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REBEL REBELS: RACE, RESISTANCE, AND REMEMBRANCE IN THE FREE STATE OF WINSTON

BY

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DISSERTATION

Submitted to the University of New Hampshire

In Partial Fulfillment of

The Requirements for the Degree of

Doctor of Philosophy

in

History

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This dissertation has been examined and approved in partial fulfillment of the requirements for the degree of Ph.D. in History by:

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On April 18, 2019

Original approval signatures are on file with the University of New Hampshire Graduate School.

FOR
JAMES DUNWOODY SWEARINGEN (1938-1998)
and
CAROLYN NEELLY KIDD SWEARINGEN (1941-2011)

As promised, I never forgot my roots

FOR MY CHILDREN
EMMA, SAM, MAGGIE, AND LILLIAN

Who inspire me every day

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“[F]reedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order.”

-Supreme Court Justice Robert Jackson
Majority Opinion
West Virginia State Board of Education v. Barnette

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ABBREVIATIONS USED IN NOTES

ADAH: Alabama Department of Archives and History, Montgomery, Alabama.

ALDOT: Alabama Department of Transportation, https://www.dot.state.al.us/.

Convention of 1861: Smith, William Russell. *The History and Debates of the Convention of the People of Alabama: Begun and Held in the City of Montgomery, on the Seventh Day of January 1861: In Which Is Preserved the Speeches of the Secret Sessions, and Many Valuable State Papers*. Spartanburg, SC: Sabin Americana, 1975.

Dodd, Civil War: Dodd, Donald and Wynelle S. Dodd. *Winston: An Antebellum and Civil War History of a Hill County of North Alabama*. Birmingham: Oxmoor Press, 1972.

O. R.: United States War Department. *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies*. Washington: Government Printing Office, 1880-1901.

Weaver, "Brief History:" Weaver, John Bennett. "A Brief History of Winston County." Winston County, Alabama: An Historical Online Database. http://freestateofwinston.org/abriefhistory.htm.

Winston Database: Winston County, Alabama: An Historical Online Database. http://freestateofwinston.org/abriefhistory.htm.

ABSTRACT

REBEL REBELS: RACE, RESISTANCE, AND REMEMBRANCE IN "THE FREE STATE OF WINSTON"

by
Susan Neelly Deily-Swearingen
University of New Hampshire

Murderous division was the defining characteristic of Winston County, Alabama during the turbulent Civil War era. To this day the county, located in the foothills of the Appalachians, retains its eponymous title "The Free State of Winston"- a reference to the county's attempt to remain neutral during the war. It was not a universally welcomed position either within Winston County or in the somewhat sympathetic neighboring counties. A once tightly knit county of mostly non-slaveholding, subsistence farmers became homicidal, political enemies almost overnight. While there were many other divided and Unionist counties in the Confederate States, what historians to date have failed to explore is Winston's attempt at neutrality. Also missing from the historiography almost entirely are investigations of the region's Native American settlement and removal histories, the impact of these events on the ethnic composition of those living in Winston and surrounding counties, as well as the ways such factors might influence both issues of heritage and wartime allegiance.

My dissertation builds on the Winston and Removal scholars who have come before, but, I argue, the scholarship to date has largely underexplored the intersection of Native American and Civil War histories, as well as the ethnographic studies of the Alabama upcountry. In my attempt to correct this deficit, my dissertation examines

questions of race, heritage and historical memory. What role did Native American ethnicity, culture, and traditions play in shaping the regional population's conception of themselves as Alabamians, Southerners, and Americans? How did the Civil War force these communities to reposition themselves within various structures of power? I consider how the mixed allegiances and heritages of Winston's people both empowered and handicapped them within the larger systems of which they were a part. The historical memory of Winston, like the traditional historiography, lacks nuance. The county's Civil War memorial statue, "Dual Destiny," commissioned in 1986, shows a white, male soldier in a bifurcated Union and Confederate uniform. The monument makes no mention of neutrality, Native Americans, or race in its commemoration of the turbulent war years. It limits the memory of the county's struggle to an overly simple story in which the only choices were Union or Confederate allegiance. Fully exploring the historical memory of Winston in an era when, as historian Edward L. Ayers concludes, we are still fighting the war, could not be more meaningful.

PREFACE

The first time I remember leaving the South was when I was thirteen years old. My Father, an attorney, born in Winston County, Alabama and practicing in Pensacola, Florida, had a trial in Boston and brought me, his only child, along for the trip. I remember my first encounter with the city and how imposing and concentrated it seemed, both in terms of population and in terms of its towering structures. I marveled at how very different it felt from home, where our nearest metropoles were Mobile and New Orleans. Neither of those cities had the height or the same weight of history that was so present in Boston.

It was on that trip that I had my first lobster, saw my first subway, and heard my first New England accents. Until this time, of course, I understood, on an intellectual level, that people from different regions of the country sounded and lived differently from my father and me, but I had never experienced the contrast in real life. I thought of this new place and these new people as exotic, different, without realizing that we were the ones who were strange there. We were the ones who sounded differently and encountered the city differently. It was when a waitress commented on my father's accent, a ritual often repeated during our trip and one that he begrudgingly indulged out of politeness, that I began to comprehend that our accents, our manners, even our landscapes, were not the norm. Here, in a place where we were strange, I began to see my own culture more clearly for the contrast.

I had never really thought much about being a white Southerner before this. I understood quite clearly that my experience of the South was very different from that of

black Southerners – that privileges and opportunities I took for granted were things that Southern African Americans had been long denied, and for which they were still struggling. My father's work with the Legal Aid Society and his defense of African American clients made that real to me from a very early age. But *my* Southern identity had never been in question. It was the only lived experience I had ever known. On our trip to New England, I began to consider the foundations of the identity I wore most visibly and tried to identify the different systems that defined it.

The more I dug, the more I recognized the fact that this was a fruitless task. There isn't a singular "Southern" identity. There are some regional and geographic features that make "the South" appear cohesive, but the states, the sections, even the hyper-local identities I had encountered in my life were often as different from one another as New England was from New Orleans. So what, I wondered, bound the community and the identity I claimed together in a knowable structure? The only answer I could find was the experience of the Civil War. The North had triumphed, and the South had lost, and that made us different.

Even this, I would discover, was an unsatisfactory answer. The Confederacy, not the South, had lost, and the more trips I took with my father to visit his family's home in Winston County, the more I realized that the Confederacy did not represent all the white people of the South. Winston was an outlier within the Confederate states. Many of its citizens organized themselves into a neutral movement, and later into a Unionist movement working against the Confederacy. Unionism, and rejection of the Confederacy, were not peculiar to Winston alone, although the counter-revolutionary structures they created were in some ways unique. The county's leaders proclaimed no ill

will toward their Southern neighbors, but they also refused to relinquish their identity as American citizens and follow the secessionists into war. When the conflict concluded, and the Union was preserved, these people had not lost in the same way that their Confederate neighbors had. Instead, their side was vindicated, even though they were still bound in a geographical region populated by losers, by suffering, and by material and familial losses of their own.

For many, having, and honoring, Confederate ancestors has been inextricably linked to Southern identity. However, this definition of Southern-ness as necessarily connected to Confederate-ness creates a problem for those who identify as Southern but not with the Confederacy, especially those white Southerners in every former Confederate State who fought for the Union. But these people now seem (just as they did during the war years) somehow to fail the authenticity test for Southern inclusion. What then became of my concept of Southern identity as inextricably tied to the results of the war? Additionally, what does Southern identity mean to contemporary descendants of Confederate objectors and Unionists people who are divorced from or opposed to Confederate veneration or memory?

Further confounding my young efforts to understand Southern-ness was the 1989 unveiling of the Civil War monument, "Dual Destiny." The statue, which still stands in front of the Winston County Courthouse in Double Springs, mere miles from my family's ancestral farmsteads, depicts a soldier bifurcated in his uniform and in his allegiance between the Confederate and Union causes – a soldier as a stand-in for a people who existed both inside and outside the Southern experience of defeat and loss. Here, to my eyes at least, the difficulty of containing a Southern identity within the context of the

Civil War was written in stone.

This dissertation is the culmination of years of trying to unravel the meanings of my particular Southern identity. As a descendant, on both sides of my family, of these people, as a relative of people still living there, as a child who spent summer trips there, and took Alabama into my own identity there, my sense of self is directly tied to understanding the sense of self of the people of Winston. This project, within the limits imposed by surviving evidence, does tell the "literal" story of what happened in Winston from the secession crisis to today, although much of the relevant evidence needed to explore an empirical truth of its history has been lost in successive courthouse fires, or the moisture in family basements, or simply discarded as a result of a lack of interest. More than that, however, this study attempts to interrogate the history that county citizens have reconstructed for themselves, through family stories, interviews, limited period documents, and the efforts of a small number of local historians.

My goal has been to understand better the lived experience of the people of Winston, to ask how they have seen themselves and how their version of Winston history has informed that identity. It is an unusual Civil War story, one that could be dismissed as a mere novelty in the broader scope of Civil War or Southern history, though I hope that it can be seen rather as an important case study of the ways in which a local community sustains an identity over time (both of its individual citizens and as a body politic) based upon a continuing intra-community dialectic about the facts of its history and the story of its healing after the war.

The Winston story, I believe, presents an opportunity to examine American-ness as well. While the actions of this upstart county may seem too small to illuminate that

large subject, it falls squarely within the context of American dissent and protest, along with the Quakers who would not abandon their religion even in the face of physical intimidation and murder, or the Boston Tea Party participants who looted and destroyed property to take a stand against the English King, or the Vietnam-era men who burned their draft cards in protest of American involvement in the war. Even in the twenty first century, the pre-game demonstrations inspired by the actions of football player Colin Kaepernick are, to me at least, displays not of disrespect but of a form of patriotism based on the belief that the United States is capable of improvement. Is the Winstonian decision to refuse to join the Confederate forces not a similar type of American patriotism? I will explore all of these questions of identity, loyalty, and belonging in the following chapters.

INTRODUCTION
"THE FREE STATE OF WINSTON"

In 1863, Alabama's Confederate Home Guard murdered a Unionist named Newt Austin near the Winston County town of Nauvoo. A short distance away another man named "Mr. Pugh" was likewise killed for refusing to join the Confederate Army. The Home Guard also shot "Wash" Curtis from his horse a few days later and dragged his brother to jail. Curtis's brother was given five days to join the Confederacy or else face a firing squad. He responded, "No… My brother 'Wash' lost his life because he opposed it. Our people voted against it, and we passed resolutions in a convention to stay out of it, and I will just be shot in the back before I will get into it and shoot at Old Glory, the flag of our fathers." The Home Guard did shoot him and then dumped his body in a gulch. His widow drove 20 miles in search of him, finding his body only after decomposition had set in; she then drove his desecrated corpse 20 miles home for an improper burial.[1]

The murders of Newt Austin, "Mr. Pugh," Wash Curtis and his brother were the physical consequences of a conflict that began in Winston County in 1860, when Alabama considered following South Carolina out of the Union. The violence stemmed from the question of loyalty: was allegiance to Alabama and the Confederacy more important than loyalty to the nation as a whole? On Christmas Eve 1860, the county elected Charles Christopher Sheets, a local school teacher, to represent them at the state secession convention the following January. Sheets ran on the platform of fighting secession, though this was hardly a unanimous position in Winston.

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[1] Weaver, "Brief History."

Sheets had won the delegate position handily with 515 votes, but the 128 citizens who voted for his opponent, Dr. Andrew Kaieser, a large slaveholder and ardent secessionist, still constituted a formidable opposition.[2] Sheets thus represented a divided county in the midst of the biggest conflict in the United States since its founding. Neither the Unionist nor the Confederate-inclined citizens appear to have taken this decision lightly. A Neutrality Proclamation, written by Sheets and fellow Winston citizens and issued at a convention held at Looney's Tavern in July 1861, is an indicator of their desire to walk the precarious line between support of their region and allegiance to their nation.

The popular history and memory of this fractured hill county are rife with historical inaccuracies. The popular myth that Winston "seceded" from the state of Alabama is still widely accepted by both Winstonians and those outside the county borders. Many suggest that the formal adoption of the proclamation of neutrality necessarily indicated an official separation from the state of Alabama. Lending further credence to this assertion, local character "Uncle Dick" Payne reportedly said "Ho, Ho, Winston secedes! The Free State of Winston!" after the public reading of the document.[3]

Despite the pervasiveness of this myth, Winston County did not secede from Alabama.[4] Conscription acts and violent intimidation would make the moniker of the "Free State of Winston" a hollow title. Still, that these hill people did not wholeheartedly support the Confederacy made the county notorious amongst "loyal" and "patriotic"

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[2] Dodd, Civil War, p. 83.

[3] Weaver, "Brief History."

[4] A 1939 newspaper article does allude to a possible desire to create a separate government in Winston. The county supposedly also issued its own currency. The article does admit that these stories are "difficult to confirm." Ben Grant, "Government buys up 'Free State,'" Unknown Newspaper, 1939, Winston County File, ADAH.

Southerners who did endorse the Confederate cause. In many ways Winston did begin to act as a polity outside of the reach of the rest of the state. This behavior and the myth of an official secession have become the foundation of the community of memory in and about Winston that persists to this day. Many county residents still refer to their home as "the Free State of Winston."

To truly understand Winston County's community of memory requires consultation of sources other than the standard texts of trained historians- primary sources of empirical truth and verifiable fact. This community has been formed around alternative forms of memory and memorialization. A study of this "historical memory" can help us capture the collective and individual narratives of ordinary people and to understand the identity formation of that group. Put another way, historical memory may not be *the* truth, but it is *a* truth. It represents the lived experience of a contemporary individual or group in relation to a specific historical era or event. An example of how historians can examine, and use, public memory is Victoria Bynum's *Free State of Jones*. Jones County, Mississippi, like Winston County, was a community of Confederate dissent that also became known as a "free state." Bynum weaves together family stories with surviving documentation to explore not only what happened during the war years, but also how it was remembered in the generations that followed. Bynum projects the narrative into the twentieth century to show the lingering importance of history in the lives of those long removed from an original incident or era. Nearly a century after the war, descendants of Newton Knight, the leader of the county's anti-Confederates, wrote competing narratives in which they "appropriated and reshaped community stories" to support their version of the Free State narrative. In words also applicable to Winston County history, Bynum

writes,

> We stand to lose a distinctive episode of Southern history if we simply dismiss the competing personal narratives… as hopelessly biased, unverifiable folktales, although many are just that. For a half-century, literary images of a noble, genteel, and "lost" Solid South left no place for a story so revealing of the South's internal contradictions.[5]

The way in which history was collected and transmitted in Winston County reflects a region-wide cultural penchant for oral traditions that shape local cultures. Much of the period documentation about Jones County's counter-rebellion was destroyed in post-war courthouse fires; the same thing happened in Winston when an 1891 courthouse fire burned "all records except a few that were at the home of the circuit clerk."[6] In this circumstance, the family stories and oral traditions of a community take on an added value.[7]

Memory and history have been intertwined entities since the time of Greek historians Thucydides and Herodotus. In the late nineteenth and early twentieth centuries, at the moment when Civil War historians were trying to create a cohesive narrative of the national trauma, "collective memory" emerged as a means to explain "the living imagination of the historical memories of the past."[8] In recent years, historians such as David Blight, John Bodnar, John R. Gillis, and Michael Kammen have made memory

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[5] Victoria E. Bynum, *The Free State of Jones: Mississippi's Longest Civil War* (Chapel Hill: University of North Carolina Press, 2009), p. 7.

[6] Newspaper Clipping, n.d., Winston County file, ADAH.

[7] The work of Margaret Storey is a notable exception as she uses stories collected in Southern Claims Commission testimonies for much of her research. These testimonies, though preserved in official, government document format, are not that far removed for the stuff of historical memory however, as they are still based on the *memory* of the person giving the testimony; see Margaret M. Storey, *Loyalty and Loss: Alabama's Unionists in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2004).

[8] Patrick Hutton, "Recent Scholarship on Memory and History," *The History Teacher* 33, no. 4 (2000): 533-48, p. 534.

itself a central object of historical inquiry. Family stories and personal remembrances that might have been dismissed as hopelessly tainted by individual agendas became their trade. For the study of the Civil War in particular, one commentator has written, "Whereas once historians made sharp distinctions between memory (idiosyncratic, personal, constitutive of personality) and formal history (projective, social, constitutive of 'national identity") historians embracing the late 80's vogue for historical memory seemed to be willing to admit that "non-historians have memories too."[9]

In *Race and Reunion*, David Blight reflects on the difficulty of creating a national history based on "facts" about the war rather than polarized remembrances. Blight cites Kentucky author Robert Penn Warren to illustrate the challenge of creating an agreed-upon vision of the war. "The Civil War is our felt history," Warren wrote, "lived in the national imagination." He further argued that all Americans have an innate sense of the war and its lessons. However, Blight argues, "Exactly what those lessons should be and who should determine them, has been the most contested issue in American historical memory since 1863."[10]

Many of these "lessons," as Blight calls them, may have their foundations in family stories, passed down from one generation to the next. Family stories are the ultimate expressions of what Eric Foner calls "inclusion" – inclusion within a family, a geographic location, or a set of shared values tied to location and history. These stories likewise require "exclusion" – the existence of others who are from a different place, or

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[9] Stuart McConnell, "The Civil War and Historical Memory: A Historiographical Survey," *OAH Magazine of History*, 8, no. 1 (1993), 3-6, p. 3.

[10] David W. Blight, *Race, and Reunion: The Civil War in American Memory* (Cambridge, Mass: Harvard University Press, 2000), p. 1.

different family, or differing structures of value.[11]

This study draws on multiple forums in which stories that define the community of memory in Winston appear – sources located inside and outside the county. One invaluable resource is the online database sponsored by the Winston County Genealogical Society, formed in 1998. The database contains traditional scholarly sources, such as census data and pension claims, but it is also a repository for contemporary essays on Winston history. Society members curate the site, but anyone can send their materials and memories to the society for online publication. It represents the contemporary experiences of Winstonians as well as their understandings of their history. Similarly, online journals or message boards concerning Winston County history take on a coequal though different importance to traditional works of scholarship. The Internet has given the historian of historical memory access to real people's understanding of their lived experiences and their own history. As historian Patrick Sutton explains, "Websites are our places of memory, and their mnemonic schemes the currency of our efforts to explore deeper realms of knowledge."[12]

At the same time, the strength of the historical memory in Winston County need not overwhelm the "truth" of what happened there. Enough pieces of evidence exist to understand, with reasonable confidence, what actually happened in Winston during and after the Civil War. Several local scholars dedicated themselves to recovering as much of Winston's history as possible. Perhaps the most influential of these was John Bennett Weaver (1879-1961), a local Probate Judge and Republican Party Representative for

[11] Eric Foner, *Who Owns History?: Rethinking the Past in a Changing World* (New York: Farrar, Straus and Giroux, 2003).
[12] Hutton, "Recent Scholarship on Memory and History," p. 533.

Winston County in the Alabama State Legislature.[13] Weaver was a Winston County native who remained in the county of his birth until his death. The Weaver Family private collection of his materials includes copious lists and notes detailing such matters as the names of teachers, the construction of local roads, data compiled from the U.S. Census, or histories of Winston County's post-offices. He was seemingly obsessed with his inquiries. Many of his notes are scribbled on pages with the Alabama State House of Representatives letterhead at the top – an indication that he was thinking about Winston history, even when performing his elected duties in Montgomery.

Most important, Weaver began in the early twentieth century to interview people who had experienced the war. In a 1941 letter to a friend, for example, he explained that he complied the bulk of his material on the Looney's Tavern meeting "about 35 years ago from at least three competent, dependable persons who were present at the meeting."[14] While the memories of men collected over 40 years after the event they were recalling have to be used with care, they still present a unified story corroborated by multiple witnesses. Additionally, Weaver's material is filled with insights that may have been perceptible only to someone raised in Winston and with a long family history there (Weaver's ancestors were some of the Unionists from the county.) His material is so valuable now precisely because he was very much an *insider,* a member of that insular community. He had a preternatural sense for who these people were, and how they thought, that was bred in the bone.[15] Weaver is, therefore, a valuable interlocutor between

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[13] Judge John Bennett Weaver will be discussed in greater detail in Chapter Six.

[14] John B. Weaver to Marie Bankhead Owen, January 6, 1941, Winston County File, ADAH; Dodd, Civil War, p. 87.

[15] "John B. Weaver Rites Conducted in Winston," *The Birmingham News*, January 14, 1961.

those lost voices and the scholars trying to understand and interpret the county's past.[16]

According to Weaver's son, Ben H. Weaver, himself a Hill Country historian and Professor of History at Philips University in Oklahoma, Weaver actually interviewed more than twenty attendees at the Looney's Tavern meeting.[17] Although John B. Weaver's material did not begin to appear in print, in newspaper columns and public lectures, until the end of the 1940's, still, during his lifetime, Ben Weaver continues, "I believe that he, more than any other one man was responsible for correcting some of the extreme bias toward the hill people found in the writings of many Alabama historians."[18] This bias is evident in the writing of two of the most prominent early twentieth century historians of Alabama, Walter E. Fleming and Albert Burton Moore, both of whom attacked the Winstonians' decision to pursue neutrality and referred to them as "Tories" for their eventual turn to Unionism. Such terminology was certainly intended to evoke images of the American Revolution and the British Loyalists who chose to support England over the emerging United States – images that would resonate especially in a country that, both North and South, venerated the Founding Fathers and the patriots of the Revolution.

Another important contributor to the preservation of Winston County memory was Wesley S. Thompson. Born in neighboring Marion County in 1907, Thompson was a part time historian and full-time pastor at the Church of Christ in Guin, Alabama.[19] In the preface to his 1953 novel, *Tories of the Hills*, Thompson wrote that, while his book

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[16] Eugene Genovese, "Yeoman Farmers in a Slaveholder's Democracy," *Agricultural History* 49, no. 2, (April 1975) p. *334*.

[17] Ben H Weaver, "Hill Historians," *Northwest Alabamian*, 1972; Article archived in the Weaver Family private collection.

[18] *Ibid*.

[19] LibraryThing, accessed March 21, 2019, https://www.librarything.com/author/thompsonwesleys.

presents a fictionalized depiction of Charles Christopher Sheets and Winston County during secession and the war, his writing was based on careful research involving travel to important locations in the story and by interviewing some of its period actors. In 1968, Thompson also published *The Free State of Winston*, a non-fiction version of the story.[20]

Four years after Thompson published his non-fiction history of Winston, Donald Dodd (a county native and descendant, like Weaver, of Winston County Unionists) and his wife Wynelle S. Dodd published perhaps the most comprehensive history of Winston to date. *Winston: An Antebellum and Civil War History of a Hill County of North Alabama* does utilize the work of John Bennett Weaver for some of its material. Additionally, the Dodds tracked down as much empirical data and compiled as many tables and graphs as possible to provide authenticity to Weaver's general narrative. Despite the work of Weaver, Thompson, and the Dodds, the "Free State of Winston" is not widely known outside certain quarters of Alabama, or in specialist blogs like "the Southern Unionist Chronicles" or in novelty books.[21]

Winston County has been included in more recent scholarship on the northern hill counties and Unionists of Alabama. Margaret Storey's book *Loyalty and Loss* (2004) made use especially of the stories submitted to the Southern Claims Commission after the war to examine Alabama's Unionists during and after the war. In 2012 historian Joseph W. Danielson published *War's Desolating Scourge: The Union's Occupation of North Alabama*, which looks at the suffering and rebuilding that took place in Northern

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[20] Wesley S. Thompson, *Tories of the Hills* (Vernon, Alabama: Pareil Press, 1960); see also Thompson's non-fiction account of Winston's history in Wesley S. Thompson, *The Free State of Winston: A Brief History of Winston County* (Vernon, Alabama: Pareil Press, 1968).

[21] See, for example, Michael Trinklein, *Lost States: True Stories of Texlahoma, Transylvania, and Other States That Never Made It* (Philadelphia: Quirk Books, 2010).

Alabama after the brutal violence and deprivation the region suffered at the hands of both Union and Confederate forces. In 2017, Michael Fitzgerald synthesized modern scholarship (including his own) in *Reconstruction in Alabama: From Civil War to Redemption in the Cotton South*. Like Danielson, Fitzgerald sees the wartime violence as a foundational element in the northern hill counties' Reconstruction politics and economy.

One element missing in this scholarship is consideration of the ways in which Winston's Native American heritage may have influenced its political culture and its citizens' choices in the war years. In fact, Winston County memory and history in general give but brief attention, if any, to Winston's Native American influences. The 1950's-era sign outside of the Natural Bridge Park, an important historical meeting place for Winston's Civil War Unionists, proudly proclaims that it is located on former Creek land.[22] However, it is difficult to know if the sign is expressing pride in the land's connections to the Creeks or pride in the fact that the tribe was forced off the land to make way for white settlement. John Bennett Weaver's files contain an unpublished article called "the Indians," recounting the early settlement of Winston and the cooperation between early and Creek, Cherokee, and Chickasaw Indians. However, beyond this there has been little written specifically about Winston and its Native American history.

One notable exception to this is the work of Rickey Butch Walker, the former Director of Lawrence County Schools' Indian Education Program and Oakville Indian Mounds Education Center, and a member of the Echota Tribe of Cherokee in Alabama.

[22] *Encyclopedia of Alabama*, accessed March 18, 2019, http://www.encyclopediaofalabama.org/article/m-6322.

Walker writes about the tribes who once inhabited the region as well as their intermarriages with Winston's white settlers.[23] His work provides the most suggestive evidence of persistent Native American presence, specifically in Winston County, after the removal era. His claims are further buttressed by the work of the Southeastern Anthropological Institute at Northwest Shoals Community College in Muscle Shoals, Alabama. A group of Institute researchers, including project director, anthropologist Gail King, in conjunction with the National Parks Service, have begun to uncover evidence of both the historical presence, and subsequent influence, of North Alabama's indigenous people. Other sources examining Native American or Cherokee involvement in Civil War in general do exist, but the amount of scholarship on these subjects is vanishingly small in comparison to overall examinations of the Civil War.

This dissertation draws on the work of earlier local historians and scholars, together with evidence from the work of Walker and King, to offer a new history of Winston County, from its earliest inhabitants, through the turmoil of war and Reconstruction, and up to the ways that Winstonians have remembered and commemorated that history in recent times. No one factor alone can fully explain the character of the county or the region. However, in combination, they are all important facets in understanding Winston's history and the shape of the historical memory that has endured in the "Free State" since conclusion of the Civil War.

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[23] See Rickey Butch Walker, *Warrior Mountains Folklore: Oral History Interviews* (Killen, Alabama: Bluewater Publications, 2005).

CHAPTER ONE

INTO THE WILD

> Going to the woods is going home, for I suppose we came from the woods originally. But in some of nature's forests, the adventurous traveler seems a feeble, unwelcome creature; wild beasts and the weather trying to kill him, the rank, tangled vegetation, armed with spears and stinging needles, barring his way and making life a hard struggle.
>
> - John Muir, "The Forests of Yosemite Park" (1900)

Winston County, Alabama was simultaneously the most likely and unlikely of places to stage a counter-revolution in the midst of the Civil War: likely, because the character and heritage of its citizens predisposed them to independence and rebelliousness; unlikely, because it was an isolated area that lacked statewide political influence. Politically, the northwestern regions of the state, on the one hand, and the fertile Tennessee River Valley and Black Belt regions, on the other, developed as photonegative images of one another. As evidence, one need look no further than the actions of the people in north and south Alabama on the eve of the Civil War. While from his lectern in the state capital, Montgomery, William Lowndes Yancey extolled the virtues of Southern honor and the duty to defend the same, many in Winston County concurrently resolved to stay out of the conflict altogether. When Winston County Secession Convention delegate Charles Christopher Sheets refused to sign the articles of secession at the Montgomery convention in 1861, many blamed the isolation of the "Hill

Folk" as a cause for their "Tory" attitude.[1]

So: why Winston? Why did this region embrace counter-rebellion and suffer the violent consequences? In part, because it was an area whose economic and geographic insularity made it conducive to a belief that Winstonians could sit out the war. As it turned out, this was an unwarranted faith in their isolation as a measure of safety. Aside from this, Winston's remoteness was also a progenitor of its citizens' different political priorities. As in other areas of the highland South, it was shaped by "isolation, not of their particular farms, but of their locality as a whole. Hence, unlike the farmers of the plantation belt, they controlled the local political process and shaped a regional culture of their own."[2]

Dictated in part by abrupt changes in terrain – the Wiregrass in the south, the comparatively flat and fertile ground of the Black Belt, and the hilly topography and dense forestation of the northern counties – the various regions of Alabama "developed historically as separate political, economic, and cultural units."[3] For example, in the Black Belt region, marked by a profusion of arable land and large plantations, women were often sent off for "finishing" at refined, Southern boarding schools. In northwestern Alabama, people struggled to survive, and both culture and language were coarser. As historian Nancy Isenberg observed, "The distance between town and backwoods was measured in more than miles… [It formed] what some at the time recognized as an

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[1] Those who remained loyal to the Union were labeled "Tories" by Confederates, an attempt to invoke comparisons to those who remained loyal to England during the American Revolution; Lucille Griffith, *Alabama: A Documentary History to 1900* (Tuscaloosa, Alabama: The University of Alabama Press, 1987), pp. 421-423; Wesley S. Thompson, *Tories of the Hills* (New Orleans: Pareil Press, 2003).

[2] Eugene D. Genovese, "Yeomen Farmers in a Slaveholders' Democracy," *Agricultural History*, 49, no. 2 (1975), pp. 331-42, p. 334.

[3] William Warren Rogers, Robert David Ward, Leah Rawls Atkins, and Wayne Flynt, *Alabama: The History of a Deep South State* (Tuscaloosa: University of Alabama Press, 2018), p. xv.

impassible gulf between the classes."[4] Winston County was a part of that northwestern backwoods, so very different from the plantations, towns, and cities of the state's Black Belt. To fully understand its separateness from what many considered the more civilized regions of the state, we must understand its local culture.[5]

Winston's origins owe a great deal to the natural features and resources that developed in the region's forest over millennia. To call that forest (now a part of the Bankhead National Forest) ancient is to drastically under-state its long historical arc. Today, evidence of the forests primeval origins hangs in the muculent air and musty scent, and it echoes through the terrain's endless streams and waterfalls. A thick canopy of green deciduous and coniferous trees defines the vertical borders of the area and breaks the sunlight into shards that penetrate the overhanging vegetation. At ground level, the Bankhead is a complicated web of emerald corridors and vegetation astride an undulating floor of clay, sand, and limestone.[6]

The ground varies in its texture from moist and yielding to firm and clayish. Punctuating masses of limestone unite the two land types. This sedimentary material was created over millennia by the aggregation of coral and mollusks deposited when

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[4] Nancy Isenberg, *White Trash: The 400-Year Untold History of Class in America* (London: Atlantic Books, 2017), p. 114.

[5] For further examples of the ways that environment shaped culture and politics see also J. William Harris, *Deep Souths: Delta, Piedmont, and Sea Island society in the Age of Segregation* (Baltimore: Johns Hopkins University Press, 2003); C. Vann. Woodward, *The Burden of Southern History* (Baton Rouge: Louisiana State University Press, 1993); Edward L. Ayers and Anne S. Rubin, *Valley of the Shadow: Two Communities in the American Civil War* (New York: W.W. Norton & Co., 2000).

[6]For further reading on the soil, climate, topography, and natural features of Winston County and the Bankhead national forest see also "Bankhead National Forest." Forests in Alabama. Accessed November 27, 2018. https://www.fs.usda.gov/detail/alabama/about-forest/districts/?cid=fsbdev3_002553; Dodd, Civil War, pp. 13-19; Eugene A. Smith, *Geological Survey of Alabama* (Montgomery, 1876), pp. 100; U.S. Department of Agriculture, Bureau of Chemistry and Soils, *Soil Survey of Winston County, Alabama* (Washington: Government Printing Office, 1937) January, Ser. 1932, No. 12, pp. 3-12.

prehistoric Alabama was still a marine environment.[7] After the transition from the aqueous environment of prehistory to the moist but sublunary state that persists today, the limestone boulders and outcroppings were swathed in clinging moss so layered it mimicked the structure of the rock beneath.[8]

Under this veil of moss and vine, the limestone gave way, as cascading water sources carved the caves and overhangs that permeate the contemporary forest. These outcroppings and natural shelters were likely among the features that attracted Winston's first human inhabitants. Archeological evidence suggests that Indigenous Americans occupied the territory as early as 10,000 BCE.[9] The sophisticated mound-building society located in the Warrior Valley, along the banks of the Warrior River and southeast of present day Winston County, likely developed between 700 and 900 C.E. and reached its apex around 1300 C.E.[10] From that period until the early nineteenth century, the forest continued to develop along its natural trajectory, with its human inhabitants not altering the landscape drastically, using its resources on a small, rather than a commercial, scale. Species emerged and died as a result of natural environmental shifts and phases rather than because of human intervention. With the influx of European settlers beginning in the late eighteenth and early nineteenth centuries, however, the landscape was altered with profound consequences for the humans, animals, and plants that had endured to this point.

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[7] For more on this type of limestone formation see John Foster, *Cambrian Ocean World: Ancient Sea Life of North America* (Bloomington: Indiana University Press, 2014), pp. 280-313.
[8] *Ibid*.
[9] *Ibid*; Vincas P. Steponaitis, "Excavations at 1Tu50, an Early Mississippian Center Near Moundville," *Southeastern Archaeology*, 11, no. 1 (1992), pp. 1-13.
[10] See note 4; William Warren Rogers, *Alabama: The History of a Deep South State* (Tuscaloosa: University of Alabama Press, 2010), pp. 6.

By the time the U.S. Forest Service acquired the area as a part of the Sipsey Wilderness in 1975, and imposed protective restrictions on logging and hunting, it was too late to save substantial populations of bears, panthers, wildcats and innumerable varieties of birds that had endured in the woods before white settlement and agrarian practices nearly destroyed them in the nineteenth century.

This was the environment in which Winston became a county and that facilitated its citizens' atypical philosophies and behaviors in the Confederate South. First named Hancock County, Winston County was carved out of Walker County in 1850. It was renamed Winston in honor of John A. Winston, Alabama's governor from 1853 to 1857. The county's political culture – as in all the surrounding hill country – was dominated by the memory, and the party, of Andrew Jackson. Alabamians felt allegiance to Jackson, and subsequently his party, not only because of their populist principles, but also because they saw Jackson as responsible for their very existence as a state. According to county historian John Bennett Weaver, the men who followed Jackson in the War of 1812 and the Creek Wars were told "you have helped me with these folks down here and you can come down here. I'll see the president and see that you get any of this land you want. You can have a home."[11] Those men and their descendants became fierce protectors of a Jacksonian legacy.

The earliest substantial numbers of permanent settlements of Euro-Americans in the area of Winston were most likely established during the Early Republic period, when the War of 1812 and the Creek Wars elevated Andrew Jackson to the level of near divinity and introduced those who fought under him to the relatively inexpensive, yet

[11] John Bennet Weaver, Lecture, Samford University, Birmingham, Alabama, (n.d.) 1949, in Weaver Family Papers, Private Collection.

bountiful lands in eastern Tennessee and northern Alabama. Local historians record the names of five Revolutionary War veterans, and fourteen from the War of 1812, who eventually made Winston their home.[12]

Matthew Payne was one of those Revolutionary War veterans. He volunteered to fight as a young man and was repaid for his patriotism with a wound to the shoulder and a British saber through one of his eyes. Still, Payne lived to see the surrender at Yorktown and to earn a land grant of 640 acres in Davidson County, Tennessee. In 1811, Payne, his wife Amelia, and their children moved to Madison County – then in Mississippi territory, but soon to become part of northwest Alabama. In Madison, Payne speculated on the newly opened expanses of land and traded furs and other supplies needed for life in the wilderness.[13] Payne died in 1856; 1852 land deeds and bounty land claims show that he lived in the section that would become part of Winston in 1858.[14]

Despite his injuries, in 1813 Payne volunteered to serve the United States in the war against the Alabama Creek Indians. Using his intimate knowledge of the region's geography, he served as a spy for General Jackson. At the Battle of Horseshoe Bend (March 1814) Payne sustained a new injury, being shot "through the body above the hips."[15] The veteran soldier spent forty days recovering from his wounds in dank and unsanitary conditions, lying amongst the other wounded at Fort Williams. Payne was expected to succumb to his wounds, but, in character with the rest of his improbable

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[12] Donald Dodd, "Revolutionary War and War of 1812 Soldiers," Winston Database, accessed February 18, 2018, http://freestateofwinston.org/rev_1812soldiers.htm.

[13] "Matthew Payne, Revolutionary War Soldier," Winston Database, accessed February 18, 2018, http://freestateofwinston.org/matthewpayne.htm.

[14] "Matthew Payne in the U.S. General Land Office Records, 1776-2015," U.S. Department of the Interior Bureau of Land Management: Land General Land Office Records, accessed January 18, 2019, https://glorecords.blm.gov/details/patent/default.aspx?accession=0624-477&docClass=MW&sid=ltba0unl.wkh#patentDetailsTabIndex=1.

[15] "Matthew Payne, Revolutionary War Soldier."

military career, he defied the odds and died forty-five years later at home in Hancock County.[16] The dedication to country and the grit to survive of men like Matthew Payne became a part of the foundational ethos of Winston and a source of the settlers' fervent devotion to the Union.

Other early settlers include Peter Ingle, who was born in western North Carolina in 1767, and Jim Tittle of eastern Tennessee.[17] By the time of their settlement around 1816, the part of Alabama that would become Winston was already known as a hunting and trapping area, and it was the location of many camping grounds and trading posts designed for trade with indigenous tribes.[18] However, upon arrival, Ingle and Tittle encountered previous white settlers who may have come to the territory even before the Revolutionary War.[19]

These earlier settlers had most likely come with Native American guides in search of game and decided to stay, probably living cooperatively with the Creek and Cherokee who had shown them the way. Berry Dodd, who came to the territory from Georgia in 1824, reported that there were several families who apparently had lived in the region for twenty-five years already, and who told him that "in hunting with the Indians in various parts of that section they found some old settlements that looked like they had been settled maybe 25 years before that."[20]

Ingle made his homestead near the modern town of Nauvoo. Here he and his family lived as subsistence farmers and hunters. One of their sons was named Andrew

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[16] *Ibid*.
[17] Weaver, "Brief History."
[18] *Ibid*.
[19] *Ibid*.

Jackson Ingle. As an adult, Andrew became the founding father of the town of Double Springs, the future county seat of Winston. In 1823, the area that later became Winston was part of newly incorporated Walker County, and it continued to attract new settlers. Most were subsistence farmers, but the abundance of streams and rivers also allowed for the erection of water-powered gristmills. Additionally, the minerals found in the rocky territory of the Warrior Mountains (so named for Chief Tuscaloosa, a Cacique Chief of the Mississippian period, probable ancestors of the Creek and Choctaw) gave a ready supply of material to the few blacksmiths in the area.[21] According to local tradition, John Bull, a rifle maker, left the first written documentation of the name "Warrior Mountains" in 1829, engraving it on a gun made for David Smith. Smith's father-in-law, in turn, enshrined the name in popular memory through his request for the disposition of his body, writing "bury me by my Indian friends on the side of the Warrior Mountains."[22]

Relative poverty and a pioneering lifestyle played central roles in defining Winston's priorities. In 1860 the median farm value was $250 and the average $587.[23] The disparity between the median and average values can be explained by a few extraordinary outliers; valuable farms, dominated by slave labor. For example, the county's two largest slaveholders, Orrin Davis and Dr. Andrew Kaieser, who owned forty-nine and twenty slaves respectively, together owned more than half the county's

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[21] *Ibid;* "Tuskaloosa: The Origins of Its Name; from A Paper Read Before The Alabama Historical Society, By Thomas Maxwell, July 1, 1876," Genealogy Trails, Accessed January 18, 2019, http://genealogytrails.com/ala/tuscaloosa/history_1876_1.html.

[22] "Warrior Mountain," Historic Markers Across Alabama, accessed February 28, 2018, http://www.lat34north.com/HistoricMarkersAL/MarkerDetail.cfm?KeyID=40-019&MarkerTitle=Warrior Mountain.

[23] Median and average farm value calculated by consulting the 1860 Census for Winston County; "1860 Winston County Complete Census," Winston Database, accessed November 30, 2018, freestateofwinston.org/1860cencomplete.htm.

enslaved people.[24] In 1860, these two men also owned some of the most valuable land in the county. Davis's was valued at $4,000 and Kaieser's at $3,200.[25]

Those who could afford the plantations might leave the administration of the estate to overseers. This allowed for the leisure, travel, and education that gave those at the top of the socioeconomic ladder a very different world view than that of those just getting by. The yeomen and plain folk in Winston predominantly practiced a form of subsistence agriculture. Farmers and their families worked their land directly and had to be somewhat vigilant to protect livestock from wolves and other predators in the surrounding woods, as well as crop-destroying insects and drought or flood conditions. To neglect any of these priorities could well mean privation for the farmer and his family. However, outside of the threat from natural predators, livestock farming was considerably less labor intensive than cultivating cotton, particularly in the poor soil and rocky conditions of Winston.[26] According to historians Forrest McDonald and Grady McWhiney, virtually all antebellum "plain folk" owned livestock in the upland regions.[27] They write, "no one actually needed to own land, for the open range prevailed throughout the south."[28]

Although McDonald's and McWhiney's research shows that the 1860 value of Southern livestock was double that of the year's cotton, and approximately equal to the

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[24] "1860 Slave Schedule," Winston Database, accessed November 30, 2018, http://freestateofwinston.org/1860censlave.htm.

