broderip displays when he “cow[s] before the white skin and Saxon features” of a rival and assumes the “defeated, shrunken look” of a man who sees himself as “but a mulatto.”¹⁰⁰ And once again countering the image of the Negro as a perpetual child, incapable of providing for his own

needs, Tourgée accentuates the “self-helping” character Eliab shares with Nimbus, which the cripple exhibits by earning his living as a shoemaker (118).

Eliab represents an alternative route to African American empowerment—the acquisition of literacy—that historically complemented or substituted for the economic advancement Nimbus has attained through land ownership. Taught to read by his indulgent master and mistress, he has exerted a magnetic influence over his community as a preacher ever since his days as a slave. Eliab also personifies what Tourgée calls the “inseparable” fusion of religion and politics among African Americans, whose “religion is tinged with political thought, and their political thought shaped by religious conviction” (206).

Tourgée found Eliab’s prototype, a crippled preacher from Clay Hill, South Carolina, named Elias Hill, in the thirteen-volume congressional report on Klan atrocities. Hill is there identified as “colored” (a term used either to designate a non-white or to connote mixed ancestry) and described as “crippled in both legs and arms, which are shriveled by rheumatism” dating from his seventh year, as in the case of Tourgée’s Eliab. The real-life Elias Hill, though he boasted his fictional namesake’s “finely developed intellectual head” and “unusual intelligence,” was far more disabled. “He cannot . . . help himself,” notes the transcriber of Hill’s testimony before the congressional Select Committee, but “has to be fed and cared for personally by others.” Foisted on his self-emancipated father as a “burden of which his master was glad to be rid,” Hill had displayed his impulse toward independence by learning to read and write with the assistance of schoolchildren and by becoming, like the fictional Eliab, a teacher, preacher, and Union League organizer after the war.¹⁰¹

Tourgée suggestively revises his congressional source by changing Eliab’s complexion from “colored” to “almost white” (118) and by making him dependent for physical aid not on his biological family but on a comrade from slavery days whose skin color, black as a “thunder-cloud” (98), contrasts strikingly with his. Through these revisions, Tourgée conveys the image of an African American community reliant for survival on the solidarity of mulatto and black, literate and illiterate, needy and prosperous. “The colored people must stand or fall together,” preaches Eliab (218). His lifelong bond with Nimbus and the twin leadership roles the two play illustrate that message.¹⁰²

The theme of racial unity aligns *Bricks Without Straw* more closely with

such African American novels as Martin Delany's *Blake* (1859) and Frances Ellen Watkins Harper's *Iola Leroy* (1892)—though Tourgée never seems to have read either—than with any white-authored work of its era. Like Harper, Tourgée emphasizes his African American characters' relations with each other and correspondingly de-emphasizes their relations with whites—the subject that dominates *Uncle Tom's Cabin* and *Huckleberry Finn*. And like both Harper and Delany, he roots his black and mulatto protagonists firmly in the African American community and centers his novel on the collective fate of the African American people.¹⁰³

Tourgée's departures from the white conventions of his time stand out even in the case of the one character in *Bricks Without Straw* who acts the part of a "jester" or minstrel: Berry Lawson, the cousin of Nimbus's wife Lugena. Unlike such minstrel figures as Stowe's Sam or Twain's Jim, Berry does not entertain the white reader with self-important posturing, malapropisms, superstitions, or slapstick as the butt of a white character's practical jokes.¹⁰⁴ Instead, he entertains his fellow blacks by "laughing to keep from crying" (as Langston Hughes would famously phrase it) over their white bosses' countless ways of cheating and exploiting them—a typical form of African American humor.¹⁰⁵ "When I went [to work sharecropping] dar I didn't hev a rag ter my back—nary a rag, an' now jes see how I've covered wid 'em!" Berry jokes to roars of wry amusement (210). As Elliott points out, Berry's humor cuts not only against whites but against those blacks, like his kinsman Nimbus, who believe that through hard work they will be able to "compete with the planters" as "economic equal[s]." Berry's example suggests to the contrary that "however hard Nimbus works, the planters have the power to keep him in his place"—an admonition driven home by the lyrics of the "Poll Tax Song" Berry strikes up on Nimbus's approach. The song bitterly satirizes the contrivance of a levy "equivalent to at least one fourth of a month's pay" (223), through which the planters have shifted the burden of taxation onto the freedpeople. Most of the stanzas pertain especially to landless freedmen like Berry, who sink further into debt peonage because they owe interest to their employers for paying their poll taxes, but the opening lines also warn that because "De brack man's gittin' awful rich," whites perceive him as a threat (221). Tourgée had heard North Carolina freedmen sing the "Poll Tax Song" "with much gusto" during the 1867 electoral campaign, when he had sent the lyrics to the *National Anti-Slavery Standard*.¹⁰⁶ At the 1868 constitutional convention, he had fought unsuccessfully to abolish the poll tax. Thus, he merges his own voice with

Berry's as he highlights the "grim humor" (223) of the landowners' Machiavellian provisions for maintaining slavery after emancipation. Indeed, Berry's pose as a jester recalls the mask Tourgée himself assumes at the outset as the "king's jester" Neoncapos, who derides the folly of forcing laborers to make bricks without straw.

REWRITING RECONSTRUCTION

Just as Tourgée fashions his characters to counter the prevalent stereotypes of African Americans, he devises his plot to rewrite the history of Reconstruction. Instead of an orgy of misgovernment by black buffoons, he shows that Reconstruction can best be understood as a thwarted quest for self-determination. The first third of the novel highlights the freedpeople's progress toward economic self-sufficiency and political autonomy, the second third dramatizes their spirited resistance to the tactics white supremacists use to regain hegemony, and the last describes their relapse into semi-slavery once their resistance is crushed.

The initial phase of the action begins in 1867 but flashes back to the decades before the war and retraces the milestones on the road African Americans have traveled from slavery to citizenship. For Nimbus, who recapitulates his people's odyssey, the first of these milestones is his escape from Confederate army lines, where he has been sent to "work on fortifications," to the Union army encampment, where he enlists in the war for his people's freedom (102–104). Much as W. E. B. Du Bois would later characterize the slave's "withdrawal and bestowal of his labor" as a "general strike" that "decided the war" and would credit black soldiers with making "the slaveholders face the alternative of surrendering to the North, or to the Negroes," Tourgée underscores that "the South fell—stricken at last most fatally by the dark hands which she had manacled, and overcome by their aid whose manhood she had refused to acknowledge" (105).¹⁰⁷

Tourgée hails the second milestone Nimbus passes—the registration of his marriage after he returns home from the war—as "the first act of freedom, the first step of legal recognition or manly responsibility!" (107). Once again exemplifying Tourgée's acuity as a historian, the understanding he reveals of this act of self-affirmation anticipates Herbert Gutman's groundbreaking analysis of North Carolina and Mississippi marriage registration records as proof of the ex-slaves' "commitment to legal marriage."¹⁰⁸ In Tourgée's words: "The race felt its importance as did no one else at that

time. By hundreds and thousands they crowded the places appointed, to accept the honor offered to their posterity, and thereby unwittingly conferred undying honor upon themselves" (107).

To clarify the significance of the third milestone Nimbus crosses—his appeal to a Freedmen's Bureau officer to settle a dispute over wages owed his wife by her employer, their former master Potestatem Desmit—Tourgée must rehabilitate the reputation of the government agency so maligned by southern whites. The planters wanted a labor force that they could exploit and abuse at will. In their view, the Freedmen's Bureau indulged the native laziness of a race that needed to be driven to work with the lash and kept to the grindstone with draconian laws. Tourgée's nemesis, North Carolina's Conservative governor Jonathan Worth, expressed this opinion succinctly: "The race never did work voluntarily and never will," but "with the Freedmen's Bureau here the necessary discipline cannot be used."¹⁰⁹ Well before Reconstruction ended, southern planters had won their propaganda war against the Freedmen's Bureau, which was divested of its labor-regulating function in 1869 and dismantled in 1872.

As Tourgée observes, the credulous northern public believed the Freedmen's Bureau was a "terrible engine of oppression and terror and infamy, because of the denunciations which the former slave-owners heaped upon it" (154). He refutes this misrepresentation both by stressing that neither the freedmen themselves, nor white Unionists, nor the "teachers of colored schools" joined in the "torrent of detraction" (155) and by giving the reader a glimpse of a bureau officer mediating a typical dispute. In his rendition of the scene, Tourgée accentuates Nimbus's moderation, the bureau officer's low-key handling of the matter, and the ex-slaveholder's wounded pride, which led him to translate a minor altercation into "the most degrading ordeal he could by any possibility be called upon to pass through" because it put a "gentleman" on the same level as a "negro" (159). The real reason for the planter class's hostility to the Freedmen's Bureau, Tourgée indicates, is that by providing a mechanism through which laborers could seek redress for mistreatment, the agency schooled ex-slaves in the exercise of their rights as citizens entitled to equal protection under the law.

The mediation of the Freedmen's Bureau also helps Nimbus fulfill his dream of purchasing land—the fourth milestone he reaches. Tourgée thus arranges through fiction what he had failed to achieve in life—an expansion of the Freedmen's Bureau's mission that would enable the masses of ex-slaves to advance from the status of landless laborers to that of independent

landowners. Nimbus's development into one of the most successful tobacco farmers in the county contradicts the propaganda of planters like Worth, who must surely have known as well as Tourgée did that tobacco cultivation required intensive year-round labor and that mastering the cultivation of the "fine tobacco for which the locality was already celebrated" (174) took "years of experience."¹¹⁰ Nimbus's example, replicated by the growth around him of a black community made up of "thrifty" artisans and farmers to whom he has sold parcels of his land, likewise paints a picture of Black Reconstruction that Du Bois would amplify half a century later.

