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Lightless Mornings: A Fine Legacy

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Lightless Mornings: A Fine Legacy

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements for the degree of

Master of Fine Arts
in
Film, Theatre, and Communication Arts
Creative Writing

by

Emily Hunter Zeanah

B.A. Guilford College, 2004

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Table of Contents

Abstract..... iv

McCurdy Genealogy Chart..... iv

Prologue1

Chapter 14

 Beach Houses: Beyond Shelter4

Reconstruction16

Chapter 222

 The Dudley Place Revisited: “That Land is a Relic”22

Lightless Mornings29

Chapter 331

 The Davidson Place: A Tour of The Deadening.....31

The Reforms of 188337

Chapter 4.....41

 Scott Hill: “You Could See Forever from Here”41

Number 35: John Tankersly.....48

Chapter 551

 603 Cloverdale: “Gentlemen, You Will Not Be Seeing Me Again”51

Number 2: Ezekial Archer57

Chapter 6.....59

 Thorn Place: Screened Porches, Brick Walls59

Number 32: Thomas Skinner64

Chapter 767

<i>Gone with the Wind</i> and Grandmother Sarah's Tapestry.....	67
<i>Number 175: Annie Tucker</i>	74
Epilogue	76
Acknowledgments.....	79
References.....	84
Notes	84
Works Cited	89
Selected Bibliography.....	92
Vita.....	97

Abstract

Lightless Mornings: A Fine Legacy represents a personal interrogation and historical account of my great-great-great grandfather, W.D. McCurdy's use of forced labor in his coalmines and cotton plantations in the Black Belt region of Alabama during the late 19th and early 20th centuries. Through personal research including interviews with other descendents of McCurdy, as well as scholarly research about the practice of convict leasing in Alabama, I explore dynamics of inheritance, economics, power, privilege, race, class, geography, history, family, and identity.

Convict leasing, W.D. McCurdy, Genealogy, Prison system, Alabama history, Biography, Reconstruction, Coal mining, Property inheritance

Prologue

One morning, while sipping coffee and making my daily rounds on Facebook, I noticed that a friend of mine had recommended an essay by black poet, activist, and professor Ewuare X. Osayande. The essay, titled “Word to the Wise: Unpacking the White Privilege of Tim Wise,” is a critique of the college-circuit speaking practice of white anti-racist scholar Tim Wise, as well as other white racial justice activists, speakers, and scholars, for benefiting financially and professionally from the study and criticism of whiteness and racism without cultivating deeper accountability to communities of color. It is a sharp analysis of the all-too-often interfering role that white progressives have played in the movement for racial justice, from abolition to civil rights to the present moment. One part spoke to my project in particular. Osayande writes:

In the past decade or so, there has grown a cottage industry of books written by white people talking about their whiteness and their awareness of racism. When these white authors fail to acknowledge the debt they owe to the blood struggle of people of color in this country as they often do, they practice a form of racism that keeps that history erased from the consciousness of this country.

My project is a personal effort to interrogate my own unique privilege and profit resulting from my great-great-great grandfather’s practice of convict leasing—a practice that not only reestablished the forced labor plantation economy that had been undermined by the Civil War, but also functioned as a form of social control for a newly-freed and politically-empowered population of African American men and women in the South.¹ As a white woman who stands to gain professionally from writing a master’s thesis about her family history, reading Osayande’s critique of white progressives gave me pause. Although my writing may suggest that I’m a fundamentally naive person who by chance stumbled into a disturbing part of her family history, and through her own moral and intellectual sensibilities, recognized the necessity to explore it,

the truth is I'd been considering issues of race, power, and privilege for the better part of my 28 years. In the thesis, my often rigid focus on my own ignorance and denial as a beneficiary of the practice of convict leasing—one of the most violent iterations of white supremacy in American history—neglects a thoughtful consideration of the people, experiences, and legacy of black resistance that enabled me to reflect critically on my inheritance. I have to recognize not only the aspects of my experience that blinded me to history, but those that empowered me to open my eyes. Without awareness of the legacy of black resistance in the U.S.—from the slave revolt of 1811, to the Harlem Renaissance, to the sit-in movement ignited by the NC A&T Four, to my own witnessing of the Greensboro Truth and Community Reconciliation Project—I would never have been able to recover or consider the significance of my own legacy.

What I present here represents both scholarly research into the practice of convict leasing generally, and research about my ancestor, William Dixon McCurdy in particular, as well as a personal interrogation of my material, spiritual, and psychological inheritance. The project is far from complete. Two years in, many of my questions remain unanswered. Some of those questions can be addressed through further research. Some of the answers I seek, however, are inherently inaccessible. This inaccessibility is both material and immaterial: my ancestor's records of the men and women who worked for him, as well as the profits he made from their labor, were lost through the shuffle of papers and wills between five generations. I will never be able to interview my grandmother, my great-grandmother, W.D. McCurdy himself, nor any of the convicts or laborers who worked for him, all of whom died many years ago. Such material limitations notwithstanding—that is to say, even if I could interview my great-great-great grandfather himself—I could never truly know W.D. McCurdy's mind. The best I can do is

examine the choices he made in relation to the circumstances of his life, and attempt to sort out their impact on mine.

While the formal research primarily concerns W.D.'s coal mining operation, my personal research centers on his plantations—land he passed down to my great-grandmother, who eventually passed a share of it down to my parents, and through which I ultimately learned about W.D. and the practice of convict leasing. The dual focus might seem incongruous, but it's my hope that the two inform one another.

1. Beach Houses: Beyond Shelter

When my parents bought a beach house, I was surprised. At some point in our childhood, they had developed the habit of real estate hunting common among people of their socio-economic status.¹ They'd spend several afternoons of family vacation attending various open houses and meeting with realtors, but my sisters and I thought it was a tease. We couldn't imagine what enjoyment they derived from the exercise. But when I was in college, they followed through with what my sisters and I had assumed was a strange role-playing game they liked to play and bought a cottage in Seagrove Beach, Florida.

I was ashamed at first. The idea of growing up middle class made me comfortable. Now that I was in college and my worldview had grown a bit larger, I reluctantly accepted that my family was *upper* middle class. But owning a second home meant we were—unequivocally, undeniably—rich. Yet the excitement of sharing a beach house with friends on spring break soon eclipsed any college-induced class-consciousness I felt about our ascent to the status of a two-home family. I knew my parents had used money from the sale of the Dudley Place—1600 acres of farmland in southern Alabama that Dad and his sister inherited from his grandmother—to finance the purchase, but I remember being surprised that the dilapidated land I recalled visiting as a girl had been worth as much as it was. I didn't understand that owning land—however unremarkable the Dudley Place seemed in my memory—endowed us with wealth. So when they sold the land and my parents bought the beach house, what impressed me most was

¹Just close enough to the upper income bracket to see how the rich lived, but not close enough to fully participate.

the fact that my family was wealthy enough to buy even a modest cottage. I didn't stop to consider where the money or the land that enabled us to buy it actually came from.

In retrospect, it's hard to understand that even as my awareness shifted with the new tangibility of my family's wealth, I didn't wonder about its origins. I was in a state of unconscious but willful ignorance: the world of relative privilege in which I immersed myself—namely, attending private schools for my secondary and college education—affirmed particular elements of my family's narrative and disregarded others. I filtered out troubling questions before they ever reached my conscious mind.

This liminal consciousness of the relationship between the beach house and my family's inheritance only faded with time. Its connection to Alabama's Black Belt, 19th century plantations, or W.D.—my ancestor who originally acquired them—was obscured by the new geography of the Florida panhandle: powder white sand and planned communities, parasailing and outlet mall shopping, porpoise-spotting and quaint Fourth-of-July parades. For my family, the beach house was the nucleus of that inherently detached realm of family vacation. A beach house is supposed to be a place of ease, an escape from the complications of everyday life, and it's remarkably easy to get used to that kind of leisure. It's easy to forget.

Perhaps that wouldn't be the case if the beach house were just a house. The two weeks my family spends together at the beach has become an increasingly significant family ritual. As my parents' jobs and travel schedules got more demanding and my sisters and I grew older—our own lives beginning to take shape outside of the family unit—those two weeks at the beach became the only uninterrupted time we'd spend together during the year. It's time carved out for board games and fishing trips and grilling out—things our busy schedules don't otherwise

permit. If the house in Seagrove represents the indulgence and leisure of a beach vacation, it also represents this time apart.

In 2005, the beach house served an even more basic purpose than leisure or family time as it became a three-month refuge for my parents and youngest sister Mel following Hurricane Katrina. Their house in New Orleans took five feet of water, and, like thousands of other residents, they were exiled until their zip code was cleared by the city as safe for return.² Even though the beach house still represented family vacation to my sister Katy and me, who'd been living in Ohio and North Carolina, respectively, when Katrina hit, I could tell that for Mel, and even my parents, the beach house wasn't quite the "escape" it had been before the storm. They'd spent the most stressful three months of their lives in the beach house. Ties to "real life" became more visible on subsequent family vacations: laptops, cable TV, wifi, conference calls.

Looking back, I can see that I wanted to preserve a kind of innocence I associated with the house and vacation. I resented my parents' extended "study halls" (as they called the four or five hours of work they did each morning of vacation). I resented Mel for holing herself up in her bedroom to watch MTV and update her Facebook status. I had a stake in the escapism of it, and part of me still does. It is strangely fitting that I first learned about W.D.'s exploitative enterprise while at the beach, evacuating New Orleans for another hurricane.

In September of 2008, just two weeks after our annual vacation, we returned to Seagrove to escape Hurricane Gustav. Although the house is less than a mile from the Gulf of Mexico where the hurricane was expected to gain strength and develop into a category four or five storm, the

² Although they had to wait three months, their zip code, consistent with other zip codes comprising mostly white, upper middle class neighborhoods, was among the first called back.

panhandle was out of Gustav's "cone" and it was preferable to the alternative: imposing ourselves—five humans, three dogs and one cat—on relatives in Birmingham.

My husband Matt and I crammed the last of our belongings (the cat litter, the dog bed, our wedding album, his sketchbook, my copy of *Paul Marchand*) into the trunk of the Corolla. Clyde meowed incessantly at first, unused to this kind of disturbance, vocalizing the stress and anxiety I felt but didn't express—*Did we bag up all of the vegetables in the refrigerator? Did we throw away the milk? Did we get all of the important documents? Would our windows and roof hold up?* Even though I'd evacuated for hurricanes as a child, this felt different. I stared out the window at what I dramatically imagined might be the last time I saw the bayou that winds through our neighborhood, the gutted houses lining Orleans Avenue, the neighborhood snowball stand. Still, the city seemed remarkably normal. People bustled about: downing malt liquor out of brown-bagged cans, walking their dogs, visiting friends and family on the stoop in front of their houses. The ice-cream van passed broadcasting, "It's a small world" and children crowded around it. It looked like an average Friday evening in our neighborhood.

It was a little past ten when we pulled into the gravel driveway behind my parents' new Prius. At my dad's insistence, we'd left a full twenty-four hours before the mandatory evacuation order had been issued, and missed the traffic. Our "hurrication" (as some New Orleanians call it) welcomed us with a pitch black blanket of night, the quiet sound of waves crashing in the distance, the occasional chirping of crickets and bellows of frogs, the warm air from the Gulf breezing through our hair, the feel of salt on our skin, the smell of pine and rosemary. Despite our knowledge of the approaching storm, our bodies anticipated the restfulness of summer vacation.

The houses in “Grove by the Sea,” in keeping with many of the developments along this stretch of the Florida panhandle, are painted in earth tones—slate blue, sage green, khaki, and grey. The house is easy to miss from North Andalusia Street behind the mess of stout palmettos, young pines, and front porch. Inside, a spacious room with high ceilings encompasses a living area, an open kitchen and a dining room. Although the homes in the development vary in size from modest cottages to two and three-story structures with widow’s walks, none can exceed 3,000 square feetⁱⁱ, and our one-story, three-bedroom cottage is one of the smaller houses in the cul-de-sac. They’re designed to emulate an older “Southern Vernacular Cottage tradition”ⁱⁱⁱ with screened-in porches, tin roofs, and wood lap siding, drawing inspiration from the landscape of a pre-industrial, pre-suburban Florida, but not lacking modern convenience: our house, like others in the Grove, is equipped with air-conditioning, a washer and dryer, dishwasher, wireless internet, and no less than four televisions.

Preserving this old-Florida feel amidst sprawling, tacky tourist destinations, however, requires vigilance. Any cosmetic changes to the exterior must be thoroughly vetted by the Architectural Review Committee of the Grove Homeowners Association Board.³ Part of the mission in Grove by the Sea is to retain as much of the “natural environment” as possible. Although the streets are concrete, the sidewalks and driveways are made with tiny gravel blanketed in pine needles. Swales and stagnant creeks run throughout the neighborhood beside tennis courts and “community” pools. Flattened frogs and snakes can occasionally be found in the street.

³ When my father attempted to remove the palmettos in the front yard, an outraged member of the Grove Homeowners Association, who happened to see him while walking her dog, informed him that any changes to the exterior of the house must be approved the ARC, and should include blueprints for the renovation. He submitted a drawing he composed himself of the front of the house, minus the palmettos. The ARC was not amused. The palmettos remain out front, choked in vines and other weeds.

It's the kind of place that I disdain for its contrived authenticity, and yet, find myself drawn into the charm of reading a book on the screened porch, snipping rosemary from the yard for cooking, or riding "vintage" cruiser bikes to the seafood market. It evokes nostalgia for a carefree American past that never existed. Every boutique and ice cream parlor entices you to forget the heaps of trash in its wake, or the cost of living, or the vulnerability of living so close to the Gulf.

The first morning of the evacuation I woke up with knots in my stomach. Sunlight filtered in through the blinds and created a warm glow through the translucent lavender curtains. I wanted to connect with my friends who I thought were still in New Orleans, to know where Gustav's cone was pointed now. I leapt out of bed and switched on the television in the living room. My parents were showering after their morning jog; my sister slept.

I prepared coffee and watched the television from the kitchen as it brewed. Matt had already pulled out his laptop and entered the firestorm of emails between friends, co-workers, family, and listservs; people checking in on one another, making sure they had a place to go and a way to get there. I felt uneasy thinking about the people we could have fit into our car, even with all of our stuff and pets. As the morning progressed, I settled into the sofa, alternating between my computer, my coffee and the TV. Scenes of people sweating in long lines as they waited to board the bus, and negotiating with various officials to assure a place for their cat or dog, or water, was noticeably remote from me in my pajamas, watching blurry-eyed from the air-conditioned living room of my parents' beach house.

On the surface, little distinguished this experience from the morning routine of vacation two weeks earlier. As on vacation, we dined at restaurants that featured "fresh-caught seafood" and "locally grown, organic produce" in surrounding developments like Seaside, Watercolor, and

Alys Beach, and mingled with Labor Day vacationers for whom Gustav was little more than a distant, abstract threat to their vacation plans.