[25] Orrin Davis' name is recorded variously as Aaron, Orren and Orrin. On the 1860 census is listed as Aaron.

[26] For a detailed analysis comparing the labor required to cultivate cotton versus the labor hours required to raise and slaughter livestock see Forrest McDonald and Grady McWhiney, "The South from Self-Sufficiency to Peonage: An Interpretation," *The American Historical Review*, 85, no. 5 (1980), pp. 1095-118; Grady McWhiney, and Forrest McDonald, *Cracker Culture: Celtic Ways in the Old South* (Tuscaloosa: University of Alabama Press, 2012).

[27] McDonald, McWhiney, "The South from Self-Sufficiency to Peonage: An Interpretation," pp. 1105.

[28] *Ibid*.

total of all crops grown in the South put together, the plain folk in general do not appear to have amassed much wealth from their labor as they continued to "live in squalor."[29] Nancy Isenberg observes that the popular image of the backcountry settlers in northern Alabama and analogous environments was of men and their families who "lived a brute existence in a dingy log cabin, with yelping dogs at his heels, a haggard wife, and a mongrel brood of brown and yellow brats to complete the sorry scene."[30] But, she also suggests a subsistence farmer might see himself as "a homespun philosopher, and independent spirit, and a strong and courageous man who shunned fame and wealth."[31]

In Winston County people valued independence and self-sufficiency and rejected the intervention of extra-county actors, but divisions within the county were evident. This can be seen in the resentments of small farmers against the wealth amassed by the modest number of planters in Winston, as well as the leisure and other benefits such wealth made possible. James B. Bell gave voice to this resentment in the letters he wrote to his son Henry at the start of the Civil War. The senior Bell, forty-nine years old, was a yeoman farmer in Winston. In 1857, James owned a farm consisting of approximately 162 acres and valued at $600, and personal property also valued at $600.[32] Despite the family's lack of slaves and lack of a planter class lifestyle, Henry, then living in Mississippi, enlisted in the Confederate army, determined to achieve personal glory in defense of the glorious cause, much to his father's consternation and disappointment. James wrote to his son,

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[29] *Ibid,* 1104.
[30] Isenberg, *White Trash,* pp. 106-107.
[31] *Ibid*.
[32] Bureau of Land Management, General Land Office Records, *Federal Land Patents, State Volumes*, (Washington: Government Printing Office, 1857), Document number 22915.

> Consider my son what you are doing consult your own judgment and dont listen to the persuasions of others. those large negro holder that just gives one side of the question they will speak to you as what glories would be in the South if you will just help us and Blaspheme the Union[33]…

In a later letter, he wrote,

> I dont see what you nede to care for you hant got no Slaves. All tha want is to get you puft up and go to fight for their infurnerl negroes and after you do there fighting you may kiss ther hine parts for a tha ceare.[34]

In Winston, it required vigilance to raise corn and livestock on a small farm. Very few famers owned slaves, so farm work was primarily undertaken by the white men, women, and children who lived on these farms.[35] Raising livestock in an environment surrounded by dense forest presented particular difficulties. Predators such as timber wolves, black bears, and panthers were, at first, a threat, but stories about encounters with these animals cannot be found after the early nineteenth century. Such creatures were virtually eliminated by the early twentieth century.[36]

The hyper-vigilance required for the preservation of life and possessions is another feature differentiating the subsistence farmers from their planter class cousins. Having to be constantly aware of invasive threats from the surrounding forest does not promote the same type of courtly attitudes as were adopted by the plantation owners on their better-protected properties. McDonald and McWhiney credit the livestock raising tendencies of people in this region to the preponderance of Celtic ancestry, as many, if not most of its people could trace their ancestors to Scotland and Ireland, where they

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[33] "John Bell to Henry Bell, Choctaw County, Mississippi. April 11, 1860 (1861)," Winston Database, accessed November 30, 2018, http://freestateofwinston.org/bellletters.htm.

[34] "James Bell to Henry Bell. Etheridge, Alabama. April 27, 1861." Winston Database, accessed November 30, 2018, http://freestateofwinston.org/bellletters.htm.

[35] Walker, *Warrior Mountains Folklore: American Indian and Celtic History in the Southeast*, pp. 119-120.

[36] *Ibid*.

lived a similarly pastoral lifestyle.[37]

Scots-Irish can be a confusing descriptor, especially in cultures such as the United States where hyphenated identities are so common. In the case of the Scots-Irish, the hyphen does not denote intermarriage of people from Scotland and Ireland; rather it identifies a migratory pattern of Scots through the Ulster region of Northern Ireland, who then immigrated to America. Particularly in the eighteenth and nineteenth centuries, violence and economic crises in Europe led the Scots-Irish of the Ulster region to leave the old world to resettle in the Appalachian wilderness of the new.

The ancestors of the Appalachian Scots-Irish were predominantly poor and Protestant. They had migrated from the borders of lowland Scotland and northern England to Ulster to improve their political and economic conditions after "King James I established the 'plantations' of Ulster in 1609 to consolidate Britain's conquest of Gaelic Catholic Ireland… The Ulster experience of tenantry, disenfranchisement by a landowning Anglican elite, and hostility from the Irish Catholic majority redefined them."[38] Before the migration to Ulster, these Lowland Scots had made continuous raids into northern England and engaged in frequent violent clashes with rival clans. This made life on the English/Scottish border a territorial nightmare and foreshadowed the guerrilla tactics and fierce local loyalty that would define the Civil War years in Winston County.

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[37] For further reading on the Celtic migration to the Appalachian South as well as their farming/ herding practices see: Grady McWhiney and Forrest McDonald, "Celtic Origins of Southern Herding Practices," *The Journal of Southern History*, 51, no. 2 (1985); Karen F. McCarthy, *The Other Irish: The Scots-Irish Rascals That Made America* (New York: Fall River Press, 2011); Grady McWhiney, *Cracker Culture: Celtic Ways in the Old South* (Tuscaloosa: University of Alabama Press, 2012); James G. Leyburn, *The Scotch-Irish: A Social History* (Chapel Hill: University of North Carolina Press, 1997); James Webb, *Born Fighting: How the Scots-Irish Shaped America* (London: Mainstream Digital, 2011); Forest McDonald and Grady McWhiney, "The South from Self-Sufficiency to Peonage: An Interpretation;"

[38] H. Tyler Blethen and Curtis W. Wood, "Scots-Irish," in *The New Encyclopedia of Southern Culture: Volume 6: Ethnicity*, ed. by Ray Celeste (University of North Carolina Press, 2007), pp. 222-24.

There is an ongoing donnybrook among scholars concerning the centrality of Scots-Irish immigration to understanding the American South, especially in backcountry counties like Winston. Some scholars have used it as a blanket explanation for the political and social characteristics of the region, maintaining that "ingrained characteristics" or an inherent "Celtic-ness" of the population are responsible for traits that have become the default descriptions of the region: close kinship ties, pastoral rather than planting economies, and the prevalence of violence. It is easy enough to see from whence these analyses come. The Scots-Irish of Ulster and related communities in the northern parts of England tended to migrate to America in groups, both in kinship groups and community groups, bound by a shared geographic origin. This type of group migration served to maintain the integrity of the community and, perhaps, to reinforce cultural and heritage bonds that had thus far defined the population.[39]

However, this type of sweeping analysis ignores significant factors that come into play post-migration. These include individuals' responses to different environments, encounters with native people, or adaptive agricultural practices. An architect may design the overall structure and character of a building, but those employed to do the construction are often forced create what is known as a "change order" or a modification to the original design, based on unpredictable factors in construction or the environment, both structural and natural. If the Celtic heritage is the architect's initial design in this analogy, then the manner in which it is reconstructed in the New World would undoubtedly change, based on people's reactions to new conditions.

Using Scots-Irish heritage as a single factor to explain the shaping of the

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[39] See Rowland Berthoff, "Celtic Mist over the South," *Journal of Southern History*, 52, (Nov 1986), pp. 523-46.

American South is particularly dubious when it is used to explain the region's politics. Regardless of heritage, a population's behavior will be shaped by their particular circumstances. Insularity, emphasis on particular language tropes, and the preservation of specific values were undoubtedly considerations for the Lowland Scots who immigrated from Scotland to Ulster. Correspondingly, protecting a particular culture when surrounded by a state that perceived identity differently (Southern, Alabamian, Confederate, slave society) might have inspired the same priorities in Winstonians as those of their forebears back in Ulster.

A state geologist named Eugene Allen Smith paid a visit to Winston County in the late 1870's and made particular note of the large number of deep, sheltering, rock overhangs or "rock houses," which proved useful shelters for the moonshining industry as well as for generations of Native Americans and for anti-Confederates who had used them as shelters.[40] He also noted the primarily sandy soil and irregular terrain, which made the cultivation of row crops like cotton and corn more difficult in this part of Alabama. In addition, later spring and early fall frosts made growing seasons too short for cotton before the advent of commercial fertilizers after the Civil War. Such environmental factors limited the number and types of crops that could be grown, and thus the economic advantages of plant-based agricultural models.[41] For example, the number of tilled acres was 17,767, of which only 2,048 were planted cotton. The rest of

[40] Eugene A. Smith, *Geological Survey of Alabama,* p. 100; "Mossback" is a term coined in the Civil War era in the Hill Counties especially. It refers to men hiding in the woods, or "lying out," to avoid Confederate conscription. They described themselves and others described them as men who were so long out I the woods that moss grew on their backs.

[41] U.S. Department of Agriculture, *Climate, and Man, Yearbook of Agriculture*, 751-753; Dodd, Civil War, p. 5.

the acreage was devoted to corn and other food crops.[42]

In 1860 Winston had just 122 slaves (three percent of the total population) with only fourteen slaveholders, and the county's farmers produced just 352 bales of cotton.[43] Compare this to Marengo County, located in the central Black Belt corridor of the state, with 24,409 slaves (seventy-eight percent of the total population), and 64,428 bales of cotton.[44] Slavery flourished on landscapes that rewarded the efforts of plantation style agriculture. Winston was not such a county. (See Table 1)

Isolation from markets also inhibited planting of commercial crops for Winston's farmers. According to one Winston County historian, "Just attempting to travel the terrain was a difficult undertaking. That is the reason the first roads – to stretch a definition to its limits – assumed such significance in the lives of the early settlers."[45] With travel being so treacherous, the citizens lived a life that was "outside of the mainstream geographically, economically, and politically."[46] Where the majority of Black Belt counties enjoyed the benefit of immediate proximity to a major river or other means of transporting their goods to market, Winston had no such advantages. Travel to Winston was a labor for only the most dedicated traveler and made getting products to extra-county markets highly impractical. Indian trails that transected Winston, which were far older than the state itself, became the foundations of these later roads.[47] Turnpike

[42] "Winston Soil Report," 1880 Census, (Washington: Government Printing Office, 1880), p. 98.
[43] "1860 Slave Schedule," Winston Database, accessed January 27, 2019, http://freestateofwinston.org/1860censlave.htm.
[44] Stanley W. Hoole, *According to Hoole: Collected Essays and Tales* (Birmingham, AL: University of Alabama Press, 1973), pp. 88-89.
[45] Tom Bartlett, "Winston County Introduction," Winston Database, accessed November 15, 2014, http://www.freestateofwinston.org/wcintro.htm.
[46] *Ibid*.
[47] The foundation of some of the first state roads; ALDOT, "Indian Trails to Interstates: The Story of Alabama's Road System."

companies established toll roads in and out of the county, creating some routes through uncultivated forestland.[48]

Table 1
Population and per capita farm data Winston County and Alabama, 1860

	Winston County	**Alabama**
Population	3,454	964,201
% of population enslaved	3.5%	45%
Improved acres	3.5	6.6
Unimproved acres	20.3	13.2
Swine	1.7	1.8
Livestock (value)	$31	$45
Livestock slaughtered (value)	$9.42	$10.62
Corn (bu.)	24.8	34.5
Sweet Potatoes (bu.)	4.2	5.6
Orchard products (value)	$.72	$.23
Home manufactures (value)	$4.19	$1.89
Cotton (bales)	0.1	1.0

Source: *U. S. Census of Agriculture, 1860*. Farm production data refer to output in 1859
Between 1819 and 1822, John Byler and others attempted to construct a road that would

[48] Albert Burton Moore, *History of Alabama and Her People*, *Volume I* (Chicago: American Historical Society, 1927), p. 358.

One late nineteenth century newspaper described the citizens of Winston as "exceedingly ignorant, from having the natural intelligence that marks other mountain people in that section."[49] Despite pervasive stereotypes of the backcountry and mountain regions of the state as populated by uneducated dullards, Winston had a reasonably high literacy rate. In 1850, Winston (then still named Hancock county) had 1,542 citizens aged more than 20, of whom eighty-two percent were literate.[50] Ten years later, literate, white, residents made up seventy-three percent of the county's population aged over 20, as compared to the statewide statistic of eighty-three percent.[51]

Schools typically convened classes in simple buildings. William Bauk Looney, who would achieve notoriety during the secession crisis and war years for his anti-Confederate activities, was one of the county's first teachers. As with all of these early teachers in Winston, Looney was paid by the parents of his students.[52] His classroom was no more than a crude log structure with a fireplace and a dirt floor. Students sat on benches made of "split logs" in front of a black board made from painting "black wagon paint" on the wall.[53]

Other communities had more formal arrangements for schooling. Despite residing near the town of Double Springs, Charles Christopher Sheets, who was, like Looney, a teacher, was sent to the Somerville Academy in the nearby town of Arley, where he received a better education than was possible in the neighborhood schools closer to home.

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[49] "A view from non-natives on Winstonians," *Philadelphia Inquirer*, January, 1894; "Newspaper Tidbits," Winston Database, accessed September 13, 2017. http://www.frestateofwinston.org/newspaper.htm.
[50] Dodd, Civil War, p. 50.
[51] "1860 Census."
[52] Dodd, Civil War, p. 52.
[53] *Ibid*.

As is clear from his eloquence during the secession crisis, Sheets was educated in the classics and logic, as well as standard mathematics and other subjects deemed important for a middle-class gentleman and aspiring teacher. Regardless of the crudeness or relative sophistication of area schools, the fact remains that most of Winston's white adult men and women were able to read the newspapers, tracts, and pamphlets of the day.

While young girls did attend local schools, their primary source of education came in the form of practical lessons taught by their mothers at home. Women in Winston were expected to participate in manual tasks and enterprises such as harvesting in addition to sewing, cooking, and managing the domestic sphere of the farm.

> There is no farm-house (sic) where the daughters of a wise, pains-taking mother may not grow up lady-like and pleasing to the eye of the most refined. One, the child of very humble, hard-working parents, rises before me as I write-a fair, sweet vision . . . She is . . . ignorant of all that boarding schools can teach . . . but she can wash and iron, make bread and butter, and cheese, cook a good farmer's dinner, and set the daintiest of little stitches in all kinds of plain sewing; and she has learned it all of that excellent, kind mother.[54]

These were not the refined and "finished" women of plantation society whose days involved perfecting their French, playing piano, or planning to ensnare a wealthy planter class scion. Instead, the majority of women in Winston sowed seed, cared for livestock, cooked, cleaned, and raised children who would mature into robust farm workers. Marriage was not facilitated by debutante balls or attempts to consolidate families' wealth. Instead, backcountry courtship took a more practical form. Proposals were determined by a man's ability to provide for the survival of his intended and their potential offspring, and a woman's perceived ability to work and to give birth to the large

[54] "Farmers' Daughters," *Farmer and Planter*, XI, June, (1860), p. 189; D. Harland Hagler, "The Ideal Woman in the Antebellum South: Lady or Farmwife?," *The Journal of Southern History*, 46, no. 3 (1980).

family ideally suited to tend the relatively small farms. They were expected to be active participants in providing for subsistence. These circumstances promoted resilience and tenacity.

One Winston woman who embodied these characteristics was "Aunt Jenny" Johnson, who was "born within sound of the howling wolf and had heard the war cry of the Indian."[55] Jenny was born in the Winston area in 1826 and was reported to be one-half Cherokee. She married her first husband, Willis Brooks at the tender age of fourteen.[56] Although her life was full of strenuous work, heartbreak, and blood feuds, the mother of nine children survived to the age of ninety-eight, still occupying the house where she and Willis Brooks first lived and worked on a farm of approximately forty acres. A twentieth century photograph of Jenny shows a woman of diminutive stature, dressed entirely in black, with deep set eyes. Her careworn face and multitudinous liver and age spots on her hands indicate a woman who endured much during her long life. In 1863 or 1864 (the exact year is uncertain) Jenny's first husband and her daughter were killed near their home, allegedly by a group of Confederate Home Guards angry over Willis's assistance to local "Tories" who were lying out in the forest in hopes of avoiding Confederate conscription.[57] According to the story, Jenny's child and her husband were tortured and

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[55] Variously spelled both Johnson and Johnston; "An Aunt Jenny Interview and Question Answered," *The Winston Herald* February 6, 1920; Winston Database, accessed February 19, 2018, http://freestateofwinston.org/auntjenny3.htm.

[56] Rickey Butch Walker, "Mountain Feuds of Aunt Jenny Johnson and the Brooks Boys," Winston Database, accessed February 19, 2018, http://freestateofwinston.org/auntjenny2.htm.

[57] Reports differ as to whether it was Jenny's son or daughter who was killed; "Lying out" is the term used to describe the practice of hiding in the forest, usually in the many rock caverns in the area. The men who did this were also known as "mossbacks" because it was said that they hid out so long that moss had grown on their backs resembling that of the mossy covered stones all around.

thrown off a nearby bluff.[58]

Jenny then allegedly took her revenge on the band of Confederate Home Guards who had brought such pain to her family. According to local legend, Jenny poisoned the men who forced their way into her home and demanded that she provide them with supper the night after the murders of her daughter and husband. She then buried the bodies but retained one of the men's skulls, which she later used as a washbasin for her hands. Her story of vengeance against the Confederates who tracked and persecuted the loyal Unionists of Winston, as well as her ability to survive in the harsh environment of the Winston woods, made Aunt Jenny an example of the ways in which "womanhood" could develop radically differently in the northern counties than it did in the more genteel regions of the state.

The people of Winston, from a combination of their geographic isolation and the creativity required to survive in the surrounding woods, developed differently from the people in the south of the state. However, it was also the lingering Native American heritage and mixed-race population that may have shaped the decisions made by the people in this outlier county in the heart of the Confederacy.

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[58] Edward Herring, "Mountain Feuds of Aunt Jenny Johnson and the Brooks Boys," Winston Database, accessed February 19, 2018, http://freestateofwinston.org/auntjenny.html; "Aunt Jenny Johnston: Union or Confederate? A Question Answered," *The Advertiser*, February 14, 1961; Winston Database, accessed February 19, 2018. http://freestateofwinston.org/auntjenny3.htm.

CHAPTER TWO

ROADS, RESIDENCE, AND REMOVAL: NATIVE AMERICANS IN ALABAMA

> You will unite yourselves with us, join in our great Councils & form one people with us and we shall all be Americans, you will mix with us by marriage, your blood will run in our veins.
>
> – Thomas Jefferson to Hendrick Aupaumut, 21 December 1808

The emerald corridor of forest and vegetation in which contemporary Winston sits is tangled with more than the canopy of trees and the languid loops of hanging vines. The atmosphere of the forest seems to pulse with the legends and superstitions threaded throughout by people who inhabited the region long before white "civilization" descended on it. For the Winston County citizenry, recalling these stories and legends has kept the heritage of the forest's original inhabitants alive even after the great majority of Native American inhabitants had been forcibly removed. This was true not only in Winston County, but also in other communities across the South that would become the sites of Civil War bloodshed. Consider the area near Chickamauga Creek in northern Georgia. It was a mere twenty-eight years prior to the Civil War battle there that the Cherokee had been forcibly removed from it. Likewise, in Murfreesboro, Tennessee, twenty-four years before the Battle of Stones River was fought between Confederate and Union forces in 1862, Cherokee, who had been forced into collection camps near Chattanooga, cut a path through the town, once a part of their tribal territory, during their

forced removal to the west. To ignore the residual and persistent Native American heritage woven into the land of these areas is to miss a compelling and foundational aspect of Civil War history.[1]

Winstonians kept their Native American heritage alive in part through recalling and passing down stories of the earlier indigenous inhabitants.[2] According to local legend, one of these early inhabitants was a Cherokee maiden, Alulla, a beauty with "dark tresses," the daughter of Cherokee Chief Tacomah. Her story was preserved in a tragic poem written by Winston resident Charles D. Hudgins shortly after the Civil War.[3] Alulla was to marry a Cherokee warrior chosen by her father. However, it was said that her heart was already given to a Choctaw warrior named Yampo. The lovers decided to defy her father; Alulla shunned her Cherokee suitor, and she fled with Yampo to his Choctaw village on the Florida coast. Hearing that his daughter had left, Chief Tacomah dispatched his best warriors to kill Yampo and retrieve his daughter. The pair made it as far as Clear Creek Falls, deep in the heart of the forest, before the Cherokee warriors caught up to them. As the Cherokee braves closed in, Alulla spied a canoe in the water, which briefly seemed to be their deliverance.

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[1] For more on the connection between the land and Native American history see Tanya Thrasher and Duane Blue Spruce, eds., *The Land Has Memory: Indigenous Knowledge, Native Landscapes, and the National Museum of the American Indian* (Chapel Hill: University of North Carolina Press, 2009); The historiography on Native Americans and the American Civil War is vanishingly small when compared to the amount of literature on the war in general. This is an area of the scholarship which needs concentrated investigation.

[2] Like the story of Winston itself, there is a paucity of empirical data on the Cherokees described here. This dissertation uses the materials available to explain the various communities of memory in Winston County and the Cherokee community – the work of people who interviewed participants and collected other sources including family stories — as well as limited empirical data to portray the facts of the Removal era. Following Victoria Bynum's lead in *The Free State of Jones*, this study is, in part, telling the story of the stories that were told. The aggregation of this material represents the lived experience of many northern Alabama Cherokee.

[3] Charles D. Hudgins, "A Legend of Clear Creek Falls," Winston Database, accessed January 26, 2019, http://freestateofwinston.org/ccflegend.htm.

However, in their desire to please their chief and kill the Choctaw brave, the Cherokee warriors loosed a hail of arrows and instead killed both of the lovers. Their bodies fell into clear Creek Falls and were washed away by the rushing water. Upon hearing that his anger and spite had resulted in the loss of his daughter, Chief Tacomah sought solitude in the forest, wandering until he came upon the falls where Alulla had perished. He let out a mournful cry and sang an elegy for the daughter he had wronged. As he completed his song, there appeared the ghostly image of a canoe containing a beautiful maiden and her warrior. The pair floated down the stream in front of the Chief until they disappeared into the mist of the falls. According to legend:

> Since that night, when e'er the full moon throws its light
> Straight down upon the rushing tide at the mid-hour, twain
> Shadows glide over the falls, while softly rolls an anthem to
> Their passing souls, and slow ascending, soars on high and
> Seems to mount into the sky.[4]

It was in this tangle of superstition, legend, and dense forestation, steeped in the traditions of the Native Americans (whose hunting grounds the forest had been for centuries) that Charles Christopher Sheets was born in 1839. Sheets was, arguably, Winston County's most significant and most visible proponent of neutrality during the Civil War. Additionally, he was a schoolteacher and delegate to the state's secession convention. When Sheets was born in the Warrior Mountains, the official Federal removal of the Cherokee from Alabama, Tennessee, and Georgia was drawing to a close. Sources suggest, however, that the county was still populated by the descendants of Anglo/Native American intermarriages. The influence of Winston's recent connections to

[4] *Ibid*; Clear Creek Falls disappeared from Winston County in 1961 when the Alabama Power Company flooded the region, creating instead Lewis Smith Lake.

its Native American past has not previously been considered as a potential contributing factor in the county's Neutrality Proclamation.[5]

Sheets's formative years were spent in a place and at a time when memory of a devastating and, for the most part, involuntary removal was still visceral, where those who had escaped the forced march to the west were likely hiding in the woods and shelters used by their ancestors in and around Winston. The aftermath of this period of upheaval and persecution may have made an impression on young Sheets and influenced his future decisions about neutrality during the Civil War. It would have been a signal of solidarity with the tribes who had been physically removed, but whose legacy remained, as neutrality in the Civil War was also the position initially adopted by both the Eastern Cherokee and the Upper Creek from Alabama. It is possible that growing up surrounded by stories of the atrocities committed against the Native Americans of Alabama (tribes which had brought white settlers into the county in the first place) informed Sheets's future decisions about loyalty and nation.[6]

The oppression and subjugation of Native Americans took place in phases of violence, reconciliation, and treaty making – and treaty breaking. In 1808, Thomas Jefferson addressed a letter to "My Son Capt. Hendrick [Mohawk historian and diplomat] and my children the Delawares, Mohiccons and Munsies," concerning territory in New York and the tribes' gradual removal and resettlement. He writes, "The picture which you have drawn, my Son, of the increase of our numbers and the decrease of yours, is just." Jefferson's position with these northern tribes is a foreshadowing of the one taken by the

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[5] These sources will be discussed in the course of this chapter.
[6] This will be discussed in greater detail in the next chapter.

Federal government towards the tribes of the southeast as well.[7]

In the same letter, Jefferson wrote: "You will unite yourselves with us, join in our great Councils & form one people with us and we shall all be Americans, you will mix with us by marriage, your blood will run in our veins."[8] Jefferson's encouragement of intermarriage and the purported embrace of Native Americans as fellow Americans, coupled with the tribes' own cooperative and inclusive behavior, seemed, at first, to have reciprocal benefits for both the settlers and the indigenous tribes. The early nineteenth century relationships between Native Americans and white settlers proved Jefferson's words to be prescient. Moravian missionaries in the Cherokee communities of North Carolina and Alabama held up the "children of halfbreeds and of the leading men of the nations" as models for the civilized, westernized citizenry Jefferson may have imagined. These missionaries attempted to "manage" this cultural diffusion in order to shape a "civilized race." Historian Gregory D. Smithers contends that both Cherokee and white missionary groups "believed that a well managed mingling of 'blood' (through the agency of patriarchal marriage), and cultures (under the guidance of Christian missionaries), would eventually cement a mutual dependence between American settlers and Native Americans."[9]

The encroachment of whites on the territorial sovereignty of tribal lands in the South began partially as a result of the largesse of tribal members who aided new settlers by showing them the way to hunting grounds and assisting them in living off the land.

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[7] "Founders Online: From Thomas Jefferson to Hendrick Aupaumut, 21 December 1808," National Archives and Records Administration, accessed July 31, 2018, https://founders.archives.gov/documents/Jefferson/99-01-02-9358.

[8] *Ibid*.

[9] Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), pp. 67- 68.

This was certainly the case with the first settlers of Winston. Native American guides and traders gained entrée into the American and European markets for deerskins and enjoyed the limited protection offered to those deemed "necessary" to the success of the young United States of America. Correspondingly, white settlers were able to navigate new territories with greater effect, while enjoying the benefits of improved relations with the Native groups and access to their land and markets.[10]

However, the precarious peace and cooperation between the two groups lasted only as long as the natives remained "useful," and Native American populations were removed once their presence became an obstacle to U.S. expansionary ambitions. Yet, Jefferson's words about "mix[ing] by marriage" became a common practice in many tribes and created generations of Americans who remained in the east and found themselves caught between U.S. and Native allegiances. Interestingly, his arguments suggest that his objections to Native persistence in the lands east of the Mississippi were not primarily racially motivated but based more on the inconvenience of having them on grounds the U.S. wished to possess.

In 1826, John Ridge, a leading figure in the Cherokee tribe and, himself, a product of an interracial union, wrote to Albert Gallatin, a U. S. Senator from Pennsylvania, and also a linguist and ethnologist who made a study of the Cherokee and their language. Ridge explained the significance of white/Cherokee marriages within the tribe. His description also appears to describe that part of the population of Winston who preferred the woods and self-sufficiency to more populated and "civilized" centers of commerce and trade. He described the Cherokee territory at the time as "bounded on the North by

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[10] Roger L. Nichols, *The American Indian: Past and Present* (Norman: University of Oklahoma Press, 2008), p. 77.

east Tennessee and North Carolina, east by Georgia, south by the Creek Nation and state of Alabama and west by west Tennessee," in other words, the areas, including Winston County, which are the primary focus of this study.[11] Within this area, Ridge estimated the nation consisted of 15,480 people, with one in four having white as well as Cherokee ancestry, "Occasioned by intermarriages which has been increasing in proportion to the march of civilization." Ridge's letter continues:

> The above population is dispersed over the face of the Country on separate farms; villages, or a community, having a common enclosure to protect their hutches [cabins], have disappeared long since, and to my knowledge, there is but one of this character at Coosawattee [community in northern Georgia], the inhabitants of which are gradually diminishing by emigration to the woods, where they prefer to clear the forest and govern their own individual plantations.[12]

When intermarried settlers spread into the northern hill country of Alabama, rather than restarting the cycle of cooperation and dispossession, many of them brought these mixed allegiances with them in their blood and marriages. This may have made a cooperative atmosphere between the native tribes and their new neighbors last longer than it did in other sections of the South.

As in the Northeast, so in the Southeast, the patterns of initial cooperation, followed by dispossession of indigenous tribes, were repeated, especially in North

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[11] "Letter to Albert Gallatin, February 27, 1826," St. Olaf College, accessed January 26, 2019, https://www.stolaf.edu//people/fitz/COURSES/Cherokee.htm; Theda Perdue and Michael D. Green, *The Cherokee Removal: A Brief History with Documents* (Boston: Bedford/St. Martins, 2016), pp. 34-35; Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: Penguin Books, 2007); Smithers, *The Cherokee Diaspora*.

[12] *Ibid,* p. 35; Analysis of the 1867 voter registration list in Winston supports Ridge's assertion about emigration to the woods. Of the 559 men listed, twenty-eight were born between 1807 and 1845 in the Georgia counties created from the former Cherokee territory. Four of these men were born before or during the Removal era suggesting that at least some of these men may have been part of the families Ridge describes as moving to the woods.; "1867 Voting Registration and Loyalty Oaths," WCAO, accessed January 26, 2019, http://freestateofwinston.org/1867vote.htm.

Carolina, Georgia, and Tennessee.[13] In the late eighteenth century, indigenous populations still existed in these territories in numbers and engaged with the white community through trade and practices of intermarriage.[14]

The majority of the new settlers in the Warrior Mountain region relied upon the natural landscape for their subsistence. Needing shelter upon arrival, these parties would seek out bluffs and natural rock shelters.[15] It was these people, who befriended Cherokee and, as early as the 1760's, travelled "in company with their Cherokee friends on hunting trips." [16] These same shelters would also prove useful to Native Americans hoping to hide from removal, men trying to avoid conscription in the Civil War, and, later, people searching for secret locations to hide their illegal whiskey stills. The annual hunting trips continued until the War of 1812, which disrupted the regular activities in the region.[17] At the conclusion of the conflict, new white settlers, many of who traversed the territory as soldiers with General Andrew Jackson, returned to the northern Alabama hill country to create permanent settlements.[18]

To describe the wild and complicated wilderness that became Winston County as a "frontier" would privilege the white settler experience of the area. It was for these new arrivals alone that this part of Alabama was an uncharted and untested "frontier" that had to be tamed. For the Native Americans whose traditional hunting grounds these were, this

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[14] Weaver, "Brief History."
[15] *Ibid,* p. 2.
[16] John Bennett Weaver, "The Indians," Weaver Family Papers, Private Collection, pp. 1-2.
[17] *Ibid*.
[18] The Winston County Genealogical Society and archives list fourteen veterans of the War of 1812 as settling in early Winston County; Donald Dodd, "Revolutionary War & War of 1812 Soldiers," Winston Database, accessed August 03, 2018, http://freestateofwinston.org/rev_1812soldiers.htm; Dodd, Civil War.

area was merely another part of their vast web of ancestral territory.[19] Evidence of this can be found in places like the Kinlock Rock Shelter. There, researchers have discovered prehistoric petroglyphs that indicate an indigenous population lived in the Winston area long before the arrival of the Europeans. To this day, various Native American communities and tribes utilize the site for ceremonial purposes.[20]

In the eighteenth century, both the British and the Americans initially followed a policy of peace with the southeastern Indians. During the American Revolution, the Cherokee Nation at firs tried to remain neutral. However, this proved an untenable position, and they later decided that allying with the British might mean the return of some of their lands. They took up arms for the British and also sheltered persecuted loyalists.[21]

In some ways, Cherokee alliances appeared to be tactically targeted to assist the people who might better support retention of their land. But there was a moral component to their decisions as well. The Cherokee did not engage in battles without first considering the worthiness of the conflict. In the early part of the eighteenth century, the British sent Lieutenant Henry Timberlake to live with the Cherokee and gather information about them. In one of his reports, he describes the Cherokee warriors' response to impending conflicts. The tribal chiefs, he wrote, only led "the warriors that chuse [sic] to go for there is no laws or compulsion that refuse to follow, or for those that

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[19] Daniel S. Dupre, *Alabama's Frontiers and the Rise of the Old South* (Bloomington: Indiana University Press, 2018), p. 4

[20] Walker, *Warrior Mountains Folklore,* p. 58.

[21] Perdue and Green eds., *The Cherokee Removal*, p. 27; Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory* (Chapel Hill: University of North Carolina Press, 2017), p. 19; Perdue and Green eds., *The Cherokee Removal: A Brief History with Documents,* p. 6.

forsake their chief."[22] It seems that, with no fear of reprisals, Cherokee warriors trusted their own instincts about the worthiness of a cause, and not just the instincts of their tribal leaders.

By the end of the eighteenth century, times when the first white settlers were arriving in the area, the national government was actively trying to bridge gaps with members of the Five Civilized Tribes of the Southeast. Both Washington and Jefferson seemed to think that "if the United States could convert Indian men into farmers, the Indians no longer would need their hunting grounds and would sell them to the United States."[23]

The administrations of both Washington and Jefferson crafted assimilationist policies designed to encourage indigenous tribes to think and behave like European-Americans. Washington's administration distributed looms and spinning wheels to Cherokee women so that they could spin cotton and create western-style cloth.[24] Jefferson drafted grandiose letters espousing the benefits of adopting western principles and practices in an 1808 letter to his Cherokee "children":

> My Children I shall rejoice to See the day when the red men our neighbors become truly one people with us, enjoying all the rights and privileges we do, & living in peace & plenty as we do without anyone to make them afraid, to injure their persons, or to take their property without being punished for it according to fixed laws. but are you prepared for this? have you the resolution to leave off hunting for your living, to lay off a farm for each family to itself, to live by industry, the men working that farm with their hands, raising stock or learning trades as we do, & the women

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[22] Steve Inskeep, *Jacksonland* (New York: Penguin Publishing Group, 2015), p. 62; Henry Timberlake and Duane H. King, *The Memoirs of Lt. Henry Timberlake: The Story of a Soldier, Adventurer, and Emissary to the Cherokees, 1756-1765* (Cherokee, NC: Museum of the Cherokee Indian Press, 2007), p. 36.

[23] Perdue and Green eds., *The Cherokee Removal*, p. 26.

[24] Duane H. King, ed., *Cherokee Indian Nation A Troubled History* (Knoxville: University of Tennessee Press, 2005), p. 113.

> spinning & weaving Clothes for their Husbands & Children? all this is necessary before our laws can suit you or be of any use to you.[25]

Despite Jefferson's rhetoric, historian Robert J. Miller asserts that Jefferson "was not truly interested in Indian assimilation." His interest was actually in their land. And a part of the westernizing envisioned by both Washington and Jefferson would involve indigenous peoples ceding tribal territory to the United States, by treaty or by force.[26]

By the late eighteenth century, the upper Creeks lived by the Coosa, Tallapoosa and Alabama Rivers, while the lower Creeks were concentrated in southwestern Georgia. At the end of the 1770's, the Cherokee had spread out across northern Alabama and intermarried with the Chickasaw. The area that later became Winston County was itself a shared territory, initially populated by Cherokee, Creek, and Chickasaw tribes.[27]

The concentrated movement into this area did not take off until after the War of 1812 and the conclusion of the Creek War of 1814. The end of these conflicts inspired a land rush into northern Alabama, especially the fertile ground of the Tennessee River Valley.[28] As to the question of how to deal with the indigenous peoples already inhabiting some of these areas, both communities actively encouraged members to intermarry with the other – the Europeans because marriage with a Cherokee would allow greater access to the lands and cultures of the tribe, and the Cherokee because marriage with the

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[25] "Founders Online: From Thomas Jefferson to Cherokee Nation, 4 May 1808," National Archives and Records Administration, accessed July 29, 2018, https://founders.archives.gov/documents/Jefferson/99-01-02-7956.

[26] Robert J. Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny* (Lincoln: University of Nebraska Press, 2008), p. 92.

[27] Robbie Franklyn Ethridge, *Creek Country the Creek Indians and Their World* (Chapel Hill: University of North Carolina Press, 2003), p. 31; Walker, *Warrior Mountains Folklore*, p. 12; Weaver, "The Indians," Winston Database, p. 2.

[28] For more on the settlement of the Tennessee River region see Daniel S. Dupre, *Transforming the Cotton Frontier: Madison County, Alabama, 1800-1840* (Baton Rouge: Louisiana State University Press, 1997).

Europeans might engender greater security. Additionally, "Cherokee women and European traders or frontiersman (sic) sought each other to gain access to goods or territory and cement alliances."[29] These factors taken together are highly suggestive that population in Winston in the Civil War era included those of mixed Scots-Irish, Cherokee, and perhaps other tribal ancestries.

Complicating the issue for modern genealogists looking for Native ancestry in northern Alabama, Cherokee historians write that there were intermarriages with other tribes, not just with white settlers, Cherokee intermarrying with the Chickasaw as well as the Creek.[30] For people in hill counties like Winston, it became difficult "to distinguish tribes [which] they are actually from because it was a combination of tribes."[31] Indeed, the Upper Creeks were themselves an amalgamation of other tribes in Alabama and Georgia: the Abihkas, the Tallapoosas, the Ocfuskees, and the Alabamas.[32]

Understanding common tribal ancestries in places like the Warrior Mountains is important for understanding later political behavior and alliances, but this is an intensely complicated task. As Wanda Gant of the Cherokee nation writes, "It is doubtful that Indian heritage can be truly learned about unless some member of the family applied for Indian entitlement and thus gave information on their heritage and their family."[33]

The task of researching Native ancestry is also often thwarted by the fact that so many members of these tribes hid their identity or created new ones to avoid removal.

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[29] Fay Yarbrough, "Legislating Women's Sexuality: Cherokee Marriage Laws in the Nineteenth Century," *Journal of Social History,* Vol. 38, No. 2 (Winter, 2004), p. 387.
[30] *Ibid*.
[31] Gail King, "Interviews," King Family Papers, Museum of the Cherokee Indian, Cherokee, North Carolina, p. 33.
[32] Ethridge, *Creek Country*, p. 27.
[33] Wanda Gant, "Indian Legacies," *Warren County Genealogical Association Bulletin*, Vol. III, 2, Summer 1994, p.14.

One person who dedicated her adult life to trying to untangle the stories and truths about these hidden Cherokee was anthropologist Gail King. Her research and that of her colleagues and husband has led to significant strides in understanding the tribes of the Southeast, especially the plight of the Cherokee on the Trail of Tears.

King, now deceased, was a member of a group in northern Alabama who took up the challenge of investigating the settlement patterns of the Cherokee in that state as well as the routes, destinations and fates of the Cherokee who were removed from the collection points, in Alabama especially. This group also included her husband Marty King, as well as Larry Smith, Lamar Marshall, and other members of the Southeastern Anthropological Institute at Northwest Shoals Community College in Muscle Shoals, Alabama. This group has unearthed evidence of the exact routes of removal, reclaimed the sites of former collection camps, and revealed the importance of the Decatur Railroad during the Removal period. Such evidence – copious files, unpublished manuscripts, published materials, and research containing period maps, interviews, archaeological evidence, and folk stories of the tribe – is vital in understanding the Cherokee presence in the southeast as well as Cherokee resistance to removal.

Her research also provides some of the strongest evidence of a population of Cherokee runaways living in and around Winston at the time of the war. In an interview with Gail King, David Karah Shelton of Marion County, Tennessee described how his family avoided removal by producing fake family bibles.[34] To make such ruses complete,

[34] King, "Interviews," p. 27; King's material was made available to me through the largesse of Marty King at the couple's home in Alabama and through the help of Larry Smith at the Northeast Alabama Community College, located deep in the Cherokee territory of northeast Alabama. These materials have subsequently been donated to the Museum of the Cherokee Indian in Cherokee (Qualla Boundary) North Carolina.

many adopted new Christianized names, so traditional genealogical research methodologies may fail to uncover family histories.