"These black folk wanted two things—" Du Bois would write: "first, land which they could own and work for their own crops," giving them "economic freedom"; and second, "schools," which could satisfy their thirst for knowledge and open the doorway to "political power."¹¹¹ The school and church Nimbus builds on his land at Eliab's suggestion, with the assistance of the Freedmen's Bureau, which additionally supplies a Yankee school-teacher, constitute a fifth milestone for the community.

The last milestone on the road from slavery to citizenship was gaining the right to vote, the crowning legislative achievement of Reconstruction, introduced in the 1867 Reconstruction Act and written into the U.S. Constitution in the Fifteenth Amendment of 1870. Chapter 19, "The Shadow of the Flag," climaxes Tourgée's celebration of Black Reconstruction's successes as the "colored voters" of the vicinity, under Nimbus's leadership, "meet at the church on the morning of election and march in a body to the polls with music and banners, in order most appropriately and significantly to commemorate their first exercise of the electoral privilege" (183). This chapter also marks the transition to the next phase of the novel, which focuses on the conflict between the African American community and white supremacists.

To the dethroned white ruling class, the sight of black voters marching en masse to the polls can mean only that the racial order is being overturned. Convinced that the "niggers" are planning to "kill all the white men, burn the town, and then ravish the white women," "well-armed" whites block access to the polls, shoot into the procession, and almost precipitate a bloody clash (185, 186). Tourgée based the incident on an actual "massacre" that had taken place in the village of Camilla, Georgia, in September 1868, but he gave his fictionalized version a significantly different outcome. The Camilla procession was heading not toward the polls, but toward a political meeting at which the white (not black) Republicans in its vanguard were to address the crowd. Ignoring assurances of the parade's "peaceful intentions," a mob

of “400 armed whites, led by the local sheriff, opened fire . . . and then scoured the countryside for those who had fled, eventually killing and wounding more than a score of blacks.”¹¹² Tourgée instead allows the Yankee schoolteacher Mollie Ainslee to avert such a massacre by mediating between hostile whites and militant blacks. Galloping to the front on the black horse that symbolizes her power to tame the ex-slaves, Mollie asks Eliab to provide an eyewitness account of the outbreak and relegates Nimbus to the task of “keep[ing] order” among his brethren while she charges off under a flag of truce to negotiate with the white townsmen (188). “You provoked this affray by your foolish love of display,” she scolds the hitherto dauntless Nimbus, from whom she metaphorically seizes the reins. Her “nerve” succeeds in disarming the enraged whites as well, and the sheriff himself gives Mollie three cheers, calls off the volley, and agrees to let the procession—and the voting—continue unimpeded. Does the scene hint at tensions between Tourgée and the African American leaders with whom he worked during Reconstruction? Is Tourgée implying that the mediation of a cool-headed northern white might have accomplished better results than African Americans’ “display” of militancy, by preventing rather than unleashing the bloodshed that had occurred in Camilla? Is he paying homage to the courageous role that schoolteachers like Emma, on whom Mollie is partially modeled and to whom he dedicated *Bricks Without Straw*, played during the Klan’s reign of terror? Or is he simply attempting to “sweeten the hellishness of that epoch” through a fictional device?¹¹³ Whatever the reason for its departure from historical fact, the episode foreshadows the disempowerment Tourgée’s African American characters undergo after the overthrow of Reconstruction, a development reflected in the plot’s shift away from them and toward their white benefactors.

DRAMATIZING WHITE TERRORISM AND BLACK RESISTANCE

With the aborted celebration of black suffrage, Tourgée’s revisionist history of Reconstruction moves from chronicling the ex-slaves’ accomplishments since their emancipation to dramatizing the harassment, economic coercion, electoral fraud, and sheer terrorism through which white supremacists recaptured power, reversed black gains, and drove the freedpeople back into quasi-slavery. As in *A Fool’s Errand*, Tourgée contests the era’s dominant explanation of why Reconstruction failed. The blame should fall not on the

ex-slaves, carpetbaggers, and scalawags scapegoated by white southern propagandists, he argues in *Bricks Without Straw*, but on “the Nation,” which refuses to protect the ex-slaves it has enfranchised, yet expects them to uplift themselves in the face of unremitting opposition from an “unscrupulous, . . . aggressive, turbulent, arrogant, and scornful” ruling class (352).

While lashing out against the national government and exposing the viciousness of the white supremacist onslaught, Tourgée nonetheless highlights the black community’s valiant resistance. When the freedpeople are confronted with threats of retaliation for their political activities, Nimbus and Eliab lead a mass meeting at which Nimbus advocates a general strike and vows to underwrite the striking plantation workers until their white employers back down, and Eliab urges “every man [to] do his duty and vote, and act as a citizen whenever called upon to do so, for the sake of his race in the future” (217). The two also organize the black community for self-defense after being sent a coffin-board painted with a “skull and crossbones” and the letters K.K.K. (250). Even at the height of the Klan attack in which the white supremacist juggernaut culminates, Tourgée shows his black characters fighting back. Although the masked night riders succeed in brutalizing Nimbus’s wife Lugena, bludgeoning the helpless Eliab almost to death, and burning down the church and schoolhouse that serve as the institutional vehicles of the freedpeople’s uplift, they do not escape unscathed. Nimbus dispatches a Klansman with his army saber, “swung by a practiced hand” (276). Berry, who had earlier contended that it would be futile to fight against insurmountable odds, drives off the invaders with the “fierce angry challenge of [his] rifle” (277). Most memorably, Lugena, seeing a Klansman aim a pistol at Nimbus, seizes an axe and brings it crashing “down through mask and flesh and bone,” cleaving the head of their foe (276).

As was his wont, Tourgée based this fictional episode on factual sources. Both the sources he selected and the ways he revised them confirm that he wanted to honor the militant struggle the freedpeople had waged before Klan terrorism finally subdued them. For the beating of Eliab, Tourgée drew on one of the most notorious Klan atrocities reported in the 1871 congressional investigations that he had helped initiate. The original testimony of Elias Hill describes his ordeal in much more graphic detail, however, and emphasizes the tortures to which he and his family members were subjected, not the gestures of self-assertion they made—an emphasis dictated by the purpose of the Congressional hearings. For example, the real-

life Hill had asked his torturers to spare his life and was mockingly forced by them to “pray that God may forgive Ku-Klux,” whereas the fictional Eliab masters his fear of suffering and death and deliberately confronts the “curses of his assailants” with the Christlike prayer “Forgive them, Father. . . . They know not [what they do]” (276). Similarly, the real-life Hill’s sister-in-law had pointed the Klansmen to his house after they had struck her “five or six licks,” but the fictional Eliab reveals himself to save Lugena from further abuse by the Klansmen who are pummeling her to make her divulge his whereabouts. Tourgée’s account of Lugena’s battering, on the other hand, is a far more graphic account. Lugena’s shrieks of “Oh! don’t! don’t!” her agonized writhing, her torn garment, and her “fully exposed” body “roll-[ing] in the dust” all suggest rape in a scene that redefines the rape of the South as a trope more applicable to black women than to white (271–272). Still, Tourgée does not portray Lugena as a mere victim. Instead, he patterns her on a black wife in Alamance County who had “split [the] forehead” of a Klansman open and “severed his nose, while he and his party of K.K.’s were attempting to take her husband out of the house.” This case of heroic self-defense had received wide publicity in the Republican North Carolina *Daily Standard*, which had cheered: “A few like her would be the best antidote for the K.K.K.”¹¹⁴

PRESENTING BLACK PERSPECTIVES ON THE OVERTHROW OF RECONSTRUCTION

Despite the bravery and resourcefulness with which Tourgée credits his African American characters, he cannot sustain his vision of an autocentered black community. After the Klan attack, which ushers in the third and last phase of the novel, the black protagonists lose their agency, and white rescuers come to dominate the action. Perhaps Tourgée sought to spur his white readers to discharge their responsibility toward the freedpeople they had so shamefully abandoned, an explanation in keeping with his having timed the publication of *Bricks Without Straw* to intervene in the 1880 electoral campaign. Or perhaps he could no longer conceive of how the defeated freedpeople could help themselves in an era of unbridled white supremacy. In either case, through the device of letting his black characters tell their stories to sympathetic whites, Tourgée gives them a voice in exposing the realities of the unreconstructed South, if not in shaping the nation’s future.

Nimbus bitterly recognizes that abstract rights mean nothing unless enforced, or, as he puts it, “dat de right ter du a ting an’ de doin’ on’t is two mighty diff’rent tings, when it’s a collu’d man ez does it” (292). He doggedly keeps on fighting as he flees from one southern state to another—in fact, he even takes up arms against white supremacist troops in Louisiana during the Colfax massacre of 1873, which left an estimated 70 to 280 African Americans dead in “the bloodiest single act of carnage in all of Reconstruction.”¹¹⁵ Yet Nimbus’s resistance only lands him in jail and subjects him to a new form of enslavement: fined for striking back at a white boss, he is “auctioned off” to pay the fine and repeatedly caught when he tries to escape (409). He resurfaces many years later completely “broken,” with the look of “furtive wildness which characterizes the man long hunted by his enemies” (405). The intrepid defiance that served Nimbus so well during the Civil War and the early phase of Reconstruction, Tourgée indicates, turns into a dangerous liability under the draconian regime that has replaced slavery.