Among the holiday vacationers were my great aunt and uncle, Lee and Nimrod Frazer, who reside primarily in Montgomery but also own a beach house about a mile from ours on the Gulf. We'd actually spent several summers there when I was a child before Dad and Aunt Sarah sold Dudley. We'd get two weeks at their beach house in the summers in exchange for hunting rights on the Dudley Place. Even though Lee was my grandmother's younger sister, and we'd spent several summer vacations at their beach house, my sisters and I had only a faint idea of who they were or what they were like. We knew they were very wealthy (their house on the Gulf is one of five they own) and associated them with a kind of aristocratic southern culture that seemed very removed from our liberal, college-professors' kid, suburban upbringing. Since Grandmother Sarah, who would have strengthened our connection to them, died before I was born, I knew aunt Lee and her husband Rod more by the extravagant Christmas ornaments they'd send every year than anything else. At the time of the evacuation, in late summer of 2008, we hadn't seen them since my grandfather's funeral, three years before. Lee had just received a liver transplant and was recovering at the beach.

My great uncle by marriage, "Rod" as he's called, amassed a small fortune as an investment banker, in addition to the significant wealth he and my great aunt Lee have inherited from W.D., and is quite proud of the planter class from which he descends. For most of my life, I differentiated myself from him. Traits of his offended my liberal sensibilities. He has been known to indiscriminately drop the "N" word. I think all of us—my parents, Matt, Mel and I—were a bit nervous about seeing them, even though it was just for after-dinner drinks.

Returning to their house after so many years was strange in and of itself. It's a five-bedroom, two-story house that stands high on the dunes facing the Gulf. Rod has a knack for separating the wheat from the chaff when it comes to real estate. He and a business partner bought the land in 1989, before the Publix grocery store and the vacation developments were built and its value more than quadrupled through the nineties. With the help of architects, Lee and Rod designed the house. The exterior—bright blue shutters against white siding—exudes more of a colonial than an antebellum feel, enunciated by an enormous American flag that juts out over the front door. Rod later told my dad the flag had seen battle in World War I.

Rod greeted us and showed us upstairs to the living room where Lee was resting. The antique chess set in the corner immediately evoked a memory of my sister and me some fifteen years before, slumped on either side of the chess table, beach towels wrapped around our damp suits, eating peanut butter and jelly sandwiches and sliding the marble figures as if we knew what we doing.

I relaxed when I realized I wouldn't have to talk much. Accepting his offer of red wine, I listened as Rod carried the conversation from the book he'd been writing on about his father's regiment in World War I, to his own experience in the Korean War, to the present war in Iraq, to his various business ventures all over the world. He spoke in a strikingly blunt manner, and because he never even cracked a smile, it was hard to tell if he was aware of the how outrageous (and funny) he was. While discussing post-retirement business endeavors in Italy and Japan, for instance, he blurted: "I can't stop my life just because Lee is dying in the hospital." Lee, reclining on the white wicker sofa across from him, rolled her eyes. Turning to my mother, she replied in a cold molasses drawl, "Isn't that just lovely."

At some point, Rod mentioned that a writer from the *Wall Street Journal* had come to Montgomery to interview him for a book he was working on called *Slavery By Another Name* about the convict-lease system in Alabama. He'd sought Rod out because of his knowledge about W.D. and his business enterprises.

I knew very little about W.D. beyond the photograph hanging on the wall in my parents' house in New Orleans. Dad placed it alongside photos of his grandparents and great-grandparents around the time he and Aunt Sarah sold their share of the inheritance. That's the *first* time I remember hearing the name—William Dixon McCurdy—though perhaps it was just the first time I registered it. The sepia photo shows him standing in a field, hat in hand, chest puffed out, in front of what appears to be a downed tree, either fallen or chopped; the way the picture is cropped makes it hard to gauge the scale of things. His mustache curves down toward his jaw, drawing a slight frown as he peers off in the distance, beyond the camera, with an expression that conveys a strange combination of pride and suspicion.

With a photograph I could actually see him, the oldest of the relatives hung in silver frames on the wall, the most austere. I remember looking at this photograph soon after it assumed its place in the hallway next to the dining room, mystified by the notion that my existence was somehow tied up with his. I knew little more of him than his role as a distant patriarchal figure on my father's side who was responsible for acquiring land that generated the wealth I associated with my grandmother's family. He was a frightening and yet abstract figure whose presence in my life was confined within the edges of the 8x10 frame.

As Rod described the book, I immediately latched onto its title, *Slavery by Another Name*. In it, he told us, another photo of W.D. is displayed alongside John Pace and John T. Milner—the largest contractors in convict leasing in Alabama at the time. I didn't hear much

more of the conversation that night, lost in the potential implications of Rod's revelation.

Although I knew nothing about convict leasing, I knew enough about the politics of the Reconstruction era—the campaigns of intimidation perpetuated by white planters against voting freedmen and working freedwomen—to feel uneasy. I had staked too much on the fact that W.D. acquired his plantations *after* the Civil War. My mind was racing, but I remained quiet as I sat in the living room of Lee and Rod's beach house that night. I was too shocked and too intimidated to say anything.

The conversation wound down with only a brief mention of selling Dudley—a sore spot between Dad and his aunt and uncle. Lee and Rod felt he had betrayed the family when he sold the land, and for several years, the Christmas ornaments stopped coming. But all that was just far enough in the past that everyone could be civil. We stood and each kissed Lee on the cheek, wishing her the best for a smooth recovery, then followed Rod down the stairs to the entry hall. At the foot of the stairs near the front door I noticed an old photograph of what looked like a plantation I hadn't seen before. My dad and Rod heartily shook hands and clapped each other fraternally on the arm. As I slipped past him, hoping to maintain the apparent invisibility I had conveyed throughout the evening, Rod stopped me with a hand on my shoulder and said, "You have a fine legacy, young lady. A fine legacy."

The short ride back to our beach house was pretty quiet. My father expressed gratitude that the only racial epithet Rod had used all night was "wetbacks." My mom said something about how it seemed that he was "really trying." While I knew what she meant, I was still "really trying" to process the implications of everything he had said. Even as Lee and Rod's house shrank in the rearview, I knew I'd never leave it behind again.

Gustav came and went, and compared to Katrina, left scant damage to New Orleans: a few branches down, patches of power outages. Matt and I threw out everything in our refrigerator and scrubbed it clean. A day or two later, Matt helped gather names and contact information of people re-entering the city on the same buses that shuttled them out to be interviewed in the coming weeks. He was helping a sociology professor from the University of New Orleans document the evacuation experience of those we'd seen on TV a few days before to help determine how it might be improved the next time. Reports from those interviews came out a few weeks later. Some people said it had been, all things considered, relatively smooth. Others, however, told stories of having to bathe their babies in portable toilets for lack of running water in the abandoned Wal-mart where they had been warehoused. Many talked about being placed under surveillance—how they felt they had been treated like criminals for simply following the orders of the mandatory evacuation. How they had been searched on the way in and the way out of the shelter. How their son or brother had been arrested on the grounds of “loitering,” for just being there.

I kept revisiting that night when I first heard about *Slavery by Another Name*. Trying to fall asleep in my family's beach house—our portion of W.D.'s estate, incarnate—was nearly impossible. My thoughts darted between an imagined past a century before I was born, my upbringing, and the present moment. I combed childhood memories, trying to see the marks of this invisible legacy in my past. As I lay there staring at tacky framed photographs of shells that hung on the wall, lavender tulle curtains over the windows, the white wooden frame of the queen-sized bed, my privilege materialized before me in a way it never had before. I was no longer just Emily. I was a descendent of W.D. McCurdy.

I even wondered how Matt felt having just married into such marred heritage. He is unmistakably Southern, but his great grandparents had a very different life than my relatives, having grown up white but poor on a farm in the foothills of Appalachia. His family lore includes stories about his great grandmother going to seventh grade three times because that was as far as it went in Stokes County, North Carolina, and she wanted to learn as much as she could. And how snow fell through the roof onto his grandfather's bed when he was a child. Earl, or Paw-Paw as Matt and his brothers call him, worked his way through Western Electric for many years to amass opportunities he never had for his children and grandchildren. Matt's legacy is old time music, moonshine, dilapidated tobacco barns, working hard and getting religion.

He assured me of what I already knew: that this experience, or recognition, or whatever it is, represents one piece of a past much bigger W.D. That perhaps these unwonted circumstances presented an opportunity to understand something about how I came to be where I am now, and perhaps even avoid replicating it.

But the thing that nagged me that night was how little I had *asked* about my family's history; the secret relief I'd felt when I heard there were no traces of slave labor connected to the acquisition of W.D.'s wealth, and how content I had been to accept it as—what all my private school education should have taught me was not, and could never be—the end of the story.

Reconstruction

Emancipation fell terribly short of its promise. While slaves were technically freed, faced with abject poverty and little support from the federal government, many former slaves remained under the tight control of wealthy white men—no longer bound by law but by debt and the perpetual threat of violence.

While the suffering that African Americans endured after the Civil War cannot be overstated, neither can the advances they made. Between 1866 and 1874, freedmen laid a powerful claim to their hard-won right of equal citizenship in Alabama, voting in droves, and spurring ten years of Republican leadership.^{iv} Between 1871 and 1875, two black men were elected to the U.S. House of Representatives: Benjamin S. Turner, a former slave, held office from 1871-1873 representing Alabama's 1st congressional district.^v James T. Rapier held office from 1873-1875 representing Alabama's 2nd congressional district,^{vi} an area that encompassed several Black Belt counties—including Lowndes, where McCurdy lived and owned five cotton plantations.

*While this period of political empowerment was short-lived for blacks throughout the South, its impact was arguably more lasting. Mary Ellen Curtin, scholar and author of *Black Prisoners and Their World, Alabama, 1865-1900*, points out that many of the organizing techniques associated with the Civil Rights Movement—the use of churches as centers of political activism, the pursuit of “legal, peaceful means” to resist “extralegal violence” imposed on African Americans (often by the state)—have roots in the political organizing tactics of freedmen and women in Reconstruction.^{vii} In addition to avid participation in the political process, many freedmen were educated in schools established by the Freedmen's Bureau, where*

in addition to being exposed to black history, many black students learned how to read and write.^{viii} None of this had been possible during slavery.

While many scholars have convincingly argued that the practice of convict leasing functioned as a kind of neo-slavery,^{ix} Curtin emphasizes that Reconstruction fundamentally altered the beliefs, attitudes, and expectations of freedmen and white power brokers alike. Those experiences in Reconstruction—for freedmen, political empowerment and education; for whites, a perceived threat of disenfranchisement—help explain not only how black prisoners survived the brutal conditions of the convict-lease system, but also the often self-defeating cruelty of the measures taken by white contractors to control prisoners.^x

The “Bourbon Democrats” regained political control in Alabama in 1874 when George Houston was elected governor.^{xi} While the Republicans were losing ground in Alabama, nationally they still dominated the political scene.^{xii} The year after Houston was elected in Alabama, President Ulysses Grant and a Republican-controlled Congress saw the passage of the Civil Rights Act of 1875, enforcing equal access to public domains for African Americans.^{xiii}

During this period of political upheaval, economic interests were shifting as well. When W.D. McCurdy entered into a business partnership with J.W. Comer in 1880,^{xiv} cotton was still king in Alabama, though the mineral riches of the state were threatening to supplant agriculture as the most profitable industry. McCurdy, a graduate of Emory University in Atlanta and already an experienced businessman, would have been keenly aware of this trend when he diversified his economic interests and invested in coal mining.

Comer & McCurdy Coal Company operated out of Pratt City, Alabama, on the outskirts of the newly formed “Magic City” of Birmingham. In a way, his investment in coal mines—those harbingers of modernization, bowels of industrialization, and rough underside of progress—

represented a radical shift for a man like McCurdy, who up until that point would have profited exclusively from the cotton generated by his plantations in the rural Black Belt region of Lowndes County.

In another way, though, running a coalmine and leasing convicts required much of the same business sense that running a plantation did. White men of McCurdy's generation straddled the pre- and post-war economies on the precarious bridge of Reconstruction. Newly freed slaves had won equal citizenship under the law protected by the 14th and 15th amendments. Without federal legislation legitimizing the subjugation of African Americans, men like McCurdy had to adapt to maintain power: new laws meant new resources; new resources meant new industry.

In November of 1883, three years into McCurdy's coalmining venture, once the light of Reconstruction had been thoroughly extinguished throughout the nation, the United States Supreme Court declared the federal law compelling the enforcement of the fourteenth and fifteenth amendments—The Civil Rights Act of 1875—unconstitutional.^{xv} In a single breath the Federal Government had sucked all of the power out of the laws that guaranteed African Americans equal access to the rights of citizenship. This ruling set the stage for Jim Crow, and significantly restricted the movement of African Americans throughout the South. Now the power of the law—which during Reconstruction had functioned to protect the rights of black citizens—transformed into the very entity that would enforce and legitimize their oppression. With State and local authorities in control, civil rights laws gained about as much momentum in Alabama as a steam locomotive without coal. Only one member of the court dissented, Justice John Harlan. Recognizing the implications of the ruling, he wrote:

What the nation, through Congress, has sought to accomplish in reference to that race is, what had already been done in every state in the Union for the white race, to secure and

protect rights belonging to them as freemen and citizens; nothing more. The one underlying purpose of congressional legislation has been to enable the black race to take the rank of mere citizens. The difficulty has been to compel a recognition of their legal right to take that rank, and to secure the enjoyment of privileges belonging, under the law, to them as a component part of the people for whose welfare and happiness government is ordained.^{xvi}

Justice Harlan knew the court's decision would set the clock back for African Americans—especially in the South where large economic and social interests rested on their subordinate status. By the time the Supreme Court ruled to repeal the Civil Rights Act, the period known as Reconstruction was decisively over—not just in Alabama, but throughout the South.

By 1883, the antebellum culture of white supremacy had firmly re-entrenched itself. Many of the major political and economic players had either owned slaves themselves before the war or descended from someone who did.^{xvii} This was true of planters and new industrialists alike. J.W. Comer, McCurdy's business partner, owned slaves before the Civil War.⁴ McCurdy's father, Edward Sellars McCurdy, had owned hundreds of slaves in Chambers County, Alabama^{xviii} and his wife's family, the Reeses, had been among the largest slaveholders in Lowndes County. Records of McCurdy's life between 1859—when he married Cornelia Reese—and the late 1870s, when he went into the coal business, are scarce.⁵ While it's unclear whether he himself possessed slaves, he benefited from the antebellum legacy. His was a generation of

⁴ His brother, Braxton Bragg Comer or “B.B.” Comer—who also leased convicts—would become governor of Alabama in 1907. The Comers are widely believed to have participated in campaigns of intimidation against voting freedmen and their white supporters during Reconstruction, including the election of 1874, which put George Houston in the Governor's mansion and signaled the end of Reconstruction in Alabama (Curtin, 15).

⁵ Unlike his brother Edmund, whose name is inscribed on a monument to “Our Confederate Soldiers” in Oak View Cemetery in Lowndesboro, it appears that McCurdy did not fight in the Civil War. As Rod suggested, “He probably paid someone to fight for him,” common among men of his class.

white men raised to connect political power with high profits and cheap labor. In 1880, the cheapest labor in the state of Alabama came in the form of convicts.