Still, it is widely accepted that the practice of intermarriage was pervasive. Within the Cherokee tribe, the practice of intermarriage with whites became so frequent that, after the formation of the Cherokee Legislature in 1827 (the body came into existence upon the approval of the nation's constitution), it passed a law giving the nation the power to regulate "intermarriages with the whites, making it necessary for whites to obtain a license and be married by a gospel minister or some authorized person."[35] Such legislation was perhaps meant to stem the number of whites marrying into the tribe solely to get access to profitable trade goods and land, as well as to prevent white settlers from dominating the tribe by intermarriage.

The Cherokees and other southeastern tribes practiced their traditional ways of life as long as possible. At the turn of the nineteenth century, Creeks were still hunting, following a seasonal cycle, on paths that had been "carved in the landscape over generations."[36] Creeks also participated in the deerskin trade, hunting white-tailed deer, which the Warrior Mountains had in abundance.[37]

Creek towns, like those of other southeastern Indians including the Cherokee, were divided into red and white towns or war and peace towns. These were "long-term civic institutions among southeastern Indians." The war towns took a leadership role in times of war, and the converse was true with the peace towns. Creek historians believe that, by the turn of the nineteenth century, Creek lives were so intertwined with those of

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[35] Perdue and Green eds., *The Cherokee Removal*, p. 37.

[36] Angela Pulley Hudson, *Creek Paths and Federal Roads Indians, Settlers, and Slaves and the Making of the American South* (Chapel Hill: University of North Carolina Press, 2010), p. 68.

[37] Ethridge, *Creek Country* p. 9.

frontier whites and African Americans that it was "difficult to separate Indian life from the life of others on the frontier."[38] It would then appear that the government's policy of "civilizing" the southeastern tribes had achieved limited success. But what precisely was achieved by their "civilization?" In the case of the Cherokee, historian John R. Finger argues, "What was taken by contemporary white observers as 'civilization' was simply the acquisition of sufficient skills for economic survival and for political self-government. What was perceived as civilization, then, did not necessarily signify loss of Cherokee identity or values."[39]

Winston County historian, Rickey Butch Walker, argues that before the nineteenth century, all Native American tribes in Alabama were ruled by men of white and native mixed heritage.[40] The existence of this hierarchy suggests that the tribal leadership of the southeastern tribes in this period capitalized on men who understood the norms and practices of both the white and the Native worlds. But potential leaders had to persuade fellow tribal members that they had such talents; "Leadership in a Cherokee community, in fact, rested with a person who could inspire followers rather than someone born to office."[41] This quality, essential to Cherokee leadership, would also become vital to Winston County leader Charles Christopher Sheets as the Civil War approached.

The Cherokee nation was divided not just by geography, between the Overhill Towns in portions of Tennessee and North Carolina and the Lower Towns in southeastern Tennessee, Georgia, and Alabama, but also by economics and attitudes about "civilization" policies. The mixed-blood elite, who had acclimatized themselves to

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[38] Ethridge, *Creek Country* pp. 1, 93.
[39] Finger, *The Eastern Band of Cherokees, 1819-1900,* p. 9.
[40] Walker, *Warrior Mountains Folklore,* p. 13.
[41] Perdue and Green eds., *The Cherokee Removal*, p. 3.

western values and norms, resided in the Lower Towns, whereas the North Carolina Cherokee in the Overhill Towns were mostly traditionalist full-bloods with less wealth and access to power. Finger calls them "almost forgotten stepchildren" after the ascendency of the wealthier and more westernized Cherokee.[42]

In 1808 there was still no Cherokee Nation central government, and disagreements divided the Upper and Lower Towns of the nation.[43] It was into this world that future Cherokee chief John Ross was born in Turkeytown (near the modern town of Center, Alabama) in October 1790. Ross was the epitome of the Lower Town, westernized Cherokee man. He was "only 1/8 Cherokee, spoke the language haltingly, and never learned its written characters."[44] Still, his devotion to Cherokee homelands and heritage as well as his ability to move between the white world and the Cherokee were the qualities that tagged him for leadership.

His father, Daniel Ross, was an immigrant from Scotland and a successful trader. Daniel married a woman, Mollie, who was of mixed Scottish and Cherokee ancestry. The couple settled in Turkeytown (located along the Coosa River important to both the Cherokee and Creek tribes) where Ross spent his formative years. Ross's parents raised him much as the white scions of Southern plantations were raised. He "received an English education from private tutors or missionaries and entrée into business and politics" from his father. Additionally, Ross, like other men of his class, "aspired to the same kinds of success as the sons of white Southern planters." Ross, along with others from his nation, followed Jackson into the battle at Horseshoe Bend in 1814, the

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[42] Finger, *The Eastern Band of Cherokees,* p. 13.
[43] King, "The Unremoved Cherokees of Alabama and Tennessee," King Family Papers, Museum of the Cherokee Indian, Cherokee, North Carolina, p. 14.
[44] Moulton, *John Ross, Cherokee Chief*, pp. 2, 5.

climactic conflict of the Creek Wars in Alabama. The cooperative, Anglicized, and comparatively "civilized" Cherokee, like Ross, may have believed that they would reap the benefit of greater access to the ceded territory, including the Warrior Mountains, if they helped defeat the Creeks. This hope was not entirely realized.[45]

The battle was so brutal, so one-sided; it may have been the cause of Ross's resignation from the military two weeks after.[46] Biographer Gary E. Moulton suggests that he had gleaned some essential lessons from the experience, namely "no Indian tribe could withstand the superior military power of the United States, and the result of armed resistance was annihilation." He served only once again, as a member of the Cherokee Lighthorse Company responsible for evicting intruders from Cherokee territory.[47]

As so many times in previous treaties and alliances, Natives who adopted accommodative positions toward the United States government fared better, regarding retention of some lands, rights, and other considerations, than did those Native tribes who were openly hostile. The Cherokee nation seems to have internalized the lesson of creating at least a display of subservience. Their understanding of its necessity is evidenced by the tribe's coordinated early efforts at dressing and behaving more like their

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[45] "John Ross, Chief of the Cherokee Nation," Young American Republic, accessed March 20, 2109, http://projects.leadr.msu.edu/youngamerica/exhibits/show/cherokeenation/johnross; For more on Ross and the Trail of Tears see Theda Perdue and Michael D. Green, *The Cherokee Nation and the Trail of Tears* (New York: Viking, 20017); William R. Reynolds, Jr., *The Cherokee Struggle to Maintain Identity in the 17th and eighteenth Centuries* (Jefferson, North Carolina: McFarland and Company, 2015); Andrew Denson, *Monuments to Absence: Cherokee Memory and the Contest Over Southern Memory* (Chapel Hill: UNC Press, 2017; Perdue and Green, *The Cherokee Removal: A Brief History with Documents,* p. 32.

[46] There is no mention of Ross's experience at Horseshoe Bend in his collected papers. John Ross and Gary E. Moulton, *The Papers of Chief John Ross. Vol. II (Norman: University of Oklahoma Press, 1985)*; For further information on the battle see William H. Brantley, *Battle of Horseshoe Bend in Tallapoosa County, Alabama, March 27, 1814* (Birmingham, AL: Southern University Press, 1969); Thomas Martin, *The Story of Horseshoe Bend National Military Park* (New York: Newcomen Society in North America, 1960).

[47] Moulton, *John Ross Cherokee Chief*, pp. 12-23.

Christianized, white neighbors in the Southeast.

The Creek War was officially concluded with the signing of the Treaty of Fort Jackson in January of 1815. The treaty outlined the immediate cession of the majority of Creek territory in both Georgia and Alabama, including land in future Winston County, save small reservations created for Creek tribal members who had remained loyal to the United States government. This agreement enabled such people to stay in the newly organized American territory, but without granting them any of the rights of American citizenship.

The Treaty of Fort Jackson offered a potential extra reward to the Cherokee. One of the territorial boundaries of the Creek cession was set at the Southern border of Cherokee territory, a boundary that had been traditionally contested by the two tribes. The rationale for seizing the Creek territory, as presented in the Treaty, was at least partially punitive:

> WHEREAS an unprovoked, inhuman, and sanguinary war, waged by the hostile Creeks against the United States, hath been repelled, prosecuted and determined, successfully, on the part of the said States, in conformity with principles of national justice and honorable warfare – And whereas consideration is due to the rectitude of proceeding dictated by instructions relating to the re-establishment of peace: Be it remembered, that prior to the conquest of that part of the Creek nation hostile to the United States, numberless aggressions had been committed against the peace, the property, and the lives of citizens of the United States. . . . .
>
> The United States demand, that a surrender be immediately made, of all the persons and property, taken from the citizens of the United States, the friendly part of the Creek Nation, the Cherokee, Chickasaw, and Choctaw nations, to the respective owners; and the United States will cause to be immediately restored to the formerly hostile Creeks, all the property taken from them since their submission, either by the United States, or by any Indian nation in amity with the United States, together with all the

prisoners taken from them during the war.[48]

This clause rewards tribes that helped the United States government achieve its goals of military and territorial expansion. However, it could not have been lost on any of the tribes that the critical term in this document is the word “submission.” As history has shown, the “submission” formalized in the document was not merely a cessation of hostility or relinquishment of property, but a general and compulsory submissive posture toward the sovereignty of the United States.

A second treaty with the Creeks concerning their remaining land in Alabama was signed in 1832, requiring the Creek nation to remove from all territory east of the Mississippi.[49] As with the other removed tribes, not all Creeks left for the West during removal. Some members of the nation persisted, although the number who remained included only about “a dozen or so mixed-blood friendly Creeks” who stayed on their lands close to the site of the attack on Fort Mims, which had drawn the U.S. into the Creek War in 1813-14.[50] After 1814 and the battle of Horseshoe Bend, white settlers flooded into Alabama and onto former Creek lands. James Graham, of Lincoln County, North Carolina, wrote in 1817, “the Alabama feaver (sic) rages here with great violence and has carried off vast numbers of our Citizens…as soon as one neighbor visits another who has just returned from Alabama, he immediately discovers the same symptoms

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[48] “Treaty with The Creeks,” Free web stats, accessed September 06, 2017, http://www.firstpeople.us/FP-Html-Treaties/TreatyWithTheCreeks1814.html.

[49] Treaty with the Creeks, 1832, TNGenNet Inc., accessed September 06, 2017, http://www.tngenweb.org/cessions/18320324.html.

[50] Walter L. Williams, *Southeastern Indians since the Removal Era* (Athens: University of Georgia Press, 1979), p. 124.

which are exhibited in the one who has seen alluring Alabama."[51]

An eagerness to move may have indeed been epidemic, but the settlers in what would become Winston were primarily poor and could not afford the fertile lands around the Tennessee River Valley, which sold to wealthier, planter class elites.[52] Soil in the Tennessee Valley could sell for $100 per acre and was simply out of reach for the yeoman class that settled in Winston. The small farmers bought the lands farther from the Tennessee – ground that was "less useful for agriculture."[53] In northern Alabama, the differentiation of the Tennessee Valley counties, such as Lauderdale, Limestone, Madison, and Colbert, from those of the hill country, such as Marion, Winston, and Walker, began with this rush to purchase land. The Tennessee Valley supported plantations and men with capital; the Hill counties farmers "with very little capital, [who] sought an independent existence for his family."[54] The divisions between these two areas would inform the different politics of the region as the Civil War approached.

Tennessee River Valley counties also benefited from greater access to markets. Use of the Tennessee River for transport was seasonal, and getting the harvest shipped on the Tennessee usually entailed "months of delay [and] reliance upon forwarding agents,

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[51] William Warren Rogers, Robert David Ward, Leah Rawls Atkins, and Wayne Flynt, *Alabama: The History of a Deep South State* (Tuscaloosa: University of Alabama Press. 1994), p. 54; Letter from D.R. Williams to Bolling Hall, January 26, 1824, Hall Family Papers, ADAH.

[52] Rogers, Warren, Ward, Atkins, and Flynt, *Alabama: the History of a Deep South State,* p. 55; see also Daniel S. Dupre. *Madison County: Transforming the Cotton Frontier* (Baton Rouge: Louisiana State University Press, 1997).

[53] Gail King (Project Director), Marty King, Lamar Marshall, Larry Smith, "North Alabama's Tuscumbia, Courtland, and Decatur Railroad and Its Role During Cherokee Emigration/Removal Beginning in 1837," (Muscle Shoals: Southeastern Anthropological Institute Northwest Shoals Community College, Alabama and The National Park Service Challenge Cost Share Program. Final Report June 15, 2009), p. 9.

[54] *Ibid*, p. 11.

brokers, and banks, which the small producer was not able to face on his account."[55] There were limited options for getting small amounts of goods to local markets.

The Creek and other tribes had left behind in the Warrior Mountains trails and passages that stretched like the fibers of a web across the state. In northern Alabama, the paths that Natives and whites used for travel to these abundant hunting grounds, including some in present Winston County, ultimately became the paths followed by the first state and Federal roads in Alabama. Initially, Indians in the southeast followed the paths traveled by their prey. Thomas Hart Benton, U.S. Senator from Missouri called the animals that roamed through the forests "topographical engineers older than the schools and more unerring than the mathematicians."[56] Thus it seemed only practical to transform these early migratory routes first into paths and later into roads.

Indian trails like those described by Benton cut through the Warrior Mountain chain and created a north-south network from the Warrior River valley to the Tennessee River valley.[57] Additionally, settlers from Tennessee came into the hill country using a road from Huntsville to Tuscaloosa that ran through the heart of Winston.[58] Hatchet marks and symbols on trees marked Creek paths. Local legend suggests that snakes were also carved into trees around the removal era to designate the paths, and the Creeks and other Native Americans also carved messages into tree bark.[59] Surveyor and naturalist Bernard Romans, who traveled amongst the southeastern Indians in the 1770's,

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[55] *Ibid,* p. 10.
[56] "Indian Trails to Interstates: The Story of Alabama's Road System," ALDOT Sections and Key Contacts, accessed July 30, 2018, https://alletting.dot.state.al.us/OfficeEngineer/IndianTrailsToInterstates.htm, p. 14.
[57] Walker, *Warrior Mountains Folklore,* p. 21.
[58] Rogers, et. al, *Alabama: The History of a Deep South State,* p. 55.
[59] Walker, *Warrior Mountains Folklore,* p. 27.

commented that he could discern which group had marked each path "by the strokes of the hatchets in the trees and branches as they go along." It was a way of "claiming" a particular trail for a specific group.[60]

As early as 1774, a British Indian agent commented that the Creek paths that were "new made" did not supplant existing paths. The end result was the creation of a network of more popularly traveled and highly visible trails, which, by their high profile, helped to obscure older and less traveled ones known only to local residents. This type of selective sharing of information about the routes through the woods and the mountains represents a type of strategy. Like statecraft of any kind, it involved sharing some information and withholding some. For northern Alabama, major roads, together with lesser known and adjoining paths, were an interconnected patchwork that could be used, for example, to escape a forced removal or to hide and secretly move between counties during the Civil War.

The Hightown Path, which dates to prehistoric settlements, is an east-west path that transects the Appalachian continental divide.[61] The Chickasaw Boundary Treaty, January 10, 1786, established the High Town Path as the border between the Chickasaw to the north and the Creek to the south.[62] Altogether, this Indian trail was some 1,000 miles in length, originating in Charleston, South Carolina and continuing east through Georgia, Alabama, and Mississippi.[63] Portions of this path became a part of the Byler

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[60] Hudson, *Creek Paths and Federal Roads,* pp. 13-14.
[61] Hudson, *Creek Paths and Federal Roads*, p. 3.
[62] Walker, *Warrior Mountains Folklore,* p. 17.
[63] The path terminates at present day Memphis, but in between it cuts through the northern Alabama counties of "Cleburne, Calhoun, Cherokee, DeKalb, Etowah, Blount, Marshall, Cullman, Morgan, Lawrence, Winston, Marion and Franklin;" K. Bryan Ward, "Haleyville is Located on the Most Famous East-West Indian Trail and Tribal Boundary of the Southeastern United States,"

Road, the first public road in Alabama.[64] The Sipsey Trail was one of many other paths along the dividing ridges in the Warrior Mountains. It connected to the Hightown Path in Moulton and crossed the Sipsey River in Winston.[65] Smaller paths that could facilitate hidden movements would prove essential in the coming era of mass removal for those who rebelled by escaping.

Forced removal in the southeast began in earnest in 1830 with President Andrew Jackson's signature of the Indian Removal Act. During a debate in the U.S. Congress, Senator John Forsythe of Georgia called Indians "a race not admitted to be equal to the rest of the community; not governed as completely dependent; treated somewhat like human beings, but not admitted to be freemen; not yet entitled, and probably never will be entitled, to equal civil and political rights." This posture seemed perfectly to describe Andrew Jackson's own views.[66] While the Cherokee contended for the sovereignty of their territory and their tribe, both the state of Georgia and the Jackson administration thought of the lands as "a permissive and temporary" locality whose boundaries were provisional and whose residents were "tenants at will."[67]

Despite a victory in the U.S. Supreme Court supporting the territorial sovereignty of the Cherokee (*Worcester v. Georgia*, 1832), the Cherokees' attempts to legally resist removal policies failed. President Jackson, seemingly unimpressed by the ruling of the court, famously, though likely apocryphally, said, "John Marshall has made his decision,

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Haleyville Historical Society, accessed August 2, 2018, http://www.hbtv.us/HISTORICAL/Haleyville – High Town Path/index.html.

[64] ALDOT, "Indian Trails to Interstates: The Story of Alabama's Road System," p. 27; Walker, *Warrior Mountains Folklore: American Indian and Celtic History in the Southeast,* p. 35.

[65] Walker, *Warrior Mountains Folklore: American Indian and Celtic History in the Southeast,* p. 27.

[66] Perdue and Green eds., *The Cherokee Removal*, pp. 15, 18.

[67] Edward Watts, *Mapping Region in Early American Writing* (Athens: Univ. of Georgia Press, 2015), p. 200.

now let him enforce it."[68] Regardless of whether Jackson said this or not, both the U.S. and the state of Georgia brushed aside the ruling of the court and began the process of removing the Cherokee from Georgia.

Theda Perdue argues that the more progressive Indians, those who had largely abandoned the traditional Cherokee way of life, mostly favored removal, since whites "jeopardized their wealth and property as well as their positions of leadership" as long as they remained in the East. Conservatives fiercely resisted removal from their traditional lands.[69] There are notable exceptions to these characterizations, however. One of these was John Ross. With the adoption of the Cherokee National Constitution in 1827, Ross became the principal chief of the Cherokee. His ascendency, coupled with opinions that increasingly diverged from those of his former mentor, John Ridge, on the issue of removal, made his early years in office especially trying. Ridge, like Ross, was a man of mixed Anglo-Cherokee heritage. Also, like Ross, he was wealthy and adept at navigating in both American and Cherokee contexts. Ridge was also politically ambitious and ascended to leadership in the Cherokee Council. As the Cherokees' attempt to peacefully resist removal seemed to fail, Ridge became increasingly convinced of the inevitability of being removed to the West.[70] He, like Ross, had fought at Horseshoe Bend and may have come to some of the same conclusions about the futility of resisting the U.S. It is perhaps because of this memory (coupled with the feelings he shared with fellow progressive

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[68] Charles Warren, *The Supreme Court in United States History Vol. II* (Boston: Little Brown and Co.: 1923), p. 219.

[69] Theda Perdue, *Nations Remembered: An Oral History of the Five Civilized Tribes, 1865-1907* (Westport: Greenwood Press, 1980), p. xxi.

[70] "By the 1830s, persons of mixed ancestry such as John Ridge, James Vann, Elias Boudinot, and John Ross were prominent in all aspects of Cherokee politics. The Ross family was especially prominent."; Lolita Buckner Innis, "Cherokee Freedmen and the Color of Belonging," Engaged Scholarship @ Cleveland State University, accessed March 17, 2019, http://engagedscholarship.csuohio.edu/fac_articles/844, p. 109; *Ibid*. Footnote.

Cherokees about the threat to power and property) that led him to sign the Treaty of New Echota in 1832, which forfeited the rights of the Cherokee nation to the lands east of the Mississippi. In 1835, Ridge lamented removal, saying "Our Blood if not destroyed, will win its course in beings of fair complexion, who will read their ancestors became civilized under frowns of misfortune and the causes of their enemies."[71] He was, perhaps, in part referencing the untold number of Anglo/Cherokee that stayed in the East in places like the Warrior Mountains.

Ross too, may have been tempted by such feelings and doubts, but his public attitude was one of fierce resistance to the U.S. policy. The Cherokee believed in government by consensus, and the consensus reaction to removal was resistance. According to Perdue, "If Ross followed any another course, he would have lost his mandate to govern."[72] A provision in the Cherokee Treaty of New Echota, Article 12, did allow Cherokees to apply for citizenship in the different states if they were "qualified," meaning "calculated to become useful citizens" and willing to submit to state law.[73] However, even considering such a proposal seemed to engender a sense of betrayal in other members of the tribe who were committed to resisting the U.S. Even John Ross was criticized as being "less a Cherokee" when he contemplated the idea.[74]

Removal was not merely a matter of marching people immediately from their homes directly to the West. The government first rounded them up and forced them into various forts and collection camps. These were places rife with disease and short on all

[71] Walker, *Warrior Mountain Folklore* 13; Daniel Heath Justice, "Our Fire Survives the Storm: Removal and Defiance in the Cherokee Literary Tradition," (Ph.D. diss,. University of Nebraska at Lincoln, 2002), p. 149.
[72] Perdue and Green eds., *The Cherokee Removal*, p. 20.
[73] Finger, *The Eastern Band of Cherokees 1819-1900,* p. 17.
[74] Moulton, *John Ross Cherokee Chief*, p. 20.

necessary supplies, where the Cherokee languished while detachments could be organized to take them the rest of the way to Oklahoma. There were several such camps in northern Alabama.

The U. S. government attempted to keep an accurate count of the number of Cherokee as well as their location. For example, before removal in 1835, the Federal government made a tribal census that showed 1,592 Cherokee in Alabama.[75] However, as was the case in Georgia and Tennessee, not all of this number marked for removal made the journey to the West. Consider an earlier attempt at removing the Cherokee from the east. The Cherokee emigration rolls from Dec. 1817-1819 showed 2,190 heads of family, but only 1,102 appear to have arrived in the west.[76] Similar discrepancies occurred during the 1830 removal period.

Anthropologist Mike Wren, responsible for researching the Trail of Tears in Alabama, reported that one of the 1838 detachments, led by Major John S. Benge, traveled through Pulaski, Tennessee (approximately one hundred miles north of Winston) on October 23, 1838, 1,195 rations were distributed. Two days later, 70 fewer rations were distributed. While some deaths of children were recorded from whooping cough and measles, a significant number of people apparently went missing. One possibility was that many escaped the detachment. In 2009, King conducted an interview with two sisters whose great-grandfather had escaped removal. Their great-grandfather was a child at the time and was one of those who "slipped away at night" to be taken in by a sympathetic

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[75] Finger, *Eastern Band of the Cherokee*, p. 16.

[76] Jack D. Baker, *Cherokee Emigration Rolls 1817-1835* (transcription), (Oklahoma City: Baker Publishing, 1977), pp. 1-15; in King, "The Unremoved Cherokees of Alabama and Tennessee," p. 15.

family, who hid him.[77]

In a preemptive effort to limit options for those seeking refuge from the removal, in 1835 United States Commissioner Reverend John F. Schermerhorn convinced the legislatures of Alabama and Tennessee to pass laws prohibiting Cherokee removed from Georgia from taking residence in their states. Still, contemporary scholars agree that not all Cherokee abided by the laws regarding their removal. Some of these mixed-blood Scots-Irish/Native Americans left their homes in Alabama, North Carolina, Georgia, and Tennessee and moved into the Warrior Mountains, which "provided isolation and protection as long as they denied their Indian backgrounds." For those Native Americans who attempted to stay put, their children or spouses were torn from them and forcibly removed. The knowledge of these consequences must have made those living in hiding even more protective of their location and hidden identities.[78]

Because Cherokee resisters had to stay hidden, much of what contemporary scholars understand about their plight comes from local legends, family stories, and oral histories. These are people not included in the standard histories of the era, and they left behind little or no documentation. Used carefully, legends, stories, and oral histories can be valuable sources for the histories of those who have left few written sources. As Perdue writes,

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[77] Gail King (Project Director), Lamar Marshall, Larry Smith, Michael Wren. "Alabama Collection Camps, Forts, Emigrating Depots and Travel Routes Used During the Cherokee Removal of 1838-1839," (Muscle Shoals, Alabama: Southeastern Anthropological Institute Northwest Shoals Community College and The National Park Service Challenge Cost Share Program. Final Report March 2009), p. 437.

[78] Memorial and protest of the Cherokee Nation. (To accompany Bill R.H. [i.e., H.R.] No. 695.) Memorial of the Cherokee representatives, submitting the protest of the Cherokee Nation against the ratification, execution, and enforcement of the treaty negotiated at New Echota, in December 1835. June 22, 1836., 24th Congress, 1st Session, Serial Set Vol. No. 292, Session vol. no. 7. pp. 8, 15.

> The impetus to compile oral histories has come from a commitment on the part of many historians to people the past with individuals who never led armies, never served in Congress, never invented the cotton gin or steamboat, and never wrote a great book as well as with people who did. Thus, oral history represents the democratization of a discipline, which too often has been elitist.[79]

In the case of the Cherokee who secreted themselves away and protected their identities from public scrutiny, Perdue's democratizing principle requires consideration of such sources.

According to one story recorded by the Winston County Genealogical Society, a group of Cherokee from the Decatur area fled into Walker County. The story continues, "the old family records show many of the settlers in the forest were marrying Indians. Where were they coming from? They were supposed to be in Oklahoma. They had to be hiding in the forest."[80] Rickey Walker seems to support this story with his assertion that, at the time of removal in 1838, there already existed communities of "Irish/Cherokee mix-bloods" who were living in Decatur to the northeast of Winston and the Warrior Mountains by hiding their heritage.[81]

Perhaps their flight into the woods was inspired by the influx of outsiders there to construct the new Decatur Railroad. Construction on the railroad, built to avoid the rocky shoals on the Tennessee River, began in 1832. It was necessary not only because of the dangerous potential of a boat crashing into the rocks, but also because of the ebb and flow of the water level, which sometimes made it impossible to transport anything. When the water level between Decatur and Florence was low, for example, "a man could walk

[79] Perdue, *Nations Remembered*, p. xix.
[80] Jim Manasco, "Rocky Plains," accessed March 31, 2019, http://freestateofwinston.org/rockyplains.htm.
[81] Walker, *Warrior Mountains Folklore*, p. 19.

across the river without ever getting his feet wet."[82] Low water levels also frustrated the use of boats employed by removal detachments to get the people in their parties across the Tennessee River.

In 1838, after a drought made navigation of the Tennessee River impossible, the Cherokee were to be removed by land. The parties were split into thirteen groups led by conductors who were tribal elders.[83] The Federal government used wagons to move 1,070 Cherokee from Ross's Landing in Chattanooga to what is now the town of Waterloo in Lauderdale County, Alabama.[84] When the parties reached Waterloo, those who had survived "were in despicable condition." More died there, and still others "escaped into the hills" that connected to the Warrior Mountain chain and old tribal hunting grounds in Winston.[85] Escapees could make use of a road system that "overlaid on the ancient, vast trail or path system that traversed the mountains and valley of North Alabama."[86] Some of those who escaped these detachments could easily have returned to Winston and surrounding areas using this trail system.

The Cherokee who were herded onto the boxcars of the Decatur Railroad also had a potential opportunity to escape to Winston when the train made a stop in Courtland, Alabama. Both the Byler Road (1819) and the Chetham Road (1824) were established by the time of removal, with innumerable smaller paths connected to them as they cut their

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[82] King, "North Alabama's Tuscumbia, Courtland, and Decatur Railroad and Its Role During Cherokee Emigration/Removal Beginning in 1837," p. 7.
[83] Watts, *Mapping Region in Early American Writing,* p. 200.
[84] *Ibid*.
[85] Andrew Denson, *Monuments to Absence: Cherokee Removal and the Contest over Southern Memory* (Chapel Hill: University of North Carolina Press, 2017), p. 32.
[86] Gail King (Project Director), Lamar Marshall, Larry Smith, Michael Wren, "Alabama Collection Camps, Forts, Emigrating Depots and Travel Routes Used During the Cherokee Removal of 1838-1839," (Muscle Shoals, Alabama: Southeastern Anthropological Institute Northwest Shoals Community College and The National Park Service Challenge Cost Share Program. Final Report March, 2009), p. 306.

way through the forest of the Warrior Mountains. Both roads and their subsidiaries connect Courtland and Winston.[87]

One of these smaller paths is called the Freedom Trail or Braziel Creek Trail. This path was reported to be a secret path, traversing what is now the Bankhead National Forest, at the Sipsey Wilderness area in Lawrence County to the west of Winston. The Freedom Trail, so named perhaps in part because of its use during the removal, is located between the central and public roads, Byler and Cheetham. Isolated from those major Bankhead roads, it offered a sheltered path to the High Town Path, which intersects Winston in what is now the town of Haleyville.[88] Additionally, an 1850s map of the Sipsey Trail shows it originating in Pulaski, Tennessee and led to Tuscaloosa by way of Courtland, Moulton, Lawrence, and Winston counties.[89] Despite limited documentation on exactly how many Native Americans escaped or how they were able to achieve it, historians of removal agree that "Removal in the 1830's did not eliminate Native people from the southeastern United States . . . remnants of the five removed nations remained in the vicinity of their homelands."[90]

The Echota Cherokee Tribe of Alabama is one of the seven tribes given official state recognition today. The tribe describes itself as "the descendants of those Indian people who escaped the infamous 'Trail of Tears' by hiding out in the mountainous backwoods and lowlands of the Southeast." Today, the tribal offices are located in Morgan County, and tribal land has been purchased from the state in Cullman County,

[87] ALDOT, "Indian Trails to Interstates: The Story of Alabama's Road System," p. 21.
[88] Walker, *Warrior Mountains Folklore: American Indian and Celtic History in the Southeast,* pp. 26-27.
[89] *Ibid,* p. 28.
[90] Theda Perdue and Michael D. Green, *The Columbia Guide to American Indians of the Southeast* (New York: Columbia University Press, 2005), p. 125.

abutting Winston. Many of the ancestors of the tribal members hid in the mountains near the location of the modern tribal offices. Others made the trip to western reservations and then quietly returned home. For the ones who remained, one tribal document says:

> As much as possible our people assimilated into the white populace and claimed to be "Black Dutch" or some other type of European to explain their slightly darker color. Since nearly all work was done outdoors, most people had a tan anyway. However, most of us remember stories of our family members who always wore large straw hats and long sleeves in the summer because they did not want to become any darker than they already were.[91]

So far as any researcher has been able to discover, there is no evidence of the term "Black Dutch" being used in Europe or before the removal era. Instead, this invented term was meant to distract those who would have all the Native tribes removed, by connecting a darker skin tone to an acceptable European ancestry.[92]

Local stories in Winston support the presence of Cherokee runaways living in the Warrior mountain range. For example, Jim Manasco for the Winston County Genealogical Society wrote the story of A.J. Thomas, who came to the Rocky Plains area of Winston in 1853, from South Carolina. According to the Thomas family, he settled near an Indian village. The story continues, "These Indians were living here in their village 27 years after they were marked for removal. The only way they could have survived that long without detection was by the white settlers protecting their secret hiding."[93]

Such protection of Native hideouts would not be unprecedented. In an interview

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[91] "Echota Cherokee," Tribes, accessed August 01, 2018, http://www.aiac.alabama.gov/tribes_EchotaCherokee.aspx.

[92] King, "The Unremoved Cherokee," p. 22.

[93] "The Rocky Plains," Winston Database, accessed August 01, 2018, http://freestateofwinston.org/rockyplains.htm.

with Joe Stewart, of Shelby County, Alabama and the former Principal Chief of the Echota Cherokee Tribe in Alabama, another story of protective whites is recorded. "Someone turned my grandfather in, that he was Indian. The Law came to arrest him but were unable to take him. The whole town surrounded him. They then made up a petition that my grandfather had no Indian blood, and he was allowed to stay. My family used Black Dutch to cover up the Indian ancestry."[94]

The Native American influences on hill-county culture stemmed not only from citizens with mixed or Native heritage, but also from the recent traditions of those tribes still interwoven in the use of the land, the influx of runaways from the Trail of Tears and the feeling of familiarity that existed between Native peoples and Winstonians. The infrastructure of a nation can be destroyed, and the majority of its people removed and their lands seized, but that does not necessarily mean the nation has been removed. Given the enduring practice of intermarriage between the various tribes of the southeast as well as with the Anglo-settlers in the region, many people of a common birth remained even after their removal. With them the legacy and traditions of their tribes were kept, albeit secretly, within families, and their allegiances to tribe and nation were likely preserved as well. This heritage may have played a formative role in shaping the counties wartime politics.

[94] King, "Interviews," pp. 29-30.

CHAPTER 3

"WINSTON GOES ITS OWN WAY:" SECESSION AND COUNTER-SECESSION

> "I'll do the very best I know how—the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."
>
> -Abraham Lincoln, 1862

Shortly after the election of Abraham Lincoln in 1860, Alabama Governor Andrew B. Moore asked each county of the state to elect a representative to a state convention to consider secession. It was to be held in Montgomery the following January. On Christmas Eve in Winston County, Christopher Sheets was elected as a delegate over slaveholder and ardent secessionist Dr. Andrew Kaieser by a vote of 515 to 128.[1] Sheets ran as the Jeffersonian-Jacksonian Democrat, vowing to "vote against secession, first, last, and all of the time."[2]

Just twenty-two at the time of his election, Sheets had been teaching in Winston for four years and had honed his skills as a stump speaker while serving as an elector for Stephen Douglas – one of two presidential candidates from the Democratic Party in

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[1] Joseph W. Danielson, ""Christopher Sheats"," *Encyclopedia of Alabama*, accessed September 7, 2018, http://www.encyclopediaofalabama.org/article/h-1868.

[2] "Memorial Booklet dedicated to John B. Weaver," n.d., SPR 446. Folder 1, 6, ADAH ; see also Walter Fleming, *Civil War and Reconstruction in Alabama* (London: MacMillian Company, 1905); Moore, ALBERT BURTON *History of Alabama,* Vol. I. (Chicago, IL: American Historical Society, 1927); Both Moore and Fleming offer a counterpoint to the traditional narrative of Winston's secession era behavior as characterized by John B. Weaver and those who praised his scholarship. Moore and Fleming have a decidedly negative view of the North Alabama 'tories' as they call them.

1860.[3] He set off for the convention in Montgomery resolved to keep his word to oppose secession. Sheets was one of the youngest delegates at the convention, and, from this time until his death, politics seems to have been his most constant companion. Sheets had no children and married later in life. He died in Decatur, Alabama in 1904 at the age of 65. He was buried in the Falkville, Alabama cemetery with an epitaph that reflected the true loves of his life: "I love my country, my God and my kind, I have served them all. I want no praise of song or prose."[4]

Perhaps owing to his relative youth, or perhaps because such practiced orators as secessionist William Lowndes Yancey dominated the convention, Sheets said nothing on the convention floor. Instead, Yancey and other secessionists, and vocal Cooperationists like Robert Jemison, a slaveholder from Tuscaloosa County, dominated the debates. In physique, Yancey, the delegate from Montgomery County, looked "more like a judicious moderate than a fanatical extremist."[5] He was short and round with a round face. As a result, his eyes appeared small and drowsy.[6] This belied the giant that lay inside. He thundered from the podium and whipped up revolutionary sentiment perhaps more than any other orator in the Confederacy. Yancey was unwilling to brook dissent from any quarter. On the floor of the convention, he declared "the state is a unit in its sovereignty, the people of the state constitute a unit in allegiance to its high decrees… if there shall be

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[3] Dodd, Civil War, p. 76; *Testimony taken by the Joint Select Committee To Inquire into the Condition of Affairs in the Late Insurrectionary States. Alabama*, 42d Cong., p. 876 (1872) (testimony of William Manning Lowe).

[4] "The Byrd's (Clinton Jerol) (Mary Marie) Busbey's Sheats' (Rubert D and Mildred Montgomery) & Solomon's (JC & Margaret Harris) Family Tree," Ancestry Library Online, accessed January 25, 2019, https://www.ancestrylibrary.com/familytree/person/tree/70590843/person/36234655745/story?ssrc=&ml_rpos=2.

[5] William W. Freehling, *The Road to Disunion, Volume II: Secessionists Triumphant, 1854-1861* (New York: Oxford University Press, 2007), p. 3.

[6] *Ibid*.

found any who shall dare oppose it, they will not be of the people… They must throw off the character of citizenship in this state."[7]

Despite such threats, Christopher Sheets continued to oppose secession. The Ordinance was adopted by a vote of sixty-one to thirty-nine.[8] Afterward, many of those who had previously refused to support secession decided to stand with the majority and signed the Ordinance anyway. Sheets was one of twenty-five steadfast delegates who never signed.[9] Sheets returned to his home not a defeated man, but one determined to find another way forward for Winston County. His refusal to sign the Ordinance of Secession in the face of such colorful threats from Yancey and his disciples spoke volumes about his resolve, and that of his constituents.

The convention concluded on a cold day in January 1861. Sheets journeyed back to Winston through bad weather and on poor roads (making it difficult for him to discuss the outcome of the convention with others in the county until after the spring thaw). Seeking some resolution to the situation in which they found themselves (living in a state about to take a course of action of which they strongly opposed), pro-neutrality men held a meeting in the county seat of Houston in June 1861. At this meeting, it was decided to call another public meeting at Looney's Tavern on the fourth of July. Six volunteers took a week off from tending their crops to ride across Winston, Marion, Franklin, South Lawrence, Walker, and Fayette counties, like nineteenth century Paul Reveres, alerting people to the time and place of the meeting.[10] Reports vary as to the number of people

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[7] William Russell Smith, Convention 1861, p. 69.
[8] Smith, Convention 1861, p. 118.
[9] David Williams, *Bitterly Divided: The South Inner Civil War* (New York: New Press, 2010), p. 49; Smith, Convention 1861, p. 447.
[10] Weaver, "Brief History".

actually in attendance on July 4. One Alabama newspaper reported 3,000.[11] While the exact figure is unknown, the various reports are united in emphasizing the huge size of the gathering. Additionally, separate meetings were held in the surrounding counties of Fayette and Marion.[12]

Even though Winstonians were unlikely to have supported Lincoln had there been Lincoln electors on the Alabama ballot in 1860, county historian John B. Weaver writes that the citizens at this gathering were still "impressed with [Lincoln's] inaugural address."[13] Sheets read portions of this address at Looney's Tavern. Lincoln argued that the stated purpose of the U.S. Constitution was "to form a more perfect Union," and that "if destruction of the Union by one or by a part only of the States be lawfully possible, the Union is less perfect than before the Constitution… no State upon its own mere motion can lawfully get out of the Union having lost the vital element of perpetuity." Sheets and his supporters agreed that the current actions of the secessionists were not only misguided but also unconstitutional.[14]

The meeting at Looney's Tavern resulted in the unanimous passage of several resolutions. Unfortunately, the original documents have been lost, most likely in one of several courthouse fires in the nineteenth century. What survives, and has been generally accepted by scholars and residents alike, was put together by Weaver out of the interviews he conducted (at an unknown date) with B.F. Curtis, Gooder Walker, and Tom Lay, all

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[11] Allen Rankin, "Winston's Weaver: One Lone Republican- And Why," *Alabama Journal*, June 5, 1949; David Williams, *Bitterly Divided: The South's Inner Civil War*, p. 49.

[12] Albert Burton Moore, *History of Alabama*, *vol. I* (Chicago, IL: American Historical Society, 1927), p. 543; "Memorial Booklet dedicated to John B. Weaver," p. 7.

[13] John B. Weaver, Untitled, Unpublished manuscript, Weaver Family Papers, Private Collection, p. 4.