Admitting defeat more readily than her husband, Lugena concludes that “tain’t no use” to stand up to white supremacists because “dey’ll hab dere will fust er last” (309). Metamorphosing with disconcerting suddenness into an abject dependent who kisses the hem of her benefactor, she entreats the schoolteacher Mollie Ainslee to take her and her children to safety before the Klan avenges the man she has axed. Only through Mollie does Lugena fulfill Nimbus’s dream of landownership, this time in Kansas, where thousands of desperate freedpeople were embarking on a mass exodus as Tourgée was completing *Bricks Without Straw*.¹¹⁶

Berry, whose family Mollie has also rescued, makes his own way to Kansas after struggling in vain to escape from the cycle of debt in which sharecropping traps his class. No matter what he tries or how hard he works, he remarks with his usual pointed humor, he falls afoul of tactics the planters have invented to keep him down: a system of overcharging sharecroppers for supplies advanced on credit; a Landlord and Tenant Act that gives the landlord the power to seize the whole crop at his discretion; a “sunset” law that forces tenants to sell their crops only to the landlord rather than seeking the best price for their produce. Berry even sees election commissioners disposing of excess ballots and decides that it is “no use” risking his life to vote if the outcome is predetermined (413–418).

Of the African American protagonists, Eliab alone grows “more self-reliant” (405). Nursed back to health and spirited off to college in the North by his former master Hesden Le Moyne (unlike the historical Elias Hill,

who opted to lead a party to Liberia because he had lost hope that African Americans would ever be permitted “to live in this country peaceably”),¹¹⁷ Eliab illustrates Tourgée’s belief that education will accomplish in the long run the racial uplift that Reconstruction failed to secure by legislative means. In a letter to Mollie, Eliab also articulates Tourgée’s view that African Americans must not only free themselves “through the attainment of knowledge and the power which that gives,” but strive to overcome the prejudice slavery has “created . . . in the hearts of the white people” (382). Eliab himself exemplifies the empowerment education confers and expresses the insights of a teacher who has shared his students’ travails and who consequently understands their needs better than any outsider can. Still, he realizes that faced with such a monumental task and with so little prospect of regaining their stolen rights, all too many of his fellow freed-people have sunk back into the “dull, plodding hopelessness of the old slave time” (381).

REVISING THE ROMANCE OF REUNION

Unwilling to invent a utopian solution to the problem of a thwarted Black Reconstruction—and not yet able to foresee a time when African American intellectuals would meet to debate solutions of their own to the race’s continuing oppression, as they do in the “Friends in Council” chapter of Frances Harper’s *Iola Leroy* (1892)—Tourgée reorients his plot from the quest for black self-determination toward the goal of unifying northern and southern whites around a common agenda of national regeneration. “Can the South and the North ever be made one people in thought, spirit, and purpose?” he asks through the aptly named Congressman Washington Goodspeed (419). This question had already given rise to a flourishing literary subgenre, dubbed by Nina Silber “the romance of reunion.” Typically, the “romance of reunion” featured a plot culminating in a marriage between a Northerner and a Southerner, after one partner had come around to the other’s political viewpoint. Thus, it is not surprising that Tourgée arranges a marriage between Mollie Ainslee and Hesden Le Moyne to show how “New England Puritanism and Southern Prejudice” can “be reconciled” (295).

Tourgée’s version of the North-South marriage trope does not fit the “depoliticized” pattern of what Silber calls the “culture of conciliation,” however.¹¹⁸ On the contrary, both Mollie and Hesden experience a political awakening when they confront the meaning of the events that climax in the

Klan attack. Temporarily seduced by the charms of the Le Moyne household during a brief sojourn there—just as the northern public has been seduced by southern propagandists—Mollie returns to find her schoolhouse a smoldering ruin. Thereafter, she not only dissociates herself “with shame” from the policy of her “weak, vacillating nation” but consecrates herself anew to the freedpeople, whom she now feels “almost like calling . . . *her* people” (338, 352). Similarly, as Hesden gazes at the lacerated body of Eliab, he begins to doubt everything he has always believed about southern honor and black inferiority (291). The collapse of his worldview converts Hesden into a Radical Republican. Hitherto devoted to his invalid mother, who represents his sick motherland the South, for which he sacrificed an arm in the Civil War even though he disapproved of both secession and slavery, Hesden now transfers his allegiance to the wounded Eliab and to Mollie. In marrying Mollie, he marries the ideals she personifies, rebuilding her schoolhouse, hiring Eliab to take charge of it, and supporting her devotion to the freedpeople she has repatriated in Kansas. Genuine reconciliation between North and South must entail a joint commitment to equal justice for African Americans, Tourgée implies.

Tourgée reinforces the message of his revised “romance of reunion” with another popular fictional device—a plot involving a stolen inheritance. This plot device—variants of which appear in Rebecca Harding Davis’s *Waiting for the Verdict* (1867), Frances Harper’s *Iola Leroy*, Mark Twain’s *Pudd’nhead Wilson* (1894), and Charles Chesnut’s *The Marrow of Tradition* (1901)—serves an allegorical purpose in novels that probe the legacy of slavery, allowing them to ask who is entitled to the wealth and status derived from theft, who bears responsibility for righting the wrongs of the past, and who can claim the mantle of political legitimacy when the nation’s history has been tainted by fraud and violence.

In *Bricks Without Straw* the plot of stolen inheritance reveals the American nation to have been a house divided against itself from its very origins. The Le Moyne house, Hesden recalls, “was, in fact, two houses,” whose “two parts were made into one” (333). The discovery within its walls of a will dated December 1789—the year after the ratification of the U.S. Constitution—and the account of how this will came to be violated suggest that the Constitution itself records the concealment of a crime in its many clauses protecting slavery under euphemistic guises, through which it papers over the fissure between two houses imperfectly “made into one.”¹¹⁹

The family history that emerges further undermines the legitimacy of all

hereditary aristocracies, southern and northern (a theme reiterated in many of Tourgée's political writings). Although Hesden's ancestor "Black Jim" has obtained his vast estates through murder and fraud, Mollie's ancestor "Red Jim," the rightful owner of the stolen property and the author of the will "Black Jim" has secreted within the walls of his house, has earned his own wealth through privateering and probably slave trading, occupations that also involve murder and theft. Thus, neither the southern cavalier nor the New England schoolteacher can boast an unblemished ancestry.¹²⁰ Both South and North share in the guilt of slavery, and consequently, in the obligation to uplift the freedpeople, Tourgée's inheritance plot allegorically affirms.

The story of how a portion of Hesden's family estate falls into the hands of Potestatem Desmit, who sells it to Nimbus knowing that his title to it will be worthless because of a neglected encumbrance, shows that the theft of African Americans' rightful inheritance continues. As a result of Desmit's fraud, the freedmen who have purchased land from Nimbus lose everything they have invested (337)—a tragedy reminiscent of a major Reconstruction-era scandal, the collapse of the maladministered Freedmen's Savings Bank during the Panic of 1873, sweeping away most of the depositors' earnings since their emancipation. Faced with "impoverishment and woe" on such a scale, Mollie and Hesden can at best "succor a few of the oppressed race" (340).

Notwithstanding their allegorical resonances and skillful linkage of the black and white characters' fates, the fictional formulas to which Tourgée resorts prove inadequate for envisioning the rescue of southern blacks from neo-slavery. Tourgée himself seems to have invited this judgment. His fourteen years in North Carolina had taught him that no one who publicly espoused the rights of African Americans could survive in the South, no matter how secure his social position. Besides suffering vilification and defeat himself, he had watched aristocratic white southern converts to Radical Republicanism like his friend Thomas Settle, a model for Hesden, undergo the "baptism of fire which every Southern man must face who presumes to differ from his fellows upon political questions" (359).¹²¹ All too aware that the intransigence of the South's white supremacist ruling class would prevent any meaningful change in the racial and political status quo, Tourgée deliberately undercuts his fictional formulas by leaving his characters at an impasse and his plot at loose ends.

In the last two chapters, "What Shall the End Be?" and "How?," Tourgée

abandons narrative for polemic. Speaking through Hesden and addressing northern politicians through Washington Goodspeed, he pleads for the measure he has come to consider “the *only* remedy” for the nation’s ills: a federal education bill that circumvents state control and racial inequity, as well as conflict over integration, by donating funds directly to southern schools and tying the amounts to need and good management (428–430).

The novel’s inconclusive ending disturbed even Tourgée’s otherwise enthusiastic publishers. Complaining that it seemed “crude and unfinished” because “the story was not completed” and the conversation between Hesden and Goodspeed simply “stop[ped] short,” they inserted a sentence to provide a sense of closure. Tourgée’s insistence on retaining the “rough-hewn” aspect of his final scene confirms that he intended to deny his readers the gratification of their desire for a fictive closure at odds with historical reality.¹²²

Modern readers accustomed to experimentation with literary form can better appreciate Tourgée’s unresolved ending and subversion of fictional formulas. Compared with the farcical chapters climaxing *Huckleberry Finn*, for example, in which Tom Sawyer undertakes to “set a free nigger free” by subjecting Jim to ordeals that almost culminate in his lynching, the unsettling denouement of *Bricks Without Straw* works far more effectively to refocus readers’ attention on the plight of African Americans in the post-Reconstruction South (the purpose some critics see in *Huckleberry Finn*’s much discussed “evasion”).¹²³ Through its realistic depiction of the brute force and legal chicanery that drove the freedpeople back into slavery, *Bricks Without Straw* shows that the failure of Reconstruction can be attributed neither to the absurd pretense of freeing a people who are already free nor to the fantasies of a society enamored with romantic fiction, and that white Americans cannot escape their obligations to their black fellow citizens by “light[ing] out for the Territory,” as *Huckleberry Finn* would have it. Reading and teaching *Bricks Without Straw* alongside classics like *Huckleberry Finn* and rediscovered masterpieces like Chesnut’s *The Marrow of Tradition* (whose searing dramatization of the 1898 Wilmington massacre owes much to *Bricks Without Straw*, though surpassing it in artistry) will eventually win Tourgée’s powerful novel the reputation it deserves as one of American literature’s best works of social protest, political critique, and race fiction.