Laws and regulation could not keep pace with the speed of profits changing hands between contractors and the state. Before 1883, for as little as four dollars a month, contractors like McCurdy assumed total control over the life of a convict. The convict was housed, clothed, fed, doctored, worked, and punished at the discretion of the contractor.^{xix} The State's only insight into the conditions of the work camps where nearly six hundred convicts were held at scattered sites throughout the state came from the quarterly inspection of a single warden.^{xx}

By 1883, at least two hundred state convicts^{xxi} and an unknown number of county convicts worked in Slope No. 2 of the Pratt Mines complex under the management of Comer and McCurdy.⁶ Those leased to private contractors like McCurdy by the state and counties of Alabama were almost always black—estimates range from ninety to ninety-five percent—poor, and male.^{xxii} While women didn't work in the mines, they were also incarcerated and leased out to private contractors. Those who attended mine camps performed household duties such as cooking and cleaning.^{xxiii}

Convictions ranged in severity from murder in the first degree to misdemeanor violations like vagrancy and loitering. Those convicted of felonies became wards of the state, whereas those convicted of misdemeanors became county convicts.^{xxiv} Despite the fact that the crimes of

⁶ It is impossible to calculate exactly how many county convicts worked in the mines or were leased out at all because they were subject to the record-keeping practices of each individual county, and there was no uniformity and even less accountability there than in the state-run system (*Biennial Report of the Inspectors 1884*, 51). A crudely compiled report from the State Board of Inspectors accounts for 180 county convicts working in Comer & McCurdy's prison as of the first day of March 1883; but, as they acknowledge in the introduction to the report, "the Inspectors found great difficulty in ascertaining who and where the county convicts are, and in verifying the information when obtained" (*Biennial Report of the Inspectors 1884*, 3).

the county convicts were generally less severe than those of the state convicts, their sentences were often just as long. Counties operated under a “fee system” by which, once arrested, the incarcerated person was responsible for paying the arresting sheriff, judges, lawyers, and even witnesses who testified against him. More often than not, unable to pay the array of fines associated with their arrest and subsequent hearing, convicts were subjected to weeks, months, and often years of hard labor to make up the cost.^{xxv} Their sentences to make up the fines often lasted much longer than their sentences for their actual crimes. As state Inspector Reginald Heber Dawson noted in his report submitted to the governor in 1884, “[the leased convict’s] poverty seems to be punished more severely than his offense against the law.”^{xxvi}

2. Revisiting The Dudley Place: “That Land is a Relic”

One cattle ranch blurs into the next along this quiet stretch of Highway 80 in Lowndes County. Forty-six years ago, marchers camped alongside this two-lane road, nearly halfway through their 54-mile journey between Selma and Montgomery. Not a mile from here, a gray headstone planted in white gravel and surrounded by an iron fence marks the place where the Klan killed Viola Liuzzo as she shuttled voting rights demonstrators back to Selma. After the bullets pierced her forehead, her green Oldsmobile swerved off the highway and crashed into the fence surrounding this grassy prairie land that once belonged to my family. A hundred years ago, W.D. would have toured his plantations in a two-wheel wicker cart driven by one of his gray trotters—one he bred himself—along the same stretch of earth.

The view from the passenger seat reveals little about the land we’re driving past. The Dudley Place is identifiable only by mile markers on the side of the road. It stands out to me, not because of a particular beauty or strangeness, but because it happens to be the portion of my great-great-great grandfather’s estate my dad inherited. The Dudley Place was one of five plantations my ancestor operated with forced labor—prisoners he leased from the state of Alabama and various counties—to grow cotton and eventually soybeans. Although Dad sold the property many years ago now, I’ve come to get a closer look.

As a child, what I knew of my ancestry, the land we inherited, and the story behind it was as thin and comforting as the Egyptian cotton sheets lining the beds at my great-grandmother’s house. I can summarize what I grew up knowing about this part of my family’s history in a single paragraph:

Sometime after⁷ the Civil War, William Dixon McCurdy⁸ acquired a lot of property in Lowndes County, Alabama. A resourceful businessman and recent graduate of Emory University in Atlanta, W.D. created a thriving soybean and cotton farm and became very wealthy as a result. Due to the fact that, as Rod says, his daughter Alice was the only one of his four children to “produce a progeny,” all of his property and accompanying wealth was eventually funneled to his only grandchild, my great-grandmother, Sarah Hunter Martin, or, as Dad and the rest of her grandchildren called her, Tay. I don’t recall any mention in this abbreviated family history of the labor such immense profits required.

I was five in 1988 when Tay died. When her will was executed, Dad and Aunt Sarah were disappointed. They really wanted Bobwhite, a small cottage on 30 acres that bordered W.D.’s house in Lowndesboro. Bobwhite had first been purchased by Tay’s parents, Alice Reese McCurdy and Robert White Smith, with inheritance money from W.D. My grandmother had spent many summers there as a girl, and believing that her mother (Tay) would leave Bobwhite to her children, was buried on the property. Instead, Tay gave Bobwhite to their cousin, Tom—Lee and Rod’s oldest son, who’d been living there for several years—and Dad and Sarah got 1600 acres of untended farmland called (for reasons lost to history) “The Dudley Place” to which they felt no connection.

After a few years, Dad and Sarah sold Dudley, and he used his half of the sale to buy the beach house in Florida. The decision breached a code in old Southern families: you just don't sell the land. But Dad would like to think he’s more pragmatic than he is Southern, and reasoned that his grandmother could only have intended for him to sell: he’s a research psychiatrist who lives

⁷ Special emphasis on *after*, the implication that he didn’t own slaves, a point of pride –or, more accurately, relief—for me and my immediate family.

⁸ Or as the family refers to him, W.D.

hundreds of miles away. He's not a farmer or even a businessman. Other than its resale value, he had no use—and unlike his aunt Lee and uncle Rod, no affection—for a defunct soybean farm in Alabama.

He took my sister Katy and me to visit at least once before he sold it. I was ten, she was eight, and we had just moved from Pawtucket, Rhode Island to New Orleans, Louisiana. Dad had been on the faculty at Brown and my mom had been working toward a PhD in psychology, commuting to UConn. When he was offered a promotion at the LSU School of Medicine in New Orleans around the time Mom finished her dissertation, the timing was right. The move was a homecoming for Dad, who'd spent a good part of his childhood in Baton Rouge and gone to college and medical school in New Orleans. For all of his academically-charted journeying beyond the South, it was his home. He was eager to get back.

After we moved to New Orleans, Lowndes County—home to the Dudley Place and W.D.'s other plantations, as well as our relatives who'd lived in that part of Alabama all their lives—was now much closer to my family: just five hours east on I-10 then north on I-65. We'd been there several years before when we came down for Tay's funeral, but this trip was our first time visiting Dudley as its owners.

Dad's cousin Tom, who'd inherited Bobwhite—a tall, broad-shouldered, mild-mannered guy with a scruffy beard and red hair that curled out from under a sweat-stained baseball cap—gave us a tour of Dudley in his pickup truck, a thrilling change of pace from the minivan. Dad rode in the cab with Tom, and we rode with our second cousins, Thomas and Lila, in the back. Thomas and Lila were close to us in age and loved to show us around the property, and my sister and I—suburban kids—relished it. Katy, a self-described tomboy, was always more adventurous than I was, but we were both enchanted by the magic of “the country.” We'd ride horses, stomp

around the woods in rubber boots, pick figs off the tree in the back yard, fish in Pig Tom's Pond (named after Tay's husband, Thomas Martin), and eat venison they'd hunted and cleaned with their dad. Believing we had none, we'd marvel at their Alabama accents and try to emulate them, often speaking in an exaggerated Southern drawl for days after returning home. I didn't realize at the time that the "country" where we played with Thomas and Lila had once been thick with our ancestor's cotton.

Despite the excitement of the visit, I felt disappointed in the Dudley Place itself. The land was flat, overgrown, wild, and stagnant-seeming all at the same time. My notion of the "country" had been informed by movies like *The Sound of Music* and *Heidi*: I'd imagined sloping hills covered in quilts of wildflowers and creeks running through crevices that made the rocks in its bed shiny and smooth—or something like that. But the Dudley Place reeked of death. Straw-colored in the summer. Red clay roads. Mosquitoes. Weeds. It was nothing like the Eden I'd imagined.

And other than that one bumpy, pick-up truck tour of Dudley in 1992, neither the land nor the story of how we got it came up much. It didn't seem relevant.

As I grew older, so did my awareness of the land's worth.⁹ Still, I never considered the question of labor. To me, it was wilderness. I certainly didn't consider the possibility that we were the beneficiaries of what historians regard as one of the cruelest labor practices in American history.¹⁰

Eighteen years later, surveying the land as a stranger, the question troubles me: why wasn't I ever curious about this part of my family's history? Why didn't anyone talk about it? I

⁹ Prompted mostly by my parents' purchase of the beach house in Seagrove.

¹⁰ Rivalled only by slavery, though most scholars agree that the convict-lease system was, in many ways, (to borrow the title of David Oshinsky's book) worse than slavery.

wish I could claim that I woke up one day and put it together—all the history I’d learned in my expensive liberal arts education, history that taught me no one owned 8500 acres of land in early twentieth-century Alabama and produced as much cotton as W.D. without exploiting someone. I wish I’d related it to my own family. Had it not been for the particular confluence of events—fleeing from Gustav and visiting Lee and Rod while evacuated—that led me to encounter W.D.’s picture in *Slavery by Another Name*, I might have gone through my whole life without considering it at all.

I’d be lying if I said I don’t feel some measure of guilt—that it doesn’t take my breath away when a scrap of testimony from a convict who worked for my ancestor surfaces somewhere in the chaos of my research—but this endeavor is not about guilt. Douglas Blackmon offers what I think is an instructive distinction between guilt and inheritance in the epilogue of *Slavery By Another Name* as he reflects on the legacy of both convict leasing and slavery for white people in the United States:

Whether a company or an individual, we are marred either by our connections to the specific crimes and injuries of our fathers and their fathers. Or we are tainted by the failures of our fathers to fulfill our national credos when their courage was most needed. We are formed in molds twisted by the gifts we received at the expense of others. It is not our ‘fault.’ But it is undeniably our inheritance.^{xxvii}

To trace the contours of my own twisted molding means exploring not only what was *missing* from the abbreviated narrative about W.D. that was passed down to me, but interrogating what was *there*, and what purpose it served, for me and for those who came before me.

With some trepidation,¹¹ I’d emailed Rod some months before about my interest in writing about our family. He responded with enthusiasm:

¹¹ I feared he might disapprove of my project.

I am thrilled at the idea of your doing professional quality research about the family. Until now it has all been about the begats, which tells very little about the economics or the times. W.D. prospered during a very dark period by playing by the rules and laws then in effect. He does not need an apologist nor a prosecutor.^{xxviii}

I didn't come back to Dudley to take responsibility for W.D.'s transgressions, nor to put him on trial. Such judgments serve primarily to draw distance between ourselves and certain historical actors, reinforcing the idea that we—either as a society or as individuals—aren't capable of committing or being complicit in similar injustices. One of my greatest fears in writing about W.D. is that readers will interpret his story as a horrific aberration in American history. W.D. is one man whose cotton and coal operations, however sizable, represent a relatively small component of the engine driving the post Civil-War economy. Rod claims brokers in large banks as far away as New York and London financed his business ventures in cotton and coal. W.D.'s success signifies the emergence of a nefarious connection between the criminalization of black men and women, and rise of the industrial economy of the United States as a whole.

Yet, even as I recognize that the role W.D. played was not unique for men of his period and stature—indeed, it was generously rewarded—I can't write off his offenses as strictly symptomatic of “the times.” Part of recognizing his humanness requires acknowledging his agency. W.D. made choices, and because of the unusual degree of power he wielded, those choices shaped not only his own life and that of his family and their descendents, but the lives of hundreds of convict-laborers, their families, and their descendents. The consequences of his choices are still unfolding five generations hence. How W.D., a human being in relationship with other human beings, stomachs the violence he sanctified is a question that preoccupies me and drives my research. Yet I am equally if not more disturbed by how “the rules” to which Rod referred in his email bent in favor of a man like W.D., and why.

Riding through Lowndes County in the stifling August heat, I can't help feeling exposed, as though being inside Rod's Jaguar in a landscape of pickup trucks and mobile homes marks me as McCurdy's descendent. I want to hold up a sign in the window that says, "I'm not the owner of this car! I drive a ten-year-old Corolla! I minored in African American Studies!" As hard as I try to resist the impulse to define myself against my inheritance, driving through Lowndes County, I feel defensive, simultaneously implicated and estranged.

Rod tells me that the man who bought Dudley from my dad—an attorney from Birmingham—died a few years back and he doesn't know who owns it now, a fact that only adds to its indecipherability. As we drive past it, the Dudley Place is a pale smear of green outside the car window. Even though it once belonged to my dad, and before that Tay, and before that, W.D., the land feels foreign. I understand so little of its ecology or history. While the man I'm with is my great uncle by marriage, he's also an intimidating stranger to me. My tools—camera, voice recorder, pen and paper—only remind me of how unequipped I am. I'm no scholar. My motives are suspect. I want to hurry up and get *back*. Back to my car, back to New Orleans, back to the comfort of my life before I knew about this. I do not feel at all capable of this journey.

Lightless Mornings

According to the Inspectors' reports from 1880 through 1883, the mines and prison camps operated by Comer & McCurdy stood out as some of the most egregious examples of the need for reform. Colonel John Bankhead, the warden at the time, assessed the prison camps as "totally unfit for the purpose for which they were intended."^{xxxix} In 1883, a convict—state or county, felon or misdemeanant, young or old—employed at Slope No. 2 in the Pratt Mines Complex under the management of Comer & McCurdy rarely saw sunlight. He descended into the mine before daybreak. Crouched in the cloudy light of a kerosene oil lamp, his face inches from the coal seam, he would cut into the earth with a pickaxe, loosing chunks of lump coal and dirt and rock. Once he had removed enough to create a three-foot wedge, he twisted and cranked a five and half-foot auger into the surface of the coal seam, then conducted an explosion in the seam with charges of black powder. Jagged lumps and nuts of coal shook loose from inside the earth, clouds of dust and smoke billowing around him. Breathing the unfiltered air, he shoveled the coal—as much as five tons of it each day—into mule-powered carts, by which it was dragged to the entrance of the mine.^{xxx}

After working like this for ten, twelve or more hours he would return to the camp—face, hands, and uniform caked in sweat, dirt and coal dust. He would sit down to a small portion of salt meat and biscuit and eat without a fork or knife, and in some instances, without a table or bench to sit on. Toilets consisted of buckets that frequently overflowed. When called for bed, he returned to one of four cells, a seventy- by twenty-foot room. He would sleep on either the upper or lower row of scaffolds stacked along the wall under a filthy blanket infested with vermin, until the bell summoned him to work in another lightless morning.