[14] Abraham Lincoln, "First Inaugural Address of Abraham Lincoln," Avalon Project – Documents in Law, History, and Diplomacy, accessed September 2, 2018, http://avalon.law.yale.edu/19th_century/lincoln1.asp.

three of whom were at the convention.[15]

Tom Curtis, a prominent resident of the county and an avowed neutral, read the three resolutions adopted at the meeting, and a voice vote of "aye affirmed their passage."[16] From Weaver's account, the meeting did not authorize secession from the state; rather the attendees adopted a wait-and-see attitude, keeping their representation in the state legislature while contemplating their next move.[17] The second resolution did preserve county secession as a potential option, reaffirming Winston's allegiance to Andrew Jackson and his interpretation of the legality of secession. "We agree with Jackson," it stated, "that no state can legally get out of the union; but if we are mistaken in this, and a state can lawfully and legally secede or withdraw, being only a part of the Union, then a County, any County, being a part of the state, by the same process of reasoning, could cease to be a part of the state."[18]

The third resolution spelled out the terms of the county desire for neutrality and explained what had brought them to this course of action:

> We think that our neighbors in the south made a mistake when they bolted, resulting in the election of Mr. Lincoln and that they made a more significant mistake when they attempted to secede and set up a new government. However, we do not desire to see our neighbors in the south mistreated, and, therefore, we are not going to take up arms against them; but on the other hand, we are not going to shoot at the flag of our fathers, old glory, the flag of Washington, Jefferson, and Jackson. Therefore, we ask that the Confederacy on the one hand, and the union on the other, leave us alone, unmolested, that we may work out our political and financial destiny here in the hills and mountains of Northwest Alabama.[19]

In every election cycle from 1836 to 1860, voters in the area that became Winston

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[15] Weaver, "Brief History."
[16] "Memorial Booklet dedicated to John B. Weaver," p. 7.
[17] Alan Sewell, "Dissent: The Free State of Winston," *Civil War Times Illustrated*, December 1981, p. 32.
[18] "Memorial Booklet dedicated to John B, Weaver," p. 7.
[19] *Ibid*.

supported for the Democratic candidate. (Table 2.1) In 1860, they chose the Southern Democrat over his northern party opponent. Historian J. Mills Thornton argues that a political "style" as he calls it develops over time and is often difficult to trace; "Its growth is mostly by unconscious absorption of example from predecessors in one's own community and immediately neighboring ones." In this sense, Winston's style was Jacksonian Democrat[20]

In the presidential election of 1860, Winston voted with the majority of the state for John C. Breckinridge, the Southern candidate of a divided Democratic Party. Both Stephen A. Douglas, the northern Democratic candidate, and Breckinridge claimed to be the true heirs of Jackson and Jefferson, but Southern Democrats succeeded in convincing voters in Winston and other counties that Breckenridge was closer to their ideals.[21] Breckenridge received 203 votes and Douglas 147. The candidate of the Constitutional Union party, John Bell, received 40; "thus, the poorest county in the State, Winston County, which was 98% non-slaveholding, had a per capita tax of only 18¢ and a per capita property value $168, voted with the richest county, Dallas, which was 84% slaveholding, had a per capita tax of $5.45 and per capita property value of $6,431."[22] Although Walter Fleming wrote that "The Bell and Douglas vote, as later events showed, was not so much against secession as for delay" and that many Bell and Douglas men were "also secessionists," Michael Fitzgerald has more convincingly argued that the hill counties did not think of their vote for Breckenridge as an endorsement of the secessionist cause. Instead, after the Democratic Party divided on the question of Congressional

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[20] J.M Mills. Thornton, *Politics and Power in a Slave Society: Alabama, 1800-1860* (Kindle Edition), (Baton Rouge, LA: Louisiana State University Press, 2014), location 2616.
[21] Dodd, Civil War, p. 73.
[22] *Ibid.*

protection for slavery in the territories, Winstonians simply remained behind the Southern Democratic candidate.[23]

TABLE (2.1): VOTES FOR PRESIDENT, ALABAMA HILL COUNTRY* 1836-1860

YEAR	Democratic Party	Vote		Other Party	Vote
1836	Van Buren (D)	5484		White (W)	2921
1840	Van Buren (D)	6618		Harrison (W)	2772
1844	Polk (D)	7233		Clay (W)	2260
1848	Cass (D)	5923		Taylor (W)	3492
1852	Pierce (D)	5622		Scott (W)	2385
1856	Buchanan (D)	7340		Fillmore (A)	3159
1860	Breckinridge (SD)	4975		Douglas (ND)	3208
				Bell (CU)	2936

TABLE 2B: VOTES FOR PRESIDENT, HANCOCK/WINSTON* COUNTY, 1852-1860

1852	Pierce (D)	65		Scott (W)	9
1856	Buchanan (D)	221		Fillmore (A)	14
1860	Breckinridge (SD)	203		Douglas (ND)	147
				Bell (CU)	40

Source: *Tribune Almanac*

*1836-1848: Walker, Lawrence, Franklin, Lauderdale, Limestone, Morgan, Marion, and Madison Counties. 1852-1860: Same plus Hancock and Winston. (Hancock was created 1852 and renamed Winston in 1857). D: Democrat; W: Whig; A: American; SD: Southern Democrat; ND: Northern Democrat; CU: Constitutional Union

[23] Walter Fleming, "The Peace Movement in Alabama during the Civil War," *South Atlantic Quarterly* 2 (1903) pp. 114-24, p. 114; In his three-volume tome, *The History of Alabama*, Albert Burton Moore described secession "as a distinctly a South Alabama achievement." In a footnote found on the next page, Moore cites as evidence of this regional achievement the fact that "Yancey was burned in effigy in Lawrence County." Lawrence is a Tennessee Valley county that had both wealthy planters and yeoman farmers. Lawrence, like Winston, became a county divided over the issue of secession; Moore, 524; Fitzgerald, *Reconstruction in Alabama from Civil War to Redemption in the Cotton South*, p.17; Weaver, "Brief History."

After Lincoln's election, Governor Moore issued his call for a popular vote on the issue of secession.[24] Secessionists insisted that if Lincoln was, in effect, an abolitionist, and if the Southern states remained in the Union, slavery was doomed. In the election of delegates to the Secession Convention in Montgomery, nearly the entire Southern half of the state voted in favor of immediate secession, and the whole of the northern section voted against.[25] Most of the northern counties elected "cooperationist" delegates to the secession convention – that is, men who argued that secession should not take place except in cooperation with the other slaveholding states.[26] Fitzgerald, unlike Fleming, suggests that the preponderance of cooperationist delegates elected represented "something beyond conditional secessionism, more like outright Unionism." Additionally, virtually all of the northern counties were united by a "regional distrust of the rich planters of the Black Belt," a distrust that fueled the perception that the state was being led into a rich man's war and a poor man's fight.[27]

Even slaveholders could oppose secession. As planter John G. Winston of Marshall County (a similar northern hill county in eastern Alabama) explained after the war, "[T]he secessionists claimed that the South was compelled to secede to save their negroes. I had twenty, and I told them that I would rather see every one of them go, and not get one cent for them, than see an attempt made to divide the Government, as I did not want to give up our old constitution and risk Bill [William Lowndes] Yancey and others

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[24] Michael W. Fitzgerald, *Reconstruction in Alabama from Civil War to Redemption in the Cotton South*, pp. 18-19.

[25] *Ibid*.

[26] Cooperationists were those who tried to delay secession or, at least, defer until a coalition of seceding states could be created; Michael W. Fitzgerald, *Reconstruction in Alabama from Civil War to Redemption in the Cotton South*, p. 19.

[27] *Ibid*.

making a new one for us."[28] Winston's words accentuate a sentiment not uncommon amongst secession dissenters, the idea that severing ties to the Union was a risk, which, if successful, would only offer the promise of a Yancey-styled government of strict obedience to the Confederacy in its place. To Christopher Sheets and his followers in Winston County, this was not an acceptable alternative.

People like those in Winston, until they were forced to by the secession crisis, spent little time thinking about themselves within the national context or in opposition to their northern counterparts. Their allegiances were local and their attention community-based. The slights of abolitionists against the southern "Slave Power" did not apply to them nor most of their neighbors. The insult to Southern honor from groups like these did not awaken in the people of Winston or its northern neighbors a demand for violent retribution.

In his campaign against Andrew Kaieser for the secession convention delegate seat, Christopher Sheets tied the cause of the Confederacy directly to slavery – an issue of little importance to most of Winston's electorate. He told the crowd "the men who left the Democratic convention and nominated Breckenridge did so for fear of losing control of their slave property and . . . now is intended to secede because they thought that would be the best method to perpetuate slavery."[29] In doing so, Sheets effectively equated support for secession with support of slavery – a sore point for those yeoman farmers who resented the slaveholders' wealth and power.

When the Alabama convention assembled in Montgomery on January 7, 1861,

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[28] Southern Claims Commission. "Testimony of Claimant John G. Winston, Claim 2656," Marshall County, February 16 (n.d.); Margaret M. Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," *Journal of Southern History*, 69, no. 1 (2003), p. 85.
[29] Weaver, "Brief History," p. 6.

Sheets allied himself with cooperationists. In Alabama, the cooperationists included many men from the counties surrounding Winston. Perhaps their most vocal member was Robert Jemison of Tuscaloosa County. Others included the delegates from Lawrence County, Lauderdale County, and Tuscaloosa County.[30] Cooperationists tended to be older and less wealthy than their Black Belt counterparts.[31] They too had little sympathy for the rhetoric and complaints of the south Alabama slaveholders despite the fact that both secessionist and cooperationist factions were predominantly slaveholders.[32] The difference was in the significantly larger slave holdings of the secessionists.[33]

Yancey labeled the opposition traitors, demanding nothing less than "unlimited and unquestioned obedience to that Ordinance [of Secession]." Those who opposed he deemed, in the vernacular of the American Revolution, traitors and "Tories."[34] The cooperationists hit back with equal fervor. Robert Jemison retorted that "not less odious… than the name of Tory, is the doctrine which is claimed of the right to coerce an unwilling people."[35] He asked, "Will the gentleman go into those sections of the state and hang all those who are opposed to Secession? Will he hang them by families, by neighborhoods, by towns, by counties, by congressional districts? Who, sir, Will give the bloody order? Who will be your executioner? Is this the spirit of Southern chivalry?"[36] Jemison was joined by Nicholas Davis of Limestone County, (north of Winston), who pointed out that the threat of arms could be employed against tyrants at home as well as abroad. If Yancey

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[30] Smith, Convention 1861, p. 80.
[31] William L. Barney, *The Secessionist Impulse: Alabama and Mississippi in 1860* (Princeton: Princeton University Press, 1974), p. 297.
[32] Sewell, "Dissent: The Free State of Winston," pp. 31-32.
[33] William L. Barney, *The Secessionist Impulse: Alabama and Mississippi in 1860,* p. 297.
[34] *Ibid*.
[35] Dodd, Civil War, p. 77.
[36] Smith, Convention 1861, p.72.

persisted in the attitude of coercing his section, he said "We will meet him at the foot of our mountains, and there… Hand to hand, and face to face, settle the question of the sovereignty of the people."[37] Perhaps because Sheets saw his own position being defended so vociferously, he remained silent.

On January 10, the fourth day of the convention, the cooperationists formalized their objections to immediate secession by issuing a minority report. Signed by Jeremiah Clemens, David P. Lewis, William O. Winston, A. Kimball, R.S. Watkins, and Robert Jemison Jr., the report did not reject the idea of secession altogether. Instead, it suggested that, if secession were the proper course, it would be "best to be attained by the concurrent and concerted action of all the states interested and that it becomes us to make the effort to obtain that concurrence before deciding finally and conclusively upon our own policy."[38] Importantly, the minority also suggested that the Ordinance of Secession should be submitted to a popular vote. This suggestion, like the others from the minority report, was defeated. This fact alone was enough to make northern Alabama Unionists rebel against the seemingly undemocratic actions of the secessionists.

Once the Ordinance was passed, Cooperationists were left in a difficult position. As Fitzgerald writes, "Cooperationists of standing came under pressure to demonstrate their loyalty to their kinsmen, to their society and the slaveholding order."[39] Under such pressure, many of Winston's allies in the Tennessee Valley counties capitulated to the secessionist demands for unity.

On the fifth day of the convention, Robert Jemison told the assembly that he had

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[37] Dodd, Civil War, p. 77.
[38] *Ibid*, pp. 77-78.
[39] Fitzgerald, *Reconstruction in Alabama*, p. 20.

contemplated submitting some additional objections to secession, but that he had reconsidered. Instead, he revealed that "his own mind ha[d] long been made up to acquiesce in whatever the majority of the convention might do" since "the public welfare demanded unity of action."[40] Other influential cooperationists followed suit, echoing Jemison's call for unity or contending that they were bound to respect the popular will as reflected by the majority of the delegates, and that "they were with Alabama, whatever ills befell."[41] Jeremiah Clemens was one of those who eventually capitulated and signed the Ordinance. In a January 11, 1861 letter to his friend George W. Neal, published in a Huntsville newspaper, Clemens, like Jemison, stressed the importance of unity of action and sentiment amongst the Southern people. He admonished Neal, "Do nothing to divide the people of our own State. Our *only* hope is in their union."[42]

This was the atmosphere in which Sheets returned to Winston in the winter of 1861. The people of the county would have to consider their place in the impending national conflict, if, indeed, they had one.[43] Sheets and his fellow supporters of neutrality used foundational figures and documents to justify their refusal to submit to secession. Portions of George Washington's "Farewell Address" were read to great approbation from the assembled citizens at the Looney's Tavern Neutrality Meeting on July 4.[44] The parts of the speech that were most relevant were Washington's musings on liberty: "Interwoven as is the love of liberty with every ligament of your hearts; no recommendation of mine is

[40] Smith, <u>Convention 1861</u>, p. 93.
[41] *Ibid*.
[42] "Letter from Jeremiah Clemens to George W. Neal," January 11, 1861, in *Huntsville Southern Advocate*, January 16, 1861; Malcolm C. MacMillan and C. Peter Ripley, *The Alabama Confederate Reader* (Tuscaloosa, Alabama: University of Alabama Press, 1992), p. 37.
[43] Watson, "The Story of the Nickajack," p. 18.
[44] The exact date of the Convention is unknown, but the majority of Winston's historians agreed on July 4thas the likely date.

necessary to fortify or conform the attachment." Additionally, Washington argued, "your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other." This equation of Union with liberty resonated strongly with the citizens of Winston, who had long shunned any interference by outside influences on local realities.[45]

Why was this sparsely populated, politically and economically insignificant county a leader for those who chose to swim against the tide, first by declaring neutrality and then, later, outright Unionism, in a state where the Confederate government located its first capitol? The answer is multi-faceted. Leadership mattered. Christopher Sheets, though young, was a compelling speaker who publicly voiced his disagreement with secession and made himself the public face of the movement through his successful campaign and election as a delegate to the Secession Convention and especially after the meeting at Looney's Tavern. While he did not have the fame or political connections of a Yancey or a Jemison, he nevertheless was the most vocal and active supporter of counter-secessionist activities in North Alabama.[46]

Another part of the answer is economics. Winston was the "center of a territory that was furtherest [*sic*] away from flat lands and navigable rivers."[47] As a result, their economy and their community remained insular, especially as compared to counties closer to rivers. Winston had the fewest slaves, both absolutely and in proportion to total population, of any county in Alabama. Here, "the Gone With the Wind stereotype was more than rare – it was nonexistent. Plantation houses were no more than the large log

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[45] George Washington, "Washington's Farewell Address 1796," The Washington Papers, accessed September 2, 2018, http://gwpapers.virginia.edu/documents/washingtons-farewell-address.

[46] Williams, *Bitterly Divided: The South's Inner Civil War*, p. 49.

[47] Rankin, "Winston's Weaver: One Lone Republican- And Why."

cabins, usually of the double pen type with the dogtrot in the center."[48]

Despite the disparity in income and wealth between secessionists and anti-secessionists, the two groups still shared cultural norms; "Political culture had long operated on the principles of honor and duty; character and dignity were frequently associated with the willingness of a man to stand by his principles, his reputation, and his duty to the larger good."[49] "Larger good" in these cases was "community-based."[50] The wealthier classes and the poorer, and those plain folk who aspired to plantation wealth and those who did not, might interpret these principles quite differently, however. To many ordinary people in North Alabama, it appeared that the secessionists were being coerced by the wealthier and more politically connected elites. While Winstonians and others in northern Alabama were not prepared to challenge the system of slavery, they nevertheless manifested a "libertarian hostility to the designs of wealthy planters."[51]

Then, too, Winstonians harkened back to their history. In the early days of white settlement, Winston boasted five veterans of the Revolution and fourteen from the War of 1812.[52] Generations of their descendants can still be found in the county to this day. Not unlike other places across the nation, the presence of such a group and their descendants helped create an atmosphere of veneration for and allegiance to the memories of

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[48] Don Dodd and Wynelle S. Dodd, "Hill History," Unknown date and Newspaper, Weaver Family Papers.

[49] Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (Ann Arbor, MI: Scholarly Publishing Office, University of Michigan, 2010), pp. 110-11; Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1997), p. 25; Margaret M. Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," *Journal of Southern History* 69, no. 1.

[50] Stephanie McCurry, *Masters of Small Worlds,* pp. 258-261; Drew Gilpin. Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge: Louisiana State Univ. Press, 1998); Storey, "Civil War Unionists," p. 36.

[51] Fitzgerald, *Reconstruction in Alabama,* pp.13-14.

[52] Don Dodd, "Revolutionary War & War of 1812 Soldiers," Winston Database.

Washington, Jefferson, and Jackson. To that end, many of Winston's citizens in 1860 felt that secession violated the principles established by these men.

Another factor in Winston's rejection of the Confederacy, however, may have been its hidden Native American heritage. This point must remain, to some extent, speculative, but two factors suggest connections between this heritage and the course of events in Winston. The first is the proposal, floated in some public discussions, that parts of northern Alabama should combine with areas of Tennessee and Georgia to form a new state of "Nickajack." The second was the initial response of Cherokee leader John Ross to secession, a response with intriguing parallels to the responses of Christopher Sheets and other opponents of secession in Winston and the hill country.

Historians do not know who first proposed creating a "Free State of Nickajack" out of the counties in these areas, but it is mentioned in both period documents and more recent scholarship. It is suggestive, however, that whoever initially proposed it took a significant Cherokee town for its name, perhaps indicating a desire to remain connected by heritage or tradition to the larger tribal structure. Apparently, to some, there existed a genuine possibility that a Free State of Nickajack, modeled on the "peace towns" common in multiple Native American traditions, might come to fruition.[53] The state would have encompassed much of northern Alabama and East Tennessee, and perhaps parts of northwest Georgia. For example, at a meeting in Huntsville in 1861 to discuss the

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[53] Paul Gattis, "Ever Been to Huntsville, Nickajack or Mobile, West Florida? See the 124 U.S. States," AL.com, December 31, 2013, accessed February 03, 2019, http://blog.al.com/breaking/2013/12/ever_been_to_huntsville_nickaj.html; Michael J. Trinklein, *Lost States: True Stories of Texlahoma, Transylvania, and Other States That Never Made It* (Philadelphia, PA: Quirk Books, 2010).

situation of the northern counties if an Ordinance of Secession were passed, James S. Clark of Lawrence County argued that Alabama had "kindred ties with Tennessee," and that many in the counties of North Alabama were "speaking of secession from Alabama and annexation to Tennessee."[54] Indeed, in May 1861, "representatives from 26 East Tennessee counties met in Knoxville to discuss splitting off from Confederate-controlled Tennessee" – much as the western parts of Virginia were planning the creation of what would become the state of West Virginia.[55] On February 9, 1861, Tennesseans voted against a special convention to consider secession.[56] Later that year, Scott County, Tennessee declared itself the "Free and Independent State of Scott."[57] Then, on July 4, 1861, Winston County issued its own Proclamation of Neutrality.

At the Huntsville meeting, Clark linked the shared heritage that bound the population of the Hill counties to the fate of Cherokee and others at the three corners (Alabama, Georgia, and Tennessee), asking, "Shall the martial roll of the warlike drum ever be heard reverberating through the deep ravines of the Sand Mountains, calling the clansmen of the hills against our brothers of the South?" Clark's question utilized both Cherokee and Scots-Irish imagery as a reminder of the interconnected heritage in the northern counties.[58]

At the same meeting, H.L. Clay of Madison County (located directly to the north

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[54] Smith, Convention 1861, pp. 68-69; Watson, "The Story of the Nickajack," p. 20; The exact date of the meeting is unknown.

[55] BlueandGrayl, "What If East Tennessee Had Split off and Become a Union State?" American Civil War Forums, July 03, 2018, accessed February 03, 2019, https://civilwartalk.com/threads/what-if-east-tennessee-had-split-off-and-become-a-union-state.146770/.

[56] "Tennessee secession election returns from Scott County," Tennessee Virtual Archive, accessed March 20, 2019, https://teva.contentdm.oclc.org/digital/collection/p15138coll18/id/2352/.

[57] Blake Fontaney, "The Curious History of the "Free and Independent State of Scott," accessed March 19, 2019, https://sos.tn.gov/tsla/tri-star-chronicles-scott-county.

[58] Smith, Convention 1861, p. 84; Watson, "The Story of the Nickajack," p. 21.

of Winston) declared, "*The State of Nickajack* looms grandly in the future, in the imaginations of some of the leaders of the Union party."[59] Later, while delegates were debating secession in Montgomery, Clay wrote to his brother "I am more and more assured, by events transpiring and what reaches my ears upon the street, there will be a successful attempt made to excite the people of N. Alabama to rebellion vs. the State, and we will have civil war in our midst."[60] Winstonians were already being accused of communicating "with the North through East Tennessee," complained Andrew Kaieser in Winston County and P. C. Winn of Marion, in Perry County.[61] What then was to stop Winstonians and others from coordinating with eastern Tennessee to form the new, neutral state?

In April 1861, after the shots fired on Fort Sumter, Winstonians began to talk more seriously about a possible state of Nickajack.[62] Naming the state Nickajack, after one of the Cherokee's five lower towns, would have had particular resonance with the Cherokee descendants in this area, as well as serving as a potential rallying point for Cherokee living in other parts of the state. Additionally, writes historian Elbert L. Watson, "it was hoped that disaffected counties in East Tennessee and perhaps some in northwestern Georgia would be of similar persuasion and join hands with the Alabama Unionists."[63] Alabama historian Albert B. Moore wrote that "it was small wonder that as war came in early 1861… [so did the] threat of several North Alabama Counties to join with counties in East

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[59] Henry L. Clay, "Letter to Clement Claiborne Clay"; Watson, "The Story of the Nickajack," p. 17.
[60] *Ibid*.
[61] Dodd, Civil War, p. 84.
[62] Rebecca Beatrice Brooks, "The Alabama County That Tried to Secede from the South," Civil War Saga, accessed July 28, 2018, accessed February 03, 2019, http://civilwarsaga.com/the-alabama-county-that-tried-to-secede-from-the-south/.
[63] Watson, "The Story of the Nickajack," p. 17.

Tennessee and North Georgia in forming a new union state of Nickajack."[64]

It seems more than coincidental that all of the movements toward neutrality in both Alabama and Tennessee were located within the boundaries of former Cherokee territory, and all of them are also located within the boundaries of the proposed "Free State of Nickajack." These counties are united by a similar landscape, the lower Appalachians, and by a similar non-slaveholding, subsistence agricultural style. Additionally, their location also suggests connections in the desire for neutrality, the idea of a Free State of Nickajack, and a legacy of Cherokee ownership of their land. Ultimately, the Free State of Nickajack never coalesced. As the war came, local communities busied themselves with protecting their own from the potential ravages of the Confederates. As Watson observed, "had this resistance been better organized and concentrated in one particular locality, the chances for a new state might have been enhanced."[65]

It is possible also that some were thinking of a potential alliance with John Ross, Chief of the Cherokee nation and a national figure with an avowed allegiance to the Union. Like Winstonians, Ross was seeking in 1861 to steer a neutral path. Ross divided his time in 1860 and 1861 between Tahlequah, (now in Oklahoma) and Park Hill, in East Tennessee. Like Winstonians, as he contemplated his own strategy for negotiating the secession crisis, he had to contend with an internal conflict in his tribe over the question of loyalty to the South or the Union. The Ross faction of Cherokee was made up primarily of full-bloods and non-slaveholders, many of whom had remained in the east after removal.

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[64] Moore, *History of Alabama,* Vol. I, p. 421; Walter L. Fleming, *Civil War and Reconstruction in Alabama* (Spartanburg, SC: Reprint Publishers, 1978); Clarence Phillips Denman, *The Secession Movement in Alabama* (Montgomery: Alabama State Department of Archives, 1933); William Stanley Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865* (Wilmington, NC: Broadfoot Pub., 2000), p. 11.
[65] Watson, "The Story of the Nickajack," p. 23.

Opposing his claim to the chiefdom of the tribe were the removed Cherokee in the West, composed mostly of mix-bloods and those whose sympathies lay with the Confederacy, led by Stand Watie.[66]

Ross's actions and attitudes would have been of great interest to Winston's unionist and neutrality supporters, as well the number of Cherokee still hidden amongst Winston's population. Communications with Ross at Park Hill could have been possible using the paths that ran through the forest, particularly those that ran to northeast Alabama, where tribal members still existed in number in Willis Valley and Sand Mountain.

Unlike the majority of Winstonians, Ross belonged to the slaveholding class. He had amassed considerable wealth, including a number of slaves on his plantation at Park Hill. Ross thus had to balance his concern for the right course for his nation with protection of his own property. In an 1860 letter to his brother, William P. Ross, John Ross reported that the Federal government had promised to "protect the Cherokees against the abolitionists." Ross didn't appear overly concerned with the activities of the abolitionists. Still, he responded to the Government representative that the "government had removed the Cherokees from the east to the west, as slaveholders; and that we have a right to demand protection for the protection of our rights in person and property, from the US secretary."[67] Ross clung to the treaties between the nation and the United States as evidence that they would be protected.

Ross responded to the election of Abraham Lincoln in much the same way the

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[66] Gary E. Moulton, *John Ross, Cherokee Chief* (Athens: University of Georgia Press, 1982), p. 166.
[67] John Ross and Gary E. Moulton ed., *The Papers of Chief John Ross*, vol. II (Norman: University of Oklahoma Press, 1985), pp. 448-449.

Unionists in Winston had – with a willingness to give the new man a chance. To that end, he stressed to his people the importance of adhering to Cherokee treaty obligations. He appeared to believe that as long as these were not violated, the U.S. would adopt a hands-off approach in dealing with the tribe and they "would be left to pursue their own internal affairs without being drawn into the conflict."[68] Southern editors and politicians did not agree.

In the first weeks of 1861, Ross was trying to devise a position for his tribe (including those members who had been removed to Indian Territory) that would not upset their Confederate neighbors but would demonstrate a continuing commitment to the United States and the tribe's treaties with the nation. Writing from Tennessee, Ross was quoted by an area newspaper, *The Van Buren Press*, saying that the Cherokees were sympathetic to "where their institutions and their geographical position placed them – with Arkansas and Missouri." [69]At the same time, he reminded Arkansas's governor, who was more than keen to have the support of the Cherokee for the Confederacy, that they were still allied with the Union.[70]

On January 25, 1861, J. S. Dunham, editor of the *Arkansas Gazette*, wrote an editorial in which he argued, "In the event that Arkansas secedes from the Union, a war on her Western frontier is inevitable. The abolition enemies of the South will hiss the Indians upon her… For the indulgence of their hellish passions." His warning to loyal Confederate readers included a reminder that the Cherokee were "savages" with close ties to the North. John Ross responded angrily to the characterization of his people by the pro-secessionist

[68] William Gerald. MacLoughlin, *After the Trail of Tears: The Cherokees Struggle for Sovereignty, 1839-1880* (Chapel Hill: Univ. of North Carolina Press, 1994), p. 168.
[69] Moulton, *John Ross, Cherokee Chief*, p. 167.
[70] *Ibid*.

newspaper and its not-so-veiled attempt to lure the nation into the conflict. He wrote, "we are not the dogs to be hissed on by abolitionists." Additionally, Ross argued, "however savage and uncivilized they may be in the opinion of gentlemen of the press abroad, the fact cannot be denied that they have important interests and protections by the general government…" Both Confederate and Union officials appealed to Ross for support. David Hubbard, Confederate Commissioner of Indian Affairs, tried to convince him that "The South had a more distinguished history of dealing with the Indians than the north." There was some truth to this statement, in that the southeastern "Civilized" tribes enjoyed relatively peaceful relations with white settlers for a longer period than the tribes in the North. However, the atrocities of the Creek War and the removal made such a claim nearly meaningless. Seizing on this, Ross retorted, "But few Indians now press their feet up on the banks of either the Ohio or the Tennessee."[71]

On May 17, 1861, United States Lt. Colonel J. R. Kannaday, stationed at Fort Smith in Arkansas, wrote to Ross, inquiring where his allegiance lay.[72] Ross responded by reiterating his determination to remain neutral. He wrote that his people were "weak, defenseless and scattered over a large section of country in the peaceful pursuits of agricultural life… they hope to be allowed to remain so under the solemn conviction that they should not be called upon to participate in the threatening fratricidal war between the "United" and "Confederate" States."[73]

The previous month, April 1861, Federal troops in the Indian territory of Arkansas and Oklahoma, as well as parts of Kansas, withdrew, leaving those areas in the hands of

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[71] *Ibid,* 168-169.
[72] Ross, Moulton, *The Papers of Chief John Ross*, vol. II, p. 468.
[73] *Ibid,* p. 470.

Confederate forces. Despite his attempts to cling to a neutral position, Ross appears to have become aware of the rapidly disintegrating state of the Union by August, and on August 21, he told his people that

> In view of all the circumstances of our situation I say to you frankly, that, in my opinion, the time has arrived when you should signify your consent for the authorization of the nation to adopt preliminary steps for an alliance with the Confederate States upon terms honorable and advantageous to the Cherokee nation.[74]

Ross's biographer, and editor of his collected papers, Gary Moulton, suggests that, "Perhaps his calculations were made according to the shifting destinies of the various groups and which ones he believed would best serve Cherokee interests."[75] His first loyalty was always to his tribe. However, Moulton also highlights Ross's emphasis on the unity of the tribe as the most likely explanation for his treating with the Confederates. When Ross spoke publicly about the treaty with the Confederates, "he emphasized his desire for cohesion."[76] Since Watie had already taken up the Confederate banner, unity in the tribe could only be achieved by following suit.

Until this point, Ross enjoyed the support of his faction of Eastern Cherokee in resisting all Confederate attempts at alliance. However, he seems to have become increasingly aware that the divided Cherokee nation, with his neutral stance on the one hand and Watie's allegiance to the Confederacy on the other, might weaken the power of the Cherokee nation as a whole, as well as his claim to chiefdom. In September, Confederate General Benjamin McCullough authorized Watie to recruit a force to fight despite McCullough's promise to Ross that he would not interfere with the Cherokee

[74] *Ibid,* p. 481.
[75] *Ibid,* p. 172.
[76] *Ibid*.

neutral position. The month after Watie was authorized to raise his force, Ross signed a treaty with the Confederates.[77]

However, once Ross suggested even a potential change of heart, he experienced pushback and disapproval, not only from those within his own faction of Eastern Cherokee, but also from the small remnants of tribes like the Creeks who remained in the East and looked to Ross as a leading voice in their resistance to the Confederacy. The Creeks' disapproval was expressed in council meetings to the south of Ross in Alabama and convened by Creek Chief Opothelyahola. This represented another challenge to Ross's leadership of the Native Americans in the east. In an October 1 letter from Motey Kennard of the Creek Nation, Ross was apprised of the growing dissatisfaction. Kennard reported "since my return home I find that the opposition is still going on with these councils adding to the number of the dissatisfied from every tribe. It has been represented to them that you with your follow[ers] design going with the south, while a large majority of your people is against you – And with him in sentiment." Like Christopher Sheets, Ross attempted to chart a course of neutrality through the secession crisis in hopes that both sides would leave them out of the conflict. Both men had to contend with an internal civil war amongst their people based on the fact that they were unable to sustain their neutrality- Ross through his alliance with the Confederates, and Sheets through his ultimate loyalty to the Union.[78]

Secession did have some support in Winston County, and apprehensive local supporters of the Confederate cause began to report suspected agitators and "disloyal" Alabamians to the state government. Citizens from the counties surrounding Winston

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[77] Moulton, *John Ross, Cherokee* Chief, pp. 171-172.
[78] *Ibid,* p. 489.

wrote to Governor Moore as early as the summer of 1861, reporting the presence "Tories" in the northern counties. W. Musgrove from Blount County specified Winston, Marion, and Fayette counties as centers of dissent, with lesser dissent in Walker and Morgan Counties.[79]

It was not until after the July 4 meeting at Looney's Tavern that Moore took any action on these reports of "Tories." Moore declared, "So long as I am governor of the state the laws against treason and sedition shall be faithfully executed if it takes the whole military power of the stage to enforce them."[80] Meanwhile, the resolutions passed at Looney's on July 4, combined with the mass attendance of the meeting, helped to make Winston's position well known throughout Alabama.

As the state government grew increasingly hostile to dissent, citizens in the northern counties continued to contemplate whether they should remain a part of the state. In the late summer of 1861, Congressman George Smith Houston, from Florence, in Madison County, was dispatched by Moore to assess the problem of Unionism in the hill counties. While each side hurled "harsh epithets" at the other, Houston found "no trace of organizations hostile to the Confederacy.[81]

Shortly after this visit, however, the secessionists of the county began organizing to combat a perceived threat to their lives and livelihoods from the Unionists. Sheets's former opponent in the election for secession delegate, Andrew Kaeiser, convened a meeting of loyal Confederates at his home in 1861 (the exact date is unknown). At this

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[79] W. Musgrove to Governor Moore, July (n.d.), 1861, in Moore Papers, ADAH; Dodd, Civil War, p. 81.

[80] Albert Burton Moore to Josephus Hampton, July 12, 1861, Moore Papers, ADAH; Dodd, Civil War, pp. 81-82.

[81] "George Smith Houston to Governor Moore," George Smith Houston to Albert Burton Moore, August 1, 1861, Moore Papers, ADAH, Montgomery, Alabama; Dodd, Civil War, p. 83.

meeting, participants adopted resolutions in response to those proclaimed at the neutrality meeting. The second read: "that we recommend that each citizen of the county be required to take the oath of allegiance and that all who refuse to do so be dealt with as aliens."[82] The secessionists thus demanded the literal alienation of those who did not support the Confederacy. Governor Gill Shorter, who succeeded Moore in office in August 1861, issued "writs of arrest" for anyone "suspected of disloyalty in Winston County and the adjoining counties."[83] On November 30, 1861, the governor was informed by a letter from Winston Confederates "there are in this county only 128 secessionists … there are about 515 Unionists."[84] Shorter declared publicly that everyone at the Looney's Tavern convention was a traitor and should be arrested.[85]

There is no way to know definitively how many Union sympathizers resided in Alabama during this period. Some Unionists were vocal about their beliefs while others tried to remain quiet. The official Union records of the war show that 2,678 of Alabama's white men statewide enlisted in the United States Army. This, however, cannot account for unofficial units, like the one of which George Jenkins was a part, which participated in activities to undermine the Confederate cause. Multiple Confederate officers complained that the "woods were thick with them."[86] Still, asserted John Bennet Weaver, Winstonians

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[82] J.A. Hill to Governor Watts, January 18, 1864, Watts Papers, ADAH, Montgomery, Alabama; Dodd, Civil War, p.p. 83-84.

[83] Governor Shorter to Col. M.R. Wimsley, December 24, 1861, Shorter Letter Book, ADAH , Montgomery, Alabama; Dodd, Civil War, pp. 84-85.

[84] *Ibid*; McMillan, *The Alabama Confederate Reader* (Tuscaloosa, Alabama: University of Alabama Press, 1992), p.172; Henry M. McKiven, Jr., "John Gill Shorter (1861-63)," *Encyclopedia of Alabama*, accessed January 31, 2019, http://www.encyclopediaofalabama.org/article/h-1468.

[85] Dodd, Civil War, p. 90.

[86] Lucille Blanche Griffith, *Alabama: A Documentary History* (University, AL: University of Ala. Press, 1972), p. 422.

offered no direct aid to either the Union or the Confederacy in 1861.[87]

Among those helping to persuade men to avoid conscription or become a part of a Unionist movement were wives, mothers, and grandmothers, who had "considerable latitude to persuade and harangue those who would listen."[88] Cherokee women filled a similar role in their tribal structures. For all this focus on the profound ways in which white settlement and contact with westernizing influences changed the Cherokee nation by the end of the eighteenth century, there is also an argument to be made for continuity. Women, argues historian Theda Perdue, offered constancy in the Cherokee experience.[89] It was women who became the protectors and perpetuators of Cherokee values and traditions. While the male populations of the tribes may have been forced to become ever more fluent in the customs and laws of the Anglo-European and American world, a necessity as they continued to have to argue and reframe treaties made with the U.S., women persisted on the home front in keeping the character of Cherokee-ness alive.

Some Southern Unionists even went so far as to express support for Abraham Lincoln. In a letter dated April 11, 1861, Winston County resident John Bell wrote to his brother Henry, who was living in Choctaw County, Mississippi, where he had enlisted in the Confederate Army. "We are for linkern [Lincoln]," he wrote. "We are willing to be governd by a man that will do as linkern ses [says] he will do." John underscored his commitment to the Union and believed Lincoln when he said that he would "be a president for all or none of the United States."[90]

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[87] John B. Weaver, "1862," Winston Database.
[88] Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," pp. 91-92.
[89] Theda Perdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998).
[90] John B. Bell to Henry Bell, April 11, 1861, Moore Papers, ADAH, Montgomery, Alabama; Bailey, 524.

James Bell was the father of John and five other children, including Henry, the only one to side with the Confederacy. James was a non-slaveholding farmer of modest means who seems to have agreed with many others who saw the war as a creation of the rich and of politicians (often the same people). He wrote to his son on April 21st, 1861, saying, "I till you my son It is office seekers that has caused the hole of this. thy must fly off hav a Southern confedracy and have a presedent In the south to rule over us."[91] Six days later James wrote again to Henry saying "all they [the slaveholders] want is to git you pupt up and go to fight for there infurnal negroes and after you do there fighting you may kiss there hine parts for o [all] they care." [92]

But Henry was far from the only non-slaveholding, yeoman-class man to be enticed into the Confederacy. A former Unionist, writing in 1899, blamed women of the slaveholding families:

> When they began to call for volunteers the young women of the aristocratic class, who had always thought themselves far too high in the scale of society to associate with the common boys of the country, whose people did not own slaves, now at gatherings would pet the poorest boy in the community and tell him what a great honor he would win… how the women would welcome their heroes and taken [*sic*] them for husbands[93]

In essence, the young, moneyed women of the Confederacy served a similar function to the middle-aged mothers and grandmothers of the Unionist camp – their role was to carry the message of their cause in a way to persuade men to fight and die for it.

From whatever source it came, Henry Bell had taken to the Confederate cause with the intensity of a zealot. As a result, what he considered his family's unenlightened

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[91] *Ibid*. April 21, 1861.

[92] *Ibid*. April 27, 1861; Bailey, "Disloyalty in Early Confederate Alabama," p. 525.

[93] P.D. Hall, "A Loyal Southron: Troublesome Times in Alabama for Union Men-How the 1st Alabama Cavalry Was Made Up," *The National Tribune* (Washington D.C.), December 14, 1899; Dodd, Civil War, p. 271.

Unionist loyalties undoubtedly disturbed him. On July 10, 1861, he had the postmaster of Lodi, Choctaw County, Mississippi, address a letter to Governor Moore of Alabama, informing Moore that Henry had received letters from his father, brother, and sister that he was forwarding to the chief executive, as he considered them "treasonable and dangerous."[94] Henry said that he was sending these letters "to Your Excellency in order that you may be advised of the existence of such sentiment in your State and to enable you to investigate or take such cause in the premises as your judgment and duty may dictate… these individuals reside in Black Swamp Beat in Winston Co. Ala."[95] Perhaps to show that he was not himself a Tory, Henry also enclosed statements made by two citizens of Choctaw County attesting to his loyalty to the Confederacy.[96]

Episodes such as this from the life of the Bell family, in which one member "informed" on other members of his family, highlight the extent of the dangers faced by Unionists even from their own. Once-friendly neighbors suddenly became more selective sharing their views on the war and secession. Only those deemed thoroughly trustworthy were taken into confidence. Margaret Storey observes, "With allies scarce, white loyalists were sometimes willing to transgress social boundaries that before the war seemed immutable – including the boundaries erected by slavery."[97]

It was not only Confederate Home Guards who harassed the people of North

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[94] A.W. Irvin to Albert Burton Moore, July 10, 1861, Moore Papers, ADAH , Montgomery, Alabama; *Ibid,* Notarized statement of Henry Bell, July 10, 1861; *Ibid,* Statement of W. H. Wel[ch] and J. P. Trotter; Bailey, "Disloyalty in Early Confederate Alabama," pp. 527-528.

[95] "The Bell Letters," Winston County, Alabama: An Historical Online Database, accessed January 31, 2019, http://freestateofwinston.org/bellletters.htm.

[96] A. W. Irvin to Moore, July 10, 1861, Winston County, Alabama: An Historical Online Database, accessed January 31, 2019, http://freestateofwinston.org/bellletters.htm; *Ibid,* "Notarized Statement of Henry Bell," July 10, 1861; *Ibid,* Statement of W. H. Wel[ch] and J. P. Trotter; Bailey, "Disloyalty in Early Confederate Alabama," pp. 527-528.

[97] Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," p. 106.

