

TEXAS *Legends*

E. J. Davis

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Commission



and its accompanying taxes would have been seen as exorbitant by Texans who preferred government to stay out of their daily lives. It was also the first time that tax dollars would pay for the education of African Americans in the state, and it was the education of African Americans that led to the claims of waste. Although Democrats saw the policy as wasteful, Texas became one of the first states to adopt a compulsory public education system.

It is true that Davis increased the debt of the state, but this is only part of the story. The state of Texas had been financially devastated by the Civil War and would have faced a lack of revenue regardless of who occupied the governor's office. Davis advocated an expansion of social services favored by the Republican Party, which necessarily translated into higher state taxes. The Republican policies were no doubt more progressive than Texas Democrats preferred. That does not necessarily translate into wastefulness or dishonesty, though. Moreover, both taxes and state debt were actually higher under the succeeding Democratic administrations.ⁱ

Davis also used the state police and the state militia to deal aggressively with lawless areas in Texas. Texas still had large expanses of frontier to protect. There was also a good deal of resistance remaining from the Civil War. For instance, Davis declared martial law in Hill County in January 1871, following the arrest of a state police officer. The police officer had offended locals when he attempted to arrest the son of the county's largest landowner for killing a freedman and his wife.ⁱⁱ Similarly, racially motivated attacks and murders in Limestone County, along with a mob threatening the state police, led Davis to declare martial law there in 1871. So, while it is true that Davis used expanded police powers to maintain order in the state, often the disorder was the result of whites attempting to repress the newly freed African American minority and reject the authority of the Republican-dominated state government and police.

Given that many Democrats were disenfranchised during punitive Reconstruction, Davis knew that Republican control of both the governorship and the legislature would be short-lived. Although Davis postponed the

legislative and congressional elections, when they finally did take place, the Democrats won decisively. The new Democratic-controlled legislature passed a law calling for the election of state and local offices, including the governor, to be held on December 2, 1873. In that election, Davis was overwhelmingly defeated by Democrat Richard Coke. However, the validity of the election was challenged by Republicans in the *Ex parte Rodriguez* case in the Supreme Court of Texas. The 1869 constitution stated that "all elections for State, district and county officers shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened for four days, from 8 o'clock, a.m., until 4 o'clock, p.m., of each day."ⁱⁱⁱ Democrats argued that the constitution allowed the legislature to change either the allotted time or the place of the election. Republicans argued that the semicolon after the phrase "provided by law" created two independent clauses, and though the legislature could change the location of the polls, it could not change the time allotted for the elections. The Supreme Court of Texas sided with the Republicans, thus earning the nickname "the Semicolon Court." Although the Supreme Court of Texas ruled that Coke's election was invalid, Democrats ignored the ruling and inaugurated Coke. Davis, unwilling to resort to force to protect his position, vacated the office.

In many ways, vilifying the Davis administration extended the tensions of the Civil War, as Democrats blamed Republican unionists for all of the state's problems. That we still see many textbooks repeat the one-sided view of the Davis administration even today is a testament to the pervasiveness of the anti-Republican and anti-northern myth.

According to Texas legend, Texas needed the "Redeemer" constitution of 1876 to cleanse the state of the despotism endured under Republican governor E. J. Davis. Davis represented the more extreme branch of the Republican Party and narrowly won the gubernatorial election in 1869 with the backing of black voters. This connection to both ex-slaves and the Republican Party no doubt helped to alienate most Texans. In the eyes of many, Davis ballooned the debt, declared martial law in much of the state with his control of the state militia and state police, and sold out the state's farmers to big business, including railroads, at the expense of the mainly agrarian population. And, to add insult to injury, when it became clear that Republicans would likely lose the next election, Davis postponed the legislative election and initially refused to leave office after losing the governor's race. This version of events allowed Texans, still stinging from their loss of the recent "War of Northern Aggression," to blame the North for the economic decline of the state and diminish the Confederates' recent military defeat. It also gave birth to the legend of Democrats as redeemers who saved the state from a corrupt "foreign" invader.

However, if we examine some of the particulars of this story, we get a much more complicated history. Davis sought to create a compulsory education system for all children throughout the state. Any such system

- i. Janice C. May, *The Texas State Constitution: A Reference Guide* (Westport, Conn.: Greenwood Press, 1996); see also Randolph B. Campbell, *Gone to Texas* (New York: Oxford University Press, 2004).
- ii. For more details of this incident, see Handbook of Texas Online, "Hill County Rebellion," www.tshaonline.org/handbook/online/articles/jchka (accessed September 3, 2014).
- iii. Texas Constitution (1869), art. 3, sec. 6.