In conditions such as these, perhaps not surprisingly, death rates among convicts were exorbitantly high, more than twenty-five percent at their peak.^{xxxvi} The leading cause of death was pleurisy—inflammation and secretion of fluid in the lungs often caused by pneumonia or tuberculosis. The physicians' reports of 1882 identify a number of factors, both in the mines and in the camps, to explain high mortality rates: poor ventilation in the mines, cold water for bathing and lack of towels to dry off after, damp bedding, poorly ventilated and overcrowded sleeping quarters, overwork, and the dangers inherent in mining work. In addition to diseases of the lungs, listed among the causes of death in the convicts working under Comer and McCurdy in 1882 were measles, as was the case for Seab Anderson; typhoid fever, as was the case for George Gay; explosion of powder, as was the case for Thomas Henderson; crushed by coal or falling rock, as was the case for Frank Gregory and Jim Morris.^{xxxvii}

3. The Davidson Place: A Tour of The Deadening

The entrance is nothing more than an unmarked turn off Highway 80. Rod signals before he turns though no traffic follows us. Asphalt glistening in the August heat gives way to a narrow dirt road. Clouds of red dust rise up on either side of the car as tiny rocks pop and crunch beneath the tires.

Despite the air-conditioning blowing on us, I can see patches of sweat soaking the white button-down beneath Rod's seersucker jacket. I sit next to him on the passenger side, my thighs sticking uncomfortably to the leather seat, while Matt silently snaps photos in the back. I'm glad he's with me, my husband of one year, companion of the last eight, to help stave off the flood of history in this place, to keep me anchored in the present.

After a short, bumpy ride tracing tire tracks down the dirt road, we approach a metal field gate. Rod pulls out a heavy set of keys, and we wait in the car as he fumbles with the lock. After a minute or two the wide gate swings open, and Rod returns and accelerates us through. A thick forest of pine and poplar trees encloses us on both sides. "Big Swamp" is what they have called the area encompassing W.D.'s plantation—The Davidson Place—since well before he owned it. The Davidson Place is the only one of McCurdy's five plantations—once commanding over 8500 acres of land in Lowndes County, Alabama—to remain in the possession of his descendents. Lee and Rod's five children, now grown, jointly own the property.

"I made John the executor of the estate," Rod explains, "and the only way he can be challenged is if all four other siblings unanimously vote to overrule him."

John is the youngest of the five and followed in his father's footsteps to become an investment banker. Now he lives in Memphis with his wife and children.

"Tom would have been the natural choice," Rod continues, "since he's the oldest and has

the most connection to the land. But he's just a mess. Cantankerous as he can be. I just can't trust him."

Tom, who lives on Bobwhite and loves to hunt, works as a machinist outside Montgomery. Unlike his siblings, nothing about Tom's appearance or demeanor suggests that he comes from a wealthy family.

Rod worries that his children will sell the land—a fact he reiterates throughout our visit. "It's a rare thing, to keep land in the family for six generations. I told your father it was a big mistake for him and Sarah to sell the Dudley Place. But people are gonna do what they will."

We park beside a stark wooden sign carved in plain block letters painted black: "SARAH MARTIN LODGE," named for my great-grandmother. As we continue down the gravel drive to a clearing in the woods, I spot the dark, wood-paneled cabin with a red, aluminum roof on the edge of a large pond.

"Is this Pig Tom's Pond?" I ask, remembering my dad's description of the place. My great-grandmother's husband Tom, or "Pig Tom," as he was called by my dad and his other grandchildren, dredged this pond in the sixties. I search for a trace of the familiar, but my memory of fishing here seventeen years ago does not match the place I find myself now. A photograph I've seen more recently at my parents' house helps fill out my memory: I'm twelve years old and small for my age. My ears stick out under the oversized baseball cap I'm wearing. A t-shirt bunched and tucked into my rolled up jeans puffs out around my waist. I reluctantly pinch the lip of the small trout I've caught, my eyes reduced to red swollen slits, while, distraught, I attempt to smile for the camera. I wonder: how many fishing trips does it take to get used to tearing the mouth? To the suffocation?

"Yes, indeed, this is Pig Tom's," comes Rod's reply. "It's empty now, though. They'll

restock the trout soon.”

They build the pond, they stock the fish—the catch, it seems, a foregone conclusion.

We follow Rod onto the porch and through the screen door that opens into a large living area with high, vaulted ceilings and a fireplace at each end of the wide room. There must be more than ten stag heads mounted above the mantels. A taxidermied duck suspended as though in flight is attached to the wall below. Various animal skulls, photographs, and hunting posters clutter the bookshelves. Sliding glass doors open to a porch that overlooks the pond. Empty of fish, the water is still. Tendrils of grass and tangles of weeds sprouting out of the water are the only interruptions in the reflection of trees and yellow late-afternoon sky on the pond’s surface.

“So this is the only way the kids make any money on the place,” Rod explains. “They rent out the lodge to the hunting club. It’s not much, but John does a good job managing it.”

As we head out after a brief tour of the lodge, Rod points to a giant, rusting, cast-iron bell—the kind you’d expect to see in the tower of a church— anchored among the sticks, pinecones, dirt, and grass beside the porch out back. It looks like it hasn’t moved in hundreds of years.

He signals to Matt. “You might want to get a picture of that. That’s what they used to call the convicts to work.”

I stand motionless some distance away from the bell as Matt approaches it with the camera. Slowly, and in fragments, a picture is starting to fill out in my mind. This is why I am here: to look at it, to face the past squarely—beyond the old framed photographs on the walls of my parents’ house—to see this place for what it was, what it has become. The bell, so far, is the only suggestion of what used to be here; it’s the closest I’ve come. I watch as Matt clicks away at various angles and proximities. It feels almost sacrilegious, as though by taking pictures we’re

somehow commodifying a sacred object or disturbing the sleep of a wild animal. But even as I maintain distance, I'm grateful for the thoroughness of Matt's documentation. We're here to conduct research. Now isn't the time to process. Now is the time to look.

After a minute or two Rod moves us along. He has more to show us.

We're out of the woods, off the gravel road. Rod's shiny, silver Jaguar plows a path through the prairie's tall grasses; they bend and fold to the earth as we forge ahead. Varieties of insects I've never seen before settle on the windshield. A piercing alarm from some kind of sensor within the car rings sharply, off and on, with the erratic persistence of Morse code. The grating noise continues for nearly fifteen minutes before any of us acknowledge it openly. Finally Matt asks about it. Rod tells us it's because of the grass; it's chafing the Jaguar's undercarriage. Apparently he can't stop it. It's almost funny. Intermittently, Rod shouts something over the sound, pointing to the deer lookout post or the open field where ducks flock in season, but mostly we don't speak. Finally, he stops the car and the ringing stops, too. At first I'm not sure why he picked this particular spot of all the others along the prairie's sloping landscape, but this is what he wants us to see. Matt snaps photos in succession to capture the panoramic view. I just stand there, hands on my hips, taking it in.

"Beautiful, isn't it?" Rod says. He peers across the landscape with the grimacing stare I have come to recognize not as directed toward anything in particular but simply his at-rest facial expression.

The Davidson, under W.D.'s ownership, was known to have some of the most difficult working conditions of all the farms where convicts were sentenced to labor out their terms. It wasn't just the cramped sleeping quarters, the outbreaks of disease, or the rationing of food that made the work so challenging. The land itself was muddy and unctuous, extremely difficult to

cultivate. But as I stand here now on the low peak of a wide hill, amid gold stem grasses glowing in late afternoon sun and crickets and cicadas bombinate in a soft chorus, the land possesses a picturesque quality I can't deny.

"Yes. It is beautiful," I say, and mean it.

To get back to Highway 80, Rod takes us through the low-lying swampland for which Big Swamp is named. Here, under a canopy of thick foliage laced with Spanish moss, we cross a rusty bridge under which a marshy creek flows. Just beyond the bridge, there's a small clearing that marks the end of the road before the dense thicket of swamp overtakes it.

"This is The *Deadening* which you see right there," Rod says, gesturing toward the swamp forest. He'd told us about it on the way here. The Deadening refers to a low-lying, flooded swamp plain on the Davidson Place. Laborers who worked for W.D. would take hatchets and belt the trees in the area to reclaim the forest for the production of sugarcane. Rod says it was they who named it The Deadening.

"It grew back up and then we clear cut it and now it's grown back up again. It's had a lot of replanting." He pauses. "Do you want to take a picture of it?"

I tell him I do, although, it's hard to differentiate The Deadening from any of the other expanses of swampland we'd seen on the property.

By now, as Rod reverses the car to head back, the sun blushes pink, and cool evening clouds blow in. He phones John as we drive away, but it goes straight to voicemail. Rod says John never answers his calls.

"Well, John, I'm out here on the property and I just want to tell you that it looks great. Just beautiful. It would be a big mistake to sell it, John. I don't want you to give in to the pressure. Land is the only thing that's worth anything anymore."

Rod shares one more story about W.D. as we pull away from Davidson. “Not too long before he died, he told Will, ‘When I’m gone, it’s all over. The fences will go into disrepair.’”

Rod had already told us about Will, W.D.’s "right-hand man," the one who knew all of W.D.’s secrets. They even shared a name: William McCurdy.¹² According to Rod, they shared everything but the color of their skin.¹³ Up until the late sixties, “the black Will McCurdy,” as the family refers to him, lived in one of the shacks wallpapered with newsprint on Scott Hill Plantation (It still makes Rod’s stomach turn to think how they let that property slip away).

He lets out a frustrated sigh, as if commiserating with W.D. about his disappointment in his descendents. Of W.D.’s five children, not one proved to have the ambition or work ethic he did. No one has ever made any significant money off that land since he died. “They just lived off of the legacy,” Rod says.

Despite his broad build and big talk, he looks older to me this time than I remember him looking on previous visits. He turns the wheel stiffly as we edge back onto Highway 80, away from Big Swamp towards Montgomery and Lee and Rod’s house on Cloverdale Road where my grandmother was born.

¹² I asked Rod about the shared name. He said, “I don’t know how he came to be called Will McCurdy—undoubtedly his family’d been slaves—(pause) There was miscegenation in the family but *not* by W.D.”

¹³ That they didn’t share the profits, I suppose, is understood.

Reforms of 1883

By 1883, the injustices wrought by the convict leasing system were leaking into the public view through newspapers and magazines and speeches by civil rights activists around the country.^{xxxiii}

On a national book tour with Mark Twain, Southern author George Washington Cable described it to Northern audiences as such:

[Convict Leasing] springs primarily from the idea that the possession of a convict's person is an opportunity for the state to make money; that the amount to be made is whatever can be wrung from him; that for the officers of the state to waive this opportunity is to impose upon the clemency of a tax-paying public; and that, without regard to moral or mortal consequences, the penitentiary whose annual report shows the largest cash balance paid into the State's treasury is the best penitentiary.^{xxxiv}

*Black leaders such as Frederick Douglass, W.E.B. Dubois, and Mary Church Terrell would also emerge as powerful critics of convict leasing.^{xxxv} There was no illusion, in the South or otherwise, about the morality of the lease. J.H. Bankhead, the state warden, himself a Democrat and aspiring politician, was aware of the public's perception of the lease. Bankhead was also aware, as Mary Ellen Curtin has shown, of the fiercely emerging competition between new industrialists (coal mine operators) and planters for access to convict labor. Bankhead—unlike his predecessor J.H. Bass who had allied himself with the planters—allied himself with the new industrialists.^{xxxvi} From correspondence cited by Curtin in *Black Prisoners and Their World*, it appears that Bankhead sought favors from many coal contractors, including Comer & McCurdy: “I am busted and want money to pay expenses for two months,” he wrote J.W. Comer in May 1882. “Send me a check for \$1,000 to be divided between you and Comer & McC haven't got a cent... Send contract as soon as you can.”^{xxxvii}*

Bankhead appears to have been very tight with Comer and McCurdy, the largest leasers of convicts in the state at the time, as well as many of the other leading coal contractors.

Considering his close personal and economic ties with these men, it seems strange that

Bankhead would write a scathing report of the prison camps they operated:

I found the prisons where convicts were confined totally unfit for the purpose for which they were intended. They were built, in most cases, with a view of the strictest economy. No regard was had for the important question of ventilation, and the prison frequently contained twice as many convicts as its dimensions would warrant. They were filthy, as a rule, as dirt could make them, and both prisons and prisoners were infested with vermin. I found the convicts were excessively, and in some cases, cruelly punished; that they were poorly clothed and fed; that the sick had been neglected insofar as no hospitals had been provided, they being confined in the cells with the well convicts. The use of dining room furniture, at some prisons, was unknown, then men having their meals spread on a bench, or shelf, or given them by the cook in their hands. The prisons have no adequate water supply, and I verily believe there were men in them who had not washed their faces in twelve months^{xxxviii}

While Bankhead's motives for writing this report are suspect, his description is consistent with other eyewitness accounts of the prison camps. However, in light of the conditions Bankhead exposes in the report, it seems strange that he would go on to build a case in favor of the State turning even more power over to the very perpetrators of the inhumane conditions he cites. In the same report, Bankhead submitted a plan that entailed a total renovation of the Pratt Mines—complete with brand new sleeping quarters, a hospital, a school, and even a garden to grow vegetables that would improve the convicts' nutrition, totaling about \$18,000. In exchange for a contract that would secure their exclusive access to convicts, the Pratt Coal & Coke Company (the umbrella company under which Comer & McCurdy operated) would pay for it all, on top of what they paid the state for the convicts' labor.

The Prison could be built at a cost of about \$18,000, and if the law authorized the hiring of convicts for ten years, there would be no difficulty finding contractors who would hire the whole force to be worked together under this system in a coal mine; the contractor to build the prison, free of expense to the State, and pay hire for the convicts... This would relieve the State of the entire expense of the institution of Wetumpka, and the whole income... would be a clear profit to the State, even at a much less rate for the convict labor, the yield would be much greater than under the present system.^{xxxix}

What initially appears as Bankhead protecting the interests of the prisoners would have in fact privatized the whole system and guaranteed that the prisoners be subjected to the will of companies whose sole interest was in making profits.

Another part of the reforms included the institution of a Board of Inspectors, headed by Colonel Reginald Heber Dawson, to improve the oversight and enforcement of the rules stipulated by the state for the contractors.^{xl}

But the Inspectors' reports—bound in the threadbare spines of hundred-year-old books stacked and stowed away in boxes in the State Archives in Montgomery—give only the faintest outline of the people sentenced to labor in the mines or what their experiences were actually like. The lists and tables in the report offer clues: name, age, race, crime, length of sentence, the county of their conviction, their former occupation. While relatively few convicts possessed the ability to read or write, approximately 24 percent of African American children (in addition to some poor white children) were educated in public elementary and secondary schools established during Reconstruction.^{xli} Slaves had been systematically denied the education necessary to read and write, but a significant number of convicts arrested in the late 1870s and 1880s had grown up during the Reconstruction years and were in fact literate. As part of a series of reforms to improve the quality of life and discipline of the prisoners, Inspector Dawson began providing the convicts with paper, envelopes and writing tools. Curtin cites Dawson's personal account of the impact of this reform from his diary: "'Gradually,' Dawson wrote, it became 'a sort of system.' Every Sunday inspectors collected the letters and mailed them out; the state even paid for postage. 'The plan has done very well,' Dawson concluded, 'and nearly all of the convicts correspond regularly with their family and friends.'^{xlii} Providing the convicts with the

tools to write letters not only strengthened their connections to their communities outside the camps, but also helped create a record of first-hand accounts of the convicts' experience.