Alabama. Unionists formed their own bands of "Destroying Angels"' or "Prowling Brigades."[98] These groups "occasionally swept down out of their piney-wood strongholds to raid their more fortunate neighbors in the valleys," burning cotton, jails, county records, and public buildings.[99] Activity like this may have helped draw attention in early 1862 to the large number of northern Alabama men not fighting for the Confederacy. Alabama's governor expressed consternation, specifically with Winston and Walker Counties. He wrote to J. A. Hill, a soldier in the Confederate Army, "in case a draft should be ordered, the western portion of Walker – and the whole of Winston County will be among the first included, as it is notorious that they have not furnished anything like their proportion of volunteers."[100]

The governor sent former Cooperationist-turned-Confederate Robert Jemison of Tuscaloosa County to Winston, in hopes he would arrest the leaders of the neutrality movement and turn the others to a pro-Confederate stance. If this was not possible, the governor said resistance "must be met even to the death." This may have been the turning point for many who had initially proclaimed neutrality to turn their loyalty to Unionism instead.[101]

In February 1862, Federal troops arrived in the state for the first time in the Madison County town of Florence, on the shores of the Tennessee River. Unionists in the area must have seen this as a sort of deliverance from the tyranny of Confederate policies and agents. Richard Wilde Walker of Huntsville, in Madison County, observed that the

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[98] Griffith, *Alabama: A Documentary History*, p. 423; Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865,* p. 6.
[99] *Ibid*.
[100] Dodd, Civil War, p. 86; Letter from Governor Shorter to J. A. Hill, February 7, 1861, Shorter Letter Book, ADAH, Montgomery, Alabama.
[101] Dodd, Civil War, p. 91.

dearth of Confederate troops in the region meant that the Tennessee Valley "may be occupied by the Yankees when they choose." The initial reaction of Madison's Unionists was to greet the troops with "joy and praise."[102] On February 10, Lieutenant Commander S.L. Phelps of the U. S. gunboat *Conestoga*, one of the boats that had made it up river to Florence, reported:

> We have met with the most gratifying proofs of loyalty everywhere across Tennessee, and in the portions of Mississippi and Alabama we visited most affecting instances greeted us almost hourly. Men, women, and children several times gathered in crowds of hundreds, shouted their welcome, and hailed their national flag with an enthusiasm there was no mistaking. It was genuine and heartfelt. These people braved everything to go to the riverbank where a sight of their flag might once more be enjoyed, and they have experienced, as they related, every possible form of persecution. [103]

This type of public jubilation was not typical in Alabama, however. Tennessee's Unionists were quite public with their dissent from the Confederacy, but most people in Alabama and Mississippi had to be more guarded about their allegiances; as one said, "we know there are many Unionists amongst us, but a reign of terror makes us afraid of our shadows."[104]

On March 10, 1862, Nashville was captured and occupied by Union troops.[105] Tennessee's capital was a little over one hundred and fifty miles to the north of Winston, and this must have further buoyed the spirits of the county Unionists. With the fall of Nashville, the Confederate government in Tennessee essentially collapsed, and the area's

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[102] Dodd, Civil War, p. 86; R. W. Walker to Governor Shorter, March 10, 1862, Shorter Papers, ADAH , Montgomery, Alabama; Dodd*,* Civil War, p. 87.
[103] O. R., pp. 155-156.
[104] Georgia Lee Tatum, *Disloyalty in the Confederacy* (Lincoln: University of Nebraska Press, 2000), p. 54; O. R., pp.155-156.
[105] Dodd, Civil War, p. 87.

anti-Confederates had a far easier time both aiding the Union and mounting resistance activities.[106] After the battle at Shiloh on April 6 and 7, 1862, Unionists' willingness to resist the Confederate government was significantly increased. On April 11, General O.M. Mitchell and a division of Union troops marched into Huntsville and captured railroad engines, cars loaded with arms, and prisoners.[107] Decatur in Madison County was subsequently captured on April 13, and Tuscumbia in Colbert County on April 16, 1862, further bolstering Unionists.[108] Five days later, writing from Corinth, Mississippi, Confederate infantryman B. R. Johnson informed Assistant Adjutant-General, Colonel Thomas Jordan that:

> The northern counties of Alabama, you know, are full of Tories. There has been a convention recently held in the corner of Winston, Fayette, and Marion Counties, Alabama, in which the people resolved to remain neutral; which simply means that they will join the enemy when they occupy the country. Since Mississippi seceded people from these counties have been in this State carrying the United States flag. There are suspected men even in this county. Fayette County, Alabama, joins this county. The enemy can approach through that county without being exposed, make a dash on this place, and in a few hours destroy all the public property and shops in the town.[109]

The only opposition to Union troops came in the form of guerrilla fighters and irregulars led by Philip D. Roddey, a Confederate General then dubbed the "defender of North Alabama."[110] Roddey was born in Moulton, Alabama, on Winston's western border, and raised in humble circumstances. His father was killed in 1824, leaving Roddey's mother to

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[106] Tatum, *Disloyalty in the Confederacy*, p. 150.
[107] L. D. Miller, *History of Alabama: Adapted to the Use of Schools and for General Reading (classic Reprint)* (Place of Publication Not Identified: Forgotten Books, 2017), p. 59; Weaver, "1862."
[108] *Ibid*.
[109] United States War Department, Robert N Scott, H. M Lazelle, George B Davis, Leslie J Perry, Joseph W Kirkley, Fred C Ainsworth, and John S Moodey. O. R., p. 431.
[110] Dodd, Civil War, pp. 62-63.

raise three children by herself. Roddey built himself into a man of property and public responsibility. In 1846 he became sheriff for Lawrence County, and in the 1850s he bought a steamboat that he operated on the Tennessee River. When Federal troops arrived in Florence in 1862, utilizing gunboats on the river, Roddey, fearing they would seize his vessel, opted to burn it instead. Roddey had initially objected to secession and hoped to remain neutral in the conflict, but the loss of his steamboat and the presence of Union troops in Florence caused him to tie his allegiance to the Confederacy instead. He rose through the ranks, from Colonel of the Fourth Alabama Cavalry, to Brigadier General and Confederate Commander of the District of North Alabama.[111]

On April 16, the same day that Union troops entered Tuscumbia, the Confederate government in Richmond adopted a new draft law, the Conscription Act. The new law gave the Confederate government complete oversight over who was conscripted and who was exempt, and was written in ways that privileged wealth and connection. For example, those who could afford to purchase the services of a substitute were exempt from service, and, by an amendment to the Conscription Act passed in October of 1862, "the Twenty Negro Law," any man owning or supervising twenty or more slaves was eligible for exemption. This amendment became widely unpopular, even amongst some Confederate generals. Confederate General D.H. Hill complained, for example, "[S]ome examples claim to own twenty negroes, and with justice might claim to be masters of an infinite amount of cowardice."[112] Others complained that the act was unconstitutional. Organizing

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[111] Joseph Wheeler and Clement Evans, eds., *Alabama Confederate Military History*, vol. VII (Confederate Publishing Company, 1899) pp. 4-5; For more on Philip D. Roddey see John H. Eicher and David J. Eicher, *Civil War High Commands* (Stanford, CA: Stanford University Press, 2001), p. 458.

[112] Albert Burton Moore, *Conscription and Conflict in the Confederacy* (1924; reprint Columbia, SC: University of South Carolina Press, 1996), p. 71; Margaret Wood, "Civil War Conscription Laws |

principles of the Confederacy had been set down in what was essentially a modified version of the U.S. Constitution and adopted March 11, 1861. Importantly, Subdivision Sixteen of Section Eight, adopted and unaltered with the exception of substituting the words "Confederate States" for "United States," reserved to the Confederate Congress "the appointment of the officers, and authority of training the militia, etc."[113] William C. Oates, Confederate Colonel and later Governor of Alabama, wrote in his 1905 memoirs that the Conscription Act "utterly violated, in fact, ignored, this constitutional provision…" Under its provisions, he wrote, the Confederate government "appointed the officers and enforce[d] the law in many instances by tyrannical cowards… who never heard the whistle of the Yankee bullet during the war, if they ever did, got away from it as soon as possible… while gamblers and debauchees were allowed to remain at home and revel in lustful and sumptuous living."[114] Thus, class resentments held by the Southern yeoman before the war were heightened by capricious acts that had the loss of life and home as their almost certain outcomes, while the landed gentry and otherwise wealthy were secure behind lines and protected from being called to the front.

John Bennett Weaver asserts that disgust in Winston for the newly adopted act was near universal with the exception of "four or five slave owners" who openly admitted their support. He observes, "It was so detestable, obnoxious, and repulsive that the people – an

In Custodia Legis: Law . . . ," In Custodai Legis: Law Librarians of The Library of Congress, accessed February 1, 2019, https://blogs.loc.gov/law/2012/11/civil-war-conscription-laws/.

[113] "Constitution of the Confederate States; March 11, 1861," The Avalon Project – Laws of War: Laws and Customs of War on Land (Hague IV); October 18, 1907, accessed February 01, 2019, http://avalon.law.yale.edu/19th_century/csa_csa.asp..

[114] William Calvin Oates, *The War between the Union and the Confederacy: And Its Lost Opportunities, with a History of the 15th Alabama Regiment and the Forty-eight Battles in Which It Was Engaged . . . the War between the United States and Spain* (1905; reprint with Introduction by Robert K. Krick, Dayton, Ohio: Morningside House, Inc., 1985), pp. 154-155.

overwhelming majority, would grit their teeth when it was mentioned."[115] Jefferson Davis himself complained that the law was poorly written. He wrote, "The frequent changes in amendments which have been made have rendered the system so complicated as to make it often quite difficult to determine what the law really is, and to what extent prior enactments are modified by more legislation."[116] Although the April 1862 version of the Conscription Act applied to men between 18 and 35 residing in the Confederate States, a subsequent law extended conscription to all men over 16 and under 50 years of age. This change prompted Union General Ulysses S. Grant to comment that, "the Confederacy had robbed the cradle and the grave to recruit its armies."[117] The amended act did not check the power of those Oates dubbed "tyrannical cowards." Enforcement of Conscription was still the province of Home Guard enrolling officers. Substitution remained a legal option for the rich, and "the system of blanket class exemption was continued and extended."[118]

After passage of the Conscription Act, some Winston County citizens abandoned their previous neutrality and openly supported the Union Army. It was their hostility toward the terms of conscription as well as the way it was enforced that led them to "a defiant refusal to obey it." In response, Confederates tried to make examples of the objectors, sending men from the surrounding counties "inside Winston's boundaries to use whatever means deemed appropriate to force the citizens to comply."[119] Their methods

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[115] Weaver, "1862."

[116] Jefferson Davis and Dunbar Rowland, "Letter to the Senate and House of Representatives of the Confederate States March 28, 1862," *Jefferson Davis, Constitutionalist: His Letters, Papers and Speeches* (New York: AMS Pr., 1973), p. 205.

[117] Oates, Krick, *The War between the Union and the Confederacy: And Its Lost Opportunities, with a History of the 15th Alabama Regiment and the Forty-eight Battles in Which It Was Engaged . . . the War between the United States and Spain,* pp.154-155; Letter to Elihu Washburne, August 16, 1864, in *Grant Papers*, vol. 12 (Washington, D.C.: Library of Congress).

[118] Moore, *Conscription and Conflict in the Confederacy,* p. 142.

[119] Weaver, "Brief History."

seemed devoid of all mercy, similar to those used in Shelton Laurel, North Carolina; many men were summarily executed for their refusal to fight.[120]

Confederate economic policies added to the resentments of Winston residents. They faced increasing prices for basic necessities. For example, salt, a vital ingredient not only for preserving meats but also for restoring the body's natural balance after a day of hard and sweaty farm labor, cost two dollars per sack before the war. By the fall of 1862, the same sack cost as much as eighty dollars.[121] The "tax in Kind" policy, passed in April 1863, further contributed to the countywide suffering and the embitterment of the citizens toward the Confederacy. The destitution of their families, engendered in part by this policy and in part as a direct result of the war, led to a spike in the number of both draft evaders and deserters, who found that they shared a common enemy and "formed a natural alliance for mutual protection." [122] Through this alliance were born larger bands of objectors engaged in active forms of resistance, including looting and armed conflict with conscription and tax agents. The coercive and violent tactics of many of these Confederate agents, coupled with the generalized suffering of the Unionist and neutral families, finally tipped the scales for many in Winston, encouraging their transition from passive or inter-county resistance to enlisting for an active role in the Union forces.

John B. Weaver has detailed stories of the ferocious tactics employed by Confederates calling themselves "Enlistment Officers" and of the reaction of many who

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[120] 13 Unionists, men and boys were taken from their homes, and shot, by a group of Confederates who were never tried for the crime; Phillip Shaw Paludan, *Victims: A True Story of the Civil War* (Knoxville: University of Tennessee Press, 1981).

[121] Dodd, Civil War, pp. 149-151.

[122] *Ibid*, p. 96.

shifted outright Unionism.[123] On May 1, 1862, a group of these "officers" entered Winston near the present day city of Haleyville. Five of them approached the home of Martha and Joe Comeens. Martha's husband was away hunting when the men arrived. After greeting them, the enlistment officers demanded to know why Joe had not yet enlisted with the Confederate Army, telling her that the punishment for this was jail. In a fit of pique Martha responded:

> My father, John Barker was a grandson of a Revolutionary soldier, who fought for freedom in the Revolutionary War, under General George Washington. They won our freedom without conscription. We have all decided that we are against conscription, and are not going to shoot at the Flag and help destroy the Government Washington helped to establish. Please, go back to Marion County, and leave us alone. My husband and brothers are not going into the Army to fight for the Confederacy, and against our Government.[124]

Martha's comments were met by threatening comments from the men, one of whom referenced her enlarged belly and asked if the baby clothes he saw in the small cabin were being made for the "traitor" she was carrying. Although the Confederates departed not long after this menacing comment, the implied threat to her unborn child caused Martha to faint. She miscarried that night, shortly after her husband and his brothers returned to the homestead. The family thus grew even more determined to avoid conscription and thwart the efforts of the enlisters in any way they could.

Undeterred by their failed previous attempt to enlist Joe Comeens, the enlistment officers returned a few weeks later. This time there were seven men in total, including a cousin of the Comeens who had been forced to participate. They also had a new leader, Stoke Roberts, who was particularly known for both his violent and intimidating tactics

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[123] Weaver, "Brief History."
[124] This story is recounted in Weaver, "Brief History."

and his ardor for the Confederate cause. Again, Joe and a group of men were out hunting, and again information about their whereabouts was demanded. The man who had called Martha's unborn child a "traitor" the day she had miscarried, at first fingered, then stole, a suit of clothes she had made for the now deceased child.

Roberts was satisfied the men were not at home, but he determined that the party should ride toward the town of Houston and the home of a known Unionist, Joe Curtis. When Joe Comeens and his hunting party returned home, he found his still grieving wife again in a state. She described the day's events and the men who had been there. Joe and his party, tempers boiling over, determined to have revenge on the enlistment party that had terrorized Martha.

Joe Comeens remained at home to care for his wife while men who had been hunting with him that day, the "Barker Brothers," vowed to track down the man who had stolen the baby clothes and to deal with him even to the point of death. It proved easier for the small band of locals to find the enlistment officers, who were from nearby Marion County, than it was for the officers to evade them; the men sent into Winston on this and subsequent enlistment "raids" were handicapped because they lacked a native knowledge of the land.

On their journey to apprehend the enlistment officers, the Barker Brothers group encountered two more men who had been similarly threatened and abused by Stokes Roberts and his cronies. After hearing the stories of the Comeens, they joined the party that was tracking Roberts. The two parties came face to face at an area gristmill where Roberts and company had grabbed another unwilling enlistee for the Confederate cause. This group was not aware that they were being pursued, and when the man who stole the

baby clothes paused to let his horse drink, one of the Barker brothers shot him off the horse. The baby clothes, tied to the saddle of the now dead man, were recovered and returned to Martha Comeens. The cousin of the Comeens, known as Si, who had been dragooned into participation in attempted enlistment, was eventually released with instructions to let everyone know that Stokes Roberts would return with even more men to "apprehend, arrest, and carry to adjoining counties" any man subject to conscription for their induction in to service.[125] What had begun as an attempt to intimidate and coerce men into Confederate service had spiraled into the kind of blood feud that would outlast the Civil War itself. Now there had been death on both sides, and the violent acts of retribution only grew.

At the beginning of the war, bands of loyal Unionists and concerned neighbors like the one described in the Comeens' story enabled some anti-Confederate men to continue to live at home and carry on with their lives. "During the first year of desertion, namely, 1862-1863, the absentee… stayed at home, tended his crops and stock, living his old life much as before the war, as he always had ample warning of danger… All bands had spies and an elaborate system of signals to indicate the approach of danger. A quilt hung on the fence in varying positions, or quilts of different colors, conveyed a variety of messages."[126] Hog calls, songs, horns, and cowbells were also used to signal the presence of danger. Such systems were only temporarily effective. As the Confederacy increasingly demanded that men fight, Confederate Home Guards became increasingly brutal in their attempts to fulfill their quota of conscripts.

In response to the increasing acts of violence by Home Guards, a meeting was held

[125] *Ibid*.
[126] Ella Lonn, *Desertion During the Civil War* (Lincoln: University of Nebraska Press, 1998), p. 73.

in Winston County that resulted the adoption of another set of resolutions. Residents met at the house of John H. Taylor, a well-educated and influential pillar of the Winston community. Like the meeting at Looney's Tavern, the gathering reflected a democratic community that would not be arbitrarily ordered into a particular action or attitude. Taylor urged them to seek consensus: "Boys we have already had some trouble, but a great deal more is on the way. We need to use our brains and hold our tongues. We should have a meeting of the leading citizens of Winston County. We must plan together and work together."[127]

The meeting's attendees included the son of a Revolutionary War soldier and local Probate Judge John Penn; Bill Sheets, father of Christopher; and Bill Looney, the tavern owner. William [Bill] Bauk Looney, in addition to keeping a tavern, and teaching school was one of the most accomplished smugglers of men from Winston to the Union lines throughout the war. He was known to Confederate and Union troops alike as "Black Fox," most likely in honor of his stealth and ability to evade capture, though some attribute it to a possible kinship with Cherokee Chief Enali, who was also called "Black Fox".[128] Looney had the dark hair and dark eyes associated with those of Cherokee descent. Additionally, the Looney family history records that his great-Uncle, John Looney, was a Revolutionary War soldier who had been captured by the Cherokee in 1782. This family history makes the rather cryptic suggestion that John "may have left someone behind" after he was freed from captivity a few weeks later. Perhaps not coincidentally, John Looney, Principal Chief

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[127] *Ibid*.

[128] Ben H. Weaver, "Heritage of the Hills: Bill Looney Life and Legend," *Northwest Alabamian,* February 10, 1972; A note from the *CONGRESSIONAL GLOBE*, May 12, 1870, attached to the Petition of William Bauk Looney, 1867, pp. 3430-3431 says "William Looney could have been a descendant of Enali's nephew, John Looney;" Pension Claim, Petition Of William B. Looney, Winston County Genealogical Society, http://freestateofwinston.org/billlooneypet.htm

of the Cherokee Nation West was a born in 1782.[129]

Bill Looney was born in Lawrence County in 1827 after his family moved to Alabama from lower Tennessee. He was the eleventh child of Moses and Mary Guest Looney, relatively comfortable farmers who, in 1850, owned two hundred acres of improved and unimproved land and one slave. Bill was small, five feet tall and with an intimate knowledge of the hills and pathways of northern Alabama after years engaged as a tracker. His short stature may have enabled him to hide more easily in the natural crevices and shelters of the forest, thus adding to his legend as someone hard to capture and even harder to contain. He was described as “tireless afoot or in the saddle” and, despite his height, able to jump over a standing horse. He was also “quick on the trigger” and ready to shoot anyone attempting to capture him, as the Confederates had put a price on his head. Eventually, Looney would earn a small pension and Congressional Citation, despite never having enlisted himself in the Union army. He did, according to the testimony of multiple sources listed on the 1867 pension claim, successfully conduct over 2,500 Confederate deserters across enemy lines to enlist in the Union forces stationed at Corinth, Mississippi, and Huntsville, Alabama. Additionally, he helped over five hundred men who had never fought for the Confederacy to find their way to enlist with the Union. Union General Grenville M. Dodge, one of the men credited with pioneering Civil War intelligence services testified:

> Wm. B. Looney of Alabama was employed by me as a scout while I was in command of the Left Wing of 16 A.C. and as such (?) scout rendered the government valuable services in bringing in the Loyal men of Alabama to our Lines who entered our services and also valuable

[129] “John Looney, Principal Chief of the Cherokee Nation West,” Geni_family_tree, January 22, 2019, accessed February 03, 2019, https://www.geni.com/people/John-Looney-Principal-Chief-of-the-Cherokee-Nation-West/6000000001636289119.

information in relation to the enemy . . .

He was paid far less than any of the other scouts only asking his expenses. When I left that country he was inside of the enemy lines on duty and I never paid him fully for his services. I consider him as one of my best volunteer scouts. I am certain and fully believe (while?) in this service he was totally disabled and I consider him justly entitled to the pension and request it may be given him.[130]

It was Christopher Sheets and Looney who "were able to organize a resistance that influenced the political life of the hill country until this very day."' He "began meeting the draft resistors [and taking them] to the union lines," increasing his efforts after Shiloh and the Union capture of Corinth [131]

Speaking to those gathered at John Taylor's house, Judge John Penn made plain the cause of the Unionists.

Gentlemen of Winston; your presence here is an indication of your love for, and loyalty to the Government our fathers fought for and helped to establish… Dark and bloody days have been forced upon us and our children by the Secessionists, who would destroy the Union. The chief corner stone of the Confederacy is, perpetuation of slavery…We did not, nor do we now, want to take up arms against our neighbors in our own state. We desire to be let alone that we may remain neutral. If the Confederacy continues to treat our county as a part of it, and attempts to force our citizens to serve in the Confederate Army, as we hear threats that indicate it will, then in that case, neutrality will cease in Winston County. The people in Winston County rather than be forced to fight for the

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[130] "William Bauck Looney 1827–1870," Ancestry Library, accessed November 11, 2018, https://www.ancestrylibrary.com/family-tree/person/tree/11572760/person/1431461695/story?ssrc=&ml_rpos=2; "1850 Agricultural Census." "Agricultural and Manufacturing Census for 1850," , accessed February 03, 2019, http://sites.rootsweb.com/~allawren/census/1850AG.htm?cj=1&netid=cj&o_xid=0001027214&o_lid=0001027214&o_sch=Affiliate External; In a sad coda to his story a military surgeon in 1867 testified that "he is suffering from an injury received in the spine (about the lumbar region) by falling from a bluff bank while a scout in the Federal Army and that in consequence of said injury and the general broken down condition of his health and constitution he is totally disable from obtaining his sustenance by manual labor;" *Ibid*.

[131] Ben H. Weaver, "Heritage of the Hills: Bill Looney Life and Legend," *Northwest Alabamian* (Haleyville, AL), February 10, 1972; Ben H. Weaver, "Heritage of the Hills," *Northwest Alabamian* (Haleyville, Alabama), July 3, 1975.

> perpetuation of slavery in the Confederate Army will abandon neutrality, join the Union Army and fight for the Union. It looks, now, like that is what is going to take place.[132]

With several judges in attendance, it is perhaps no surprise that the legality of defying the conscript law became a central focus of the meeting. Judge Tom Pink Curtis reminded the assembly that it was their right to resist conscription, based on the language of the Alabama Constitutions of 1819 and 1861. Specifically, paragraph four of both documents asserted "No human authority ought, in any case whatever, to control or interfere with the rights of conscience."[133] Paragraph two made this argument even more explicit: "Any person, who conscientiously scruples to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service."[134] In the estimation of Curtis, and affirmed by the assembled men, the Conscription Act was a violation of these rights of conscience. A committee of five men was selected to create a slate of resolutions supporting this position.

Resolution number seven made provisions for three essential actions to be taken should the Confederacy fail to respect the citizen's right to refuse the draft. It said that the men should:

> (A). Desert, and come home. If conscience dictates, join the Union Army.
> (B). We recommend that for each person forced into the Confederate Army against the dictates of his conscience, that two citizens volunteer and enlist in the Union Army, if their conscience approve.
> (C). That if the Confederate agents kill any of our citizens in attempting to

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[132] Weaver, "1862."
[133] "Alabama: Constitution of January 7, 1861," The Avalon Project – Laws of War : Laws and Customs of War on Land (Hague IV); October 18, 1907, accessed February 03, 2019, http://avalon.law.yale.edu/19th_century/ala1861.asp; "Alabama : Constitution of 1819," The Avalon Project – Laws of War : Laws and Customs of War on Land (Hague IV), October 18, 1907, accessed February 03, 2019, http://avalon.law.yale.edu/19th_century/ala1819.asp.
[134] *Ibid*.

> carry out the threat of Roberts, the one who perpetrated the crime be punished in the same way and to the same extent.

During this period, opponents of the Conscription Act became more public and more vocal, expressing themselves "freely and openly." It was a topic discussed at home and at almost every public gathering spot. Some vowed to suffer death rather than being forced to enlist with the Confederates; others "that they would go and volunteer in the Union Army before they would be forced to fight for the Confederacy against their conscience."[135] After this meeting Bill Looney became an extremely busy man.

Looney assessed the situation of the county's dissenters and understood that conscription efforts would not stop. He counseled the people of Winston that they "should abandon all thought of neutrality, if and when this was done, and go and volunteer in the Union Army." He was assured that Winstonians would be welcomed into Union service during a meeting with Union Army Commander Joseph Johnston in Decatur prior to the meeting at Judge Taylor's house. Before taking leave of the Union Commander he informed him of the strong Unionist sentiment which "had been developing rapidly since the early part of the year." Looney continued "I am certain that, by mid-summer, there will be forty or fifty volunteers from Winston here to be inducted into your Army." By June 1862, the string of Union victories had given the Union Army control of most of Tennessee and a large part of the Tennessee Valley in North Alabama. Looney's words seem almost prophetic, as the tide in Winston and neighboring counties seemed to be turning strongly toward Union support. The "Black Swamp Territory" in Winston had some of the strongest union support in the county. The section sent over seventy men to

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[135] Weaver, "1862."

fight for the Union, all of whom "agreed that neutrality was a thing that had passed; was dead, buried, and almost forgotten."[136]

Then the murder of a much loved neutral in the county, named Wash Curtis, "aroused the fiery indignation of an overwhelming majority of the people not only in Winston County but in the adjacent territory in the adjoining counties." Many hid out in the woods until they could find a way to join the Union Army. It was still an uphill climb for those in Winston hoping to avoid conscription and Confederate service. Visits by Confederate raiders from the counties surrounding Winston became a near weekly occurrence. As many of the targets of these recruiting trips were lying out in the nearby forests, the disappointed Confederate enlistment officers and their colleagues took revenge on the men's families. Union forces also turned to harsh repressive measures. On May 8, 1862, P. H. Watson, the United States Assistant Secretary of War, authorized Brig. General O. M. Mitchell to send Confederates sympathizers who "refused to condemn" such violence to Fort Warren in Boston Harbor.[137]

The coercive tactics of the Home Guards backfired. Rather than intimidating men into service, the number who fled for the Union encampments only grew. After Union forces effectively disrupted the supply of food from the Tennessee Valley to the Confederacy by disabling the Memphis to Charleston railroad system, they then began to offer assistance to Unionists in the hills in hopes of creating an organized military structure to protect area loyalists.[138] These hill countrymen came to the attention of Colonel Able Streight, commander of the 51st Indiana Infantry stationed at Decatur in July

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[136] *Ibid*.
[137] Dodd, Civil War, p. 92; O. R., pp. 174-175.
[138] Dodd, Civil War, pp. 92-93.

1862.[139]

Streight subsequently sent a report to Major General Don Carlos Buell about men from Madison County who had come to his encampment, hoping to enlist. These men told him of "several hundred who would come but for the danger of passing from the foot of the mountains to Decatur," which was twenty-five miles from their position.[140] Streight then requested permission to take a recruiting party to the mountain location of these potential recruits.

On July 12, Buell issued Special Orders Number 100 from headquarters of the Army of the Ohio, noting that "Some eighty or ninety citizens from [Madison] County… have come in to enlist in our army…[M]any more are represented as trying to get in but [were] prevented by the rebel cavalry and guerrillas."[141] The special order authorized Streight to "send a regiment of infantry with the cavalry, without baggage, to cover the approach as such as desire to come in."[142]

While on their assigned trip to search for recruits, many of the scouts reported being touched by the patriotism of the mountain inhabitants. Colonel Streight wrote in one report about Mrs. Anna Campbell, who "volunteered to ride 35 miles and return, making 70 miles, with about 30 recruits, within 36 hours." He continued, "I have never witnessed such an outpouring of devoted and determined patriotism among any other people."[143] Streight likewise praised the men of the region, saying that they volunteered for the Union

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[139] *Ibid*.
[140] *Ibid*. 93; O. R., I, XVI (1), 785.
[141] Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865,* p. 95; "Special orders number 100," issued by Maj. Gen. Don Carlos Buell, from Headquarters Army of the Ohio, Huntsville, July 12, 1862 in letter to Maj. Gen. George H Thomas at Tuscumbia.
[142] *Ibid*.
[143] Dodd, Civil War, p. 94; O. R., I, XVI (1), 783-790.

despite knowing that they were leaving their families to be savaged by "an unfeeling, heartless set" who might leave them homeless, without means of survival, and who would "outrage their persons."[144]

On the same day that the Special Orders 100 was issued, Streight and some of his men went to the border of Lawrence and Winston Counties, where fifty Union recruits had gathered awaiting a chance to enlist. Both Streight and Christopher Sheets addressed the gathered men, the latter telling them "the time had come to act. Either they must fight in an army for which they had no sympathy and in that cause for which they hated or join the Army of the United States for a cause they loved and, with their friends, Put down the rebellion so peace would again prevail."[145] Sheets concluded, "Tomorrow morning I am going to the Union Army, I am going to expose this fiendish villainy before the world. They shall hear from me. I have slept in the mountains, in caves and caverns, till I am become musty; my health and manhood are failing me, I will stay here no longer till I am enabled to dwell in the quiet at home." In the subsequent three days, one hundred fifty men joined the Union forces. [146]

In October, a group of Confederate Home Guards captured Sheets. He was subsequently delivered to the governor of Alabama and charged with "holding communications with the Enemy, giving them aid and comfort, and inducing citizens of

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[144] Dodd, Civil War, pp. 94-95; Frank Moore, *Civil War in Song and Story: 1860-1865* (n.p. : Hardpress, 2013), pp. 216-217.

[145] Dodd, Civil War, pp. 93-94; O. R., I, XVI (1), p. 785; McMillan, *The Alabama Confederate Reader*, p. 173; Moore, *Conscription and Conflict in the Confederacy*, pp. 216 – 217.

[146] Dodd, Civil War, pp. 93-94; O. R., I, XVI (1), 785; McMillan, *The Alabama Confederate Reader*, pp. 216 – 217.

the state to enlist, as soldiers, in the Army of the United States."[147] The following month, Sheets was formally expelled from the State Legislature.

> Whereas, C.C. Sheets, a representative from the County of Winston, in this General Assembly, from evidence satisfactory to this House, has been guilty of giving aid and comfort to the enemy, and has proven himself unworthy of a seat on this floor; and whereas the said sheets by his own misconduct cost himself to be deprived of the opportunity of being heard in his own defense: Resolved, that C. C. Sheets be expelled from this House, and deprived of its rights and privileges, and that his name be stricken from the role of the House.[148]

Sheets was sent to serve his sentence for treason at a prison in Salisbury, North Carolina.[149] Following his expulsion from the legislature, there was even an unsuccessful attempt made by some members of the House to abolish Winston County altogether.[150] Sheets was eventually be sent to Madison County in the spring of 1863 on writ of habeas corpus and subsequently released. However, he was arrested again on charges of "Treason Against the Confederacy" and kept in prison until he was finally able to make good on his pledge to join the Union Army in 1864.[151]

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[147] Dodd, Civil War, p. 100; Shorter Directive to Montgomery Jailer, October 14, 1862, Shorter Letter Book, ADAH, Montgomery, AL; *Montgomery Weekly Advertiser* (Montgomery, Alabama), March 25, 1863.
[148] Dodd, Civil War, pp. 101-102; *Journal of the Called Session of the Second regular Session of the House of Representatives,* (Montgomery, 1862) p. 121; *Montgomery Weekly Advertiser*, March 25, 1863.
[149] *Ibid,* p. 102.
[150] *Ibid.*
[151] Dodd, Civil War, p. 102.

CHAPTER FOUR

"A DESERTER MIGHT HIDE FOREVER:" WAR IN WINSTON

> Six of us left our Lines at Camp Davis on the evening of December 19th, 1863, rode through the woods until dark, where we took the main road and kept it until day dawned next morning. We stopped at the home of a Union man 76 miles southeast of our starting place – Camp Davis. We stayed there rested and slept during the day; and when darkness came again, we mounted our refreshed horses and on we went for another night's ride; and passed the next several days resting in some thickets, and the nights we passed in wandering our way through the mountain paths of North Alabama.
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> - George C. Jenkins, "Letter from an Old Comrade," *The Anchor* (Double Springs, Alabama), May 5, 1900.

Such are the memories of George C. Jenkins (born 1843 in Ross County, Ohio) who was, in 1863, not a soldier in any official military capacity, but a private citizen working with a band of others to undermine Confederates in Winston and surrounding counties. His memories were published in a now-defunct Winston County newspaper, *The Anchor*, in 1900, thirty-five years after the events took place. He later enlisted in the First Alabama Cavalry U.S.A., at the beginning of 1864, at the age of 21.[1]

Jenkins described several of the activities that were commonplace during the war years in Winston: men with no official military standing who were hiding in rock shelters, engaging in extra-military skirmishes, ambushing Confederate soldiers and enlistment officers, recruiting fellow Unionists for service, and taking refuge in the homes of men and women who formed an

[1] Jenkins service records show he mustered into service in March of 1864 so these memories are of his actions before he became an official part of the Union Army; George C. Jenkins, "Stories about Troopers from the 1st Alabama," Stories – 1st Alabama Cavalry, USV, accessed February 04, 2019, http://www.1stalabamacavalryusv.com/Roster/Stories.aspx?trooperid=1097.

underground network of Union loyalty. He recalled his time in Winston as "a lively time circulating around the many rock houses and caves 'beating up' recruits for the old loyal first Alabama Calvary."[2] On one occasion, for example,

> When we struck the "Biler (sic) road," we discovered several bands of Confederate Cavalrymen; so we divided our forces, Jim Medlin and two Comrades struck out east, while Comrades Barton, Emerick, and myself beat south. On that memorable cold New Years day, we ate dinner at Comrade Barton's residence in the "Black Swamp Beat" on Splunge Creek…I shall never forget the events of that expedition… rock houses were our resting places during the day, and the roads and trails were kept warm through the night…A cave not far from Taylor's store was our headquarters, and we recruited as far south as Vince Robins in Walker County near Jasper.[3]

Reminiscences like those of George Jenkins were common in collected family histories and the county lore of Winston. They reflect the extra-military engagements that made up the only actual fighting inside county boundaries during the war. According to county historian Ben H. Weaver, "Although the Union army invaded the Tennessee Valley as early as 1862 these hills [of Winston] escaped large-scale fighting but saw much irregular activity." Official battles were limited to the one fought at "Days Gap" in present-day Cullman County on April 30, 1863. It was there that Confederate General Nathan Bedford Forest and Union Colonel Able Streight met as Forest was chasing Streight from Muscle Shoals to Rome, Georgia, where Streight finally surrendered."[4]

Since events like these appear to be the only major action in Winston during the war, such stories also present a difficulty in trying to frame the county's place in the larger narrative of the Civil War and the Confederacy. There were no glorious battles, no opportunities for "great white man" histories, only small guerrilla-style skirmishes and covert operations of the types

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[2] Both the Confederacy and the Union had Cavalry units called First Alabama. Those attacked by Jenkins and his companion were those of the Confederate unit.

[3] George C. Jenkins, "Letter from an Old Comrade."

[4] Ben H. Weaver, "Heritage of the Hills," *Northwest Alabamian*, (Haleyville), February 17, 1972.

described by Jenkins, typically carried out by men – and, at times, women – who were private citizens. Winston's war-time legacy is that of a once close-knit community that split over the issue of secession – a people who found themselves, like so many others during the war, bound to inglorious cycles of violence and revenge that scarred the landscape and destroyed the cohesion of the community. Even the ultimate victory and perpetuation of the Union could not erase the losses of the county's Unionists, perpetrated largely by Winstons own citizens.

But white Southerners were not the only ones caught between loyalty to the Union and the desire not to alienate their immediate neighbors. With the exception of his travels to Arkansas and the Cherokee Reservation in Oklahoma, the tribal leader of the Eastern Band of Cherokee, John Ross, spent the war years at his Park Hill plantation near Chattanooga – in the part of Tennessee where most people objected openly to secession and the Confederacy. It was connected to Winston by ancient paths through the lower Appalachians and the Warrior mountains. Ross's home also rested within the boundaries of the proposed "Free State of Nickajack," which, had it ever come to fruition, would have united northern Alabama, eastern Tennessee and the Ross-allegiant Cherokee in a larger organization of Confederate objectors. These areas were bound by a common heritage, and by populations of Cherokee living either in the open or as secret refugees from the removal era. Given the Cherokee stance of allegiance to tribe before loyalty to the United States, it seems likely that Cherokee people in these areas were still looking to Ross for guidance on the impending war. Instead, the tribe, which had already been fractured over the issue of removal, had been further divided between East and West, neutrality and allegiance to the Confederacy.

For about a year after secession, until the first Conscription Act was passed in April of

1862, it was possible for white Southerners to adopt a neutral stance in the war. After the passage of the act, many replaced neutrality with Unionism. In small communities like Winston, Unionism was spread by traditions and customs of cooperation and community cohesion that had long been necessary to survive in this remote and challenging landscape. Historian Margaret Storey argues that the network of Unionists in counties like Winston "operated much as kinship relationships did by drawing upon longtime affection, familiarity and trust, and a mutual history of interdependence for their strength."[5] It was these connections, in part, that ultimately convinced at least 500 hill countrymen to follow Bill Looney on the perilous journey through the mountains and through territories controlled by Confederates to enlist in the Union Army.[6]

Unionists who enjoyed status and standing before the war, like Charles Christopher Sheets, became the leaders of the anti-Confederate movement after the war broke out.[7] It was after secession when Sheets distinguished himself from cooperationists like Robert Jemison and Clement Clemens in his "willingness to withstand the withering insults and violent threats of the secessionist majority" in the state and the broader South.[8] His unwavering commitment to the Union and counter-Confederate activity may well have been a tipping point in inspiring others to take similar actions.

Sheets was an "unconditional Unionist." Such people comprised about a tenth of the white population of North Alabama but were usually guarded, staying silent about their beliefs. Like others in the neutrality movement, they tried to avoid saying anything that would provoke the ire of the Confederate authorities. However, in isolated mountain counties like Winston and

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[5] Margaret M. Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," *Journal of Southern History*, 69, no. 1 (2003), p. 95.

[6] "Winston County Soldiers in the First Alabama Cavalry, U.S.A.," Winston Database, accessed February 04, 2019, http://freestateofwinston.org/fac.htm; Dodd, Civil War, p. 110; Christopher Sheets and Colonel Spencer, the Commanding Officer of the 1st Alabama Cavalry, testified after the war that Looney actually helped over 2,500 men to Union camps for enlistment between 1862 and 1865; *Ibid*.

[7] Storey, "Civil War Unionists," p. 88.

[8] *Ibid,* p. 98.

those of Eastern Tennessee "open opposition remained more possible, as the war drew committed Confederates away to the front." What may have seemed to outsiders like isolation in the hills of Alabama or Tennessee also offered a sheltered and somewhat secreted web of interconnected Indian trails and footpaths, making communication and travel between the two places possible.[9] This may have been one of the factors that made creation of the state of "Nickajack," from which they could combine their manpower and resources to better resist the Confederacy seem viable.

Making the hills of Winston an even more attractive haven, for deserters and conscript avoiders alike, was that most of Alabama's Confederate troops were fighting in Virginia. Thus, the stretch of territory extending from the Appalachian Mountains to the Mississippi was defended from Union forces primarily by the Confederate Home Guards and cavalry units under the various commands of Confederate Generals Nathan Bedford Forrest, Philip Roddey, and Joseph Wheeler.[10] The Home Guards were mere agents of the Confederate Government rather than officially enlisted soldiers. In an April 1862 letter, Jefferson Davis described them as "troops in the service of the several states for which no provision is made. They have been organized for state defense, which is necessarily the public defense, but are not a part of the armies of the Confederacy."[11] In practical terms, their extra-military status gave the Confederate generals plausible deniability if their violent tactics exceeded the rules of the official army. Given the many stories of pillage and murder in Winston alone, it seems that the Home Guard

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[9] Michael W. Fitzgerald, *Reconstruction in Alabama from Civil War to Redemption in the Cotton South* (Baton Rouge: Louisiana State University Press, 2017), p. 22.

[10] Malcolm C. MacMillan and C. Peter Ripley, *The Alabama Confederate Reader* (Tuscaloosa, AL: University of Alabama Press, 1992), p. 139.