“About the Negro as a man, with hopes, fears, and aspirations like other men, our literature is very nearly silent,” yet “the life of the Negro as a slave, freedman, and racial outcast offers undoubtedly the richest mine of roman-

tic material that has opened to the English-speaking novelist," Tourgée would note in a much-quoted essay, "The South as a Field for Fiction" (1888). While looking forward to the day when "the children . . . of slaves" themselves would "advance American literature to the very front rank" by exploiting that mine,¹²⁴ he pointed the way in *Bricks Without Straw*. His portrayal of African Americans as political agents is unprecedented for a white author of his time and has seldom been matched since.

Even more valuable are the insights Tourgée offers into a historical period that still shapes our political realities more than a century later. His eyewitness account of how a revolution that promised so much was suppressed; his chilling picture of terrorist violence against African Americans condoned, of civil rights abrogated, of constitutional amendments subverted, of electoral fraud institutionalized; and his scathing indictment of an American public too apathetic and gullible to challenge the propaganda that rationalized such outrages remain eerily relevant today.

A VOICE IN THE WILDERNESS

Bricks Without Straw at first sold even faster than *A Fool's Errand* had. Reviewers praised the book for its "caustic" irony reminiscent of Swift's, its "strongly drawn" characters (especially Nimbus and Eliab), its "thrilling" plot, its vivid picture of a representative black man's "unequal contest with the circumstances . . . which fettered . . . him after he became a freeman and a citizen almost as absolutely as when he was a slave," its truthful delineation of southern society, and its fair-minded criticism of both sections—the South for "the methods by which it has regained political control," the North for "the pusillanimity . . . by which the fruits of the war have been lost." They also quoted long extracts from the passages they pronounced most "striking": Nimbus's opening soliloquy, his argument with the clerk trying to register him with his master's surname, the scenes describing the black community's reactions to Klan terrorism, and Tourgée's analysis of southern psychology. Reviewers particularly commended Tourgée for prescribing a "remedy" for the "disease" he had diagnosed, "namely, education." Not even those who objected to the author's blatant "political sympathies" could "afford to disregard his suggestive and incisive treatment of a subject in which the whole country is profoundly interested," concluded *Harper's New Monthly Magazine*. Pervading all the reviews, however, was a sense that the mistakes of a botched Reconstruction could not be "undone"—a

resigned acceptance of the status quo that boded ill for the commitment Tourgée hoped to inspire to a massive federal education program for the South. The review that most ominously reflected the national mood was the *Atlantic Monthly*'s. Once a bastion of abolitionism, this journal had so thoroughly imbibed the stereotypes Tourgée was vainly attempting to dislodge that its editor reproached him with having “left out of view . . . what history demands as a completion of the picture,—the scenes of negro political ascendancy, and the disgraceful alliance with the baser Northern [carpet-bagger] element.”¹²⁵

Despite these auguries of the marginalization Tourgée would shortly meet with, for the moment *Bricks Without Straw* and *A Fool's Errand* helped decide the 1880 election and won him more influence over the leaders of the Republican party than he had ever exerted. Both the party's platform and the inaugural address of Republican president-elect James G. Garfield, whom he had known since his childhood in the Western Reserve, echoed Tourgée's call for a nationally funded public education system to stamp out illiteracy in the South. Clearly, Tourgée had intervened in national politics at a pivotal moment, when a sizable segment of the Republican camp had come to recognize the bankruptcy of President Hayes's “let alone” policy and still hoped to rectify it. But Garfield's assassination four months later brutally ended Tourgée's fleeting access to political power, as well as the revival of the party's progressive wing. The new president, Chester A. Arthur, a member of the party's conservative faction, quickly indicated his intention to lay southern affairs to rest. Though Tourgée would seek to sway the next election by expanding his arguments for national aid to education into a full-length book, *An Appeal to Caesar* (1884)—“the most profound discussion of the American racial situation to appear in the 1880s” according to the historian George M. Fredrickson¹²⁶—he could not overcome the public's weariness of the race problem.

Tourgée would spend the rest of his life championing African American rights in novels, articles, lectures, speeches, and letters to a total of six different presidents.¹²⁷ An increasingly lonely voice in the wilderness of white America, he would attract an immense black following in the late 1880s and 1890s after he launched the column “A Bystander's Notes” in the *Chicago Daily Inter Ocean*, a progressive Republican newspaper. Widely reprinted in the black press, Tourgée's “Bystander” column publicized the terrorism to which African Americans were still being subjected, berated the Republican party for ignoring the fraud and violence used to disfran-

chise African American voters throughout the South, attacked Jim Crow, and denounced lynching, denying that it was provoked by black men's rapes of white women and arguing rather that it served to cow blacks into abject submission. Tourgée's standing in the African American community reached its height when he founded an interracial civil rights organization in 1891, anticipating the National Association for the Advancement of Colored People (NAACP), and challenged segregation pro bono as the lawyer for the African American plaintiff in what became the *Plessy v. Ferguson* case of 1896.

Those who paid moving tributes to Tourgée as "a friend whose faith never wavered, whose courage never failed and whose loyalty was free from a 'shadow of turning' to his dying day" included Ida B. Wells, Charles W. Chesnutt, W. E. B. Du Bois, and Anna Julia Cooper. Wells confided to her diary her excitement at discovering *Bricks Without Straw* as a young woman in 1884, expressed appreciation in her newspaper for Tourgée's "inspiring and candidly critical" counsels to African Americans, lauded him repeatedly in her autobiography, and collaborated fruitfully with him in her crusade against lynching. Chesnutt sent Tourgée samples of his fiction, gratefully acknowledged Tourgée's encouragement of his talent, solicited new members for Tourgée's National Citizen's Rights Association, and hailed him as a "rare idealist who placed humanity above race, color, and artificial social distinctions." Du Bois not only honored Tourgée alongside those other "Friends of Freedom," William Lloyd Garrison and Frederick Douglass, when he inaugurated the Niagara Movement (the forerunner of the NAACP) after Tourgée's death in 1905, but drew on his predecessor's analysis of Reconstruction in his own magnum opus. And Cooper devoted six pages of *A Voice from the South* (1892) to eulogizing Tourgée's "life work," which she summed up with the remarkable assertion: "In presenting truth from the colored American's standpoint, Mr. Tourgee excels, we think, in fervency and frequency of utterance any living writer, white or colored" and "speaks with all the eloquence and passion of the aggrieved party himself."¹²⁸

Yet African American accolades could not keep Tourgée's memory alive during the long reign of white supremacy. Indeed, nothing more starkly epitomized the triumph of the racist propaganda machine that Tourgée had fought so tenaciously than the bestseller status attained by Thomas Dixon's *The Leopard's Spots* (1902) and *The Clansman* (1905). Ironically, Dixon had sought Tourgée's literary advice, only to travesty his novels, and even more

ironically, Tourgée himself had predicted the phenomenon Dixon represented. “Our literature has become not only Southern in type, but distinctly Confederate in sympathy,” Tourgée had observed in “The South as a Field for Fiction.”¹²⁹ Far outstripping the commercial success of *A Fool’s Errand*, *The Clansman* even secured the imprimatur of President Woodrow Wilson after D. W. Griffith turned it into “the most successful and profitable film ever made,” *The Birth of a Nation*.¹³⁰

Not until *Brown v. Board of Education* (1954) marked the emergence of the modern Civil Rights Movement and the turn of the tide against white supremacist ideology did scholars rediscover Tourgée’s writings. The 1960s and early 1970s brought Tourgée a flurry of attention from distinguished literary and cultural historians. With the publication of Otto H. Olsen’s superb biography, the microfilming and indexing of the Albion W. Tourgée papers, and the reprinting of *A Fool’s Errand* and *Bricks Without Straw*, Tourgée seemed poised for a comeback.¹³¹ Instead, he underwent a second eclipse. Two factors perhaps accounted for his slide back into obscurity: the Civil Rights Movement had entered a separatist phase, and the scholarship and Black Studies programs springing out of the 1960s racial ferment concentrated on the study of slavery and the recovery of African American writers and activists. By the 1970s, white reformers, dismissed as fanatics during the high tide of political conservatism, began coming under attack as racists, or else disappeared from public view. Meanwhile, the modes of literary criticism that dominated the academy in the 1970s and 1980s devalued the genres Tourgée excelled in. The historical novel fell out of fashion, and fiction that preached a “message,” whether political, social, racial, or religious, became an embarrassment.