4. Scott Hill: “You Could See Forever From Here”

The red gate had been left open for us. Lee and Rod sat in the front seats of the Jaguar, while Lee Martin (their seventeen-year-old granddaughter) and Matt and I sat in the back. On our other trips to Lowndes County, Lee had opted to stay in Montgomery. But she made an exception for Scott Hill Plantation. Driving in, Rod pointed to small mounds of grass on either side of the dirt road where the shacks used to be.

“That was a home site there. You see how it’s built up? That was where a man named Jimmy Boy lived. A great worker. Great guy.”

Scott Hill was W.D.’s plantation headquarters. It was the largest of the five, and where most of the laborers lived. Because Rod can’t locate W.D.’s balance sheets, which were in his and Lee’s possession at one point, he can’t say for sure, but estimates that there were about 100 families who worked for W.D. and resided on Scott Hill. When I interviewed him some months before he described this way:

There were a number of two-family houses and a number of single-family dwellings...I calculated that there were about a hundred families there, so you know you can say there were a population of six hundred people, something like that, on the plantations. In addition to the cotton—they would make the cotton there and they would haul the cotton in with four-mule teams, to Montgomery. And then they would take it to the Alabama Warehouse. It would be ginned in Lowndesboro. So they would take bales of cotton, it was all bales of cotton, to Montgomery for shipment out of there on the river or by the rail, I don’t know which they were using. That was a big deal. They would come to town one day, spend the night, and come back the next day. But he was making cotton, manufacturing cotton into bales, and selling it.

When we reached the top of Scott Hill, named for General John Scott, who led the first white settlers into Montgomery County and the man from whom W.D. bought the property, Rod parked the car and we stepped out to look around. The July heat engulfed us in a welcome if

startling contrast to the frigid interior of the car. Bits of gravel mixed with dry red dirt crunched under our feet. It felt more like standing on top of a graduated mound than it did a hill.

Johnsongrass, tall fescue, bahiagrass and other weeds dominate the landscape now, but when W.D. ran the place, mile after mile of the hearty clay soil was planted in cotton. Other than a barn-like structure and a wooden shed, there was little to suggest how it had looked then.

“Will’s house was right here. It was a shotgun cottage.”

I was disappointed. I thought that some of the structures where the laborers had lived might still be there. I was especially interested in where Will McCurdy—the person from whom Rod had learned all he knew about W.D.—had lived. But all that was left now was more overgrown grass and an oak tree beside the red dirt road.

On the other side of the road, Rod pointed to where the white overseer and his wife had lived. Will McCurdy told Rod that W.D. used to ride up to Scott Hill from Lowndesboro on his three-wheeled wicker road cart, pulled by one of his trotters. He’d make sure things were running smoothly, then eat a lunch prepared by the overseer’s wife and take a nap before returning to his primary residence on the English Place a couple miles down the road in Lowndesboro.

“They probably had one hundred mules that they were plowing with,” Rod said. “Now, they wouldn’t all be here. ‘Cause it was spread out. So they would be all over.”

According to Rod, W.D. bought the first internal combustion engine in Lowndes County—a farm tractor—and Will McCurdy was the first farm tractor driver in the county.

Now, Scott Hill is pastureland. After the outbreak of the boll weevil in 1911^{xliii} and cotton was no longer viable, W.D. transformed Scott Hill into a dairy farm. He used to ship the milk

from his jersey-bred cows via railcar from Lowndesboro to the hotels he owned in Selma and Meridian. The dairy outlasted the other farm operations, not closing until the late sixties.

Frank Johnston, a wealthy cattle rancher descended from another Alabama Black Belt planter family, bought it from Sharon and Sarah Lingham, my dad's cousins, sometime in the mid-nineties. Scott Hill, along with a ranch he owns in Argentina, represents his primary interests. Most of the land in Lowndes and other Black Belt counties, if not invested in the production of timber, is cattle land now.

Someone—Lee says it was her mother and Rod claims it was Will McCurdy—said you used to be able to see all the way to courthouse in Hayneville from the top of Scott Hill. The courthouse must have cast a long shadow over Lowndes County. But Rod was marveling at the expanse of W.D.'s cotton cultivation.

“None of this stuff,” he told us, gesturing toward the clusters of trees and bushes and weeds, “was here. You could see *forever* from here.”

Of all W.D.'s plantations, Scott Hill is the only one where my dad remembers spending any time. When I asked him what he'd heard about W.D. as a kid, he told me most of what he remembered hearing about W.D. came from Will McCurdy on trips to Scott Hill.

“He was quite an old man when I was boy.”

No one in the family remembers what year Will McCurdy died, but there seems to be a general consensus that it was sometime in the mid-sixties, when my dad was a teenager.

“The kids would go down there to ride horses, and the people who lived on Scott Hill would round up a couple of horses and saddle them up and the kids would ride around for awhile.”

My aunt, who was younger than my dad, remembers those trips, too. She remembers Will McCurdy being blind. And she remembers another man, “Unc,” about twenty or so years younger than Will, who worked there as well.

“I can smell ‘em. I mean I remember all those smells. Like, the smell of the horses, the leather, their sweat, you know, not a terrible smell—but just a hard-working thing. I can see them. They’d say, ‘Miss Sarah,’ –it was always ‘miss so-and-so’ that they called us—and they’d saddle up the horses for us.”

The trips my dad and aunt took to Scott Hill as kids were in the last years it functioned as a dairy farm. Ted Lingham, their uncle, was in charge then. Tay assigned him the position when he married Alice, the oldest of Tay’s three daughters. As an insurance salesman from Dayton, Ohio, Ted wasn’t exactly an expert dairy farm operator, but according to my aunt Sarah, they called him “the gentleman farmer.” She remembers him wearing khakis and muddy cowboy boots and trolling around the plantation for a couple hours in the morning, coming home for a lunch of egg sandwiches prepared by Mamie (his and Alice’s servant), taking a nap, then heading back out to the plantation for a couple of hours in the afternoon. Around four or five he’d return home for smokes and his evening cocktail.

My dad remembers the dairy farm as a small-scale operation: one barn with room for twenty- five or thirty cows.

“There’d be rows of cows hooked up to these milking machines; it wasn’t done by hand; it was done by these machines that would milk ‘em.”

Even as the dairy business dwindled in the sixties, a handful of black laborers, like Jimmy Boy and Unc and Will McCurdy, still lived on the plantation with their families. At Christmas, my dad and his sister and all their cousins would pile into the car with Tay and travel

the twenty or so miles from her house on Thorn Place in Montgomery to Scott Hill, where they'd deliver hard candy in red, fishnet Christmas stockings to the children living there. Their houses stood out in Sarah's memory.

"There were shacks, as I remember it, just shacks, you know, these houses, but basically shacks. And the wallpaper would be newspaper comics...maybe some magazines. They were just one bedroom shacks with little bunks. The children would come out and here would come the car and we would distribute these gifts, and have all these little children running up to us saying, 'oh, thank you thank you thank you!'"

This ritual made my dad and his sister feel good. "That's what I remember," my aunt told me, "is that feeling of giving and being generous to people who were less fortunate."

Absent from either of their memories was the sense that the misfortune of the black children on Scott Hill had any relationship to their privilege. My dad recalls that they stopped going to Scott Hill when Tay shut the dairy down in the late sixties. "After the dairy closed is when, obviously the jobs went away and people started leaving and it became a much more deserted kind of place."

Tay closed the dairy when an amendment to the Federal Minimum Wage Act was passed to include farm workers. The minimum hourly wage in 1967, the year she closed the dairy, was \$1.00.^{xliv}

Just as we were about to go down into the woods where, Rod told us, a black church and cemetery used to be, Frank showed up in his red pickup. I was eager to go down where I thought I might find names of some of the black laborers who'd been buried there so many years ago, and track down their descendents. But when Frank arrived, we shifted our plans.

Frank was a tall, soft-spoken guy, wearing long pants and a collared shirt. His mild-mannered, deferential demeanor surprised me. It wasn't what I was expecting from a wealthy cattle rancher. He invited us into the building that had once been the seed barn, and now served as a one-room cabin. Inside, there was a sparse array of furniture—some wooden chairs, a table, a couch, a kitchenette. There were some framed photographs on the walls of who I imagined were his grandkids, teenage boys dressed in hunting clothes. On a small wooden dresser beneath a giant stag's head mounted on the wall, Frank pointed out a model of what had been Will McCurdy's house. Just as Rod had described, it was a shotgun cottage. A chimney stuck out of either end of the tin roof, and an open, wooden porch ran the length of the house. When Frank bought Scott Hill, Will McCurdy's actual house was still standing. He told us he'd wanted to restore it, but it was beyond repair. Someone made the model home as a gift. I wondered why Frank Johnston wanted to preserve it. The model house had a wooden "F" nailed to its porch, which I assumed stood for Frank. I don't think he knew anything about Will McCurdy before our visit; he was just drawn to the structure of the crumbling building.

We sat on the porch in front of the cabin for a little while, exchanging stories about the land. I told him the outline of what I'd learned about W.D. in the course of my research and Rod added tidbits he'd learned from Will about W.D. Frank listened intently, and although his demeanor was much different from Rod's, I got the feeling that they spoke the same language. Rod described the scope of W.D.'s cotton holdings, saying, "That was back when the Bourbons were in power. That'll never happen again!" and clapped Frank on the shoulder. They both chuckled.

Before we left, Frank said he wanted me to have some memento from the property and picked up a rusted horseshoe and a thick shell that he thought had been on the property since

long before W.D. The shell was about the size of my palm: round, white, and heavy as a bone. Its crevices were caked in red, chalky dirt.¹⁴

Everyone was uncomfortably hot as we trekked back to the car. Lee said she was about to pass out. I wanted to ask if we could go down to the cemetery, but Lee's discomfort and the general will of the group instructed me to keep quiet. As we drove away, back down the dirt road toward US 80, Rod pointed to the old dairy silos, barely visible under the weeds that had grown up around them. A shiny black bull grazed beneath an oak tree. Lee and Rod were unusually quiet. They both seemed lost in thought. Rod broke the silence.

"See, I asked Lee to marry me on Scott Hill Plantation."

"It was the little church," Lee said. "Is the church still there?"

"No." Rod answered.

"A black church," Lee added. Then, "Rod, is Monkey dead?"

"I have no idea."

"Monkey was Will's grandson. He used to ride with us."

"So he lived up there with Will?" I asked.

"Yeah" Rod replied.

"Where—what did he do after?"

"We don't know," Lee said. "We lost track of Monkey...."

"Ted had no energy and no drive to put into it at all, and it just started going down hill.

No jobs, no work, no money," Rod said with what I thought was a tinge of disdain.

Lee added, "And that was it."

¹⁴ Later, I discovered the shell was an exogyra fossil, an extinct ancestor of what's more commonly known as honeycomb oysters. It could be as old as 200 million years. (<http://crnmac1.physics.uiowa.edu/fossils/oysters/ilymatogyra/Exogyra-plexa.html>)

Number 35: John Tankersly

Haphazardly glued to the spine of an emptied-out tome labeled “invoices,” Matt and I found hundreds of letters, in many shapes and sizes, some typed, most hand-written, their aged, flaking pages poking out of the edges of envelopes, crudely compiled and stowed away in a climate-controlled room at the Alabama Department of Archives and History. This book contained the first-hand accounts from the convicts themselves.

Several letters remain from John R. Tankersly. According to the “Tabular Statement Showing the Number of Convicts Employed by Comer & McCurdy, residing at Pratt Mines, Alabama,” J.R. Tankersly, was “received” on September 11, 1878 at the age of 30 from Covington County. He was convicted of murder and sentenced to ten years of hard labor. While most of the convicts listed on this statement are black men who were previously occupied as laborers, John Tankersly is listed as a white man previously occupied as a “School T’ch’r.” As a class two convict, Comer & McCurdy would have paid \$8.00 a month to the state for his labor, and he would have been required to pull and load a minimum four tons of coal each day.¹⁵ The only other information the statement provides is a column for conduct, which is listed as either “good” or “bad.” Tankersly’s conduct is listed as “bad” for both 1881 and 1882.

From Tankersly’s letters, however, a more complete story emerges. In one letter dated September 19, 1884, Tankersly implores Inspector Dawson:

¹⁵ A class one convict was expected to pull and load five tons each day and Comer & McCurdy would have paid twelve dollars per month for him; a class two would have been worth eight dollars per month and expected to pull and load four tons; a class three would have been worth four dollars per month and expected to pull and load three tons; and class four, or “dead hands,” deemed too weak to work underground, attended to chores on the surface. The labor of this class of convict was free to the contractor. (*Biennial Report(s) of the Inspectors 1882 and 1884*).

I regret very much to learn that the reports of bad conduct is still to remain against me. . . . I do not ask anyone to say that my conduct was good during the years 79 and 80—but I ask for consideration of all the facts connected with my entire conduct and the terrible punishment inflicted upon me. I had rather serve to [undecipherable] five years of present condition of affairs than undergo another punishment of a like nature. I do not think I committed an unpardonable sin in trying to escape the literal hell of those days and I think the terrible punishment I bore is sufficient to cover my entire offense.^{xlv}

Tankersly explains the reason his conduct is branded “bad” is that he attempted to escape. He alludes to a ‘terrible punishment’—which, although he never states it explicitly, in keeping with the disciplinary practices of Comer & McCurdy (as well as most of the contractors during this period) we can infer that he was severely whipped. There were no laws at this time restricting the number of lashes that could be inflicted, In addition to protesting the severity of the punishment he endured, he appeals to Dawson to consider his family:

I implore you to consider what I have already suffered—the [undecipherable] of time I spent in prison—the homeless, penniless condition of my wife and little ones—barely able to obtain the necessary food and raiment—my children being reared up in ignorance and rags. . . . It would be a very great kindness to me, and to our innocent wife and little children to release us from future punishment and I know that such a kindness would be sincerely appreciated.^{xlvi}

Tankersly’s appeal expresses not only his personal suffering, but the impact of his conviction on his family. His letter draws attention to the adverse effect of his incarceration on his community that depends on his support and contributions. John Tankersly’s children found themselves “reared up in ignorance and rags” because of the absence of their father. Many of their black counterparts suffered not only as a result of the absence of parents and other community members, but other oppressive conditions imposed on black communities during the Jim Crow era.

Many of the letters submitted by convicts to Dawson do not even breach the topic of their conviction, but instead focus on the conditions of work camps. One way to interpret the absence

of such pleas is to conclude that the sentences, regardless of the injustice of their punishment, were for the most part justly assigned. At the end of a letter in which he makes a lengthy appeal for his release, however, Tankersly expresses a final plea that addresses not only the injustice of the punishment he endured, but also challenges the basis of his conviction: “Again my sentence is unjust in that it charges me with murder—my victim made first assault beginning the battle by attempting to murder me. It was a battle or a struggle of life for life and I am not guilty of murder.”^{xlvii}

Not only does Tankersly challenge the injustice of his own experience, but he questions the ideology underlying the penal system:

According to the codes of the states men are imprisoned for a twofold purpose—to protect society—to reform its criminal. If there it is shown that I am not a dangerous character—that my reformation is as complete as it will be—if society would not be endangered by my release—why am I to continue in prison?—unless it is for the single purpose of punishment? A thing foreign to justice and mercy—the basis of the law.... A continuation of my imprisonment does not restore the dead to life—does not benefit but rather injures the living.... I can see no just cause why I am not released from prison, and shall look upon the refusal as an injustice to me and I have already been the subject of enough injustice.^{xlviii}

Because he was white and educated, Tankersly’s case is, in many respects, exceptional. But the case he builds for himself and the questions he raises about the system as a whole undoubtedly held true for many of the convicts laboring under Comer & McCurdy, regardless of their race, gender, or education.