[11] Jefferson Davis and Dunbar Rowland, *Jefferson Davis, Constitutionalist; His Letters, Papers, and Speeches* (New York: AMS Press, 1973), p. 212.

did not fail to exploit this unofficial status in service of the Confederacy.[12]

Union Colonel Able Streight was perhaps hoping to protect loyal Unionists, and potential recruits, from this type of violence when he requested permission to create a Unionist Home Guard, who could defend the areas he had to leave behind after his recruiting missions. In arguing for this policy, he wrote, "never did people stand in greater need of protection…They have been shut off from all communication with anybody but their enemies for year and a half, and yet they stand firm and true."[13] Permission was granted, and the anti-Confederate activities undertaken in Winston took on a more cohesive form under the aegis of this new organization.

Union intervention came with increased dangers and risks to anti-Confederates, and their families and their possessions were not always protected by their allegiance to the Federal Government. In her work *Disloyalty in the Confederacy,* Georgia Lee Tatum observed that, from the time Union troops first arrived in northern Alabama in April 1862, "until the close of the war the Federals marched to and fro across North Alabama burning, robbing, destroying, and murdering."[14] Thus, Winston's Unionists had to fear the vindictive actions of both Confederates and Federals.

In January 1863, five months after men from Marion County first arrived to volunteer for the Union at the camp of Able Streight (now promoted to general), Union Brigadier-General Grenville M. Dodge observed the pervasive destruction in that county. In a letter to one of his captains, R.M. Sawyer, he wrote, "I am informed . . . that there are hundreds of loyal men and

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[12] For more on extra-military activity and guerrilla warfare see Donald E. Sutherland, *A Savage Conflict: the Decisive Role of Guerrillas in the American Civil War* (Chapel Hill: University of North Carolina Press, 2009).
[13] Dodd, Civil War, p. 95; O. R., p. 790.
[14] Georgia Lee Tatum, *Disloyalty in the Confederacy* (Chapel Hill: University of North Carolina Press, 1934), pp. 55-56;

women in the woods of Alabama, waiting for an opportunity to escape."[15] However, information about these hideouts also came to the attention of Confederate forces, who then redoubled their efforts to bring in conscripts. Jefferson Davis himself complained in February 1863 "Not only has the numerical strength of the army been seriously impaired by the frequent desertions for which substitutes have become notorious, but just dissatisfaction has been excited among those who have been unable or unwilling to avail themselves of the opportunity thus afforded of avoiding the military service of their country."[16]

Despite the increased attention from Confederate officials, Union forces and Winston's Unionist citizens persisted in their attempts to undermine Confederate power.[17] Violence increased as northern soldiers, exhausted by the war and eager for its conclusion, had come to believe that only a "hard war" would "bring the Confederate home front to its knees."[18] A January 1863 letter to Confederate General Joseph Wheeler outlined the problem posed by Unionists in Marion, Walker, and Winston counties. It was suggested that Confederate General Phillip Roddey be given "undisturbed" control in that area.

> The state of things in the mountain, between here and Columbus, is becoming bad, especially in parts of Marion, Walker, and Winston Counties. The tory influence amongst these poor ignorant people is considerable. Added to this a great many have deserted from our Army and are hiding in the mountains. When Colonel Patterson, a few days since, marched, through Marion his encampment was twice attacked by Tories in one night.

It was hoped that Roddey "could pacify the mountain and add one or two more regiments from it to the Army, provided he had undisturbed control of the First Congressional District," But "If

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[15] William Stanley Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865* (Wilmington, NC: Broadfoot Pub, 2000), p. 424; O. R., p. 11.

[16] Jefferson Davis and Dunbar Rowland, "First Congress board session Richmond Virginia December 7, 1863 to February 17, 1864," *Jefferson Davis and Dunbar Rowland, Jefferson Davis, Constitutionalist: His Letters, Papers and Speeches (New York: AMS Pr., 1973),* p. 372.

[17] Joseph Wesley Danielson, *Wars Desolating Scourge: The Unions Occupation of North Alabama* (Lawrence: University Press of Kansas, 2012), p. 118; Charles Royster, *The Destructive Four: William Tecumseh Sherman, Stonewall Jackson, and the American* (New York, New York: Random House, 1993), p. 79.

[18] Danielson, *Wars Desolating Scourge: The Unions Occupation of North Alabama*, p. 118; Royster, 79.

something is not done speedily civil war in its worst forms of conflagration and murder will sweep over this country."[19] Even more direct and violent actions would be sanctioned the U.S. War Department, which issued General Orders Number 100, authorizing harsh tactics against Confederate civilians, in April 1863.[20]

The Emancipation Proclamation, issued by President Lincoln on January 1, 1863, was in part designed to further demoralize the Confederates and inspire slaves to take an increasingly active role in their own liberation. The effect of the Proclamation in North Alabama was not immediately perceptible, as the majority of slaves there remained with their masters. However once Union soldiers established their presence in the region, area slaves offered assistance, sometimes in the form of sharing their meager rations of food or hiding Unionists on their masters' property.[21] In North Alabama, Bill Looney was repeatedly sheltered by slaves while he scouted the movements of General Roddey for the Union. The slaves knew they faced a capital punishment if they were caught, but persisted in offering aid none-the-less.[22]

The Emancipation Proclamation also encouraged enlistments of African American soldiers, and both Union soldiers and northern civilians, including J. A. Spooner from the "Boston Association to Promote the Enlistment of Colored Troops," worked to recruit African Americans in North Alabama. Their efforts appear to have paid off, as General Grenville M. Dodge reported "two [black] regiments in North Alabama" had formed and another was "underway" by the start of 1864 – the 110th and 111th Regiments, United States Colored Infantry.[23] Altogether, approximately 5,000 African Americans from Alabama enlisted in the

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[19] Letter from James E. Saunders to Major General Joseph Wheeler, January 30, 1864; "O. R., pp. 0613-0614.
[20] Danielson, *Wars Desolating Scourge: The Union's Occupation of North Alabama*, p. 119.
[21] Ben H Weaver, "Scouting Roddey," *Northwest Alabamian*, no date; Danielson, *Wars Desolating Scourge: The Unions Occupation of North Alabama*, p. 119.
[22] Danielson, *Wars Desolating Scourge: The Unions Occupation of North Alabama*, p. 119.
[23] *Ibid,* p. 137.

Union Army over the course of the war.[24]

Attempts to increase the number of Confederate enlistments from North Alabama were less successful. In June 1863, a Confederate captain traveled to Winston in an effort to capture people avoiding conscription. However, the captain reported that he had been driven out of Winston's mountains, by "numbers of deserters, Union men and Yankees," two days after his arrival.[25] In the summer of 1863, Brigadier General Gideon Johnson Pillow, a failed leader of troops who became Superintendent of the Confederate Conscript Bureau overseeing North Alabama, reported there were between 8,000 and 10,000 deserters and conscription evaders in the mountains of Winston and nearby areas.[26] Many of them, he said, had "deserted the second third and the fourth time."[27] His estimate may be an exaggeration, but it reflects the Confederate perception of the scale of the problem.

John Philips and Bill Dodd were two of the men hiding in the forests of Winston. Dodd, 29 years old, took "'a supply of quilts and blankets, and a lot of light bread and meat' and joined Philips at his cliff hideout…" Upon his arrival he said that he had "come to stay… until the grass grew on his back a foot long."[28] The two men encountered other Winstonians who were similarly hiding out. The men in the woods decided to hold a meeting near Natural Bridge in Winston, and some three to four hundred attended, coming not only from Winston, but also from the surrounding counties of Randolph, Jefferson, Franklin, Marion, and Fayette. It was rumored that some even came from Mississippi. According to Phillips, there were three propositions made. "'All that want to join the rebel army stepped out!' Not a man stepped out. 'All that want to go to

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[24] Margaret M. Storey, *Loyalty and Loss: Alabama's Unionists in the Civil War and Reconstruction* (Baton Rouge, Louisiana: Louisiana State University Press, 2004), p. 102.
[25] Dodd, Civil War, pp. 104-105.
[26] *Ibid*.
[27] Dodd, Civil War, p. 105; O. R., IV, II, pp. 680-681.
[28] John R. Phillips, "My Life," MS, Winston County Genealogical Society, pp. 39 – 42.

the north and join the Union Army, step out.' There were over 100 men stepped out. Number three were left to decide for themselves."[29] Of those who volunteered to join the Union Army, over a hundred travelled to a Union encampment in Glendale, Mississippi, arriving September 20, 1863 and being assigned to Company L of the First Alabama Cavalry.[30] Within the first months of their existence this new regiment fought with the Army of the Tennessee under the command of Ulysses S Grant. Because of their familiarity with the region, Grant primarily assigned the men to searching the woods in the territory bordering Alabama in northeastern Mississippi.[31]

Familiarity with the forests paths and shelters of the woods in and around Winston was a great benefit not only for men who served in an official Union regiment, but also for others who continued their subversion of Confederate efforts back at home. One of these efforts took the form of a group called "Captain White's Winston County Mail Guard."[32] Little is known about this organization beyond the story recorded by Robin Sterling of the Winston County Genealogical Society and the post-war pension claims of Mail Guard members Andrew J. Ingle and Thomas White.

White was born in 1834 in Talbot County, Georgia. His father, Zachariah, a Brigadier General in the Georgia Militia during the Indian Wars, moved to Winston in the years immediately before the Civil War, and quickly became an outspoken supporter of the Union cause. Thomas followed his father to Winston in 1861. After the war began, Unionists formed a group dedicated to protecting the mail "from bandits and deserters" as it traveled along the Byler

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[29] Dodd, Civil War, p. 98; Phillips, "My life," p. 50.

[30] Peter J. Gossett, "Bald Rock," Winston Database, accessed February 04, 2019, http://freestateofwinston.org/baldrock.htm.

[31] Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865*, p. 97.

[32] Robin Sterling, "Captain White's Winston County Mail Guard," Winston Database, accessed February 04, 2019, http://freestateofwinston.org/conmail.htm.

Road in Winston en route from Courtland and Tuscaloosa. Thomas White became the Captain of this organization that functioned formally in service of the Confederacy, even though most members were Unionists. Men who volunteered for this organization were exempt from Confederate conscription, making it especially attractive to young Unionists.[33]

The organization served a dual purpose, both protecting the mail and serving as a "means by which the Unionists communicated with layouts and funneled information on the Confederates and potential Union army recruits back to Federal authorities." Ironically, despite the fact that county Unionists had created this organization in part to evade conscription and undermine other Confederate efforts, in 1863 the Mail Guard was ordered to report to Confederate General Roddey's command in the Tennessee Valley, on pain of being sent to the front lines in Virginia if they failed to show up. The men were then enrolled in Confederate service. White quickly deserted with his unit and returned to Winston to become one of the many men hiding in the woods. He was arrested in 1864, but escaped his captors and again returned home.

Zachariah White died in 1866, and his executor applied posthumously for payments from the Southern Claims Commission, set up to reimburse loyal Southerners for material losses during the war. The Claims Commission was convinced of Zachariah's loyalty to the Union, and therefore his heirs were entitled to recompense for Zachariah's losses during the war. However, the commissioners were skeptical of Zachariah's son's loyalty because, while he may have deserted, "in view of the record he made during the war, we cannot find him a loyal adherent to the Union." They subsequently issued a judgment to pay the family about one fourth of what they claimed, with the money going to Zachariah's grandson Willy. While Mail Guards were

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[33] *Ibid*.

initially entitled to small pensions paid by the state of Alabama to Confederate veterans, those pensions were cancelled in 1913. The reason given was that "the War Department could locate no muster rolls or any other record establishing its existence." As a final insult to Thomas White specifically, he was, according to county lore, laid to rest in 1912 in his Confederate uniform, in stark contradiction to testimony given to the Southern Claims Commission and to the Unionist sentiment he shared with his father, who had made his loyalty very public.[34]

In 1864, an already turbulent time in the hill country began to border on pure anarchy. That year, the Confederacy ramped up its efforts to punish Confederate resisters in the hills of North Alabama and the people there suffered from raids and harassment of both sides.[35] On April 2, 1864 Confederate Captain D.P. Wallsten reported to a superior officer about events in counties bordering Winston,

> I would most earnestly, sir, call your attention to the following report of the state and conditions of things in Marion, Walker, and North Fayette County: these counties are almost, if not wholly, abandoned by any military force, and are filled up by deserters and disloyal men who are avoiding the service. They have, a large number of them, banded themselves together in a sort of bandit association for the double purpose of opposition to the government and resistance to the laws, and for harassing, robbing, and sometimes murdering the good and loyal citizens . . . …They make weekly, in fact almost daily, incursions from their headquarters, above Pikeville, Marion County, into the adjacent counties, and rob all good citizens in their course of their horses, arms, money, provisions, clothing, bad clothing, and all else that can be of use to them, and not infrequently carry off as captives females of the families.[36]

A few weeks later, on April 19, Confederate Cavalry Officer Dudley W. Jones, wrote about his experience with the "Tories" in Marion County.

> On the route a small party of my men were fired into by a party of men dressed in Federal uniform. The tories immediately fled and were hotly pursued, but getting

[34] For Alabama Confederate Pension claims see Claims collection at ADAH; For Union Pension Claims see National Archives Records Administration microfilm publication T288, *General Index to Pension Files, 1861-1934* (544 rolls).
[35] Dodd, Civil War, p. 116.
[36] O. R., p. 746.

> into the hills they made their escape. I learned on my return that one of these men was a captain in the Federal army, and down there on recruiting service. The others were tories belonging to the Yankee army and at home on furlough . . . There are a great many deserters there in the woods and a good many of them are armed, and I learned that secret organizations existed among them, but saw no evidence of an open resistance.[37]

Sykes's report shows not only the ability of Unionists in this area to disguise their rebellion, but also the degree to which the Union forces encouraged such counter-Confederate activity and even participated in it.

However, Confederate forces in northern Alabama engaged in precisely the same sorts of behavior. Additionally, supplies of necessary goods and foodstuffs in the region had all but run out. According to Ben Weaver, because of increased pressure from and attacks by Confederate groups, "people were afraid to go to the valley or to Tuscaloosa for supplies. Parched meal was used for coffee. And in order to get salt, the people would sometimes dig up the dirt from a smokehouse, and get a little salt that would come to the top" after the soil had been boiled.[38]

J. E. T. Emerson of Lauderdale County, approximately 60 miles to the north of Winston, commanded a group of Confederates during the war known as "Emerson's Scouts" who patrolled the border between Alabama and Tennessee, in part to help capture men, such as those from Winston County, trying to make it to the Union camps in Tennessee to enlist. Emerson's Scouts were described as "hard fighters and absolutely merciless to Southern Tories." Emerson alone was reported to have killed twenty-two men. In response, a Union captain named Bill Taylor formed a similar group of "Federal gorillas or Tories, operating in the same territory." The two men and their respective bands are reported to have had many clashes and it was said that "when a soldier of either commands fell into others hands, it was a short shrift a strong rope

[37] *Ibid*, pp. 0671-0672.
[38] *Ibid*.

and a kick at the US."[39]

On April 26, 1864, Confederate Lieutenant General Leonidas Polk wrote to Major General Stephen D. Lee with his prescription for catching Unionists and deserters in the "infected districts."

> Roddey, I hear, has four regiments and four battalions. I note what you say of sending Ferguson's brigade in pursuit of stragglers and deserters. I have ordered Major-General French to send an infantry command through all the counties of North Alabama to co-operate with General Ferguson, and I now desire you to give orders to General Roddey to deploy enough of his command along the line of the Tennessee River, as near as he may think proper, to intercept such tories and deserters as may attempt to escape into the enemy's lines that way.[40]

Polk ordered Colonel James McCowan and others to "purge Fayette County" while "Colonel Gates, with his regiment, . . . will move northward along the Byler road to Captain Downey's and there take a right-hand road leading to Houston, county seat of Winston County," where Gates would "take charge of this whole county and cleanse it if possible."[41]

Confederate loyalists did not escape 1864 without additional losses at the hands of Unionist groups. Planter and slave owner Dr. Andrew Kaieser, the same man who had run against Sheets for Secession Convention delegate, was a Confederate supporter who frequently reported the presence of "Tories" in Winston to Alabama's governor and who reportedly played an instrumental role in the deaths of Unionists Washington Curtis (1863) and Tom Pink Curtis, (1864). Kaieser had also targeted the family of Aunt Jenny Brooks, sending Home Guards to the Brooks home on the Byler Road, where they seized her husband, took him to nearby Denton Hollow, and executed him. One of Jenny's children then hid out in Kaieser's barn and killed him as he entered a horse stall. The assassin then extracted from Kaieser's widow the names of the

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[39] "J.E.T. Emerson," n.p. ADAH, Winston County File.
[40] O. R., pp. 0825-0826.
[41] *Ibid,* pp. 0666-0667.

other men who had killed his father. The children reportedly tracked all of these men down and killed them after the war.[42]

Both Confederates and Unionists sometimes took hostages. Responsibility for these types of actions was laid at the feet of groups labeled by some Confederates as "bandito associations" that were formed to "harass and rob Confederates."[43] Confederate Captain J. Stewart described one such instance when he was stationed in the hill counties of Alabama. Stewart wrote to his commanding officer,

> The Tories on Wednesday night last made a raid into Marion County and captured and carried off with them Drury McMinn, a citizen of that county and a loyal man to the south. It is feared that they intend to… perhaps murder him, and therefore a respectable body of the citizens of the county has determined to seize and hold Lemuel Burnett, a citizen of Marion County, who is known to be a disloyal man… as a hostage for the safety and release of McMinn. The Tories also took McMinn's horse, and we will take Burnett's back until his is returned.[44]

Despite actions such as those described by Stewart, by 1864 Winston's Unionists were as weary of the war and exhausted by their resistance as the Confederates were from trying to control them. It was during this period that an organization known as the Peace Society began to gain traction in Winston. Members of this organization encouraged desertions and other forms of resistance to Confederate soldiers and government officials.[45] Membership stretched from Eastern Tennessee to Tallapoosa County in Alabama. It was used as an underground railroad for deserters and was assisted even by some members of the conscript bureau.[46] It is perhaps poetic justice that in this, the same territory proposed for a new Free State of Nickajack, some of that movement's ambitions were finally achieved, as the Peace Society carved out an increasingly

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[42] Dodd, Civil War, p.108; This story comes from John Bennett Weaver who claimed to have interviewed the people involved but refused to name them. For more on this see Chapter Six.
[43] Dodd, Civil War, p. 113.
[44] O. R., p. 747.
[45] Dodd, Civil War, p. 112.
[46] *Ibid*.

safe space to aid those men who now objected to the war.

In January of 1865, the Union Army was continuing its harsh policy through Alabama's northern counties. William Jackson Palmer, colonel of the Fifteenth Pennsylvania Cavalry, wrote to U.S. Brigadier General William Denison Whipple,

> The country was very difficult and rugged, with very few roads or trails, and scarcely any forage; but, with the aid of Union guides in Marion and Winston Counties, we evaded, by a night's march of twenty-three miles, all the forces except Colonel russell's (sic), whom we attacked unexpectedly on the Moulton road, twelve miles beyond Thorn Hill, on Wednesday noon, routing him so utterly that he did not delay our march twenty-minutes, and this only to pick up prisoners and burn his five wagons, including his headquarters wagon, out of which we got all the brigade and other official papers.[47]

At the same time, some in the Union Army attempted to assist and foster relationships with Unionists and those sitting "on the fence" between allegiance to either army. The following month, February 15, 1865, writing from Huntsville, Union Major General David Sloane Stanley also wrote to Whipple,

> The people here as elsewhere that we have occupied the enemy's country are open Unionists, people who are timid about their persons and property, and might be said to be on the fence, and secessionists. It is from this middle or kind of neutral class that we have much to expect. It is by gaining recruits from the ranks of this class that we may hope eventually to control the State against the secessionists.[48]

Still, the conflict would last until the spring of 1865, and so too did the Confederate attempts to force Winstonians to enlist. In late 1864, for example, Winstonians Jesse Nevels and V. S. Roden were seized by Confederate Home Guards and taken to the jail in Jasper, in neighboring Walker County. Nevels and Roden had been sheltering at the Winston County home

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[47] O. R., pp. 0540-0542.
[48] *Ibid,* pp. 718-720.

of Thomas M. Martin, a farmer who was around forty years old at the time of the raid.[49] In early 1865, Confederate raiders returned to Winston, captured at least five more men, and took them to the Jasper, either to enlist with the Confederacy or to face a firing squad.[50] According to testimony given to the Southern Claims Commission, Martin himself went "down to said town of Jasper as a spy. He done so. Come back and reported to us the situation of the place. How many Rebel's was stationed there and all about the place in general. He told us they kept arms and ammunition in the Jail House and that they also had a Union Prisoner in the Jail."[51]

Bill Looney was subsequently tasked with riding to the Union camp at Decatur and securing assistance from the Federals to stage a raid into Jasper to free the Union prisoners. Upon Looney's arrival in Decatur, General Mitchell helped organize a party of twenty-six Union men to undertake the mission, some of whom were also staying at the home of Thomas M. Martin. The testimony before the Claims Commission stated that Martin "fed and harbored them and give them all information that he could." After meeting the other party members at a designated location in Winston's Rocky Plains, the group proceeded to Jasper, stopping at the crest of a hill that lay approximately one hundred and fifty yards from the jail.[52] They swooped into the town, where "the prisoners was took out of jail, the jail and courthouse fired and burned up."[53] One man, a Winstonian known as Uncle Frank Curtis, died in the raid after being shot by one of the Confederates guarding the jail. Still, the party's original objective was achieved and the prisoners were returned safely to Winston.

A little over two months after this raid on Jasper, another raid led by Union General

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[49] "Thomas M. Martin's Claim." "Southern Claims Commission," Winston Database, accessed February 04, 2019, http://freestateofwinston.org/tmmclaim.htm.

[50] The experience of the raid and the events that precipitated it are chronicled most completely by Peter J. Gossett of the Winston County Genealogical Society; Peter J. Gossett, "Free State Civil War Events and the Jasper Raid," Winston Database, accessed February 04, 2019, http://freestateofwinston.org/jasperraid.htm; *Ibid*.

[51] "Thomas M. Martin's Claim."

[52] Gossett, "Free State Civil War Events and the Jasper Raid."

[53] "Thomas M. Martin's Claim."

James H. Wilson swept through the town, briefly occupying it on March 27, 1865. They did not succeed in destroying the county courthouse, which had been damaged by the earlier raid but was still standing; otherwise "Wilson's men finished what the Unionists had left undone." Wilson's men did manage to close the county judiciary and destroy the "books of the government assessor and tax collector, along with records and papers of the county officers and courts." After marching through the piney-forested hill country of Winston, one soldier remarked, "the woods through which we have passed to-day are horrible in the extreme, and the country poor beyond conjecture." Still, despite the success of Wilson's raid on Jasper, his march through Winston County on his way to Jasper "left most all the people without food, as the cavalrymen had to eat on their way." Jasper itself was apparently disappointing, leading another soldier to complain,

> We had heard of this place for several days and expected to find a smart little village, at least, but were never so disappointed in our lives, as it was the poorest excuse for a town we ever did see. It once had a log jail and was surrounded by a half dozen log cabins, but a short time before this the jail had been burned down by Union citizens, which left the cabins alone in their glory.[54]

The official end of the conflict in Winston and the hill country did not finally come until October 16, 1865, when the First Alabama Calvary USA, and the Winstonians who served in it, were officially mustered out in Huntsville, Alabama.[55] Hostilities, though, would linger and smolder for years after official combat had ceased, and, in many ways, they shaped the period of Reconstruction that was to come. This kind of history never fit well into the gallant narratives of Lost Cause historians who portrayed the south as a monolith, dedicated to the preservation of a "way of life." In the histories of Alabama written by Walter Fleming at the turn of the twentieth century, and by Albert Burton Moore in the 1920s, the citizens of Winston became outcasts,

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[54] *Ibid*.
[55] Hoole, *Alabama Tories: The First Alabama Cavalry, U.S.A., 1862-1865*, p. 113.

traitors and Tories, not loyal Southerners.[56] Viewed in this way, plain folk and dissenters could find little place in these early histories of secession and the war. Historian Eugene Genovese, one of the most influential historians of the antebellum South, argued that secession was the product of a "self conscious planter class" seeking "to protect its civilization against an outside threat," but as Carl Degler has written, "There simply were too many slaveholders and planters who opposed slavery and worked for the perpetuation of the Union to allow Genovese's formulation to be persuasive."[57] In places like Winston, where there were very few slaves and almost no plantation agriculture, there was no such "civilization" to protect. Margaret Storey has shown that Unionists included not just poor whites, but also "men and women of moderate to considerable wealth, including a marked number of slaveholders."[58] She quotes slaveholder Miles Craig of nearby Limestone County, who trusted that he "had a better shelter under the old Government than could ever be built for us again."[59] At the same time, a comparison of property ownership of Winstonians who joined the Union and Confederate armies shows that, while wealthier men were more likely to join the Confederates, there were men of little property on both sides. (Table 3) Dissent and rejection of the Confederate cause was yet another feature of a region bounded by geography and kinship more than by a monolithic ideology.

In a foundational essay, "The Irony of Southern History," C. Vann Woodward argued that the South was distinctive as the only region of the United States to experience military defeat and occupation. This singular fact, he wrote, gave Southerners a peculiar historical status, a "double history" not shared by the rest of the country. But what about those Southerners who

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[56]Walter L. Fleming, *Civil War and Reconstruction in Alabama* (1905; reprintSpartanburg, SC: , 1978); Albert Burton Moore *History of Alabama,* Vol. I. Chicago, IL: American Historical Society, 1927; Moore, *Conscription and Conflict in the Confederacy* (1924; reprint Columbia, SC: University of South Carolina Press, 1996).

[57] Carl N. Degler, *The Other South: Southern Dissenters in the Nineteenth Century* (Gainesville: University Press of Florida, 2000), p. 3.

[58] Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," p. 79.

[59] *Ibid,* p. 84.

resisted the secessionist movement, who defied the Confederacy even if in doing so they imperiled their lives? For these men and women, their Unionism was in conflict with their regional identity and left them neither fish nor fowl in their relationship to both the United States and the South. They were among the Southerners "who stood out against the prevailing views and values of their region while remaining there"[60]

It is perhaps doubly ironic that Winston's Unionists and Confederates were in some ways united by the war in a mutual history of loss. In addition to the loss of human lives, livelihoods, and material necessities, both experienced the destruction of an old political and social system that had organized their lives and experiences, to varying degrees, before the war. However, Winston Confederates had the pride and social prestige of having been loyal to the predominant ideology of the South, a loyalty that was bolstered after the war by Lost Cause historians. For Winston Unionists their loyalty to the United States was a kind of "lost cause" within the "Lost Cause," as the majority in Alabama and in the Confederacy branded them as traitors, while Federal support of their efforts at home proved to be largely non-existent.

In 1899, Washington D.C.'s *National Tribune* published "A Loyal Southron," written by North Alabama Unionist P. D. Hall. Hall contended that he did

> not claim any merit for the loyal Southern men above the comrades of the North… but they made a greater sacrifice for the Union than the men of the North… They were exposed and in danger every minute of their lives. They were shot sitting by their firesides or walking on the road; they had to leave their families to the abuse of the enemy; had to keep themselves closely concealed like vermin in the woods…[61]

Their losses were compounded because they were embedded in a larger community that was set on their extinction rather than their support and praise. Their cause, in the abstract, may have won out, but like their Confederate neighbors, their communities, lands, and lives had been

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[60] *Ibid,* pp. 4-5.
[61] Dodd, Civil War, pp. 276-277.

destroyed by the war.

Table 3: Property Ownership of Union and Confederate Soldiers from Winston County

		Union	**Confederate**
Real Estate			
	0-$150	11	6
	$151-$500	8	8
	$501-$999	2	2
	$1000 or more	0	5
Personal Estate			
	0-$150	7	10
	$151-$500	14	7
	$501-$999	0	1
	$1000 or more	0	3
Total Estate	0-$150	1	1
	$151-$500	15	3
	$501-$999	5	9
	$1000 or more	0	8

Source: Manuscript U.S. Census of Population, 1860

In fact, argues Storey, the sentiments and opinions shared by the Unionists of North Alabama were not so divergent from those held by moderates in the region prior to the election of Abraham Lincoln.[62] What makes Winston's story relatively rare in the landscape of the Confederate South was their boundless devotion to the Union and refusal to alter it even for the

[62] Storey, "Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," p. 86.

sake of their own safety and prosperity. The people of Winston County did not merely reject secession and war, but "desire[d] to cleave to something-to consolidate and maintain what they valued in their families, neighborhoods, and nation."[63] Their rejection of the Confederacy, as David M. Potter argued, "did not necessarily represent a rejection of Southern culture or values," including strong kinship ties and a sense of nationalism.[64] Where the two groups differed was in assigning their loyalty either to the U.S. or the Confederacy.

The resolutions passed by Winston's citizenry at Looney's Tavern in July 1861 expressed a dual allegiance to country and to the South. "We do not desire to see our neighbors to the south mistreated," they insisted, but they also made clear their desire to remain a part of the Union.[65] Their persecution at the hands of those "neighbors" who considered themselves loyal Southerners was repeated throughout the Confederate States.[66] In Shelton Laurel, a small Appalachian community in western North Carolina, Confederate Guards rounded up and executed thirteen male citizens after Unionists in the area had attacked a group of Confederate irregulars.[67] East Tennessee – like Winston, an area with many subsistence farmers and few slaves suffered almost continuous conflict between Unionists and Confederates throughout the war.[68]

On June 8, 1861, in Scott County Tennessee, citizens voted overwhelmingly against

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[63] *Ibid,* p. 82.

[64] David Morris Potter, *The South and the Sectional Conflict* (New York: ACLS History E-Book Project, 2005), p. 48; Storey, Civil War Unionists and the Political Culture of Loyalty in Alabama, 1860-1861," p. 75.

[65] Weaver, A "Brief History."

[66] For more on the violence between neighbors see the work of John Inscoe; John Inscoe and and Gordon G. McKinney, *The Heart of Confederate Appalachia: Western North Carolina in the Civil War* (Chapel Hill: University of North Carolina Press, 2000); John Inscoe, *Race, War, and Remembrance in the Appalachian South* (Lexington, KY: University of Kentucky Press, 2010); John Inscoe and Robert Kenzer ed., *Enemies of the Country: New Perspectives on Unionists in the Civil War South* (Athens, GA: University of Georgia Press, 2001).

[67] For more on this massacre see Phillip S. Paludan, *Victims: A True Story of the Civil War* (Knoxville: University of Tennessee Press, 2008).

[68] Noel C. Fisher, *War at Every Door Partisan Politics and Guerrilla Violence in East Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1997), p. 6.

secession, and later that year, the county's court approved a resolution making public the county's decision to secede from the state to form a free state. As in Winston, the intra and inter-county violence that took place there affected nearly all of its citizens, and it became a launch point for local Tennesseans trying to make their way to Union lines.[69]

Jones County Mississippi, the subject of the books and films *Tap Roots* (1942, 1948) and *The Free State of Jones* (2001, 2016), resembled in many respects the dissenting counties of eastern Tennessee and northern Alabama. It was a small community of mostly non-slaveholding whites, over whom Confederate conscription policies and Confederate Home Guards ran roughshod. They, too, were imperiled by Confederate agents who were enforcing the Conscription Act of 1862 or trying to collect ten percent of the citizens' crops and livestock under the auspices of the "Tax in Kind" policy of the Confederacy, passed in 1863. In Jones County, too, armed resistance to the Confederacy seemed the only viable option to save their homes and their lives. [70]

Disagreement and dissent are a part of Southern history and identity. Rather than showing Confederate opponents and active resisters as outliers and anomalies in the southern experience, the pervasiveness of a Unionist sentiment and counter-Confederate activity gives all such people an essential place in any fully-explored history of the Civil War South.[71]

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[69] "Our History," Scott County Tennessee, accessed February 04, 2019, http://www.scottcounty.com/welcome/our-history.

[70] Victoria Bynum, *The Free State of Jones: Mississippi's Longest Civil War* (Chapel Hill: University of North Carolina Press, 2003).

[71] See also Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2012); William W. Freehling, *The South Vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (Oxford: Oxford University Press, 2001); David Williams, *Bitterly Divided: The South's Inner Civil War* (New York: The New Press, 2010

CHAPTER FIVE

RECONSTRUCTING WINSTON

> Well, when Alabammy seceded from the Union, we seceded from Alabammy up here in Winston. I raised a company of soldiers and we jined the Yankee army. Ginrul Forrest got after my army up thar on the Tennessee River and he swore that he would hang every one of us if he ketched us. An he would a done it too. One night he chased us all night long. 'Bout one o'clock in the night, I heard Forrest and his men coming up 'bout a mile behind us. I drapped on my knees right thar, and prayed to the Lord. I promised the Lord if he would keep Forrest from ketchin' us, I would never vote a Demmycratic ticket as long as I lived.
>
> Voting Republican," *Montgomery Advertiser* (n.d.)

Towards the end of the war in the Hill Country the damage inflicted by the years of conflict between loyal Unionists and Confederate Home Guards, as well as the more traditional military battles in the area, was made worse by vengeful Union forces determined to punish and suppress any lingering Confederate loyalty. In 1864, when General William Tecumseh Sherman sent troops into Alabama during his Atlanta Campaign, explained his philosophy for the use of his troops saying, "I am practicing [my soldiers] in the art of foraging. They take to it like a duck to water." Sherman's forces robbed the citizens of this area of the materials necessary for their survival, such as livestock and garden crops, which he said they liked "better than rations."[1]

The sting of his punitive policies was made even more potent in places that were populated by significant numbers of men who had remained loyal to the Union and also

[1] Joseph W. Danielson, *Wars Desolating Scourge: The Union's Occupation of North Alabama* (Lawrence, Kansas: University Press of Kansas, 2012), p. 145.

enlisted in its Army. Throughout the state, at least 578 white Alabamians had enlisted in the Union Army. Winston alone sent 229 men to join Union forces in the First Alabama Cavalry. An even larger number aided the Union cause at home. The people who sheltered deserters, pillaged goods from Confederate families, engaged in guerrilla attacks against the Home Guards and Confederate loyalists, and used all available means to thwart a Confederate victory in North Alabama, now suffered from forces of the Union they hoped to preserve.[2]

In Winston, the situations that engendered wartime conversion from neutrality to Unionism inspired many in the post-war years to look to the national government for aid. However, when Winston and other northern counties left their insular tendencies behind to seek political and material support, local antagonisms only increased. Winston's wartime opponents of secession were a focus of hatred from former Confederates, many of whom retained their pre-war positions of power.

Still, Winston's citizens remained steadfast in their pride of independence and their desire for a path forward, which, for some at least, included former Confederates as well as those who had stayed loyal to the Union. In essence, they tried to walk a middle path between change and tradition by appealing to both sides, as in their initial attempt at neutrality. However, throughout Reconstruction, troubled leadership at the national level, along with economic forces and persistent racism, made this impossible. These attempts at conciliation only deepened the factional differences that existed during the war.

With the final defeat of the Confederate forces in 1865, the mood in Winston, as it was for Unionists in many of the northern hill counties, was one of jubilation and relief

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[2] Donald Dodd, Civil War, p. 122.

that the Union had survived. However as the Federal troops who had been stationed in Alabama during the war began to return to their own homes, this mood of "unmitigated joy" was quickly replaced by a pervasive anxiety. The fears of the Unionists concentrated on a continuing struggle with embittered Confederate soldiers, who were, after all, also their neighbors and kin. Unionists "found themselves in a ruined land, indelibly marked as traitors to the Confederacy, and left to fend for themselves amongst defeated and disillusioned rebels."[3]

On the May 5 1865, almost one month after Lee's surrender at Appomattox, Confederate General Richard Taylor, in charge of the Alabama, Tennessee, and Louisiana districts, surrendered his forces.[4] The following month, civil government in Alabama was suspended. As part of his initial Reconstruction policy, President Andrew Johnson appointed former Whig and Know-Nothing leader Lewis E. Parsons of Talladega to the position of Provisional Governor. As he did for other former Confederate states, Johnson required Parsons to call a convention that would repudiate secession and ratify the 13th Amendment, after which Alabama could return to the Union. Parsons seemed less interested in reconciliation than in restoring antebellum norms and laws, as well as the traditional power relations of the state.[5] This left those who had been loyal to the Union once again at odds with the dominant politics of their immediate neighbors. Parsons's first act was to reinstate the prewar officeholders until local elections could be held.[6] Except for laws about slavery, he reinstated state laws

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[3] Margaret M. Storey, *Loyalty and Loss: Alabama's Unionists in the Civil War and Reconstruction* (Baton Rouge: Louisiana State University Press, 2004), p. 171.
[4] Danielson, *War's Desolating Scourge: the Union's Occupation of North Alabama*, p. 167.
[5] Fitzgerald, *Reconstruction in Alabama: From Civil War to Redemption in the Cotton South,* pp. 63-65.
[6] Danielson, *War's Desolating Scourge: the Union's Occupation of North Alabama*, p. 167.

passed before 1861, laws that favored the fallen "aristocrats" of the planter class.[7]

So real was the threat to Unionists' lives and homes that a mere four months after Lee's surrender, "parties of marauders" were reported running rampant in northwestern Alabama, 'burning houses [and] murdering Union men."[8] In Walker County, bordering Winston, a group of Union men faced indictment for their role in liberating Federal prisoners from their jail cells during the war. It was only thanks to the intervention of the U.S. Army that the men escaped a trial.[9]

Meanwhile, the Freedmen's Bureau, established in the spring of 1865 and administered by military personnel, organized in Alabama as in other states. General Wager Swayne oversaw the Bureau's work in Alabama. Swayne dispatched David P. Lewis, future Republican governor of the state, to report on conditions in the northern counties. Asked if they were capable of curing themselves of their wartime injuries, the answer that came back from Lewis was a resounding No! He reported: "I must say that the poor must suffer and die of want if they are to rely on the counties."[10] In a previous act of retribution, the rebels had burned almost all the cotton in the region, leaving farmers in these counties with little to no way to earn an income. "I can see no hope for relief from the counties," Lewis concluded. "Their inability and tardiness of action – unavoidably so – would have them … suffer, perhaps freeze or starve."[11]

During Swayne's tenure, the Freedmen's Bureau offered food aid to both whites

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[7] *Ibid*.

[8] George W. Howard to Brig. Gen. R.S. Granger, July 1, 1865, OR, Ser. I. vol. 49, pt., p. 1057; Storey, *Loyalty and Loss,* p. 171.

[9] J. Bradley to Johnson, October 13, 1865, Johnson Papers; Michael W. Fitzgerald, "Radical Republicanism and the White Yeomanry during Alabama Reconstruction, 1865-1868," *The Journal of Southern History* 54, no. 4 (1988): pp. 565-96, p. 574.

[10] David P. Lewis to Brig. Gen. Wager Swayne, [December] 1865, FB-AL, NAMS-M809, Roll 6.

[11] *Ibid*.

and blacks, supervised labor contracts between landowners and former slaves, and, with the assistance of northern charities, created schools and hospitals.[12] In total, the Freedman's Bureau was only active in the South for five years and ended operations there in 1870. During that time, in Alabama, Wager Swayne was not entirely benevolent toward the freed slaves in his charge. Evoking shades of the Black Codes that were to come, Swayne forced all healthy former slaves to work or face charges of vagrancy.[13] Despite taking such a tough stance with the emancipated slaves, the activities of the Bureau enraged the state's white supremacists and former secessionists. To these people, the Bureau was the ultimate example of outside interference in what the former Confederates believed were state issues. One of the top priorities of white men across the South, whether they be Confederate or Union in allegiance, was an immediate resolution to the question of "who is an American citizen and what rights come along with citizenship."[14] Many Confederates were especially anxious to restore their right to vote and hold office. Additionally, the plans of Radical Republicans in Congress to give citizenship and even voting rights to emancipated slaves deeply worried many whites.

On August 31, 1865, Christopher Sheets was elected as Winston's county's delegate to the Constitutional Convention, in accordance with President Johnson's requirements.[15] Unlike the reticent man he had been at the Secession Convention, perhaps

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[12] Christopher A. Nordmann, "Freedmen's Bureau in Alabama," *Encyclopedia of Alabama*, accessed July 18, 2018, http://www.encyclopediaofalabama.org/article/h-1447.

[13] *Ibid*.

[14] Eric Foner, "Why Reconstruction Matters," New York Times (online), accessed July 18, 2018, https://www.nytimes.com/2015/03/29/opinion/sunday/why-reconstruction-matters.html; Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper and Rowe, 1988), p. xxiv.

[15] Malcolm Cook McMillian, "Journal of the Proceedings of Convention of the State of Alabama, Held in the City of Montgomery, on Tuesday, September 12, 1865," (Montgomery, Alabama: Gibson & Whitfield, State printers, 1865), p. 7.

emboldened by the Union's victory, he was more vocal at this convention and more public about his "radical" principles. Governor Parsons told the assembly, "The President had made it his duty 'to prescribe such rules and regulations as may be necessary and proper for convening a Convention, composed of the people of said State who are loyal to the United States, and no others."[16] This condition effectively barred the participation of former Confederates. The convention, he added, was "for the purpose of enabling the loyal people of said State to re-organize a State government, whereby justice may be established, domestic tranquility insured, and loyal citizens protected in all their rights of life, liberty, and property."[17]

The repeated use of the word "loyal" in Johnson's instructions highlighted a fundamental disagreement between the former Unionists and Confederates. To Republicans, loyal meant loyalty to the Union, but to Democrats, it meant loyalty to Alabama and the South.