Recent trends, however, have created a more propitious climate for reassessing Tourgée’s literary achievements and political legacy. The rollback of civil rights and affirmative action over the past few decades has awakened new interest in Reconstruction, which likewise saw a tidal wave of reaction sweep away the gains of a long struggle for racial equality. A vast body of first-rate revisionist scholarship on Reconstruction now validates Tourgée’s representations of the era in *Bricks Without Straw* and *A Fool’s Errand* as extraordinarily true to life. The hundredth anniversary of *Plessy v. Ferguson* and the fiftieth anniversary of *Brown v. Board of Education*, paradoxically coinciding with a resurgence of de facto segregation, have also led scholars back to Tourgée. Further contributing to the revalorization of Tourgée’s novels, historicist, ideological, and cultural approaches to literature have

returned to prominence, sparking more insightful study of the very genres earlier critics had disparaged. The volume of scholarship Tourgée has generated since the late 1980s, crowned by Mark Elliott's prizewinning biography, suggests that conditions are finally ripe for the lasting revival of an unjustly neglected American hero.¹³² In this reprint edition, *Bricks Without Straw*, Tourgée's magnificent novel of Black Reconstruction, can take its rightful place among the classics of American political fiction and restore to the public one of the nation's most trenchant writers.

NOTES

- 1 Editorial Notes, *New York Evangelist*, 21 Oct. 1880, APS Online; *Rochester American Rural Home*, excerpted in advertisement "Specimen Bricks," *Christian Union*, 8 Dec. 1880.
- 2 Herman Melville's "Benito Cereno" is perhaps the best example of a work that challenges racial stereotyping while purportedly conforming to it. Many critics have argued that Twain's Jim in *Huckleberry Finn* does so as well.
- 3 Albion W. Tourgée, "The Literary Quality of 'Uncle Tom's Cabin,'" *Independent* 48 (20 Aug. 1896), 3–4.
- 4 *Ibid.*, 4.
- 5 In addition to "Literary Quality," see Tourgée's untitled editorial in his weekly magazine *The Continent*, 23 May 1883, 669; and his article "The Claims of Realism," *North American Review* 148 (March 1889): 386–88. For a cogent critique of realism, see Kenneth W. Warren, *Black and White Strangers: Race and American Literary Realism* (Chicago: University of Chicago Press, 1993), especially chap. 3.
- 6 For an account of the antislavery origins of the Republican party, see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party before the Civil War* (New York: Oxford University Press, 1970).
- 7 See James S. Pike, *The Prostrate State: South Carolina under Negro Government* (1874), for one of the earliest and most influential formulations of this indictment. The historian William Dunning and his disciples perpetuated this view of Reconstruction in the academy until the 1960s.
- 8 Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York: Harper & Row, 1988).
- 9 W. E. B. Du Bois, *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880* (1935; New York: Atheneum, 1977), 721, 708, and the chapter "Back Toward Slavery."
- 10 Albion W. Tourgée Papers (hereinafter AWTTP) #765, AWT to W. M. Coleman, 4 Feb. 1868; AWTTP #139, AWT to EK, 4 Feb. 1860.
- 11 Mark Elliott, *Color-Blind Justice: Albion Tourgée and the Quest for Racial Equality, from the Civil War to Plessy v. Ferguson* (New York: Oxford University

- Press, 2006), 85. While relying heavily on the excellent biographical narrative Elliott provides, I have done my own research in the Tourgée papers and in Reconstruction-era newspapers. In cases where I am indebted to Elliott's analysis, I have cited both his book and the primary sources I have consulted; where my research has gone beyond Elliott's or led me to original insights, I have cited the primary sources alone. I have followed the same practice in using the work of other scholars.
- 12 Tourgée, *The Story of a Thousand: Being a history of the Service of the 105th Ohio Volunteer Infantry, in the War for the Union from August 21, 1862 to June 6, 1865* (Buffalo: S. McGerald & Son, 1896), 31–34, 83, 87–91, 106–107; Elliott, *Color-Blind Justice*, 85–88.
 - 13 AWTP #801, “Speech on Elective Franchise Del[i]v[ere]d in Conv[entio]n of 1868,” 1.
 - 14 AWTP #1249, “*Emancipation—considered as an historical event*” [double underlining in original], speech delivered to African Americans in 1869, next-to-last page.
 - 15 On military policy and the Emancipation Proclamation in Kentucky, see Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, eds., *Freedom: A Documentary History of Emancipation, 1861–1867*, Series II: *The Black Military Experience* (New York: Cambridge University Press, 1982), 183, 191–97; for the text of the Emancipation Proclamation, see www.archives.gov/exhibits/.
 - 16 AWTP #577, Daily Pocket Remembrancer for 1863, 7, 22, and 23 June.
 - 17 Elliott, *Color-Blind Justice*, 90; AWTP #577, 24 Oct. 1863. Though Tourgée refers to himself in the third person as the Commanding Officer of Company E in the entry describing his hiring and renaming of William/Nimbus, a letter to Emma of 29 Sept. 1863 confirms that he is now replacing a dead comrade who occupied that position before him (AWTP #556).
 - 18 AWTP #446, AWT to EK, 23 Nov. 1862; Elliott, *Color-Blind Justice*, 88.
 - 19 AWTP #455, J. R. Warner to Emma Kilbourne, 23 Jan. 1863; AWTP #467, AWT to EKT, 6 May 1863; Elliott mistranscribes the dash after “insult” as “and” (*Color-Blind Justice*, 97).
 - 20 AWTP #801, “Speech on Elective Franchise Del[i]v[ere]d in Conv[entio]n of 1868,” 13.
 - 21 AWTP #454, AWT to Brothers of the Union [Jan. 1863, date illegible]; as Brook Thomas has pointed out in a personal communication, Tourgée is specifically repudiating the motto of Ohio Copperhead Clement Vallandigham, “The Constitution as it is, the Union as it was.”
 - 22 Elliott, *Color-Blind Justice*, 104–105; Richard Nelson Current, *Those Terrible Carpetbaggers* (New York: Oxford University Press, 1988), 51.
 - 23 Olsen, *Carpetbagger's Crusade*, 28.
 - 24 Foner, *Reconstruction*, 74.
 - 25 AWTP #2392, “The Negro in America”; for a similar assessment by a leading modern historian, see James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (1988; New York: Ballantine Books, 1989), 852.

- 26 Foner, *Reconstruction*, 189–90, 240.
- 27 Roberta Sue Alexander, *North Carolina Faces the Freedmen: Race Relations During Presidential Reconstruction, 1865–67* (Durham: Duke University Press, 1985), 45–47, 49, 51 (quoting a Freedmen’s Bureau agent), 55–56. For further discussion of the North Carolina Black Code and African American resistance to it, see Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997), 35–54.
- 28 Elliott, *Color-Blind Justice*, 106; Current, *Those Terrible Carpetbaggers*, 52.
- 29 Foner, *Reconstruction*, 254, 256; Fourteenth Amendment, section 1, www.nps.gov/archive. For an analysis of how the Fourteenth Amendment reversed the Supreme Court’s 1857 *Dred Scott* decision, which held that African Americans could not be U.S. citizens, see Brook Thomas, ed., *Plessy v. Ferguson: A Brief History with Documents* (Boston: Bedford/St. Martin’s, 1997), 14–16; as Thomas explains, *Dred Scott* itself was viewed by many as having taken away the U.S. citizenship that African Americans had enjoyed under earlier interpretations of the Constitution.
- 30 Alexander, *North Carolina Faces the Freedmen*, 16, 18.
- 31 Foner, *Reconstruction*, 283–85.
- 32 Alexander, *North Carolina Faces the Freedmen*, 26–27, 88–89. For other accounts of the 1865 and 1866 Freedmen’s conventions, see Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850–1900* (Chapel Hill: University of North Carolina Press, 1985), 125–26, 134–35; and Edwards, *Gendered Strife and Confusion*, 25, 67.
- 33 Elliott, *Color-Blind Justice*, 134, based on a clipping from the *Cincinnati Commercial*, ca. 1880; see also Olsen, *Carpetbagger’s Crusade*, 57.
- 34 Elliott, *Color-Blind Justice*, 106, 145: “It appears that Tourgée brokered land transfers and may have sold some of his own land” to the Quaker missionary Yardley Warner, whom he was assisting in “establishing a housing development” for Black refugees “on the southern edge of Tourgée’s Greensboro property”; Albion W. Tourgée, *A Fool’s Errand. By One of the Fools* (New York: Fords, Howard, and Hulbert, 1879), 47, 83.
- 35 Elliott, *Color-Blind Justice*, 145; Olsen, *Carpetbagger’s Crusade*, 76–77. Tourgée details his plans for such a Freedmen’s Land Agency in a letter to a Mr. Armstrong, perhaps General Samuel Chapman Armstrong, undated draft, AWTP #11028.
- 36 AWTP #845, Harmon Unthank to AWT, 27 July 1868, quoted, with slightly different capitalization and punctuation, in Deborah Patrice Hamlin, “‘Friend of Freedom’: Albion Winegar Tourgée and Reconstruction in North Carolina” (Ph.D. diss., Duke University, 2004), 175.
- 37 Quoted in Elliott, *Color-Blind Justice*, 147–48.
- 38 George Arnold, “In Tourgée’s Defense,” letter to the editor of the *Detroit Plaindealer*, 6 May 1892, clipping in AWTP #7614 (the documents sharing this item number take up almost three rolls of microfilm and are almost impossible to locate individually).