5. 603 Cloverdale Road: “Gentlemen, you will not be seeing me again.”

The view from I-65 East between Mobile and Montgomery doesn't reveal much about the rural Alabama communities it bisects. Blue signs advertising one or two gas stations or the 24-hour Time to Eat Café mark miles against a blur of green and asphalt. As drivers approach Montgomery, a brilliant white Hyundai plant, fronted by large fountains, appears seemingly out of nowhere. This billion-dollar manufacturing facility, along with jobs in state government and the Maxwell Air Force Base, support the majority of jobs in the area.

In contrast to the bright, hot, barren concrete of the surrounding streets, oaks, magnolias, and virgin pines dating back to 1817 when the area was known as “Graham’s woods”^{xlix} converge to form a lush canopy over the Old Cloverdale Neighborhood. Most of the houses have large, open yards and elaborate, landscaped gardens. July humidity draws out the sweet, pungent, near-rotting scent of tea olive. In a striking contrast to contemporary subdivisions, the houses here are old and architecturally varied.

The Old Cloverdale Neighborhood was Montgomery’s first suburb. Bordered by the Montgomery Country Club to the east, Huntingdon College to the south, Alabama State University to the north, and Norman Bridge Road to the west, the entire neighborhood comprises less than a square mile. Most of the houses in the Old Cloverdale Neighborhood were built between 1908 and 1916.¹ Alabama saw a lot of development around that time. Birmingham was rapidly expanding, incorporating more of the outlying areas, land that would enable the population boom between 1919 and 1931, when over 100,000 houses were built in the “Magic City.”^{li}

Atop a low hill, 603 Cloverdale Road faces the corner of Cloverdale Road and Galena Street. It’s a brick structure painted off-white, with long, black wooden shutters that flank the

floor-to-ceiling windows. The lawn is impressively green and well kept. The house's relatively compact face belies its size, which stretches back into the next block, past the tennis court and the swimming pool.

According to Rod, Alice and Robert, W.D.'s daughter and son-in-law, purchased 603 shortly after W.D. died in 1921, likely with inheritance money. The couple had been living on Madison Avenue downtown, but that area was "turning commercial." They were part of a larger migration of wealthy people who sought to leave the remoteness of plantation life behind, but did not easily acclimate to life downtown. Rod's favorite bit of family lore centers on Robert Smith, Alice's husband, when he found out that W.D. had died. I sense that this is one of Rod's more well polished stories. He leans back in his chair.

Well, legend has it—and legend from the lore of the Durr Drug Company; one of the Durr descendents told me this—that when Mr. McCurdy died, Durr Drug Company was on Commerce Street, down near the Union station, and when Mr. McCurdy died, the black man with the death message had been put on the train at Lowndesboro and had come to Montgomery and he went up to Durr Drug Company and asked for Mr. Smith and Mr. Smith came forward and he said "Well, I'm here to tell you that your father-in-law, Mr. McCurdy, died this morning at 4 o'clock," something like that. So Mr. Smith then turned and went back to the back of the Durr Drug Company and went to the peg on which his coat was hanging and took his coat off the peg and turned to his colleagues and said, "Gentlemen, you will not be seeing me again." And it was shortly after that that Ms. Alice bought the house on Cloverdale Road where we live.

Lee and Rod have lived at 603 Cloverdale since they were married in 1957. From the moment you walk through the red double-doors, you sense its history. The décor is simultaneously formal, eccentric, and intimate. It is filled with a museum-scale collection of antique furniture. One day at their invitation, Matt and I leafed through boxes labeled "Lee and Rod's Personal," filled with pictures, letters, postcards, wedding invitations, newspaper clippings, and other keepsakes, hoping to find something from W.D. When we came across the

“papers” for Lee’s bed, she was thrilled. It occurred to me that a lot of the furniture at 603 Cloverdale might have “papers” describing its value.

Each room is painted a different bright color: the living room blue, the dining room peach, the bathroom yellow, and the tapestries, curtains, rugs, and portraits all seem to radiate with the color of the walls. Ornate chandeliers hang from high ceilings. Lee loves to arrange flowers—she’s been in charge of the floral arrangements for the annual Blue and Gray Ball for the last thirty years—and there’s a fresh bouquet in nearly every room.

For Lee’s birthday one year, Rod commissioned a mural in their breakfast room. It portrays a landscape not too dissimilar from that of the Davidson place: a meadow of gold-stem grass edged by a forest. A pair of white egrets swoops toward a distant pond. The main element that distinguishes the mural from the actual landscape of the Davidson Place is a white-columned peristyle in the background, adding a Greco-Roman formality to the panorama. The artist has also painted stone-colored rungs and balcony rail along all four walls, and pitched an actual green-and-white-striped canopy on the ceiling so that the room itself is transformed into a veranda overlooking this artist-titled “Dreamscape.”

In the den, brick-red bookshelves showcase hundreds of old books, many in torn, dusty jackets. Books about war, philosophy, the American South, race. A three-volume *The Decline and Fall of the Roman Empire*. Aristotle, H.L. Mencken, Andrew Jackson, Winston Churchill. Framed photographs of children and grandchildren, cousins, nieces, and nephews—including, to my surprise, a Christmas photo of my family circa 1992—are displayed between and in front of blocks of books. The shelves alone, which line the back wall of the den, contain enough information to sustain an entire lifetime of study.

On our second night we gathered around the dining room table to eat another dinner prepared by Mary, who has worked for Lee and Rod—cooking, cleaning, and caring for their five children—since my dad was a boy. The table was set with linen napkins, silver that had once belonged to Tay, and a gigantic floral centerpiece in a brass vase. The explosion of flowers in the middle of the table awkwardly obstructed any view of family members seated on the other side. The night before, their daughter, Hunter, and Lee Martin, “the most promising”—as Rod introduced her—of their grandchildren, joined us for dinner. This night, another one of their grandchildren, Thomas, joined us. Thomas is 23 and he’s grown into a tall, broad-shouldered young man from the pudgy kid my sister and I used to hang out with on our occasional stops through Lowndesboro and Montgomery. He’d recently been charged with taking care of the Davidson Place, which his uncle, Rod’s youngest son John, intended to turn into a “world-class” hunting and fishing destination. It was obvious that Thomas took the work very seriously. He loves the land, has been hunting and fishing since he could walk, and answered “Yes, sir” to all of Rod’s pointed suggestions.

Rod informed us that the silver goblets (and really, there’s no other word to describe them) out of which we drank our ice water had been buried on the Reese’s plantation¹⁶ “when Wilson’s Raiders came through.” Lee and Thomas nodded knowingly. I sensed that Rod told the story whenever they used them. Although General Lee had already surrendered, Union Forces continued their raid for several weeks.^{lii} One of the goblets, Rod told us, was “a fake”—had been manufactured in Mexico to replace a lost original—but no one in the family could tell which.

¹⁶ W.D.’s wife Cornelia descended from the Reese family.

Matt and I had arrived at 603 at night, so we didn't really get a feel for the area beyond the Old Cloverdale Neighborhood until the next morning when we drove downtown. The purpose of our visit was twofold: to conduct research in the Alabama Department of Archives and History, where all of the state's records of the convicts leased out in W.D.'s lifetime were housed, and to visit with Lee and Rod, who, more than anyone else in the family, knew W.D.'s history. For them, his legacy was as real as 603 Cloverdale.

In our hurried, two-mile trips back and forth between the State Archives and Lee and Rod's house, we'd pass the low brick buildings that comprise Paterson Court Housing Development. All along South Union Street, older black folks sat in chairs on raised concrete slabs in front of the apartments, shaded only by the plastic awning jutting from the doorframe. Clotheslines crisscrossed the gravel yards between buildings, and damp clothes hung in a breathless August heat.

Downtown was a patchwork of blindingly white government buildings with columns and long windows interspersed with abandoned storefronts. The cat's claw overtaking blighted houses was familiar from the New Orleans landscape. Few businesses—pay-day loan agencies, fast-food restaurants, car repair shops, dry-cleaners and washeterias—showed signs of life. Aside from the impressive government buildings and the buzz of researchers inside the archives, downtown seemed stagnant and empty. It wasn't until our second trip that we noticed the first White House of the Confederacy (before it was moved to Richmond a few months into the war), despite the fact that it's right next to the archives, on the corner of Washington Avenue and South Union Street. It stands on a small grassy hill, enclosed by a brick and iron fence, shaded by a magnolia tree. Beside the stately Archives building, it looks small and almost quaint.

It's difficult to imagine this as the economic and political capital of the South. The amount of wealth and power once concentrated in this place is staggering, and yet, now, some 150 years later, it seems that poverty, more than wealth, has come to define Montgomery. Even residents of Old Cloverdale are wary of the encroachment of the poor. On the Neighborhood Association's website, the author of Old Cloverdale's history goes on for three paragraphs—more than the entirety of the history of the neighborhood—to distinguish *Old* Cloverdale from the larger area, collectively known as Cloverdale. As he notes, “All of the various developments including ‘Old Cloverdale’ experienced their growth between 1908 and 1930, making it appear as though it was a homogeneous development. For these and probably other reasons the neighborhood is considered a single unit by its residents despite the historic record to the contrary.”^{liii}

Number 2: Ezekial Archer

Ezekial Archer provides vivid testimony of the cruelty experienced by convicts in the Eureka Mines. According to the same Tabular Statement in which John Tankersly is listed, Archer is recorded as having been “received” on December 18, 1879 at age 23. He was sentenced to ten years after being charged with burglary and grand larceny. His previous occupation is described as “laborer” and he is classified as a “dead hand”—meaning that he did not work underground, and Comer and McCurdy did not have to pay the state for his labor.^{liv} If he was 23 at the time of his arrest in 1879, he would have been born a few years prior to the start of the Civil War, around 1855. While he may have been one of the few free black children to grow up in Georgia (the state listed as his “nativity”) it’s more likely that he spent his childhood as a slave. He was convicted in Dallas County, Alabama, in the heart of the Black Belt. Perhaps, like many black men, he came to Alabama in search of opportunity and community. It’s hard to imagine what it would have been like for a black man who came of age during slavery, saw emancipation, and then found himself at the mercy of Comer and McCurdy and their “pit bosses” in Pratt Mines. Mary Ellen Curtin cites much of Archer’s testimony from his letters to Inspector Dawson between 1883 and 1885. In one excerpt, Archer bears witness to Comer’s treatment of convicts:

You know that Comer is a hard man. I have seen men come to him with their shirts a solid scab on their back and beg him to help them and he would say let the hid [sic] grow back and take it off again. I have seen him hit men 100 and 160 times with a ten prong strap then say they was not whiped [sic] he would go off after a escape man come one day with him and dig his grave the same day.^{lv}

Archer’s testimony is consistent with other reports of Comer’s cruelty. During a legislative inquiry of the joint special committee of the Alabama State Senate in 1881, Mr. John D. Goode, a resident from Jefferson County, issued the following sworn testimony:

In the fall of 1879, to the best of my recollection, two convicts escaped from the camp of Comer & McCurdy, near Helena. They were pursued with three or four hounds and two negroes and two whites following. They came near my house and I accompanied the party. One of the negroes was overtaken about a mile and a half north of my house; when Mr. McCurdy and myself reached the negro, Comer and one of the negroes were on the ground. The negro convict was on the ground and the dogs were biting him. He begged piteously to have the dogs taken off of him, but Comer refused to allow it, for a short while. The party then left this negro convict in charge of one of the negroes and went in pursuit of the other convict. Failing to overtake him, they returned and questioned the negro as to his whereabouts. He said he had left him at the river, some five miles back. He had previously told a different story, and the party disbelieved him, and Mr. Comer, with the remark ‘that he was going to whip him until he did tell where his companion was,’ took a stirrup strap, doubled it and wet it, stripped him naked, ‘bucked’ him, and whipped him—unmercifully whipped him, over half an hour. The negro begged them to take a gun and kill him; but their reply was ‘we do not want to kill you, but make you tell;’ Mr. Comer did the whipping. After the whipping, they took the negro on the back of a mule and carried him about three or four miles; finding he could go no farther, they left him in a negro cabin, where, I understand, he died within a few hours.^{lvi}

McCurdy could have been standing beside him as Comer whipped the unnamed convict to death. He might have been encouraging him. He might have turned away, sickened by the sight. He might have watched, silent and stoic. But for this convict and his family, what McCurdy may or may not have felt in that moment is of no consequence. Nothing in the letters or testimony I’ve found proves that McCurdy inflicted this type of punishment directly, but the repeated implication of his business partner suggests that McCurdy was at the very least complicit in Comer’s violent disciplinary measures. Complicity, in a moment such as the one described here, proves just as violent and just as dangerous.

6. Thorn Place: Screened Porches, Brick Walls

Tay is the only person in the family whose life bridges W.D.'s and mine. It's a short overlap; I was only five years old when she died, and most of my memory of her centers around her funeral. Just before her death, Tay commissioned someone to make velvet dresses for my sister and me—dusty blue for Katy and dark green for me. Each had a white lacy collar that fell like petals around our skinny necks. No one remembers the occasion for which she had them made—Christmas perhaps?—but now I can't help but wonder if she didn't have some sense that we'd wear them to her funeral, to ensure we were properly attired. Whatever her intention, they were presented to us the morning of her funeral and we wore them that afternoon. At the time, not really knowing her but wearing this dress she had made especially for me, I felt important, entitled to participate in the elegant display of grief and ceremony.¹⁷

Tay wielded immense power in the family. When Uncle Harris¹⁸ died, all of W.D.'s land went to her. As Rod put it, "Fortunately, when [Uncle Harris] left the land it was entailed to the living blood heirs, and Tay was the only living blood heir. So she inherited the plantations in several pieces." Even after her death, Tay's presence loomed large, structuring the family with the houses and land she left.

Given the air of authority surrounding Tay in family stories, it's hard to picture the person who exists in my memory and imagination—a formal, elderly but not frail woman with her cane—as an eighteen-year-old girl who ran away to marry a man outside her class. My great aunt Lee—who rarely said anything during my conversations with her and Rod—recalled what

¹⁷ Some months later, we would pose for a studio photographer in those dresses. The picture remains displayed in a shiny-mirrored frame on a large wooden desk in the living room of my parents' house.

¹⁸ W.D.'s only living son at the time of his death. As such, he was left to run the plantations.

her mother's cook, who had known W.D., told her about his relationship with Tay: "Mother was the only grandchild, and they said W.D. spoiled her *rotten*."

Dad says that he got the feeling that Tay was fond of W.D., too. "[Tay] called [W.D.] Papa, and called her father, Father...she never said anything about the rest of his family, his children for example, or anything like that. I think I heard more about that from Rod than from anyone. She didn't talk about her own father very much or her own mother very much. I heard more about her mother from my mother."