An editorial in *The Huntsville Advocate* proclaimed,

> There has never been a community of interest nor an identity of feeling and sentiment in Alabama, owing to the geographical division of the state…Now old things have passed away, and a new era in the state's history is commencing it becomes her wise men to adopt a policy and to give it success too, which will make one people of her citizens…[18]

However, conciliation did not characterize the tone of the convention, as delegates from northern and Southern counties championed the causes that would most expediently restore their own section of the state. The convention voted to allow laws made since

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[16] "Constitution of 1865," accessed March 29, 2019, http://www.legislature.state.al.us/aliswww/history/constitutions/1865/1865rat.html.
[17] *Ibid*.
[18] *Huntsville Advocate*, July 12, 1865.

1861 to remain in force with a few exceptions.[19] Among the exceptions were the laws regarding repayment of loans made to individuals and corporations that supported the Confederate war effort. William P. Webb of Greene County, in the Black Belt, proposed to exempt the state from repayment of state loans that had been made to support the Confederacy.[20] Christopher Sheets proposed an additional amendment that would include private loans and investments made to "aid, directly or indirectly, of the rebellion, or of the late Confederate States, so-called."[21] The language of Sheets's proposal is as telling as its substance. He brands secession as illegitimate by calling it a rebellion, then drives this point home with his phrase, "the Confederate States, so-called." Given this attitude toward the Confederacy, an attitude that he and many citizens of Winston had professed since the secession crisis, ensuring that those who had aided the Confederacy with goods and investments not be repaid must have seemed an obvious idea, Parsons, in a letter sent directly to the delegates of the Convention, argued, "It is of the utmost importance that the high degree of credit which our state has enjoyed in all money markets be preserved untarnished."[22] President Johnson, though, further strengthened the cause of men like Sheets and Webb when he vowed "it should at once be made known, at home and abroad, that no debt contracted for the purpose of dissolving the Union can or ever will be paid by taxes levied on the people for such purpose."[23]

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[19] McMillian, "Journal of the Proceedings of Convention of the State of Alabama, Held in the City of Montgomery, on Tuesday, September 12, 1865," (Montgomery, Alabama: Gibson & Whitfield, State printers, 1865), p. 37.
[20] *Ibid*, p. 44.
[21] *Ibid,* pp. 44-45.
[22] McMillian, "Journal of the Proceedings of Convention of the State of Alabama, Held in the City of Montgomery, on Tuesday, September 12, 1865," p. 42.
[23] "The Rebel Debts," *The New York Times* (online), 1865, accessed March 29, 2019, https://www.nytimes.com/1865/11/09/archives/the-rebel-

Sheets's and Winston's objections to the repayments must also have had their roots in their ongoing acrimony toward the former slaveholders and their influence in the state. Mindful that they had been dragged into war by such men, North Alabama delegates including Sheets favored adding a requirement to the Constitution of 1865 that no future convention would be called without first getting popular approval by vote.[24] Additionally, Sheets advocated that any amendments to the new constitution be submitted for ratification by popular vote.[25] Sheets also objected to making judgeships appointive, rather than elected – an old Jacksonian principle. His objections were defeated; the delegates at the closing of the convention ratified the constitution without provisions for a popular vote on the new document and with executive appointment of judges approved. Sheets's failure to prevent this last change would have near violent consequences in Winston the following year.

Control of the systems of justice were particularly important to Winston and other counties in the region, since too many former Confederates were re-installed, and Unionists were not likely to receive favorable rulings from such men. For example, in Calhoun County, southeast of Winston, a Union man complained that the few secessionists in his neighborhood were the only people called for jury duty.[26] Alabama historian Horace Mann Bond observed that, "when Federal policy during the first two

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debts.html?mtrref=www.google.com&gwh=6683D44BDAE696226E0A106C68B33490&gwt=pay.

[24] Malcolm Cook McMillian, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism,* accessed March 29, 2019, https://heinonline.org/HOL/Page?handle=hein.cow/codval0001&div=1&id=&page=&collection=slavery, p. 93.

[25] McMillian, "Journal of the Proceedings of Convention of the State of Alabama, Held in the City of Montgomery, on Tuesday, September 12, 1865," p. 34.

[26] W.J. Cooper to U.S. Grant, October 14, 1866, NAMS, M-809, roll 7, frame 660, RG 105; Michael W. Fitzgerald, "Radical Republicanism and the White Yeomanry during Alabama Reconstruction, 1865-1868," *The Journal of Southern History* 54, no. 4 (1988): pp. 565-96, p. 574.

years following the war allowed former rebels to take positions of local judicial, political, and economic authority, loyalists were stunned and bitterly disappointed."[27] One group of Union veterans complained that "It is very hard to be ruled and governed… by these old Rebels, after we have served in the Union army under the old flag for nearly five years."[28] As Margaret Storey has written, "the war transformed Unionism from a conservative political position into a far more radical ideology, that, by Reconstruction, identified unwavering wartime loyalty to the Union and a willingness to punish treason as the key components of postwar political legitimacy."[29]

In Alabama, some in Winston and the surrounding counties continued to complain about the inequitable system for distribution of the aid from the Freedmen's Bureau. One of the Bureau's officials, J. B. Callis, reported in a January 15, 1866 letter to Swayne that "local authorities," most of them former antebellum politicians, were the ones distributing assistance. As a result, continued Callis, "the Union poor [were left] at the mercy of generally hostile officeholders. Those who now have control of the issue of supplies are eminently disloyal men."[30]

In testimony before Congress in January 1866, Brevet Brigadier General George E Spencer, who had been the Commander of the "First Alabama Regiment" of Union soldiers, explained the precarious position of former Unionists in Alabama thusly:

> Question: If the people were left entirely free from military restraint or control to elect members of Congress, and were assured that the men they

[27] Horace Mann Bond, "Social and Economic Forces in Reconstruction Alabama," *The Journal of Negro History*, vol. 23, no. 3, (July, 1938), pp. 290-348, p. 294.

[28] Multiple petitioners writing to Brig. Gen. Wager Swayne, June 8, 1866, FB-AL, NAMS-M809, Roll 7; Storey, *Loyalty and Loss: Alabama's Unionists in the Civil War and Reconstruction*, p. 173.

[29] Margaret M. Storey, *Loyalty and Loss: Alabamas Unionists in the Civil War and Reconstruction*, p. 2.

[30] Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction*, p. 19.

elected would be received here, what class of men would they elect?

> Answer: The elections this year show that no man unless he comes up to the full standard of a secessionist can be elected to any office outside of five counties in Alabama.[31]

Those counties were the five hill counties of Winston, Marshall, DeKalb, Walker, and Marion.

That same month, when asked how he thought the Unionists would fare if Federal troops were removed from the state, William H. Smith, like Sheets a Unionist at the Secession Convention who had refused to sign the Ordinance of Secession, replied that the loyal men especially needed the protection of the Federal government because rebels controlled most state offices. If left unprotected, he saw few options but to join the "Rebel Party" or leave the state.[32] To do neither meant risking harassment or worse. "A Union man," Smith testified, "is liable to be accused of anything, of larceny, burglary, or anything else, and although there is not the least foundation for the charge, an indictment is found against him, simply because he is a Union man."[33]

The Confederates who had committed the wartime outrages against the people of Winston and surrounding territories went mostly unpunished. The fact that men who had been violent and intimidating during the war were still mostly free during Reconstruction made the task of pursuing peace an uphill climb. Smith explained the relationship between wartime violence and Reconstruction leniency in his testimony a few days later.

> During the rebellion, there were in Alabama what were called 'home guards,' who murdered a number of Union men without trial by court-

[31] U.S. Congress, "Report of the Joint Committee on Reconstruction" (Washington DC: Government Printers, 1866), p. 9.

[32] *Ibid*.

> martial or any trial of any kind. And after Lee's surrender, they murdered a number of other men in the same way. After the provisional State government was set in operation, the grand juries of two counties found true bills against these parties for murder. The legislature has passed a law authorizing the Governor to pardon before trial and conviction, with the view, I have no doubt, to shield these men from punishment.[34]

Taking back judicial appointments and returning these positions to elected ones was an important priority for Unionists. Only through local elections of judges could a county's citizenry have the potential of a fair trial, an outcome not possible when Judges were appointed by a secessiont governor.

As a means of pressing this point, the citizens of Winston County effectively closed down their judiciary in 1866 after a Democratic appointee of Governor Patton's was scheduled to come to town and hold court. A November 3, 1866 letter from W. B. Wood, who had been appointed Judge for the Fourth Judicial District, described the actions taken by the citizens of Winston to prevent him taking up his post. He quoted the sentiments of the county's citizens in a letter to Governor Patton: "we positively do not want you to show your face here in our loyal County."[35] Wood continued:

> I had previously heard through gentlemen acquainted with the population of that county that I would not be suffered to hold a Court there, and that my life would be in danger if I went into the County, but I had determined to go anyhow until I received this communication. And having good reason to believe that although no names are signed to it, it contains the sentiments of a large number of the people residing in that County… I regard it as better for the peace and welfare of the country that there should be no courts rather than hold them under the protection of the bayonet at least in that County.[36]

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[34] U.S. Congress, *Report of the Joint Committee on Reconstruction,* p. 13.
[35] W.B. Wood, "Letter to Governor Patton in 1866 – 'Do not want you to show your face," Winston Database, accessed November 10, 2012, http://freestateofwinston.org/govpattonletter2.htm).
[36] *Ibid*.

At first, President Johnson appeared to champion the yeoman class of the South and to favor retribution against the dominant planter class, whom he saw as victimizing the poorer whites. After Abraham Lincoln had appointed him as the military governor of Tennessee during the war, he had said, "Many humble men, the peasantry, and yeomanry of the South, who have been decoyed, or perhaps driven into rebellion, may look forward with reasonable hope for amnesty. But the intelligent and influential leaders must suffer."[37]

However, this wartime pledge was forgotten. At first, Johnson issued a broad amnesty to Confederates, exempting those who had held important political or military offices in the Confederacy and all planters owning $20,000 or more. But he soon began to issue pardons to those exempted. Before 1867, he granted 13,500 pardons, often to those who merely asked him to do so. In 1867, Johnson issued a second Amnesty proclamation that re-enfranchised all but a few hundred former secessionist politicians and military leaders. All in all, Johnson's promise to empower yeoman and poor whites lasted only month. Many citizens of Winston, like Unionists across the south, enjoyed this brief promise of influence only to have it snatched away again. As one Unionist in Georgia complained, "Had it not been for the special pardons, the genuine Union men could of carried the state and sent the original Union men to Congress."[38]

When Congress finally convened again in December 1865, Congressional Republicans repudiated Johnson's policies. They passed a Civil Rights Act in 1866, granting citizenship to the former slaves, and re-authorized the Freedmen's Bureau,

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[37] Eric L. McKitrick, *Andrew Johnson and Reconstruction* (New York: Oxford University Press, 1960), p. 141.

[38] Kenneth M. Stampp, *The Era of Reconstruction, 1865-1877*, (New York: Vintage, 1965*), p.68- 69*.

which was set to expire. Johnson vetoed both bills, but his vetoes were overridden. The Congress also passed a new, Fourteenth Amendment to the Constitution, with a first clause guaranteeing the grant of citizenship. For most of 1866, Johnson and Republicans in Congress battled over control of Reconstruction, but in the fall of 1866, northern states gave the Republicans overwhelming control of Congress, and the Radical wing of the Republicans effective control of policy.

In March 1867, again over Johnson's veto, Congress passed the First Reconstruction Act. The former Confederate states were remanded to military rule, and all former insurrectionary states were required to call new constitutional conventions. Military governors were to enroll as voters all adult men, including African Americans. Unionists recognized that black suffrage was an impending reality and they needed black votes to achieve the political control over Democrats.[39]

Horace Mann Bond, writing in the 1930's, argued that this should have been a natural alliance; "There were obvious economic grounds upon which could flourish a common sympathy between the Negro ex-slaves and the 'poor whites,' producing a unified political party that cut across lines of racial antagonism. Both were poor; both were ignorant; both were so largely because of the planting oligarchy."[40] Certainly, Alabama's African-Americans saw their interests as better served by the Republican Party and Radical Reconstruction than by the reinstated Confederate Democrats. In 1867 Montgomery's *Daily State Sentinel* reported: "All over the state of Alabama- all over the South indeed- the colored people have with singular unanimity, arrayed themselves under the Republican banner, upon the Republican platform, and it is confidently predicted that

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[39] Foner, *Reconstruction: America's Unfinished Revolution*, pp.217-291.
[30] Horace Mann Bond, "Social and Economic Forces in Alabama Reconstruction," pp. 294-295.

nine-tenths of them will vote the Republican Ticket."[41] These black voters were being organized into the Republican Party by the Union League. The Union League originated in the North to support the Lincoln administration's policy, but became an influential organization in the South after the war. It was "secret and oath-bound, with a ritual reminiscent of the Masons and clearly political in character."[42]

The League organized not only black Republican voters, but also whites in Winston and the other former Unionist counties of North Alabama. Because it encouraged a Republican agenda after the war, and capitalized on the anti-Democratic, anti-planter class feelings of the region, it was even more important to keep the organization secret and oath-bound in Alabama as well. Fitzgerald describes the support and priorities of yeoman League leaders in the northern counties.

> They saw themselves as aggressively Radical, and they favored stern measures to maintain unconditional Unionists in power- wholesale removal of former Rebel civil office holders, widespread disenfranchisement, and possibly confiscation… Leaguers also supported such civil rights as were necessary to secure black support for Unionist candidates.[43]

In 1867, the total number of registered voters in Winston and Walker Counties combined was 1, 544 whites, and just 64 African-Americans.[44] On August 31, voters in Winston went to the polls to choose a delegate to the new constitutional convention, required by Congress, and elected Winston-born, Jackson W. Wilhite. Wilhite was a small farmer who had enlisted in the First Alabama Cavalry U.S. July 21, 1862 at age 42,

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[41] *Daily State Sentinel* (Montgomery), May 21, 1867; Lucille Griffith, *Alabama: A Documentary History to 1900* (Tuscaloosa: University of Alabama Press, 1972), p. 461.
[42] Fitzgerald, *The Union League Movement in the Deep South*, p. 2.
[43] *Ibid,* p. 74.
[44] "The Tribune Almanac and Political Register," accessed March 29, 2019, https://babel.hathitrust.org/cgi/pt?id=hvd.32044100178334;view=1up;seq=62, pp. 62-63.

only a few months after the Confederate Conscription Act had been passed.[45]

When the convention met on November 5, 1867, Wager Swayne, who was now the U.S. military commander in Alabama, was personally invested in seeing the Republican agenda advanced. He worked busily behind the scenes, trying to influence delegates and policies. Wilhite even introduced a resolution to ask Swayne to serve as President of the Convention. The resolution passed, but by this time Swayne's influence and increased political influence had already angered President Johnson to the point that making him Convention President was not a practical possibility.[46] In fact, in the eyes of Johnson, Swayne's interference was so great he was relieved of his post. With him went one of the strongest allies of the Republican movement in the state. Despite this, the Republicans at the convention did achieve some significant victories, and some significant losses.

The priorities of the Republican delegates were designed to make the state less oligarchical and more populist, in line with the Jacksonian principles so dear in the northern counties. Historian Wayne Flint has described the new Constitution, finally passed in 1868, as

> Drafted by a biracial convention dedicated to new ways of commerce, education, state government, and race relations, was a constitution devoted to raising revenue, providing universal education, and expanding state services, enlarging the size and scope of state government, and encouraging business and industry… Such beliefs were consistent with

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[45] "1870 Federal Census, for Jackson W. Wilhite," Ancestry Library, accessed February 21, 2019, https://www.ancestry.com/search/collections/1870usfedcen/; "First Alabama Cavalry," Winston Database, accessed February 24, 2019, http://www.freestateofwinston.org/fac.htm; "Jackson W. Wilhite Descriptive Book Entry upon Enlistment in the Union Army," Ancestry Library, accessed February 21, 2019, https://www.ancestry.com/search/collections/coloredvolunteerlists1864/.

[46] "Journal of the Alabama Constitutional Convention, 1867," Alabama Textual Materials Collection, accessed February 24, 2019, http://digital.archives.alabama.gov/cdm/ref/collection/legislature/id/13772, p. 13; Fitzgerald, *Reconstruction in Alabama: From Civil War to Redemption in the Cotton Sout*h, pp. 87-90.

> defeat of Confederate armies, the ascendency of new political factions, the enfranchisement of African- Americans, the idealism of emancipation and the extension of rights to black Alabamians.[47]

Seizing on an issue important in the earlier, 1865 convention, Wilhite, along with the majority of delegates, voted to repay only the state's debt incurred by Alabama prior to January 1861 and post Appomattox in 1865, excluding any debt due to persons aiding in the war effort.[48] Additionally, Wilhite voted with the majority on questions about extending citizenship to anyone born in or naturalized in the state (echoing the terms of the Fourteenth Amendment) as well as the expansion of the "elective franchise" to all males 21 and over, regardless of race.[49]

Congress had provided that all the new Southern constitutions had to be ratified by popular vote, with a majority of registered voters participating. The 1868 Constitution actually failed to pass in Alabama because a boycott of the vote by Conservatives (as Democrats now called themselves) meant that this requirement was not met. In response, the Congress simply accepted the vote, a decision passed over Johnson's veto.[50] With this ratification, Alabama re-entered the Union, and the state held elections for Congress and for state offices.

In 1868, behind a remarkable mobilization of black voters and white Unionists, the state elected its first Republican Governor, William Hugh Smith.[51] Smith was a former slaveholder and states rights advocate, turned Unionist, from Randolph County, in

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[47] Wayne Flynt, "Alabama's Shame: The Historical Origins of the 1901 Constitution," University of Alabama Law, accessed February 21, 2019, https://www.law.ua.edu/pubs/lrarticles/Volume%2053/Issue%201/Flynt.pdf, p. 67.
[48] *Ibid,* p. 52.
[49] Richard L. Hume, Jerry B. Gough, *Blacks, Carpetbaggers, and Scalawags: The Constitutional Conventions of Radical Reconstruction* (Baton Rouge: Louisiana State Press, 2008), pp. 80-83.
[50] Fitzgerald, *Reconstruction in Alabama: From Civil War to Redemption in the Cotton Sout*h, pp. 167-169.
[51] *Ibid*, pp. 167.

northeast Alabama. Winston County overwhelmingly supported Smith by a vote of 298 to his opponent's 119.[52] But Smith may not have been the Republican they were hoping for. Given the contentious implementation of the 1868 Constitution, Smith first refused to impose the document on the state's citizenry. Opposing the new constitution in effect meant opposing his own inauguration, only to have Congress authorize his installation on July14.[53] One of Smith's first acts was to try to amend the new Constitution by removing the prohibition against Confederate public officials and military officers being allowed to vote or hold office. He won some Democratic praise for his denunciation of "carpetbaggers" and northern influences.

One of the requirements of the rebel states before their Congressmen and Senators would be seated was ratification of the 14th Amendment. Ratification by Louisiana and South Carolina on July 9, 1868 was sufficient to add the amendment to the Constitution, and four days later, the Alabama legislature also approved it. This amendment placed into the Constitutions much of the national Republican Party agenda. The Amendment extended citizenship to all persons born in or naturalized in the United States, and required "due process of law" and the "equal protection of the law" for all persons (not just citizens). For a state where few whites considered freed slaves to be their equals, the ratification of this Amendment, on the heels of the ratification of the new state Constitution must, have been a bitter pill for many of them.

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[52] "The Tribune Almanac and Political Register," accessed March 29, 2019, https://babel.hathitrust.org/cgi/pt?id=hvd.32044100178334;view=1up;seq=71, p. 71.

[53] Michael W. Fitzgerald, "William Hugh Smith (1868-1870)," Encyclopedia of Alabama, accessed February 24, 2019, http://www.encyclopediaofalabama.org/article/h-2007; see also, Ralph Erskine Parnell, "The Administration of William Hugh Smith: Governor of Alabama, 1868–1870," Master's thesis, Auburn University, 1958.; Sarah Woolfolk Wiggins, *The Scalawag in Alabama Politics, 1865-1881* (Tuscaloosa: University of Alabama Press, 1977).

Pushback from the state's Democrats took an increasingly violent turn, most notoriously in the form of violence by the Ku Klux Klan. Originating in 1866 as a social club for Confederate veterans, the Klan in 1867 morphed into what was, in effect, the paramilitary arm of the Southern Democrats.[54] The connection between the Klan's violent intimidation and the enforcement of a Democratic hegemony was elaborated in the Congressional testimony by many former slaves who suffered its wrath. Testifying before a committee charged with investigation of Klan violence, African American Alabaman Henry Hamlin told of being dragged from the place was sleeping along with several other African Americans, taken to a nearby cemetery, and whipped almost to the point of unconsciousness. They were told that their offense was failing to attend a local Democratic political meeting. Asked, "Did they accuse you colored men of voting the radical ticket?" Hamlin responded, "they wanted me to tell something about the Union League."[55]

As Hamlin's testimony suggests, the Klan objected less to the fact that African Americans had been given the vote, than to the fact that, in conjunction with northern "carpetbaggers," they would use their vote to elect Republicans and deny the Democrats a return to power. The testimony of Democrat William Richardson, from Madison County, before the same committee bolsters this point. Richardson said, "if the negro was left alone uninfluenced and untrammeled, his passions not appealed to, I believe the

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[54] For more on the formation of the Ku Klux Klan and its relationship to the Democratic Party see Allen Trealease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*, (New York: Harper and Row, 1971), pp. 302-317.

[55] United States, "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.9," "Testimony of Henry Hamlin," HathiTrust, accessed February 24, 2019, p. 858.

native Southern people of Madison County would get a beneficial control of him."[56] Surely this "beneficial" control meant not only domination of black bodies and black labor but of the African American vote as well.

On November 3, 1868, the Republican agenda seemed to gain a much-needed champion when Republican Ulysses S. Grant was elected President, replacing the much-detested Johnson. Grant carried Winston with 284 votes to just 39 for Democratic opponent Horatio Seymour. Christopher Sheets served as a Grant elector and campaigned diligently for him.[57] For this political work, he paid a price, as described in later testimony before the Congressional committee appointed to investigate the Ku Klux Klan.

William R. Chisholm, a member of the Alabama legislature, testified to the abuses of Sheets he had personally witnessed on October 31, 1868, in Florence, while Sheets was canvassing for the Republican Party. This alone would have been enough to invite the ire of the Klan, but, according to Chisholm, Sheets also specifically denounced the Klan in strong language. Chisholm met Sheets at the Florence hotel and subsequently shared a room with him. He described Sheets as being "restless" before the Klan's arrival, as if he expected to be visited by them. The Klansmen arrived at midnight, and Sheets tried to escape by jumping from the hotel's window, still in his nightclothes, and scrambling across the porch roof. When Klansmen arrived at the men's hotel room, Chisholm was forced to admit that Sheets was attempting to escape. While Chisholm was left sitting in the hotel room, the Klansmen outside the hotel apprehended Sheets. When they demanded to know his identity he said "My name is Sheets; I am a cripple and

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[56] *Ibid,* 841.
[57] "The Tribune Almanac and Political Register. 1869," HathiTrust, accessed February 07, 2019, p. 77.

alone; there are twenty or thirty of you, and you can hang me, or shoot me, or do as you please with me, but I request you, if you are going to kill me, to do so here, as I do not wish to be carried to the woods and killed." The Klansmen returned Sheets to the hotel room and ordered him and Chisholm to dress. They were then taken to another part of the house, where the interrogation continued. Chisholm testified that the disguised men charged Sheets with having called them murderers and scoundrels. Sheets replied that the remarks he made about them "were not of a personal but of a political nature." The Klan released Sheets, conditional upon his not voicing his "political" opinion in public. Chisholm concluded, "and I now think the conditions upon which they spared his life were that he would not make any more speeches as he had made, having reference to them."[58]

Another witness, William Manning Lowe, described a seperate incident involving Sheets and the Klan, at a meeting in Huntsville, at which Sheets was a central speaker. Lowe testified that Sheets made "a very bad speech. I think it was well calculated to array the negroes against the white people." William Richardson, who was at the same rally, testified more emphatically than Lowe that Sheets was responsible for inciting the violence that ensued. According to Richardson, even though Sheets had promised not to make any more "abusive and inflammatory speeches against the Klan," when he saw "so many good colored people he wasn't afraid to speech (sic)." Richardson implied that Sheets was practically goading the African-American attendees into acts of violence by

[58] This testimony was originally given before the "Alabama Committee on Outrages" in 1868 and quoted in "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States;" "Alabama Committee on Outrages" (Montgomery: State Printers, 1868), pp. 853-854; 42nd United States Congress, Second Session, "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.9," 853-854.

admonishing the crowd to carry weapons and shoot the KKK wherever they found them. Additionally, Sheets was purported to have said the reason the Klan "paraded" around was because the colored people were "weak-kneed." Lowe, for his part, laid the blame for the riot at the feet of another speaker, a blacksmith and "a carpetbagger and a drunken, dissipated fellow," and claimed that Sheets "did not endorse that harangue."[59] Whatever the "provocation," Klansmen rode into town later that evening and engaged in an armed battle with many African-American attendees of the rally.

Four people were killed and two injured, though Richardson testified that the well-armed Klan never fired a shot.[60] Another meeting attendee reported, more credibly, that the Klan arrived and "carried a pistol in the right hand, and another in their belt, and a double-barrel gun, or a carbine, on their saddles."[61] Democrats who testified to the same committee blamed the violence on African Americans, and, especially, on the Union League. In testimony before Congress in 1871 Governor R. B. Lindsay, who had defeated the Republican Smith in 1870, insisted, "the prime moving cause of the existence of the Ku-Klux, was the result of the Union Leagues. Union leagues were organized in every little hamlet throughout North Alabama, composed principally of colored men, with a sprinkling of whites."[62] While this characterization of the Union League's composition is an exaggeration at best, blacks indeed joined the League in many districts. Such an

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[59] 42nd United States Congress, Second Session, "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.9.," "Testimony of William Manning Lowe," HathiTrust, accessed February 24, 2019, https://babel.hathitrust.org/cgi/pt?id=inu.32000007818240;view=1up;seq=246 pp. 819, 876.

[60] *Ibid*.

[61] Alabama Legislature, "Report of Joint Committee on Outrages," (Montgomery: JNO Stokes and Co., State Printers, 1868).

[62] United States, "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.8," HathiTrust, accessed February 24, 2019, https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t5q81rm9b;view=1up;seq=60, p. 60.

interracial organization was bound to inflame white supremacists.

William Manning Lowe, even though he was a one-time ally of Christopher Sheets, made the same argument, describing the purpose of the League as "to unite the negro population of this county in a secret political organization for the purposes of being used politically against the native white population of the country." He further called African American suffrage a "prolific source of evil." When pressed on the issue, Lowe was forced to admit that he had never read the constitution of these organizations nor attended a meeting, but his impressions were based instead on what he had been told.[63]

In Winston and other northern counties, the violence against League members was a visible reality. General George E. Spencer, a Unionist with the 1st Alabama Calvary, reported "the general disposition of whites" in North Alabama was "to mistreat [blacks] in every possible manner."[64] Not all of the violence against African Americans stemmed from League membership or political engagement, but these clubs, which many considered a threat to the traditional order, provided a convenient pretext for venting rage against former slaves and others and reasserting white supremacy after the loss of the war.

Their northern origins were also a factor in the Democrats violent hostility towards these groups, as many Democrats characterized the Union Leagues as a product of northern interference in internal Southern matters. Lowe described them as "organized here by a set of itinerant, irresponsible, worthless men from the north."[65] The true purpose

[63] "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.9," pp. 872, 877.
[64] Danielson, *War's Desolating Scourge: the Union's Occupation of North Alabama*, p.168.
[65] "Testimony Taken by the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States. V.9," p. 872.

of the League, he insisted, was to agitate and incite violence, and some Southerners had simply formed their own secret society to be a check upon the power of the League. Lowe testified "I looked upon the League as the cause and the Klan as the effect."[66] Christopher Sheets, unbowed by Klan attacks, continued to show public support for Grant and the Republican cause. As a reward for his loyalty, on May 31, 1869 President Grant appointed him to the position of U.S. Consul at Elsinore Denmark.

Alabama's first Republican Governor, William H. Smith, was born in Fayette County, to the southwest of Winston, one of the places singled out by Confederate loyalists as being full of tories during the war. Smith had served in the Alabama legislature prior to the war as a "states rights" Democrat. However, in 1862 he made his way to Union lines and spent the remainder of the war years as a recruiter for the First Alabama Cavalry, the same group many Winstonians had joined after making their own flight across Confederate lines.[67]

Smith was not a popular governor. For Unionists and Republicans, he did not go far enough in keeping former Confederates from regaining power, and for former Confederates, he was far too radical. It was during his tenure that both the 14th and 15th Amendments were ratified in the state. To spur Alabama's devastated economy; he encouraged greater exploitation of Alabama's natural resources and, especially, the building of new railroads, but white racism was a central problem for the Republican

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[66] *Ibid*.

[67] For more on Governor Smith see ADAH's description of his life and career; "Alabama Governors: William Hugh Smith," ADAH, accessed March 29, 2019, http://www.archives.alabama.gov/govs_list/g_smithw.html; William M. Cash, *Alabama Republicans During Reconstruction: Personal Characteristics, Motivations, and Political Activity of Party Activists, 1867-80* (Ph.D. dissertation), 1973.

Party.[68] For example, members of Fayette County's Republican Party, looked forward to the "colonization of the colored race when such measures shall become practicable."[69] The racism of whites throughout Alabama "restricted the development of party policy because state party leaders found it impossible to satisfy their black constituents without alienating whites, who were unwilling to see full equality granted."[70] However, in the election of 1870, Klan violence was a major factor, as Smith was defeated in his run for reelection by Robert Burns Lindsay.

The Lindsay administration, though, was not without its own issues. During his tenure both the Republican-controlled Alabama and Chattanooga Railroad and the Democratic-controlled South and North Railroad went bankrupt. According to Wiggins, "The debate over the state's involvement with railroad construction paralyzed the General Assembly during much of Lindsay's administration . . . In the end Governor Lindsay's compromise decision to stand behind some of the questionable bonds . . . satisfied no one." Lindsay did not run for a second term and returned to practicing law.[71]

In 1872, just two years after the Democrats had taken back power in the state, Republican David P. Lewis recaptured the governorship for the Republicans. Lewis himself was from Lawrence County in North Alabama. As a delegate to the 1861

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[68] Mark W. Summers, *Railroads, Reconstruction, and the Gospel of Prosperity: Aid Under the Radical Republicans, 1865-1877* (Princeton: Princeton University Press, 1984).

[69] *Washington Great Republic*, November 15, 1866; Fitzgerald, *The Union League Movement in the Deep South: Politics and Agricultural Change During Reconstruction*, p. 23.

[70] Alfred A. Moss Jr. and Eric Anderson, *The Facts of Reconstruction Essays in Honor of John Hope Franklin* (Baton Rouge: Louisiana State University Press, 1991), p. 108.

[71] Sarah W. Wiggins, *The Scalawag in Alabama Politics, 1865-1881*, (Tuscaloosa: University of Alabama Press, 1977), p. 76; For more on Governor Lindsay see "Alabama Governors: Robert Burns Lindsay," ADAH, accessed March29, 2019, https://www.archives.alabama.gov/govs_list/g_lindsa.html; Charles G. Summersell and Richard Brough, *Alabama: A State History* (Nashville and Tuscaloosa: Paul R. Malone, 1955).

convention, he had opposed secession, but then signed the Ordinance of Secession and even volunteered for the Confederacy. The next year, though, he returned home and helped to organize the secret Peace Society. When he was threatened with conscription in 1864, he crossed into Tennessee and remained in Nashville until the end of the war.

One of the Republicans who triumphed 1872 along with Lindsay was Christopher Sheets. Ever since he had emerged from his hiding place in the forest and declared his allegiance to the Union, he had fought stubbornly against the Confederates and their successors. Subsequent time served in a Confederate prison camp, which left him crippled for life, undoubtedly helped concretize his hatred for secessionist politics and emboldened his allegiance to the Union and Republicanism. In 1872, he returned from Denmark to run, successfully, for a seat in the U.S. House of Representatives running as one of two candidates for an "at large" seat, in the state as a whole, rather than in a single district. He won by about the same margin as Lewis.[72]

In March of 1873, Sheets took his seat in the U.S. House of Representatives. However, the "redemption" of his home state by conservative, Bourbon Democrats was already a looming specter. He could do nothing during his term to advance the principles of Jacksonian Democracy or to prevent Alabama's movement back to oligarchic, conservative, Democratic politics. The United States fell into a crippling economic crisis in 1873, and Alabama suffered along with the rest of the country. By 1874, the state was bankrupt and Republicans made an easy target for blame. Democrat George H. Houston took the governor's race, defeating Lewis by more than 13,000 votes, and the Democrats also won big majorities in both houses of the legislature. Christopher Sheets, again

[72] *The Tribune Almanac and Political Register 1870- 1873*, Horace Greely, ed. (New York: Tribune Publishing, 1874), p. 77.

running for an "at large seat," lost his bid for reelection by a similar margin. Republican reforms seemed lost. As an Alabama historian summarized:

> In 1874, in a "white supremacy" campaign in which South Alabama whites skillfully won the support of North Alabama, the Radical regime was overthrown. The Bourbon Constitutional Convention that followed abandoned many of the objectives of the Radical period and launched a policy of retrenchment and economy in an effort to extricate the state from a $29,000,000 debt amassed since 1867.[73]

Winston elected as its delegate a prominent figure from the county's earliest days. Andrew Jackson Ingle, who founded the town of Double Springs, was now 55 and still living in the town he founded. Ingle, like his predecessor Wilhite, was a small farmer.[74] He did not have the ardent Unionist or Republican reputation of Sheets and Wilhite; although he testified to the Southern Claims Commission that he was always loyal to the Union during the war, his claim was disallowed.[75] However, it seemed that North Alabama was also ready for a political change, making his Unionism or Republican ideologies less important.

Although Sheets, as a single Congressman, could have little impact during his single term in office, his response to the Civil Rights Bill proposed by Senator Charles Sumner shows a great deal about the limitations of the Republican coalition in Alabama, and the South. In its original version, introduced in 1870, Sumner's bill would have outlawed racial segregation in public schools and racial discrimination in public accommodations such as restaurants and hotels. Sheets voted along with his party in

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[73] McMillian, *Constitutional Development in Alabama, 1798-1901: A Study in Politics, the Negro, and Sectionalism,* p. 4; Fitzgerald, *Reconstruction in Alabama: From Civil War to Redemption in the Cotton South,* pp. 165-168.

[74] "Census of 1870."

[75] "U.S. Southern Claims Commission, Disallowed and Barred Claims, 1871-1880, Andrew Jackson Ingle," Winston Database, accessed February 24, 2019, http://freestateofwinston.org/ajingleclaim.htm.

favor of the bill in the House of Representatives. The backlash to the bill was severe in Southern states. In September 1874, as Sheets was running for reelection, *The Moulton Advertiser* commented, "By their votes in Congress, Alex White, and Christopher Sheets said that the children of poor white men should be forced into the same school with negro children… Will the white man support the Radical ticket??? We hope not."[76]

A month later, the same paper described Sheets's intentions in a manner that recalls the "solution" to the Native American issue in the southeast nearly half a century before- removal. "[Sheets] favors a white man's government and colonizing the Negroes in Africa or some of the western territories with the Indians. He says he is not in favor of Negroes holding office."[77] Sheets's actions and speeches illustrate a man with a complicated relationship to the issue of African-American equality. They show, as well, the fundamental difficulties in keeping together a political coalition of former slaves and plain-folk whites in Alabama, and the South.

Yet Winstonian Republicans stood by their cause, and violent interruption of Republican gatherings in Winston continued. On October 2, 1874, it was alleged that a man named Bean was instructed to interrupt a local Republican convention at Houston. An area newspaper reports that the man was "made drunk" by the opposing Democratic faction and instructed to assault Sheets.[78] The event became a public row when friends of Sheets thwarted the assault. The newspaper further reported that many pistols were drawn and that a local Democrat cut a local Republican through the nose, and he, in turn,

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[76] *Moulton Advertiser,* September 4, 1874.
[77] *The Moulton Advertiser*, October 2, 1874.
[78] "The Moulton Row," *The Moulton Advertiser*, October 2, 1874.

mortally stabbed the Democrat.[79] In the election itself, Winston again voted Republican, but Lewis's margin there was under 100 votes, compared with almost 300 votes in 1872.

Recalling Winstonians wartime plea to Washington to send Federal troops to support their efforts for the Union, Christopher Sheets again appealed to Washington for troops to help restore order and suppress violence. *The Moulton Advertiser* reported that he was successful in persuading President Grant to send troops and complained: "…our people now know by whose agency the Federal bayonet has been brought into the state."[80] By 1875, however, the military presence in northern Alabama included just twenty-two soldiers in Huntsville, forty-one in Tuscaloosa, and five in Athens, hardly a large enough force to thwart all acts of violence in the area. Still, for the Democrats of the state, Sheets had committed a trifecta of insults against Alabama's sovereignty – calling for what they considered a foreign power to have a more significant military presence in the state, supporting African-American civil rights, and appealing to President Grant, the former head of the Union forces that had won a victory over the Confederate States.[81]

On March 31, 1877 the last U.S. troops left Alabama. At the same time, President Rutherford B. Hayes refused to intervene in election disputes in Florida, South Carolina, and Louisiana, and those three states all returned to Democratic Party rule. Reconstruction in the South, at least as measured by Republican Party power, was over. But if Reconstruction was over, the legacy of Unionism and Republican Party activism in Winston County, and the Alabama hill country, was felt for decades. "Redemption" of the state did not destroy the Republican Party there. Right up until Alabama's

[79] *Ibid*.
[80] *The Moulton Advertiser*, September 25, 1874.
[81] By 1874 many former Klansmen transferred their activities to a new terrorist group, the White League.

disfranchisement convention in 1902, Republicans, with one exception, consistently polled almost 60,000 votes in Alabama's presidential elections – a third or more of the state total. Most of those Republican voters were African Americans, but the Republican candidates also consistently carried Winston, which had few black voters.[82] (see Table 4)

The exception for Winston was in 1880, following a crackdown on "homebrew" and "wildcat stills" set up by small farmers to bring in extra income. In 1877, a pitched battle between revenue agents of the U.S. Government and moonshiners in Winston brought the issue of illegal alcohol violently to the fore. Blaming the Republican-run Federal government for the crackdown on a way of life seen as essential by many small farmers, a majority of the county voted for a Democratic Presidential candidate in 1880 for the first time since the Civil War.[83]

The Hill Country also gave strong support to independents and third-party candidates in the late nineteenth century. In both 1878 and 1880, William Lowe won a seat in Congress in the area as a candidate of the Greenback-Labor Party. Supported by farmers and laborers, both white and black, the Greenbackers offered an alternative for multi-racial workingmen and yeoman farmers.[84]

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[82] Foner, Reconstruction: America's Unfinished Journey, pp. 552-553.
[83] Webb, *Two Party Politics in the One Party South* (Kindle edition), Kindle location 1591.
[84] Matthew Hild, "Greenbackism in Alabama," Encyclopedia of Alabama, Accessed July 24, 2018. http://www.encyclopediaofalabama.org/article/h-1658.

TABLE 4 VOTES FOR PRESIDENT, WINSTON COUNTY, 1868-1892

YEAR	Democratic candidate	**Vote**		Republican and other candidates	**Vote**
1868	Seymour (D)	39		Grant (R)	294
1872	Greeley (LR)*	105		Grant (R)	433
1876	Tilden (D)	237		Hayes (R)	454
1880	Hancock (D)	149		Garfield (R)	126
1884	Cleveland (D)	131		Blaine (R)	184
1888	Cleveland (D)	220		Harrison (R)	323
1892	Cleveland (D)	526		Harrison (R)	2
				Weaver (P)	568

Source: Walter Dean Burnham, *Presidential Ballots, 1836-1892*, (Baltimore: Johns Hopkins Press, 1955).

D: Democrat; R: Republican; P: Populist.

*In 1872, the Democratic Party did not nominate a candidate, but instead supported Horace Greeley, who ran on the Liberal Republican ticket.

The South's small farmers were by this time suffering from rising debts, often prompted by their shift away from subsistence farming and toward commercial crops. This shift can be seen in Winston, even though the change there was less dramatic than in other places. (Table 5) Lawrence County, directly to the west of Winston, was the hub of the party's organizing effort in Alabama that it was described as "the Head, Tail, and Backbone of the Greenback Party."[85]

[85] Horton, p. 85

TABLE 5
Cotton and Corn Production, per capita, in Winston County, 1859 and 1879

Year	Cotton (bales)	Corn (bushels)	Swine
1859	.10	24.8	1.7
1879	.13	20.9	1.7

Source: U. S. Census of Agriculture, 1860; U. S. Census of Agriculture

The party had formed in the late 1870s; its party platform of 1876 called for a "United States note, issued directly by the government and convertible on demand into United States obligations."[86] By the 1878 platform, the party added calls for restrictions of prison labor contracts and limits on immigration.[87] Especially, Greenbackers called for the government to increase its issue of greenback dollars as the population of the time was outstripping the amount of available currency.[88] Lowe explained the party priorities in his "Scottsboro Letter," published in a Scottsboro newspaper. These were "repayment of the national debt in greenbacks, the repeal of the Resumption Act, the abolition of the National Banking System, taxation of government bonds and securities, unlimited coinage of silver on equal terms with gold."[89] It was platform that appealed especially to small farmers suffering from debt and deflation.