- 39 Tourgée, *A Fool's Errand*, 101–102, 105; Elliott, *Color-Blind Justice*, 106–107.
- 40 AWTP #699, “Institution of a Pioneer,” 1867.
- 41 Current, *Those Terrible Carpetbaggers*, 56, 58–59; AWTP #687, “Notes for a speech in 1866”; Elliott, *Color-Blind Justice*, 108–109; AWTP #651, AWT to EKT, 16 Sept. 1866.
- 42 Elliott, *Color-Blind Justice*, 109–11; Current, *Those Terrible Carpetbaggers*, 62–64; AWTP #657, 24 Sept. 1866, #659, Sept. 1866.
- 43 AWTP #665, EKT to AWT, 7 Oct. 1866.
- 44 Elliott, *Color-Blind Justice*, 114.
- 45 Current, *Those Terrible Carpetbaggers*, 66; Otto H. Olsen, “North Carolina: *An Incongruous Presence*,” in *Reconstruction and Redemption in the South*, ed. Otto H. Olsen (Baton Rouge: Louisiana State University Press, 1980), 164; Elliott, *Color-Blind Justice*, 114–15; Paul D. Escott, “White Republicanism and Ku Klux Klan Terror: The North Carolina Piedmont during Reconstruction,” in *Race, Class, and Politics in Southern History: Essays in Honor of Robert F. Durden*, ed. Jeffrey J. Crow, Paul D. Escott, and Charles L. Flynn Jr. (Baton Rouge: Louisiana State University Press, 1989), 8–10.
- 46 *North Carolinian*, 1 Feb., 6 Feb., 11 Feb., 26 Feb., 4 March, and 6 March 1868. See also the Raleigh *Sentinel*, which refers to the Republican delegates as “the mongrels.”
- 47 AWTP #774, AWT to EKT, 19 Feb. 1868; AWTP #801, “Speech on Elective Franchise Del[i]v[er]ed in Conv[entio]n of 1868,” 1, 3; *North Carolinian*, 22 Feb. 1868.
- 48 Quotations are from Elliott, *Color-Blind Justice*, 130–31; see also Tourgée, *Bricks Without Straw*, chaps. 57 and 61. For more details on Tourgée’s role in the convention, see Olsen, *Carpetbagger’s Crusade*, 97–102, 107–108, 113–14; and Current, *Those Terrible Carpetbaggers*, 104–106.
- 49 Broadside of a Guilford County meeting, quoted in Current, *Those Terrible Carpetbaggers*, 107–108.
- 50 Olsen, *Carpetbagger’s Crusade*, 145.
- 51 Current, *Those Terrible Carpetbaggers*, 201–202; Olsen, *Carpetbagger’s Crusade*, 152–55; AWT to Editor, *Raleigh Standard*, 1 Feb. 1870.
- 52 Escott, “White Republicanism and Ku Klux Klan Terror,” 5, 28, 29; Otto H. Olsen, “The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda,” *North Carolina Historical Review*, 39 (July 1962): 354, 360; see also Escott, *Many Excellent People*, 152–60. For an overview covering the entire South, with several chapters on North Carolina, see Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge; Louisiana State University Press, 1971).
- 53 *North Carolina Daily Standard*, 11 April 1868.
- 54 *North Carolina Daily Standard*, “The Reign of Terror,” 9 Feb. 1869; “The Fruits,” 23 March 1869.
- 55 *North Carolina Daily Standard*, “Public Opinion Must Enforce Law,” 17 April 1869.

- 56 North Carolina *Daily Standard*, "The Ku Klux Murders," 23 Sept. 1869; see also "Ku Klux in Guilford," 8 June 1869, in which a correspondent writing to the *Daily Standard* urges all citizens, "however humble, and of all colors, put your cabins in a state of defence. . . . Arm yourselves. Be sure and kill or maim as many as possible."
- 57 Current, *Those Terrible Carpetbaggers*, 201; see also Trelease, *White Terror*, 206–207. The *Sentinel* is quoted and answered in the North Carolina *Daily Standard*, 28 Sept. 1869. In "The Fruits," 23 March 1869, the *Standard* reports on Josiah Turner's travels, accuses him of "sowing the seed of discord, *rebellion*, and *REVOLUTION*," and cites a recent Klan attack as one of the "fruits of his work."
- 58 Olsen, *Carpetbagger's Crusade*, 147, 159, 161.
- 59 *Ibid.*, 163.
- 60 Tourgée, AWTP #1366, "Ku Klux War in North Carolina," Aug. 1870, 13 (draft of article submitted to the abolitionist weekly *National Standard* but rejected because too long); Carole Watterson Troxler, "To look more closely at the man': Wyatt Outlaw, a Nexus of National, Local, and Personal History," *North Carolina Historical Review* 77 (October 2000): 404, 416, 417; Olsen, *Carpetbagger's Crusade*, 161.
- 61 AWTP #1270, John W. Stephens to AWT, 20 April 1870; Olsen, *Carpetbagger's Crusade*, 162–64; Current, *Those Terrible Carpetbaggers*, 204; Elliott, *Color-Blind Justice*, 136.
- 62 Tourgée, AWTP #1366, "Ku Klux War in North Carolina," 14–15; AWTP #1639, "Affidavit of Patsie Burton before J. G. Hester as to Murder of J. W. Stephens," 12 Dec. 1872; Olsen, *Carpetbagger's Crusade*, 164.
- 63 Foner, *Reconstruction*, 593–94.
- 64 Olsen, "North Carolina," 184–85; see also Edwards, *Gendered Strife*, 220–21.
- 65 Olsen, *Carpetbagger's Crusade*, 147.
- 66 AWTP #1131, AWT to EKT, 9 June 1869; AWTP #1572, AWT to Ulysses S. Grant, 28 Dec. 1871, and Ulysses S. Grant, *The Papers of Ulysses S. Grant*, ed. John Y. Simon (Carbondale: Southern Illinois University Press, 1967), 23: 370n.
- 67 AWTP #1472 (letterbook covering 1868–1870), William S. Ball to AWT, 8 June 1870; AWTP #1131, AWT to EKT, 9 June 1869; AWTP #1575 (letterbook covering Feb. 1869 through Feb. 1871), AWT to R. M. Tuttle, 26 May 1870.
- 68 Olsen, *Carpetbagger's Crusade*, 158, 162; AWTP #1612, AWT to EKT, 20 March 1872.
- 69 The original letter is no longer extant. Quotations are from drafts of letters to the *New York Tribune* and members of the Guilford Bar, AWTP #1331, n.d., and #1349, 16 Aug. 1870.
- 70 Current, *Those Terrible Carpetbaggers*, 205.
- 71 AWTP #1575 (letterbook for Feb. 1869–Feb. 1871), AWT to Jonathan R. French, 16 Aug. 1870; Olsen, *Carpetbagger's Crusade*, 168; Current, *Those Terrible Carpetbaggers*, 208.
- 72 Olsen, *Carpetbagger's Crusade*, 165–66, 168; Current, *Those Terrible Carpetbaggers*, 205–206; AWTP #1575 (letterbook for Feb. 1869–Feb. 1871), AWT to Joseph Abbott, 25 Aug. and 8 Sept. 1870.

- 73 AWTP #1575 (letterbook for Feb. 1869–Feb. 1871), AWT to Joseph Abbott, 27 Jan. 1871; Foner, *Reconstruction*, 454–55.
- 74 AWTP #1879 (1871–75 letterbook), AWT to EKT, 16 and 18 Dec. 1871. See also the affidavits of James M. Stockard and George Faucett on the hanging of Outlaw, AWTP #1551 and #1568.
- 75 AWTP #1572, AWT to Ulysses S. Grant, 28 Dec. 1871, and *Papers of Ulysses S. Grant*, 23: 370n.
- 76 Olsen, *Carpetbagger's Crusade*, 186–87.
- 77 AWTP #1739, AWT to Martin B. Anderson, 11 May 1874.
- 78 AWTP #1850, EKT to AWT, 14 Sept. 1875.
- 79 Tourgée, *Bricks Without Straw*, 392–96; Olsen, *Carpetbagger's Crusade*, 198–99, 203–205; Escott, *Many Excellent People*, 166–67, 170.
- 80 Elliott, *Color-Blind Justice*, 166–67; Foner, *Reconstruction*, 558, 573–82.
- 81 This summary of Tourgée's views is based on *A Fool's Errand*, 143–44, 146–48, 151–54, as well as on his article “Why Reconstruction Was a Failure,” written under the pseudonym Henry Churton, AWTP #1797; and on his letter to the editor of the Wilmington (North Carolina) *Post*, AWTP #1813, 22 May 1875.
- 82 AWTP #1649, AWT to EKT, 5 June 1873.
- 83 AWTP #2269, AWT to EKT, 22 Dec. 1878; AWTP #2315, AWT to EKT, 13 April 1879. Tourgée declares himself “dead politically” in AWTP #2249, AWT to EKT, 9 Nov. 1878; see also #2250, AWT to EKT, 11 Nov. 1878.
- 84 Henry Churton (pseud.), *Toinette. A Novel* (New York: J. B. Ford, 1874); the quotation is from the preface to the 1881 edition, retitled *A Royal Gentleman* (reprint, Ridgewood, N.J.: Gregg Press, 1967), iv–v; AWTP #1648, AWT to EKT, 4 June 1873.
- 85 Tourgée spells out these implications of his plot in a self-written review, AWTP #1786, 13 Jan. 1875.
- 86 Tourgée, *A Fool's Errand*, 44–47, 82–84, 96–97.
- 87 *Ibid.*, 152–53, 210–11.
- 88 *Ibid.*, 346–47.
- 89 Quotations are from the extracts of press notices on the flyleaves of a later 1879 printing. For more extensive quotations from contemporary reviews, see Olsen, *Carpetbagger's Crusade*, 224; and Elliott, *Color-Blind Justice*, 170–71. For information on total sales figures and foreign translations, see the obituary from the Baltimore *American*, “Judge Tourgee, the Author Dead,” in AWTP #9907.
- 90 As Foner points out, the Fifteenth Amendment, though it barred discrimination against voters based on “race, color, or previous condition of servitude,” “did not forbid literacy, property, and educational tests that, while nonracial, might effectively exclude the majority of blacks from the polls”; see *Reconstruction*, 446–47, for his analysis of the reasons for the amendment's weak and narrow wording.
- 91 AWTP #7748, undated draft, replying to the editor's request that he cut a dialogue Tourgée considered essential to the story he had submitted to the magazine; also quoted in Elliott, *Color-Blind Justice*, 213. In AWTP #10766, an undated typed draft titled “Comments on J.C. Harris & W.D. Howells,” Tourgée