As a reserved and proper lady¹⁹ in her old age, it's perhaps unsurprising that it wasn't Tay but Will McCurdy who told Lee and Rod that W.D. didn't approve of her marriage to Tom Martin. According to Will, Rod related, "When Tay and Tom were married—see Tom was Catholic and Irish and not aristocratic—W.D. went to bed for three weeks, in grief."

By the time Tay and Tom were married, W.D. was well into the twilight of his life.²⁰ Perhaps he saw the first signs of the dissolution of his estate. I don't know if their relationship recovered before he died or not.

Still, for all the ways Tom fell short in W.D.'s eyes, he wasn't too far removed from their class. He was a lawyer, and he converted from Catholic to Methodist. Rod said Tom supported Tay "in style" until Uncle Harris died in 1952.

Tay and Tom bought the house on Thorn Place in part to remain close to her parents, Alice²¹ and Robert Smith, who lived a few blocks away in the Cloverdale neighborhood. When they bought it, the exterior of the house was a white, woodlap siding wrapped in a screened porch. In old pictures it resembles a large, country house. According to my aunt Sarah, Tom used

¹⁹ Although Aunt Sarah did say that Tay "cursed like a sailor. Damn this! Hell that!"

²⁰ He died three years later, in 1921.

²¹ Alice was known as "Mamaw" to her grandchildren, Alice, Sarah, and Lee.

to just sit and smoke cigars on the porch for hours at a time. But after Tay inherited W.D.'s plantations, she remodeled the house extensively. My dad was a teenager when the remodel took place.

“Before it had been big and always very nice on the inside, but on the outside it didn't look like anything special,” he told me, “but it looked...very impressive after the renovation.”

Since the renovation, the face of the house on Thorn Place is obscured from the street by an ivy-covered brick wall and the long boughs of oak trees. What had been a large, open yard is now an enclosed brick driveway and courtyard fountain. The porch is gone. The exterior is simple and formal—a brick square cut with long rectangular windows and grey trim, while the interior is quite ornate. I remember that going to Tay's house felt like entering another time altogether. It is an anachronistic place, delicate and stately at the same time. As a girl, what impressed me the most was the elevator, slow and rickety, but an elevator all the same. I wasn't yet groomed to fully appreciate the antique furniture, the intricate molding, the oversized portraits that hung above the mantels, or the abundance of china, crystal and silver.

When she died, Tay passed the house down to Lee. Now, Lee and Rod's son Nim lives there with his wife and children. As a function of our disconnect from the Frazers, no one in my immediate family has been there for years. But when my dad and aunt Sarah were kids, the house on Thorn Place was the nucleus of family activity. Because they never lived in Montgomery, going to Tay's house was a big deal. Whether traveling from Texas, Connecticut, Louisiana, or New Jersey, my grandparents would load the Oldsmobile 88 with Christmas presents, luggage, two kids, and hit the road. Before the interstate highway system was constructed in the late fifties—helping to expedite the trip—they'd travel on state highways. At times, it would have taken days to get to Montgomery. In contrast, the Lingham's (Alice's family)

commuted a distance of roughly twenty minutes from the English Place in Lowndesboro where they lived, and the Frazers could have easily walked the few blocks from 603 Cloverdale.

Thorn Place was large enough to comfortably accommodate all nine grandchildren and eight adults on Christmas Eve. My dad, out of some combination of obligation and nostalgia, spent his first 26 Christmases at the house on Thorn. The little ones would typically crowd onto the “sleeping porch”—a narrow room on the second floor that ran the length of the back of the house. The sleeping porch had a linoleum floor and several twin-sized beds. My grandparents would sleep in what had been Mamaw’s room at the end of her life. Dad notes the contrast between Tay’s house on Thorn Place and his paternal grandparents’ house in Tuscaloosa:

“Comparing this big house at Tay’s where you could easily go lose yourself for hours at a time and nobody would know where you were to my grandmother’s house where everybody’s on top of everybody all the time and there’s no *not* knowing exactly what everybody’s up to every minute.”

It’s strange how something as corporal as a house can give shape to something as intangible as familial intimacy.

Dad associates Christmas in Montgomery with lots of excitement. As the third-oldest grandchild and the first grandson, he experienced Christmas both as a little kid and and grown up tasked with preserving the tradition. The trips were intensely ritualized: There was Jane Day’s party on Christmas Eve where something like 150 of Montgomery’s elite would gather to drink cocktails while their children romped around the yard; the Christmas morning routine of waiting at the top of the stairs for what seemed like hours while the grownups drank coffee and loaded their cameras. When called, the kids would come tumbling down the stairs and scatter to their assigned chairs, where Santa’s gifts, unwrapped, awaited them.

Once all the gifts had been distributed, and the wrapped, non-Santa gifts opened, the family would sit down around the living room table, set with linens and silver and china, to a late-morning brunch prepared and served to them by Dora or Connolly. Should anyone need a refill or extra butter, Tay would tap the buzzer on the rug under her foot, and Connolly would appear through the swinging door and attend to it. Based on stories like these, it seems that whatever status Tay gave up when she married Tom, she spent the rest of her life restoring through her own family at the house on Thorn Place.

Although my sisters and I never spent Christmas there, Dad carried the morning ritual—minus the presence of servants—into our family Christmases in Pawtucket and later in New Orleans. While the particulars of the ritual aren't terribly interesting or even unique, it was imperative that we follow them exactly. However torturous the delay of gratification, my sisters and I never dared violate the rules by sneaking downstairs early to catch a glimpse of our bounty. For a long time we didn't even know we were participating in a tradition from our dad's childhood. Now I find myself holding onto it, and I'm certain that if I have children of my own, I will inculcate them in the Christmas morning ritual started on Thorn Place.

Number 32: Thomas Skinner

Before the twenty-five year old Thomas Skinner was convicted of murder and sentenced to 30 years²² in prison,^{lvii} he'd been organizing for the Republican party in Greensboro, Alabama, a small town in Hale County. Mary Ellen describes the circumstances of his arrest and the trajectory of his life as a convict in great detail in the first chapter of her book, Black Prisoners and Their World. In the days leading up to the election of 1874, Skinner had caught wind of a plot to assassinate three black Republicans in the adjoining Greene County. Just after he'd warned the men, Skinner and several others—including one of the alleged targets—were stopped by white men on horseback. Shots were fired, and in addition to the wounding of several black men and killing of one black man, one white democrat was also killed. Despite considerable evidence and testimony pointing to his innocence, Skinner, along with several other black Republicans, were sentenced to 30 years in prison.^{lviii}

As a literate black man with political acumen, Skinner skillfully and strategically made use of the reforms implemented by Inspector Dawson. The letters he wrote to Dawson while employed as a convict-laborer under Comer & McCurdy also provide significant insight about the conditions of the prison camp.

In an undated letter to Inspector Dawson, Skinner appeals for “short time”—another one of the reforms instituted by Dawson in 1883. Each convict was supposed to receive a card that showed the date of conviction, and two possible dates of release. One was long-time, the sentence a convict received without good behavior. The “short time” indicated the date of release if the convict demonstrated good behavior.^{lix} Dawson’s intentions for short time and the

²² A striking contrast to John Tankersly’s ten-year sentence for the same crime.

time card distribution were twofold: one, to keep contractors accountable for the prisoners, lessening the frequency of holding prisoners beyond their actual sentence and to control the behavior of the convicts. By introducing the incentive of short time, Dawson hoped the convicts would be more likely to conform to the rules and regulatory practices of the camps.^{lx} Like many convicts, Skinner appealed to Dawson for short time:

You will observe by referring to the record that I have a bad report marked against me. I do not think that it should hold good against me as I underwent the severest punishment ever placed upon a prisoner in this state. I received two hundred and seventy five lashes in a bucked condition at the hands of Andy Johnson, one of Mr. J.W. Comer's subalterns and I think that was punishment sufficient for any offense known to the rules of our prison system, without also entailing long times. I hope you will seriously consider this matter and deal leniently and mercifully with me.^{lxi}

Letters and testimony like Skinner's seem even more remarkable in light of the intimidation the convicts faced from "whipping bosses," (the mine's equivalent of overseers). How many more might have come forward were it not for fear of punishment? And of those who did, how to explain their bravery? Curtin posits that despite the suffering young men and women like Skinner endured at the hands of the legal system, inherent in their appeals to Inspector Dawson is a sincere optimism about the justice of the law, as well as the knowledge and conviction that they—even as black men and women who are convicted felons—are entitled to the rights guaranteed them by that law. Theirs is an appeal to the very principles of justice, equity and freedom that undergird the American legal system. Curtin suggests that the memory of Reconstruction—a moment when freedom and citizenship seemed possible—instilled a sense of hope in a young generation of black people unmarked by the lived experience of slavery. Whatever Skinner hoped for or intended when he wrote to Dawson, his letters helped document punishments that far exceeded even legal boundaries. While Inspector Dawson actively solicited these letters and addressed some of the more egregious cases, decisions were not made in the

interest of convicts. Scholars agree that, unlike most of his white, democratic peers, R.H. Dawson seemed to have an earnest desire to ameliorate the conditions of the prison camps.^{lxii} But however well intended, the reforms he instituted in the 1880s ultimately served to legitimize, rather than dismantle the convict lease system. With the “improvements” Dawson made in place, the foundation for the most profitable and violent period of convict leasing in the Alabama’s history had been laid.^{lxiii}

Given the immensity of the interests in his dehumanization, the resistance of Skinner and others like him—however limited by the threat of violence and confinement—demonstrates a ferocity of spirit, that even when denied again and again, refused to go underground.

7. *Gone with the Wind* and Sarah's Tapestry

Grandmother Sarah is a collage of stories and pictures and letters in my mind. I've assembled and reassembled an idea of who she was, but I still have so many questions. I have, however, gathered enough to know that my grandfather was not the sort of man she was supposed to marry. As Aunt Sarah put it, "She was basically raised to be a debutante, to marry well, to join the junior league, to have a part in society as someone who came from a very well-to-do family. Dad came from a family who had very little education, who worked for a living—both parents worked for a living, and then at some point must have decided he wanted something really different."

While Grandmother Sarah descended from wealthy white Alabama planters, my grandfather descended from poor white Alabama sharecroppers. But my grandfather had been determined, from a very young age, to have a son who would become a doctor.²³ In his twenties, he landed a job as radio announcer for the University of Alabama football team—having ditched the thick twang of his parents, Charlie Mae and Henry Lester, long before. The radio station wasn't a debutante ball, but they fell in love anyway and eventually married. His experience there led to a public relations position with Ethyl Corporation.

Tay might have forgiven my grandmother for marrying the wrong man; after all, she had disappointed W.D. in the same manner when she married Tom. But worse than marrying out of her class, Grandmother Sarah left home. She was the only one in her family to leave—and leaving (though no one talked about it), Dad suspects, was considered a great betrayal. Surely part of it was the grief of a mother whose daughter married and moved away. But out of that

²³ In an old class photo taken when my grandfather was in second grade, he's the only student wearing a tie.

basic, human emotion, it seems, a more convoluted sense of betrayal grew. Grandmother Sarah's leaving didn't just mean that she wouldn't be around, it signaled the beginning of a new era, one in which opportunity meant mobility—a shift that posed a threat to the agrarian aristocratic order of her family. Ironically, the beginning of that shift can be traced back to W.D.'s coal mining enterprises and the construction of railroads.

My grandfather's job with Ethyl Corporation—a chemical additive manufacturer—dictated that they move every few years, crisscrossing the country from Texas to Connecticut to Louisiana to New Jersey to Virginia. In contrast, Grandmother Sarah's older sister, Alice, lived in Lowndesboro in W.D.'s house on the English Plantation. Her younger sister, Lee, lived at 603 Cloverdale Road in what had been Mamaw and Robert's house—just a few blocks away from Tay's house on Thorn Place.

While Grandmother Sarah undeniably charted a different course from the rest of her family, she hardly cut them off: almost every week for the rest of her life, she dutifully composed long letters with a fountain pen, detailing the events of her and her husband's lives for her mother.

“Mom would write descriptive letters,” Aunt Sarah recalls. “You know, ‘we had so-and-so over for dinner’—from the cocktail napkins to the hors d'oeuvres, you know, always entertaining for Ethyl on Sunday night. What she prepared and who came and you know, all of that.”

In addition to regular communication and visits with her family, it also seems my grandmother favored a narrative fantasy of her planter family roots: though Dad can't remember the exact number, he says his mother read *Gone with the Wind* close to twenty times. She saw the

movie almost as many, even though she died before VHS was invented. She was eleven when the book came out, fourteen when the film was released in 1939.

Even though Grandmother Sarah, who was born in 1925, technically qualifies as a child of the depression—the era in which *Gone with the Wind*'s popularity soared throughout the U.S.—the stories she passed down to her children, unlike those of my grandfather, were not of a childhood spent smoothing crumpled tinfoil for a second or third use or skipping meals. Her family undoubtedly suffered some losses as a result of the “economic unpleasantness,”²⁴ but they were protected from any true feeling of instability by their inheritance from W.D., who'd died only four years before my grandmother was born.

Most of Grandmother Sarah's nearly twenty readings of *Gone with the Wind* probably occurred while she was occupied as stay-at-home mother in the 1950s and 60s while my grandfather was working as a public relations specialist for Ethyl.

According to my aunt, Grandmother Sarah desired to work, but because my grandfather was too proud—too attached to a concept of masculinity that required he be the sole breadwinner—she never got a job. She had to learn how to cook after they were married, because growing up, Dora or Connolly or another one of her mother's servants prepared every meal. Tay certainly didn't know how to cook.²⁵ Even so, as far back as Dad can remember, the family had “help” to perform housekeeping duties—cooking, laundry, cleaning, and so on. So my grandmother had a good deal of leisure time, and spent much of it reading.

²⁴ Rod uses this phrase to characterize the recession that began in 2008.

²⁵ Charlie Mae, on the other hand, my grandfather's mother, baked a cake for every member of the family when they came to visit—caramel for my dad, coconut for Sarah, chocolate for my grandmother, and pineapple for my grandfather.

I first read *Gone with the Wind* the summer after eighth grade. I would have been fourteen, the same age as my grandmother when she first saw it in the theater more than sixty years earlier. I decided to read it mostly to impress my parents who, in addition to their enthusiasm for *Gone with the Wind*, urged me to read books like *Black Boy* and *The Autobiography of Miss Jane Pittman*. But once I made it through the first 200 pages, I needed no external prodding. At the beach on vacation, it took me less than a week to finish. Admittedly, the love story between Scarlett and Ashley and Rhett kept me turning pages—titillating stuff for a fourteen-year-old—and even then I was a sucker for nostalgia. In retrospect, though, I'm at a loss explain what about this story drew me in so convincingly, so wholeheartedly, even as I winced at scenes in which Scarlett slapped Prissy or shut Mammy up.

In 1940, the film was nominated for fourteen Oscars and won eight, including best leading actress to Vivien Leigh who played Scarlett O'Hara, best supporting actress to Hattie McDaniel who played Mammy, best art direction, best cinematography, best director, best film editing, best screenplay, and best picture. It grossed more money than any film in history.