[86] Steven J. Rosenstone, Roy L. Behr, and Edward H. Lazarus. "Third Parties of the Nineteenth Century." In *Third Parties in America: Citizen Response to Major Party Failure – Updated and Expanded Second Edition*, 48-80. Princeton, New Jersey: Princeton University Press, 1984, http://www.jstor.org.libproxy.unh.edu/stable/j.ctv39x6g9.8, p. 65.
[87] *Ibid*.
[88] Hild, "Greenbackism in Alabama."
[89] Frances Roberts, "William Manning Lowe and the Greenback Party in Alabama" In Sarah Woolfolk Wiggins, *From Civil War to Civil Rights – Alabama, 1860-1960: An Anthology from the Alabama Review* (Tuscaloosa: University of Alabama Press, 1987).

Others opposed to the Democrats called themselves "Independents." Between 1876 and 1886, seventeen North Alabama counties sent either Greenback or Independent candidates to the state legislature.[90] Historian James L. Webb explains, "Dissidents in the [Tennessee River] valley tended to be Greenbackers in the early 1880's, whereas those in the Hill Country preferred to be called Independents." In 1878, the same year Lowe was first elected to Federal office, the Greenback Party nominated its first candidate for governor, James Madison Pickens, from Lawrence County. Pickens had served in the Confederate Army; he was a preacher, publisher, farmer, and teacher, "sympathetic to the plight of the working classes."[91] The Republicans did not nominate a candidate for governor in 1880. Pickens won just 24 percent of the state's vote, but he carried Winston, 191-180. Neither Lowe nor Pickens, though, would have long-term success. An assassin who opposed his politics killed Pickens at the start of 1881, and Lowe died in 1882, months after assuming his seat in Congress.[92] In the 1882 gubernatorial election, Greenback candidate James L. Sheffield won majorities in Lawrence, Madison, Walker, and Winston.[93] But, a Democrat took over Lowe's seat, and the Alabama Redeemers assumed "the political insurgency in northwest Alabama was over."[94]

Christopher Sheets himself retired from public life, becoming a reclusive man in his home in Decatur. The cause to which Sheets had invested so much of his life and energy, first Unionism, then Republicanism, had finally failed in Alabama with the

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[90] Webb, *Two Party Politics in the One Party South,* p. 85.
[91] Hild, "Greenbackism in Alabama;" Paul Horton, "The Assassination of Rev. James Madison Pickens and the Persistence of Anti-Bourbon Activism in North Alabama," *Alabama Review*, 57 (April 2004), pp. 83-109, p. 86.
[92] *Ibid*.
[93] Webb, *Two Party Politics in the One Party South*, pp. 65-66.
[94] Horton, "The Assassination of Rev. James Madison Pickens and the Persistence of Anti-Bourbon Activism in North Alabama," p. 86.

election of Democratic Governor George S. Houston in 1874. Still, echoes of Sheets's dissent, and that of his fellow Winston dissidents, continued to reverberate in hill country politics. In the Populist Party revolt of the 1890s, Winston County was a Populist stronghold. James B. Weaver, the Populist candidate for president in 1892, outpolled Democrat Grover Cleveland in the county, 568-562.[95] Clearly, the rebellious spirit of Winston County in the war years lived on.

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[95] Walter Dean Burnham, *Presidential Ballots, 1836-1892*, (Baltimore: Johns Hopkins Press, 1955).

CHAPTER SIX

HISTORICAL MEMORY AND "THE FREE STATE OF WINSTON"

> Miss Caroline printed her name on the blackboard and said, "This says I am Miss Caroline Fisher. I am from North Alabama, from Winston County." The class murmured apprehensively, should she prove to harbor her share of the peculiarities indigenous to that region. (When Alabama seceded from the Union on January 11, 1861, Winston County seceded from Alabama, and every child in Maycomb County knew it.)
>
> - Harper Lee, *To Kill A Mockingbird*

In 1986, the Town Council of Double Springs, the county seat of Winston County, unanimously passed a resolution for the collection of funds to build a Courthouse Square monument to their Civil War era history.[1] In doing so, they once again embraced a peculiar behavior. First, they constructed a Civil War monument nearly a century after the initial flurry of monument building and some eight decades after the height of monument construction in the Jim Crow era. The 1980's, the Reagan years, the "Born in the USA" decade, and the time of a country coming to terms with the legacies of Vietnam and the popular upsurge in POW/ MIA organizations and flags, perhaps inspired this town to reconsider its own role in the American pageant.[2]

But the monument was unusual in more striking ways. To sculpt it, the Town Council selected German-born sculptor Branko Mendencia. Mendencia and his family

[1] "Resolution No# 355," Double Springs City Council Meeting Minutes, December 15, 1986.

[2] For more on Vietnam and popular memory including an extended discussion of the national organization of POW/ MIA see Amanda C. Demmer, "The Last Chapter of the Vietnam War," PhD diss., University of New Hampshire, 2017, abstract in.

came to the U.S. in the years after World War II and his father found work in the rocket laboratories of Huntsville, Alabama. The Council had initially envisioned a monument with two soldiers, one Confederate and one Union, to represent the county's division of loyalty during the war.[3] However, Mendencia proposed a design in which a bifurcated soldier, split down the middle and wearing half of a uniform from both armies, stood atop a broken blade, with the hilt of the broken sword in his hand. Mendencia's vision captured the internal division, not only between citizens of the county, but also within the individuals who had fought. As expressed in the text of Christopher Sheets's Neutrality Proclamation in 1861, there was real conflict even among in the county's Unionists, many of whom who felt loyalty to the South and to Alabama, but also, powerfully, to the Union. The plaque, written by Donald Dodd, county historian and descendant of a Winston Unionist, makes this struggle ever more explicit.

> The Civil War was not fought between the North and South but between the Union and Confederate Armies. Perhaps as many as 300,000 Southerners served in the Union Army. The majority of the Appalachian South from West Virginia to Winston County was pro-Union. Winston provided 239 Union and 112 Confederate soldiers, 21 of whom shared last names.
>
> This Civil War soldier, one-half Union, and one-half Confederate symbolizes the war within a war and honors the Winstonians in both armies. Their shiny new swords of 1861 were by 1865 as broken as the spirits of the men who wore them; and their uniforms of blue and grey, once fresh and clean, were now as worn and patched as the bodies and souls they contained. Johnny Reb and Billy Yank, disillusioned by the realities of war, share dual destinies as pragmatic Americans in a reunited nation.[4]

For Mendencia the monument recalls this tragic Civil War history as well as the

[3] Interview with Mayor Elmo Robinson, Interviewed by author, July 2016.
[4] Donald Dodd, "Dual Destiny (plaque)," Courthouse Square, Double Springs, Alabama.

history of conflict since then, in what he calls a monument to peace.[5] After its dedication, the Double Springs Police Force adopted an image of the statue for the sleeve badge of their uniforms, indicating the centrality of this statue to the town's sense of identity. The statue and its plaque are a tangible symbol of Winston County's community of memory: of the division, the bloodshed, the divided loyalties that marked the Civil War.

In his book *Sustaining Southern Identity,* historian Keith Dickson asserts "Confederate national identity did not disappear with the Confederacy; it could not because it remained with Southerners through the collective war-time experience."[6] Winston, like the rest of the South, suffered in that "collective war-time experience," but it is exceptional (not unique) because so much of its suffering came from Winstonians' *opposition to* rather than their *support of* the Confederacy.

The people of North Alabama began to spin narratives of the war as soon as it was over. In his 1865 novel, *Tobias Wilson,* Madison County Representative Jeremiah Clemens described the suffering of the hill counties this way: "Neighbor was arrayed against neighbor, and to the evils of open violence were added private assassinations and midnight burnings."[7] There were attempts soon after the war to call for reconciliation, and to forget, in effect, the wartime violence. In 1868, former Union General F. L. Cramer, running as the Republican candidate for Congress in the Sixth District, of which Winston was a part, appealed to citizens to move forward, rather than look backward. In

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[5] Telephone Interview with Branko Mendencia, Interviewed by Author, October 13, 2017.

[6] Keith Dickson, *Sustaining Southern Identity,* (Baton Rouge: Louisiana State University Press, 2011), p. 218.

[7] Madison County is adjacent to Winston. During the Civil War era and the Antebellum period, county boundaries were ill-defined. Madison shared some similar topographical traits and Unionist support as Winston; Taylor M. Polites, "The Boody Occupation of Northern Alabama During the Civil War," accessed February 13, 2017, http://originalpeople.org/bloody-occupation-northern-alabama-civil-war/.

an open letter addressed to "Loyal Citizens," he wrote of the pacific feelings of many throughout the district, "they have no antipathy to anyone… they desire to ask no questions as to past records… for God's sake let us bury the past differences, hush up our complaints and bickering."[8]

Reconciliation did not come, though, and the theme of violence and division echoed far into the future. A century later, Wesley S. Thompson, a native of Winston, described the violent war years this way: "These were only a few of the stories of atrocities committed by the Home Guards in the name of 'justice'- the best interests of the 'South'- the Confederacy as they insisted. Useless, fiendish killing- murder!"[9] Violence and retribution are foundational bonding themes within the Winstonian collective memory; pain and struggle are uniting features of identity. Given the persistent inter- and intra-county violence that swept these northern counties in the post-war years, this seems to be a realistic understanding of the Winston experience. As Thucydides observed in his study of the Peloponnesian War, "The People made their recollection fit in with their sufferings."[10]

The dominant Southern white narrative of the war that developed in the late nineteenth century either ignored or dismissed the experiences of places like Winston. The war became the "Lost Cause," which portrayed the South as united in favor of secession and fighting for "liberty" against great odds. This mythic view was predicated on an "either you are with us or against us" mentality that allowed no room for Winston's

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[8] *The Unio*n was published in Lawrence County, the northern neighbor of Winston; No author attributed, "General F.L. Cramer," *The Union,* January 13, 1868.

[9] Wesley S. Thompson, *The Free State of Winston: A Brief History of Winston County*, (Vernon, Alabama: Pareil Press, 1968), p. 121.

[10] Thucydides, Robert B. Strassler, and Richard Crawley, *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War,* (New York: Free Press, 2008), p. 121.

desire for reconciliation. The most prominent organization working to project this image of a united community across the broader south was the United Daughters of the Confederacy (UDC), founded in 1894. The organization codified and widely disseminated a version of a gallant but defeated South, which they spread though monuments, memorials, and educational projects.[11] The dominance of this overarching public memory left no place for Unionists and dissenters in the minds of many Lost Cause adherents. The UDC's version of Southern and Civil War history perhaps found its most popular expression in Margaret Mitchell's novel *Gone With the Wind* (1936) and the hugely popular film of the same name (1939). Both the novel and the film elaborate the tenets of the Lost Cause narrative with glossy romantic effect: happy and loyal slaves; beautiful Georgian plantations; unscrupulous Yankees and carpetbaggers; and a dreamy society of characters both ravaged by a war they could never have won, but fought, nonetheless, gallantly.

This fantasy was particularly preposterous in counties like Winston. As county historian Dodd wrote, in places like Winston, in the hill country of North Alabama, "the Gone With the Wind stereotype was more than rare – it was nonexistent. Plantation houses were no more than the large log cabins, usually of the double pen type with the

[11] Gaines M. Foster, *Ghosts of the Confederacy Defeat, the Lost Cause, and the Emergence of the New South, 1865-1913*(Cary: Oxford University Press, USA, 2014), 117; For more on the Myth of the "Lost Cause" see: Gary W. Gallagher and Alan T. Nolan, *The Myth of the Lost Cause and Civil War History* (Bloomington: Indiana University Press, 2010); Bruce C. Levine, *The Fall Of The House Of Dixie* (New York: Random House, 2013); Paul D. Escott, *Rethinking the Civil War Era: Directions for Research* (Lexington, KY: University Press of Kentucky, 2018); David W. Blight, *Beyond the Battlefield: Race, Memory & the American Civil War* (Amherst: University of Massachusetts Press, 2002); Victoria E. Bynum, *The Long Shadow of the Civil War: Southern Dissent and Its Legacies* (Chapel Hill: University of North Carolina Press, 2010); Karen L. Cox, *Dixies Daughters: The United Daughters of the Confederacy and the Preservation of Confederate ... Culture* (Place of Publication Not Identified: Univ Press of Florida, 2019).

dogtrot in the center."[12] Instead, Dodd, in his words for the Dual Destiny monument, stressed the futility of the fight, the independent nature of the county, and the suffering of the citizens. The Winston story is a direct challenge to the "tyranny of the single narrative" offered by Lost Cause adherents and the citizens of Winston then as now appear to know it.[13]

By 1900, as David Blight has shown, both Northerners and Southerners had embraced a reconciliationist view of the Civil War, as a tragic conflict between brothers. An example of this view appeared in "A Letter From An Old Comrade," by George Jenkins, in the Doubles Springs paper *The Anchor* in 1900. At the conclusion of his letter, the former Unionist writes, "The animosity I once held against them is all gone now… I am as proud today of the records of the brave Confederates as I am my Comrades whom I fought with.[14] Other Alabamans, if they paid attention at all, dismissed Winston Unionists. The actions of Charles Christopher Sheets during the secession crisis, war years, and Reconstruction, made him a lightning rod for those who saw Winston's activities as disloyal. In the post-war years, opposition to Sheets led to attacks on his character and loyalty. Several accounts recall Sheets's ability as a stump speaker, even if they simultaneously showed distaste for his positions and his audience. *The Birmingham Ledger* reported after the war, "Sheets was a good stump speaker, particularly pleasing to

[12] Donald Dodd and Wynelle S. Dodd, "Hill History," Unknown date and Newspaper, Weaver Family Papers.

[13] This term has been used in many contexts. In this case, I use it to refer to the idea that there is a singular story of the South, which Lost Cause proponents used to explain the story/ history of the entire region; Narrative Lines of Stories and Myths, accessed March 31, 2019, http://kairos.laetusinpraesens.org/inexplic_1_h_20.

[14] George C. Jenkins, "Letter from an Old Comrade," *The Anchor*, May 5, 1900.

the ignorant."[15] As late as 1902, the newspaper from a neighboring county was still attacking Sheets. In response to Sheets being put on the Union pension list, the *Moulton Advertiser* complained: "we regard it as an injustice to the brave Federal soldiers who are now receiving only about 10.00 per month."[16]

By that time, though, if Winston was known at all by the outside world, it was mainly as a symbol of Southern backwardness. The self-sufficiency and close-to-the-land lifestyle so many Winstonians had prided themselves on became the subject of derision and scorn. In 1894, a Philadelphia paper published what it said were the views of a man from Montgomery on his fellow Alabamians.

> There are a good many of these people in Winston County, and they have fed almost exclusively on clay for several generations... They are small of stature and exceedingly ignorant, from having the natural intelligence that marks other mountain people in that section. Living in caves and groveling in the earth has also left its impress upon their shape, and they are doubled over very much like the Digger Indian. So far as I know, this class of people is confined to a few sparsely inhabited portions of Alabama, and cannot be found in any other state.[17]

Such people could have no role in the historical memory of those in the more "civilized" parts of the state.

In the mid-twentieth century, local writers in Winston began to revive the stories of the Civil War. In 1939, the same year the film version of *Gone With the Wind* had the nation enthralled, J. D. Brown published a newspaper article, "Hail to the Free State of Winston." Brown depicted the words of one of the anti-Confederates in the county, Jonathan Jones, this way – both objecting to secession and recalling the county's firm

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[15] "Newspaper Tidbits," Winston Database, accessed October 30, 2017, https://www.freestateofwinston.org/newspaper.htm.

[16] Unknown, Moulton Advertiser, reprinted in *The Mountain Eagle*, May 7, 1902.

[17] *Philadelphia Inquirer*, January 1894.

allegiance to the memory of Andrew Jackson.

> I would give up everything I own for the United States. I fought under Andy Jackson at New Orleans and I helped to run the killin' redskins away. Andy Jackson was a great general and great president. He said the Union must be preserved at any cost, and I take my stand with Andy.[18]

From this time, and on into the 1950's and 1960's, the story of the "Free State" was revived, and eventually celebrated, in novels, book-length histories, newspaper articles, and public lectures. The county claimed for itself a place in the modern world, even while accepting also a gentler version of its backwoods image. In November 1950 the county celebrated its centennial with a "Parade of Progress," in which old-fashioned agricultural tools were on display, next to the proud farmers who were still working the fields with them. The parade was reviewed by important Alabama political figures, including Governor James T. Folsom and his staff and Mayor of Birmingham Cooper Green. The program also featured such traditional hill country entertainments as "scramble for the Greased Pig" and the "All Night Sing-Fest," featuring the Sacred Harp Singers.[19]

Perhaps the greatest contributor to the revival of interest in county history was John Bennett Weaver. Weaver was born in Winston in 1879, 14 years after the conclusion of the war. He grew up attending the local schools and was subsequently educated at Winston County's Godfrey College and Georgia Robertson Christian College in Tennessee.[20] In addition to other county offices he held, Weaver served as a school

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[18] J.D. Brown, "Hail the Free State of Winston," unknown newspaper, 1939, ADAH, Winston County file.
[19] "Memorandum from the Centennial Celebration Planning Committee," Unpublished, Weaver Family Private Collection.
[20] "Biographical Memoranda of John Bennett Weaver," unpublished, Weaver Family Papers.

teacher and Probate Judge (1923- 1935).[21] Weaver's work interviewing historical actors present at the time of the neutrality conventions and during the war in Winston has helped both to preserve the memory of the era and, reflexively, to create it. Winston County history was a multi-generational family occupation in the Weaver family. A recurring newspaper column from the early 1970's, written by Ben H. Weaver, son of John B. Weaver continued the father's work of collecting oral testimony. Ben Weaver wrote that such stories were already part of Winston's heritage before the war, that "The first Hill Historians were the early settlers who meticulously observed forces and events in their environment and reported them to others in later years."[22]

John B. Weaver began his research in the early years of the century, making an effort to interview as many actual actors as possible. His focus on preserving the memory, while almost no one else was, is precisely what makes his material so valuable. It is almost singular in its attempt to capture the first-hand accounts of the war years. However, his lectures and essays did not appear in print until the middle of the century, beginning in the late 1940's. Judge Weaver wrote and lectured prolifically about the pivotal moments in Winston's Civil War experience. According to historian Edward L. Ayers, Weaver's material is that sort of which communities of memory are made. He writes that the process of formation is "inherently political; it is about defining us against them— whether the 'us' is the nation-state, ethnic group, geographic population, family or organization — any group with a recognizable past to which it can lay claim."[23] The

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[21] *Ibid*.

[22] "Memorandum from the Centennial Celebration Planning Committee," Unpublished, Weaver Family Private Collection.

[23] Melissa Walker, *Southern Farmers and Their Stories: Memory and Meaning in Oral History*, (Lexington: University Press of Kentucky, 2005), p. 5.

archive of material left behind by John B. Weaver is extensive and includes unfinished manuscripts, musings on Winston in general, detailed essays about education in the county, lists of Post-Offices and Post-Masters, poems, and even a song he wrote titled "Thomas E. Dewey Campaign Song 1940," which he set to the tune of "Casey Jones." The collection also includes lectures given by Weaver at area high schools and colleges as well as multiple newspaper interviews he gave to local papers.

Though Weaver seemed eager to disseminate his research and his written histories of Winston, he could also be cagey about his materials. An undated article for the *Alabama Journal* describes one of the many stories he collected about violence in the county during and after the war. Weaver describes the way in which a group of men got the names of the Confederates who killed local Unionist Judge Solomon Curtis during the war. These men then, according to Weaver, systematically tracked the murderous Confederates down and executed them. The article's author, Geoffrey Birt, a staff writer for the paper, then notes, "Weaver has this list of names, but would not release them to me because some are ancestors of 'some mighty good folk today.'"[24] For Weaver at least, there were limits to historical memory preservation – namely when recalling such stories could inflict potential harm on contemporary people – a reconcilliationist point of view in line with David Blight's observations. In 1948, Weaver was elected as a state representative from Winston, and served a term in the Alabama State Legislature (1948-1951). As the only Republican in Alabama to serve in the state House of Representatives, Weaver joked to a newspaper, "The only claim to superiority the Republican Party in the

[24] Geoffrey Birt, *The Alabama Journal*, n.d., Weaver Family Papers.

House has over the Democratic Party is in its unity."[25] Weaver admittedly was feeling increasingly tentative about his Republicanism at the time the article was written in 1948. He told the paper, "in the confusion of the present session he 'ain't so sure' there won't be a bolt within himself."[26]

The "confusion" to which Weaver refers was the contentious issue of Civil Rights. In 1948, Democratic Governor Jim Folsom was making speeches about the disparity he saw between the lives of his African American constituents and his white ones. Nationally, in the same year, a strong Civil Rights plank was included in the platform of the national Democratic Party, prompting the creation of the "Dixiecrat" third party. The national Republican Party also promised to protect black civil rights. Recalling the secession-era sentiments of Winston County, Weaver insisted that "his special Republican Party in 'the Free State of Winston' 'still thinks the north ought to let us alone.'" The "North" in Weaver's assertion "means either Democratic or Republican Civil Righters." Yet Weaver, again recalling the memory of Winston's antebellum experience, justifies his continued loyalty to the Republican Party by saying, "it was because Winston County was not 'let alone' and because somebody else (not Winston) first bolted the Democratic Party that a lone Republican sits in the House today." Weaver's equation of civil rights with "confusion" shows that a devotion to a history of Unionism was not the same as an acceptance of what David Blight calls the emancipationist vision of the war – a war whose purpose was to end slavery and bring

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[25] Allen Rankin, "Rankin File: Winston's Weaver: One Lone Republican -And Why," *Alabama Journal*, June 5, 1949; Weaver served as the Secretary of Winston County's Republican Executive Committee and then as a member of the state's Republican Executive Committee.

[26] *Ibid*.

about true black freedom.[27]

In 1953, Wesley S. Thompson produced a novel based on Winston's Civil War history, *Tories of the Hills*. Although Thompson wrote the story as a work of fiction, he contends in his introduction that he, like Weaver, had done extensive research and interviewed those who were connected to the history, interviews he must have conducted earlier in the century. Like Weaver, Thompson left behind an extensive archive now housed at the Alabama Department of Archives and History. Like Weaver's collection, it contains hand scrawled notes, rough drafts of manuscripts, census data, and other investigatory materials. His novel depicts the traditional narrative of Winston's secession crisis and turbulent war years, in which Charles Christopher Sheets is a righteous crusader for the independence of the county, and the Confederates are treacherous and murderous. Thompson's narrative echoed the feeling of many in the county with Unionist ancestors. In 1968, he followed up his novel with a non-fiction version of Winston history, *The Free State of Winston: A History of Winston County Alabama*.[28]

William Stanley Hoole, Librarian at the University of Alabama and prolific writer also wrote about Winston, building on the work of Weaver and the archival collections at the University of Alabama. Though he wrote throughout the 1940's, 1950's, and 1960's, his essays were only collected in book format (*According to Hoole)* in 1973.[29] His material is less interpretative and more a catalog of stories and supporting documents, and it offers nothing to counter the traditional narratives offered by either Thompson or

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[27] *Ibid*.

[28] Wesley S. Thompson, *The Free State of Winston: A History of Winston County Alabama* (New Orleans: Pareil Press, 1968); Wesley S. Thompson, *Tories of the Hills* (Vernon, Alabama: Pareil Press, 1960).

[29] William Stanley Hoole, *According to Hoole; the Collected Essays and Tales of a Scholar-librarian and Literary Maverick* (University, Ala.: University of Alabama Press, 1973).

Weaver.

By 1960 Winston's reputation as an outlier community was common enough that Harper Lee included a Winston-born schoolteacher in her novel *To Kill a Mockingbird*. It may not be coincidental that two years after the publication of Lee's novel and the public memory of the events led by Christopher Sheets, his grave, which had been lost to history to this point, was rediscovered in neighboring Morgan County.[30]

Throughout the 1970's John Bennett Weaver's son Ben assumed the mantle of county historian from his father. The younger Weaver chronicled various aspects of Winston's history from the stories told by elderly citizens about the war years, to the formation of state roads, and even what plowing with oxen was like. Central to his many articles was the general characterization, shared with his father, of Winston as an independent self-sufficient society whose independence found its greatest expression in the rejection of the Confederacy. There is no way to know all the influences that caused the junior Weaver to begin writing about Winston at this moment. It is, at least, an interesting historical coincidence that his column considered the various legacies of a county that protested the drafting of its citizens in a war that the majority in the county opposed, at the same time as national sentiment was increasingly turning against the Vietnam War and, particularly, the draft.[31]

In 1987, citizens of Winston wrote, directed and performed the musical "Incident at Looney's Tavern," based on Thompson's version of Winston history in *Tories of the*

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[30] Robert L. Shirley, "'Free Winston' finds grave of its 'independence' leader," Unknown newspaper, Weaver Family Papers; "Winston Representative's Grave Found in 1962," Unknown newspaper, Weaver Family Papers.

[31] Weaver's column "Heritage of the Hills" appeared in the *Northwest Alabamian*, a Winston County newspaper, from the early to mid 1970's; Weaver Family Papers.

Hills. It was originally performed as a part of the Winston County Tourism Board's "Free State Festival."[32] The musical features lazy public drunks, hillbilly accents, and songs celebrating "Winston County pride!" It makes a hero of Christopher Sheets and his stand against the war, but also is a measure of how contemporary Winstonians choose to embrace popular conceptions of Winston's backwardness and insularity. Winston was presenting the memory that most fit the one already created by the outside community. The Alabama legislature proclaimed the play the state's official musical drama in 1993.[33] Clearly, local history had become a suppository for nostalgia, without a political edge.

This idea of Winston's unique position within Alabamian, Southern and American histories was later enshrined about the same time in the county's Civil War statue "Dual Destiny," commissioned in 1986 and completed in 1989. This Dual Destiny lacks the *pro forma* or generic feeling of many other monuments to both Confederate and Union dead, many of them cast from the same mold, with only the emblem on the belt being changed from U.S. to C.S.A. or vice-versa.[34]

In discussing his creation, the sculptor and Huntsville-bred Branko Mendencia says that he decided on the design after reading about the turbulent divisions within Winston and also drawing inspiration from his background. "I decided to make it an anti-war monument. Whenever there's a war, both sides lose."[35] Mendencia, who was brought to the U.S. by his German parents at the age of two, says that his father, a German

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[32] "Official Symbols and Emblems of Alabama," ADAH, accessed October 31, 2017. http://www.archives.alabama.gov/emblems/st_drama.html.
[33] *Ibid*.
[34] Marc Fisher, "Why those Confederate soldier statues look a lot like their Union counterparts," *The Washington Post,* August 18, 2017, accessed October 31, 2017; https://www.washingtonpost.com/politics/why-those-confederate-soldier-statues-look-a-lot-like-their-union-counterparts/2017/08/18/cefcc1bc-8394-11e7-ab27-1a21a8e006ab_story.html?utm_term=.be462d8c9eaa.
[35] Telephone Interview with Branko Mendencia, Interview conducted by Author, October 13, 2017.

engineer, brought his family to the rocket center at Huntsville as a part of the "brain drain" from post-war Germany. He tied the stories of his parents' trials during the war in Germany to the inter-county violence committed by the Winston citizenry against one another. He describes his peace memorial as a portrayal of a soldier "disillusioned with the war," a war most Winstonians found themselves "dragged into."[36]

Monuments are not history. All monumentalization is a multi-valent process of enshrining the priorities of both the commissioners, and the creator, as well an attempt to represent something essential about the subject being memorialized.[37] However, in the creation of this heritage, both the Winstonians and Southern preservers of memory have marginalized or erased the memory of non-whites entirely. Winston may have remembered white anti-Confederates, but Dual Destiny pays no attention to either African-Americans or the Indigenous people of the region, or of the South.

The Civil Rights years appear to have been relatively calm in Winston. However, when writing about the few local African-Americans residing in Winston, the reporting indulges the typical stereotypes. In an article, "Hubbards were respected citizens," which appeared in a local Winston paper, reporter Emmitt Oden writes of a black family as rather strange and exotic. The Hubbards, descendants of both former slaves and Cherokee ancestors, are described this way: "If one can imagine the combination of arts, knowledge, and beliefs of Africa with the native cunning, beliefs and healing arts of the American aborigines mixed with what they were able to learn from their masters, he can

[36] *Ibid*.

[37] James Grossman, "Whose Memory? Whose Monuments?: History, Commemoration, and the Struggle for an Ethical Past," *Perspectives on History*, 54, no. 2 (February 2016), pp. 8-9, p. 8.

well believe there is much he can learn from this most interesting family."[38]

As evidenced by this newspaper article, Native Americans, like African Americans were exoticized and made strange in the community memory of white Winstonians. This phenomenon was not new, and leaders like John Ross had been trying to combat the Cherokee's treatment as outsiders since the early nineteenth century by actively encouraging the adoption of western dress and traditions. Ross's stance on the assimilation of western customs and dress led to a long-standing feud with the Qualla Band of Cherokee in North Carolina. As a result of this dispute, the modern Cherokee Heritage Museum in Cherokee, North Carolina has very few public references to Ross in its public exhibits. Ross's initial neutral stance and eventual turn to Unionism is never mentioned. In fact, the museum includes only one image of a Cherokee Confederate soldier.

Winston and the hill counties have repeatedly justified their lack of an African-American inclusive memory by emphasizing that the non-white population was insignificant. Judge Weaver was interviewed for a column called "Rankin File" and described the lack of African Americans in the audience for a political meeting in neighboring Cullman County. He explained, "Winston and the surrounding hill country is still without negroes." As for the speech that was attended by 4,000 people, Weaver reported, "There was not a negro in the bunch."[39]

On August 11, 2017, white supremacists held a rally at a Charlottesville statue of General Robert E. Lee called "Unite the Right." The rally took place at a moment when

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[38] Emmett Oden. "Hubbards were respected citizens." Newspaper source unknown. Date unknown. Alabama Department of Archives and History, Winston County file.
[39] "Rankin File," Unknown paper and date, Weaver Family collection.

Confederate monuments were being removed in places from Tampa, to Brooklyn, to Virginia, to New Orleans.[40] White supremacists and Southern nationalists decried these removals as an attack on their "heritage." The rally in Charlottesville which involved a range of actors from the KKK to Neo-Nazis, to Black Lives Matter members and many others who came to protest the rally's stated intentions of "uniting the right." This disturbing and violent moment in American history culminated in the death of one anti-white-supremacist, Heather Heyer, and the injury of many more.[41]

In the wake of such events, the question looms for statues like Dual Destiny, which includes both the Confederate battle flag and the Union flag, flying at equal height behind the soldier: is there ever an acceptable reason to include the "Stars and Bars" even if it is done without a pro-Confederate agenda? In the case of Dual Destiny, the sculptor, the language of the plaque, and the symbol of a broken sword all seem to indicate that the inclusion of the flag is merely a representation of a historical fact. Soldiers from Winston fought under both banners. But the Confederate battle flag symbol has become a symbol inextricably linked to hate and violence. Seen at the same height as the U.S. flag, that symbolism may bury the intentions of the artist, or the Town Council, or the donors to the monument, under a wave of shock.

The meaning of Dual Destiny could never be a stable one from conception to contemporary viewing. Monuments are created, then enshrouded in a patina of history

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[40] Jess Bidgood et al., "Confederate Monuments Are Coming Down Across the United States. Here's a List," *The New York Times*, August 16, 2017, accessed March 13, 2019, https://www.nytimes.com/interactive/2017/08/16/us/confederate-monuments-removed.html.

[41] "How a Rally of White Nationalists and Supremacists at the University of Virginia Turned into a Tragic, Tragic Weekend," *The Washington Post*, accessed March 13, 2019, https://www.washingtonpost.com/graphics/2017/local/charlottesville-timeline/.

and context that its creator could never have envisaged. The people of Winston County are familiar with and invested in a tragic narrative of the divided county that succumbed to neighbor-on-neighbor violence. This is the narrative preserved by the county's local historians and displayed in its monument. For them, the meaning of the statue perhaps remains static, and in no need of alteration. For those outside the county, the events of 2017, the years of Klan violence, the revelations by revisionist historians who have exposed the Lost Cause Myth as just that, a fallacy, the battle flag has become a potent and unambivalent symbol of white supremacy. That may never allow the internal memory of Winston County, as symbolized by the statue, to translate to outsiders. If that is the case, Winston will remain, to others, peculiar.[42]

[42] For further reading on Confederate Monuments and meaning in statutory see: Sherri Irvin, "Authors, Intentions and Literary Meaning," *Philosophy Compass* 1, no. 2 (2006); Sherri Irvin, "Sculpture," *The Routledge Companion to Aesthetics*; Dan Demetriou and Ajume Wingo, "The Ethics of Racist Monuments," *The Palgrave Handbook of Philosophy and Public Policy*, 2018.

EPILOGUE

WINSTON IN THE MODERN WORLD: THE CONTINUING LEGACY OF THE "FREE STATE"

In 2018 Donald J. Trump swept into office riding a wave of populist and libertarian sentiment that was especially potent in the former states of the Confederacy. Trump won every one of those states, except for Virginia, many of them handily.[1] West Virginia, the state that was formed out of their resistance to secession and secessionist politicians, much as Winston County, voted overwhelmingly for Trump. Winston County gave Trump his largest margin of victory of any county in the state, 89.4 percent of all voters, a vote that may indicate something about historical legacies of independence and rebellion as continuing and potent factors in its modern political decisions.[2]

In explaining why Winston was so pro-Trump, Robert Aderholt, U.S. Representative for Alabama's 4th Congressional District, told the Yellowhammer news outlet, "I hope that anyone who reads this article anywhere else in the world understands something very important. People in Winston County want honest government and they want government that preserves and promotes American values."[3] This sense of fierce loyalty to "American values," specifically those perceived as the values of Washington, Jefferson and Jackson, guided the county's political decision making during the Civil

[1] "Presidential Election Results: Donald J. Trump Wins," New York Times, accessed March 22, 2019, https://www.nytimes.com/elections/2016/results/president.

[2] Christy Riggins, "Winston County, Alabama recognized as the most Trump-friendly county in America," Yellowhammer, accessed March 21, 2019,https://yellowhammernews.com/winston-county-alabama-recognized-trump-friendly-county-america/.

[3] *Ibid*.

War as well.

In a December 2017 Op-ed for the *New York Times*, former executive editor, Howell Raines, who has family ties to Winston County, described it as “Alabama’s most distinctive political culture,” and, possibly, “the center of America’s current political convulsion. Winstonians tend to go to one side or another in a big way, and they don’t care what the rest of the world thinks.”[4] This description of the county does indeed align with the historical behavior of its citizens and their contemporary memories of a county that went its own way. Raines continued, “These hill-country farmers defied the greedy plantation masters who split the Union. Now they’re contemptuous of both the national Republican Party and the elitist Republicans in Alabama…”

The *Economist* magazine also turned to Winston to try to understand Trump’s victory. An article about Double Springs, Winston’s county seat, explains the continuity of Winston’s political and cultural positions as a product of the economic differences present at the time the county was formed — the richer, planter class aristocrats taking the fertile lands of the Tennessee River Valley region, leaving the less arable lands in the rocky, mountainous terrain for Winston County’s yeoman settlers.

> This economic pattern soon became a political one that, in essence, has endured across two centuries—even as the electorate has evolved and the road that helped to delineate it was reclaimed by the wilderness. In that pattern, Alabama’s yeomen farmers, and their descendants, have sporadically risen up against the plantation class and its modern equivalents, typically when hardship rallied them to a charismatic leader’s standard.[5]

[4] Howell Raines, “Roy Moore’s Alabama,” *New York Times*, December 9, 2017.

[5] “The little man’s big friends: In Alabama, support for Donald Trump followed an ancient pattern: *Why counties that had fewer slaves in the 1860s voted for the President,” The Economist*, February 11, 2017, accessed January 2, 2019, https://www.economist.com/united-states/2017/02/11/in-alabama-support-for-donald-trump-followed-an-ancient-pattern.

Both Raines's values-based analysis of Winston and the economic forces described by *The Economist* help to explain Winstonians' positive response to Trump. "Mr. Trump claimed globalization (*sic)* could be reversed by squeezing bosses," thus marrying a contemporary instinct to reject the influence of elitists and corporations to a historical memory of rejecting planter elites and the hegemony of secessionist politicians.

Winston's politics in the years between the War and the election of Donald Trump followed a consistent pattern of libertarian anti-elitism, from the war itself, to support of Populism in the 1890s, to the election of Republicans to office in the so-called "Solid South." This anti-elitism cannot simply be explained by race or racism. In 1946, for example, Winston voted for gubernatorial candidate "Big Jim" Folsom. Folsom was a moderate Democrat with liberal racial tendencies. In 1944, Folsom had proclaimed, "I don't answer to no professional politicians. I answer only to the people." Folsom had never held political office before his 1946 run for governor, another feature that may have won over the cultivated identity of "outsiderness" in Winston County.

In a 1949 Christmas message to the people of Alabama, Folsom said, "Negroes constitute 35 percent of our population in Alabama. Are they getting 35 percent of the fair share of living? Are they getting adequate medical care to rid themselves of hookworm, rickets and social diseases?" He blamed "stirring of old hatred and prejudices and false alarms" for current racial tensions and added "The best way in the world to break this down is to lend our ears to the teachings of Christianity and the ways of democracy."[6] The old hatreds could just as easily describe the violent persecution of

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[6] Don Phillips, "JAMES FOLSOM, 79, COLORFUL GOVERNOR OF ALABAMA IN '40S AND '50S, DIES," *Washington Post*, November 22, 1987, accessed March 18, 2019, https://www.washingtonpost.com/archive/local/1987/11/22/james-folsom-79-colorful-governor-of-alabama-in-40s-and-50s-dies/72ee6497-bf2f-4d64-aebb-

Winston's counter-secessionists. Contemporary Winstonians still have a complicated relationship to governmental structures in general; "They still think it's a racket, and, as ever, take pride in self-sufficiency."[7] However, the outsider, the underdog, the long shot, just as Winston saw themselves, was what they seemed to prize most in an elected official.

Political scientist W. James Booth's analysis of "communities of memory" helps to illuminate contemporary Winston behavior. Winston's community of memory is not just dedicated to preserving their Civil War era history for its own sake; it also shapes a shared political identity. Booth explores "what it means to think of a political community as the subject of attribution across generations, that is, what is meant when it is made the bearer of responsibility for the past and the custodian of the future."[8] The county's support in 1860 of Charles Christopher Sheets, not a politician but an outsider and a school teacher; in 1946 for Jim Folsom, who was likewise not a politician but an insurance salesman and an outsider to politics; and, in 2016, for Donald Trump, again not a politician but a businessman, represents both the ideological and political continuity Booth describes.

Winston's perpetuation of the memory of its Civil War era behavior represents more than antiquarianism or a ploy to get tourists to visit the "Free State." It also provides them with a community ethos that appears to serve as a rationale for their contemporary behavior. As Ed Bridges, retired director of the state's Department of Archives and History, explains, "Alabamians won over to populism were 'not simply

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[8] W. James Booth, "Communities of Memory: On Memory, Identity, and Debt," *American Political Science Review*, vol. 93, no. 2, June 1999, pp. 249-263, p. 249.

emotional victims of demagogues.' Often they have had a clearer grasp of interests and injustices than that presumption allows."[9] This perceived rejection of "demagogues," as Ed Bridges describes them, surely has its roots in the rejection of Yancey and Jefferson Davis and the other cults of personality whose actions, which ran counter to Winston's desire, nevertheless cost the people of Alabama's hill country so dearly. In Winston, "The skyscrapers of Birmingham seem remote, just as the industrial prosperity of the vaunted post-war "New South" did…"[10] Winston does not benefit from sweeping regional or state reforms or progress in the same way that other, less isolated sections of the state do.

In a county still struggling under the weight of things they cherish most, isolation, self-sufficiency, hard work in difficult circumstances, the memory of a class of elite planters who exacerbated the negative effects of these circumstances through intimidation, murder, and theft, during the Civil War, may translate into a responsibility felt by contemporary Winstonians to guard against a repetition of such history. This is perhaps the most essential lesson the Winston story has to offer. Namely that history has resonance beyond the realms of mere curiosity or compulsory learning, in many cases it guides contemporary actions and continues to fortify communities who are its inheritors.

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[9] *Economist*, "The little man's big friends: In Alabama, support for Donald Trump followed an ancient pattern: *Why counties that had fewer slaves in the 1860s voted for the President*."

[10] *Ibid*.

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