- further notes that during his years in North Carolina, his interest in his southern neighbors' speech was "constantly impelling [him] to write dialect on the side."
- 92 Josiah S. Nott and George R. Gliddon, *Types of Mankind: or, Ethnological Researches* . . . (1854; Miami: Mnemosyne, 1969); see the illustrations facing lviii and on 430–31.
- 93 AWTP #577, Daily Pocket Remembrancer for 1863, 24 Oct. 1863. Olsen, *Carpet-bagger's Crusade*, 24, was the first to suggest this real-life model for the fictional Nimbus.
- 94 Outlaw participated in the 1866 North Carolina Freedmen's Convention. His woodworking and wagon-repairing shop "became a gathering place for blacks and for white and black workingmen" and consequently a hub for political strategizing; see Troxler, "To look more closely at the man," 405–409, 411, 413–14, 416.
- 95 Like Outlaw, Unthank participated in the Freedmen's Convention of 1866. He differed from Nimbus in being highly literate (as his letters to Tourgée show) and in avoiding trouble with his white Conservative neighbors. Unthank's daughter claimed that Tourgée based Nimbus on her father. See Hamlin, "Friend of Freedom," 166–67, 173, 177, 197–98.
- 96 Yet another real-life model historians have suggested for Nimbus is Jourdan Ware, a "renter-farmer living near Rome, Georgia," and a "prominent" and influential leader of the local African American community. Though Tourgée did not know him personally, he would have read about him in the thirteen-volume congressional *Report* on Klan atrocities that he cites elsewhere in *Bricks Without Straw*. The name "Ware" provides the most conspicuous link between the two men: when registering to vote, Nimbus takes the surname of his former overseer, Silas Ware, to avoid being assigned that of his master. See Edward Magdol, "A Note on Authenticity: Eliab Hill and Nimbus Ware in *Bricks Without Straw*," *American Quarterly* 22 (winter 1970): 907–11.
- 97 AWTP #6688, undated draft to unknown correspondent, 1893.
- 98 The proud, handsome George Harris illustrates the racial theory Stowe puts in the mouth of Augustine St. Clare: "Sons of white fathers, with all our haughty feelings burning in their veins," are more prone to rebellion than full-blooded Africans; see *Uncle Tom's Cabin; or, Life Among the Lowly*, in *The Oxford Harriet Beecher Stowe Reader*, ed. Joan D. Hedrick (New York: Oxford University Press, 1999), 275–76. Davis depicts Broderip as undersized, sickly, and effeminate, but also "brutal" in temper; see *Waiting for the Verdict*, ed. Donald Dingleline (Albany: NCU, 1995), 135–37, 140, 144–45, and the fine analysis in Dingleline's introduction of *Verdict's* racial subtext.
- 99 Davis, *Waiting for the Verdict*, 161.
- 100 *Ibid.*, 417.
- 101 United States Congress, *Report of the Joint Select Committee Appointed to Inquire into the Condition of Affairs in the Late Insurrectionary States* . . . (Washington: Government Printing Office, 1872), 1: 44, available at <http://dns.hti.umich.edu/cgi/>.

- 102 Tourgée also wove aspects of Harmon Unthank and Wyatt Outlaw into his portrait of Eliab. As Tourgée’s liaison with the African American community of Greensboro, and as a leader in the Methodist Episcopal Church known for “maintain[ing] law and order at all times” in the congregation, Unthank may have helped flesh out the characterization of Eliab as a preacher on whom the Yankee schoolteacher relies to keep order among her charges. Coupled with his “unknown” paternity (127), Eliab’s “almost white” (118) complexion, not mentioned in the congressional account of Elias Hill, may link him with Outlaw, who seems to have been the unacknowledged son of a white man. On Unthank, see Hamlin, “‘Friend of Freedom,’” 186. Troxler, “‘To look more closely at the man,’” 406, 408, suggests comparisons both with Outlaw and with a crippled white schoolteacher named Alonzo Corliss, who, like Elias Hill, was brutally beaten by the Klan despite his handicapped condition and, like Outlaw, was a “leader of the Loyal League in Alamance County.”
- 103 Delany develops the idea of a partnership between Blacks and mulattoes in chapter 61, “The Grand Council,” of *Blake; or, The Huts of America*, ed. Floyd J. Miller (1859; Boston: Beacon Press, 1970), where he puts it into the mouth of the mulatto poet Placido: “I hold that colored persons, whatever the complexion, can only obtain an equality with whites by the descendants of Africa of unmixed blood” (260). Harper embodies it in the friendship of the light-skinned Iola with the pure black Lucille Delany and in the marriage of Lucille with Iola’s equally light-skinned brother Harry.
- 104 For a comparative view, see Stowe’s portrayal of Sam in chaps. 6–8 of *Uncle Tom’s Cabin* and Twain’s portrayal of Jim in *The Adventures of Huckleberry Finn* (1884; Harmondsworth, UK: Penguin, 1985), chaps. 2, 14, 36–38. Although both Stowe and Twain use these minstrel figures to satirize whites, their satire is undercut by their concessions to white racism.
- 105 Langston Hughes, *Laughing to Keep from Crying* (1952); see also the chapter “Black Laughter” in Lawrence W. Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought from Slavery to Freedom* (New York: Oxford University Press, 1977).
- 106 Elliott, *Color-Blind Justice*, 214–15; “Poll Tax. A Song of North Carolina Freedmen,” *National Anti-Slavery Standard*, 9 Nov. 1867, 3. It is not clear whether Tourgée transcribed, adapted, or composed the lyrics. The *N.A.S.S.* subtitle and headnote give the impression that Tourgée has merely transcribed the song, but his letter three years later to the editor of the North Carolina *Daily Standard* implies that he composed it; see AWTP #1321, 19 July 1870; also Olsen, *Carpet-bagger’s Crusade*, 90.
- 107 Du Bois, *Black Reconstruction*, 57, 121.
- 108 Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York: Random House, 1976), 429. For a more recent analysis of the different meanings that the former masters and the freedpeople attached to the legalization of slave marriages (mandated by the North Carolina Black Code), see Edwards, *Gendered Strife and Confusion*, 31–38, 45–47, 54–56.
- 109 Quoted in Elliott, *Color-Blind Justice*, 119–20.

- 110 On the difficulties of cultivating the “‘bright’ yellow tobacco that was the area’s specialty,” see Edwards, *Gendered Strife and Confusion*, 80–83.
- 111 Du Bois, *Black Reconstruction*, 122–23.
- 112 Foner, *Reconstruction*, 342; “Evidence in the Camilla Massacre,” *National Anti-Slavery Standard*, 10 Oct. 1868, 1; “The Recent Riot at Camilla,” *New York Times*, 23 Sept. 1868, 1.
- 113 Tourgée explained to an unidentified correspondent that such was the purpose of the “love incidents” in *A Fool’s Errand*; see AWTP #6688, 1893. Tourgée himself had chosen to forgo a victory celebration after the 1868 election because he “did not think it right to expose” his African American allies, “who have always trusted me and relied upon my regard for their interest with unquestioning faith, to the danger of such persecution” as they would incur from local white supremacists; as he explained in a letter to the *National Republican*, “to me it seems infinitely better to forego a parade than to subject our friends to trouble—”; see AWTP #11042, undated draft.
- 114 For the case of Elias Hill, see U.S. Congress, *Report of the Joint Select Committee*, 1 (South Carolina): 45–47; for the case of the axe-wielding woman, see “A K.K. Come to Grief” (by Arcanum [pseud.]), “Young Steel,” “The Joe Alston Case,” and “The Alamance Outrages,” *North Carolina Daily Standard*, 26 March and 2 April 1869. The case was also written up in the *Senate Report* of March 1871, lxvi, 33, 43; and in the *Report of the Joint Select Committee*, 2: 35–36.
- 115 Foner, *Reconstruction*, 437, 530–31; Foner is quoting the testimony of a contemporary witness, but one of the modern historians he cites estimates from sixty-nine to a hundred African Americans killed in the massacre. For a dramatic recent account of the Colfax massacre, see Nicholas Lemann, *Redemption: The Last Battle of the Civil War* (New York: Farrar, Straus and Giroux, 2006), 12–22.
- 116 For an account of the flight to Kansas, see Nell Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: Knopf, 1977).
- 117 U.S. Congress, *Report of the Joint Select Committee*, 1: 46; obviously Tourgée could not endorse this choice without betraying the struggle to obtain equal justice for African Americans in the United States, though he does give a nod to his historical source when he has Eliab say in his letter to Mollie: “If I were . . . whole and sound, I wouldn’t stay in this country another day. I would go somewhere where my children would have a chance to learn what it is to be free” (382).
- 118 Nina Silber, *The Romance of Reunion: Northerners and the South, 1865–1900* (Chapel Hill: University of North Carolina Press, 1993), chap. 4.
- 119 For an analysis of how both the entire structure of the Constitution and many of its clauses protected slavery, see Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jackson* (Armonk, N.Y.: M. E. Sharpe, 1996), chap. 1.
- 120 Tourgée once again based this on an actual case that he seems to have come across as a judge. His Pocket Calendar for 1872 notes the story of a dispute between “two George Ewbanks in Caswell [County]”: “One was known as ‘Black’ George & the other ‘Red’ George. The children of Black George claimed property” that by right belonged to Red George. See AWTP #1784.

- 121 See Jeffrey L. Crow, "Thomas Settle Jr., Reconstruction, and the Memory of the Civil War," *Journal of Southern History* 62 (November 1966): 689–726.
- 122 AWTP #2380, John Raymond Howard to AWT, 29 Sept. 1880.
- 123 Twain, *Huckleberry Finn*, 318. See, for example, Charles H. Nilon, "The Ending of *Huckleberry Finn*: 'Freeing the Free Negro,'" in *Satire or Evasion? Black Perspectives on Huckleberry Finn*, ed. James S. Leonard, Thomas A. Tenney, and Thadious M. Davis (Durham, N.C.: Duke University Press, 1992), 62–76.
- 124 Albion W. Tourgée, "The South as a Field for Fiction," *Forum* 6 (December 1888): 409–10, 413.
- 125 Quotations are from the *San Francisco News Letter* and the *New York Examiner and Chronicle*, excerpted in "Specimen Bricks," an advertisement in the *Christian Union*, 8 Dec. 1880; "Bricks Without Straw," *Christian Union*, 13 Oct. 1880; "Editor's Literary Record," *Harper's New Monthly Magazine* 62 (Dec. 1880): 153–54; Leonard Bacon, "Bricks Without Straw," *Independent*, 7 Oct. 1880; "A Novel of Reconstruction," *New York Daily Tribune*, 26 Sept. 1880, 8; and "Some Political Novels," *Atlantic Monthly* 47 (Jan. 1881): 120. See also Joseph Kirkland, "A Partisan Romance," *The Dial* 1 (October 1880): 110; and "Redemption of the South," *New York Times*, 1 Oct. 1880, 3.
- 126 George M. Fredrickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817–1914* (New York: Harper & Row, 1971), 243, quoted in Elliott, *Color-Blind Justice*, 199.
- 127 Tourgée's letters to Presidents Ulysses S. Grant, Rutherford B. Hayes, James G. Garfield, Benjamin Harrison, William McKinley, and Theodore Roosevelt can be found in the papers of these presidents, housed at the Library of Congress.
- 128 [Ida B. Wells, representing the Illinois Division of the Niagara Movement and the Appomattox Club], *In Memoriam: Tributes of Respect by Colored Citizens of Chicago to the Memory of Judge Albion W. Tourgee*, AWTP #9838 (I am grateful to Mark Elliott for bringing this tribute to my attention); Wells, *The Memphis Diary of Ida B. Wells*, ed. Miriam DeCosta-Willis (Boston: Beacon Press, 1995), 52; Wells-Barnett, "Honor Well Won," *Chicago Conservator*, 15 May 1897, clipping in AWTP #9471; and Wells, *Crusade for Justice: The Autobiography of Ida B. Wells*, Wells, ed. Alfreda M. Duster (Chicago: University of Chicago Press, 1970), 120–21, 151, 156. See also Carolyn L. Karcher, "The White 'Bystander' and the Black Journalist 'Abroad': Albion W. Tourgée and Ida B. Wells as Allies Against Lynching," *Prospects* 29 (2005): 85–119; Charles W. Chesnutt to AWT, 26 Sept. 1889, AWTP #4026; Chesnutt, "Resolutions read at the funeral exercises of Hon. A.W. Tourgee at Mayville, New York," AWTP #9874; Du Bois, quoted in Elliott, *Color-Blind Justice*, 12; Anna Julia Cooper, *A Voice from the South* (1892; New York: Oxford University Press, 1988), 188–92, 199.
- 129 AWTP #3368, Thomas Dixon to AWT, 25 Feb. 1888; Elliott, *Color-Blind Justice*, 307; Tourgée, "The South as a Field for Fiction," 405.
- 130 Elliott, *Color-Blind Justice*, 308.
- 131 Dean H. Keller organized, microfilmed, and indexed the Albion W. Tourgée Papers, thus laying the foundations for further research; see Keller, "An Index to

the Albion W. Tourgée Papers in the Chautauqua County Historical Society, Westfield, New York," *Kent State University Bulletin Research Series* 7 (May 1964): v-59; also Keller, "A Checklist of the Writings of Albion W. Tourgée (1838-1905)," *Studies in Bibliography* 18 (1965): 169-279; Keller, ed., "A Civil War Diary of Albion W. Tourgée," *Ohio History* 74 (spring 1965): 99-131; and Keller, "Albion W. Tourgée as Editor of *The Basis*," *Niagara Frontier* 12 (spring 1965): 24-28. Scholarly studies marking the revival of interest in Tourgée include Ted N. Weissbuch, "Albion W. Tourgee: Propagandist And Critic of Reconstruction," *Ohio Historical Quarterly* 70 (Jan. 1961): 27-44; Theodore L. Gross, "The Negro in the Literature of Reconstruction," *Phylon* 22, no. 1 (1961): 5-14; Otto H. Olsen, "The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda," *North Carolina Historical Review* 39 (July 1962): 340-62; Edmund Wilson, *Patriotic Gore: Studies in the Literature of the American Civil War* (1962; New York: Oxford University Press, 1966), 529-48; Monte M. Olenick, "Albion W. Tourgée: Radical Republican Spokesman of the Civil War Crusade," *Phylon* 23, no. 4 (1962): 332-45; Theodore L. Gross, *Albion W. Tourgée* (New York: Twayne, 1963); Olsen, "Albion W. Tourgee: Carpetbagger," *North Carolina Historical Review* 40 (October 1963): 434-54; Theodore L. Gross, "The Fool's Errand of Albion W. Tourgee," *Phylon* 24, no. 3 (1963): 240-54; Otto H. Olsen, "Albion W. Tourgee and Negro Militants in the 1890's: A Documentary Selection," *Science and Society* 28 (2, 1964): 183-207; Sidney Kaplan, "Albion W. Tourgée: Attorney for the Segregated," *Journal of Negro History* 49 (April 1964): 128-33; C. Vann Woodward, "*Plessy v. Ferguson*: The Birth of Jim Crow," *American Heritage* 15 (April 1964): 52-55, 100-103; Olsen, *Carpetbagger's Crusade* (1965); Olsen, ed., *The Thin Disguise: Plessy V. Ferguson, A Documentary Presentation (1864-1896)* (New York: Humanities Press, 1967); Sylvia E. Bowman, "Judge Tourgée's Fictional Presentation of the Reconstruction," *Journal of Popular Culture* 3 (fall 1969): 307-23; Magdol, "A Note on Authenticity" (1970); Fredrickson, *The Black Image in the White Mind* (1971), 195-97, 236-37, 241-43; C. Vann Woodward, *American Counterpoint: Slavery and Racism in the North-South Dialogue* (Boston: Little, Brown, 1971), 217-33; Thomas Sancton, "The Creoles and Jim Crow," *The Crisis* 79 (Aug.-Sept. 1972): 222-25, 233; Daniel Aaron, *The Unwritten War: American Writers and the Civil War* (New York: Knopf, 1973), 193-205; David A. Gerber, "Lynching and Law and Order: Origin and Passage of the Ohio Anti-Lynching Law of 1896," *Ohio History* 83 (winter 1974): 33-50; Marguerite Ealy and Sanford E. Marovitz, "Albion Winegar Tourgee (1838-1905)," *American Literary Realism* 8 (winter 1975): 53-80; and L. Moody Simms Jr., "Albion Tourgée on the Fictional Use of the Post-Civil War South," *Southern Studies* 17 (winter 1978): 399-409. Both Fredrickson and John Hope Franklin wrote introductions to editions of *A Fool's Errand* (New York: Harper & Row, 1961; and Cambridge, Mass.: Belknap Press of Harvard University Press, 1961); and Olsen introduced the reprint of *Bricks Without Straw* (Baton Rouge: Louisiana State University Press, 1969). Studies before this initial revival include Roy F. Dibble, *Albion W. Tourgée* (New York: Lemeke

& Buchner, 1921); Sterling Brown, *The Negro in American Fiction* (Washington D.C.: Howard University Press, 1937), 71–75; Russell B. Nye, “Judge Tourgée and Reconstruction,” *Ohio State Archaeological and Historical Quarterly* 50 (April 1941): 101–14; George J. Becker, “Albion W. Tourgée: Pioneer in Social Criticism,” *American Literature* 19 (March 1947): 59–72; Everett Carter, *Howells and the Age of Realism* (1950; Hamden, Conn.: Archon Books, 1966), 79–81; and Alexander Cowie, *The Rise of the American Novel* (New York: American Book Company, 1951), 521–35.

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