When I watched the film most recently, I was surprised to see that Scarlett uses the labor of convicts in her newly acquired sawmill in Atlanta. Reading the book and watching the film as many times as she did, this little bit of plotline, though relatively brief, could not have escaped my grandmother, knowing as she did of her great grandfather's use of convict labor to farm his plantations and hollow out his coal mines.

Mitchell's portrayal of Scarlett's choice to use convict labor is presented as controversial at best. In the film, the scene opens with the piercing sound of spinning blades cutting through lumber and spitting off clouds of sawdust. The camera then pans to the shackled ankles of men chained together, identifiable as convicts by the signature white-and-black striped suits they

wear. Although they remain in the shadows, it is clear that the men are white, and they look haggard and dirty.

Scarlett, standing on a wooden platform that looks out over the warehouse, wears a pained expression as she sizes the men up. The foreman, a man named “Johnnie Gallegher” whose name and accent identify him as an Irish immigrant, pats his fat belly and exclaims: “The pick of all the best jails in Georgia!” to which Scarlett replies, “They look pretty thin and weak to me, Gallegher.” He convinces her to go through with the contract by saying, “They’re the best you can lease, m’am. If you give Johnnie Gallagher a free hand, you’ll get what you want out of ‘em.”

In reality, the vast majority of convicts leased out by the state of Georgia were black. And the role of the foreman, characterized as “Johnnie Gallagher” in *Gone with the Wind*, was typically inhabited by a poor southerner, not an Irish immigrant. It’s a curious choice on Mitchell’s part—considering that Scarlett’s father, clearly depicted as a hero of the old South, is also Irish. In the book, Scarlett reflects,

Johnnie was indeed her man. He was rough and hard and there was no nonsense about him. ‘Shanty Irish on the make,’ Frank had contemptuously called him, but for that reason Scarlett valued him. She knew that an Irishman with a determination to get somewhere was a valuable man to have regardless of what his personal attributes might be. And she felt a closer kinship with him than with many men of her own class, for Johnnie knew the value of money^{lxiv}

Gallagher’s terms, that there be “no questions and no interfering” reflects the extent of control the foreman possessed. In reality, however, control was transferred from the state to the contractor, not the other way around. The state gave up all oversight of the convicts. Contractors like Scarlett were responsible for feeding, clothing, housing, and disciplining convicts. The state turned a blind eye to the practices of the contractors, whose interests were strictly maximizing profit.

In the movie, as in the book, the moral ambiguity of Scarlett's decision to use convict labor is made clear by the good-natured Ashley: "I don't like to interfere, but I do wish you'd let me hire free darkies instead of convicts." Scarlett replies that the cost of free blacks "would break us" and that "convicts are dirt cheap." Ashley goes on to tell her that he "will not make money out of the enforced labor and misery of others" to which Scarlett retorts, "You weren't so particular about owning slaves." Ashley responds that "it was different," that "we didn't treat them that way," and that he would have "freed them when father died if the war hadn't already freed them." Scarlett and Ashley illustrate the conflict between the old planting class and the new industrialists. Their exchange points to the lengths that people went to in order to maintain wealth after emancipation. It also perpetuates the modern myth that Southern states would have ended slavery themselves had the North not intervened.

I picture my grandmother Sarah sipping wine at the Ethan Allen dining room table or reclining in a La-Z-Boy chair in the living room of their ranch-style house in the suburbs of Houston, Baton Rouge, Short Hills or Richmond—the thick book resting on her lap. I wonder where in the pages she found herself. Was it in Melanie, whose piety, deference, and loyalty reflected the vanishing antebellum social order that Margaret Mitchell mourned and mythologized in *Gone with the Wind*? Or was it in Scarlett, whose stubborn selfishness and deviance from that same social order enables her to thrive in the Reconstruction South? I wonder if she imagined the faces of her own parents, grandparents, great-grandparents on Gerald and Ellen O'Hara's. Or was the appeal more abstract? Did she contemplate the escape or solace the story provided in her modern, suburban lifestyle?

At the time of her death from breast cancer in 1973, Grandmother Sarah had nearly completed an immense tapestry as a tribute to her life with my grandfather. A navy and gold

banded border frames two rows of houses—six in all. In colorful, needlepoint drawings, she depicted each house they lived in together (well, at least those they had owned). Between the two rows of houses, an image of a wedding gown and two intertwined gold rings hover above her rendering of the church where they were married. In the corner stand the family pets: an Irish setter and two wire-haired daschunds raised by her brother-in-law Ted Lingham on Scott Hill Plantation. The tapestry, six feet wide and four feet tall, now hangs on a brass rod attached to the wall in my parents' house alongside my grandparents' wedding photos, and black and whites of my father and aunt when they were children. On the adjacent wall hangs the photograph of W.D.

Number 175: Annie Tucker

The case of Annie Tucker provides a little more insight into the role that McCurdy played in administering punishment. According to the Inspector's reports, at age twenty, she was convicted of second-degree murder in Perry County, Alabama. She was leased to Comer & McCurdy at Slope No. 2 on April 6, 1883.^{lxv} Douglas Blackmon notes that Annie Tucker testified during a legislative inquiry in 1888 that she "cooked, washed, and ironed at the mines," a common role for the few women employed in Comer & McCurdy's coalmines.²⁶ On July 11, 1883, Chief Inspector Dawson recorded Annie's case in his diary.

Found [undecipherable] and reported to Col. Bankhead the severe and illegal whipping of Anna Tucker—These are the facts: She ran away from Mr. McCurdy's house—was caught and carried to the prison. Col. Bankhead [Warden] whipped her himself—not severely—After he left, by order of Mr. McCurdy, P.J. Rogers [the whipping boss at Slope No. 2] stripped her, had her held down, and inflicted 56 lashes on her with a heavy strap.^{lxvi}

Dawson's account demonstrates that even if McCurdy did not inflict the whipping himself, he did order his subordinates to inflict the lash in "excessive cruelty." Despite the raw brutality of the details recorded by state Inspector Dawson, and even Tucker's testimony before the Joint Committee, we know little of this incident and others like it. One can only imagine what it must have meant for her to testify to a body of men whose very salaries depended on her incarceration or the myriad vulnerabilities she experienced as a black female convict employed in a prison camp populated exclusively by men. Still, as Curtin shows, despite her treatment and the

²⁶ Based on the table compiled in the Inspectors' Report submitted in 1884, it appears that Annie Tucker was the only female convict at Comer & McCurdy's coalmine in 1883. Many female convicts were either employed on plantations or confined at the "walls" at Wetumpka, the state prison. While their numbers were few in comparison to their male peers, women were by no means exempt from the threat of incarceration.

perpetual threats to her safety, Tucker's resilience is evidenced not only in the bravery of her testimony before the legislative inquiry, but in the intimate relationships she maintained while imprisoned at the mines. Tucker described her relationship with Jack Bozeman, another black convict: 'We got together night and day time...Jack got me before I went from the house to the stockade.' She became pregnant and later gave birth to a child at the Walls."^{lxvii} *Because of the nature of women's work at the prison camps, they were permitted more mobility than their male counterparts.*

In the dehumanizing context of McCurdy's prisons, the formation of intimate relationships between convicts represents a powerful form of resistance. As with slavery, intimate relationships posed an inherent threat to the lease system not only because of the bonds it created among the convict-laborers, but because they expose the system's failure to exert full control over the lives of the convict-laborers. Annie Tucker's relationship with Jack Bozeman and testimony thereof represents a remarkable assertion of her humanity. Even in confinement, even while subjected to incredibly grueling and time-consuming labor, even when men like McCurdy ordered her whipped a second time, Annie and Jack found a path to each other.

Epilogue

The main vein of my journey through Lowndes County—Highway 80—wasn't even commissioned until 1926^{lxviii}—five years after W.D. died. But the earth was already worn with his tracks. Whether in his horse-drawn, three-wheeled wicker cart or on the back of one of his award-winning trotters, W.D. was often seen traveling between plantations, surveilling his operation. He wanted his presence known. One of the only things Tay conveyed to my dad about W.D. was his posture as he traversed the 8500 acres.

“I remember, she said that he sat in the saddle with his back very straight and seemed—very much in charge, in control.”

From an economic perspective, the land, labor, and profits W.D. amassed in his lifetime are impressive. Perhaps if he had passed it down to Will McCurdy—who was, by all accounts W.D.'s protégé—instead of his son, Uncle Harris, his assets would have continued to grow. But he entailed it to the living blood heirs. Rod summed it up when I first interviewed him at his and Lee's beach house in 2009:

“But then the boll weevil came, and he was old, and everything just started to come unraveled. Uncle Harris was his successor and his way of doing business was, *that'll do for the present...* everything just went—kept getting from bad to worse.”

In the summer of 2010, shortly after my most recent visit to Alabama, Rod sent me an email. He wrote:

I met yesterday with a representative of the Alabama Department of Transportation regarding the proposed extension of Interstate 85, which will go west from Montgomery to Jackson, Mississippi. It is priced at \$2.4B in today's money and has a fifteen-year time line. As now drawn, it will pass through the English Plantation, Scott Hill and the Dudley. We are taking steps to have it rerouted south of Hayneville, but we are apt to fail.

The irony of this development was not lost on me. Routes of American commerce—first charted in the Atlantic, then laid in railroad tracks across the countryside, then constructed in concrete overpasses bisecting poor neighborhoods—were W.D.’s business. His cotton, coal, and dairy enterprises—even his hotels—depended on the efficiency and mobility of commercial trade. Energy, clothes, food—it all comes from *somewhere* and requires a mode of transportation, and transportation marks landscapes and communities. The expansion of I-85 is just a contemporary iteration of the notion of progress that W.D. and others like him capitalized on one hundred years ago. It seems a fitting fate for his legacy.

And yet, I find myself saddened by it, too. Not out of concern for the value of the property, but because five generations removed from W.D. McCurdy, we’ve still failed to imagine a different kind of use for that expanse of land; one not shaped by commerce, but community.

Most of W.D.’s fortune was spent well before I was born.²⁷ The 1600 acres that comprise the Dudley Place is the most direct, quantifiable manifestation of my family’s claim to McCurdy’s legacy, and yet it only loosely gestures at the breadth and depth of our inheritance. In my family, the “gifts received at the expense of others” took different forms in each generation removed from W.D. and his estate. What began in Lowndes County migrated to Birmingham, Montgomery, Baton Rouge, and Atlanta. Cotton turned into coal, milk into bricks and mortar. Our material inheritance shadows a cultural, psychological, and spiritual inheritance. But I also wonder if the converse is true. Notions of family, comfort, and security are interwoven with those of leisure, privilege, and exploitation. Our homes—those nurturing, intimate, private domains—are built on foundations of deprivation. We’re brought up in a state of tension: We

²⁷ As Rod likes to say, no one in this family has done anything worth a damn since W.D.; they just lived off the legacy.

learn who we are by who we're told we're not. Our inheritance, buried under layers of concrete and good intentions, becomes unrecognizable to us. I want to pause, peel those layers back, and come to terms with what's been lost, what's been transformed, and what remains. I want to understand what harm our forgetting has done to us.

The night I learned about *Slavery by Another Name*, my whole life—childhood memories of my family singing *Amazing Grace* on long car trips; of my sister and I playing dodge ball against our two-car garage with the boys who lived across the street; of sucking honeysuckle flowers off the vines winding around our neighbor's chain link fence—became refracted through the knowledge of my ancestor's profits from forced labor. The most personal, intimate details of my life seemed tainted by my connection to W.D. McCurdy. Anxiety took root in the fertile soil of unasked and unanswered questions.

Two years later, I've yet been unable to find many of the answers I seek, but I've found that the act of raising questions itself has, in a way, recast those childhood memories. I regard them now not in terms of purity or taintedness. Rather, I wonder at their complexity: how a road used to transport the cotton picked by slaves, convicts, and sharecroppers, can be the same road the descendants of those black laborers marched along to demonstrate for freedom and political empowerment.

I still look forward to going to my parents' beach house in Seagrove. The warmth of those family gatherings exists, I believe, not because, but in spite of the fact that we are the beneficiaries of forced labor. History coexists with the present; our potential for cruelty exists alongside our potential for love. The house gives shape to all of it.

But I don't know if that's enough.

Acknowledgements

Were it not for the risk-taking, love, commitment, and example of so many people, I wouldn't even have this small flashlight with which to navigate my family history. Without them, I would be fumbling in total darkness. Worse, I might not even know that I was in the dark at all. One mistake I'm susceptible to make as a person of privilege is to ignore or deny injustice. Another is not to pause for gratitude. I have to recognize not only the aspects of my experience that blinded me to my history, but those that have empowered me to open my eyes.

My parents planted books on my shelves beginning in my early childhood and on through high school that impressed on me the significance of slavery, Jim Crow, and the Civil Rights movement. My early exposure to even the most superficial parts of the rich legacy of black resistance in the U.S. sensitized me to a struggle for justice that as a white girl growing up in the 1980s and '90s I could have easily looked past. They instilled a curiosity and passion for racial justice in me at a young age, that however naïve and misguided it was at the time, opened me to experiences that would radically shift the way I understood my own racial identity later on.

A subtler way my parents nurtured my passion for justice was family dinner. This simple ritual of eating together most nights created a space where we could all ask questions, share stories, and ultimately, appreciate the mutuality of human relationships. While most of our dinner table discussions, especially when we were younger, did not address issues of race or privilege directly, I believe family dinner cultivated a healthy interest and in and concern for one another, which in turn awakened in my sisters and me a compassion and concern for others. When I moved back to New Orleans after college, the dinners we shared as a family centered on

the politics of the recovery: the struggle around the right to return for poor, displaced residents, the proliferation of charter schools, or the demolition of the city's only public hospital. Family dinner may not seem like a particularly revolutionary act, but it created a space in which we could engage these issues candidly and at times even contentiously, but always in a spirit of love and understanding.

In college, I was fortunate to be instructed by a handful of black and white professor-mentors who challenged me to think critically about whiteness. I feel especially indebted to Eleanor Branch, who not only exposed her mostly white, upper middle-class students to black literature from the American South and Caribbean, but turned the classroom itself into a transformative space. One moment in the spring of 2003 stands out in particular. During a discussion of Alice Walker's *Meridian*, class was interrupted by the sound of someone shouting "Nigger!" outside, three stories below the open classroom window. Everyone fell silent for a few moments, and then the discussion resumed. The incident remained unacknowledged until the following class when Eleanor told us she felt she had missed a "teachable moment" (throwing her fingers up in air quotes and half-rolling her eyes to point out the inadequacy of those words to express the depth of what she wished to communicate). She told us that she had been silent because of the shock and humiliation she felt as a black woman hearing that word anonymously thrust into our classroom. For a moment the reality of our situation—a class of all white students with the exception of a single black male, taught by a black woman, immersed in a discussion of *Meridian* at Guilford College, a private liberal arts school referred to as "the plantation" in some parts of Greensboro North Carolina—came into sharp focus. She told us that if we wouldn't talk about that incident, and all the weight it carried, who would? She turned the lens on us, exposing

the complicity of our silence. It was a tough discussion. We were rattled. But it forced me to acknowledge the way that my privilege shapes my thoughts and behavior, where before I had the idea that I could transcend my whiteness, class privilege, and gender.

Eleanor's gift to us was her emotional honesty and patience. By calling out the silence of that moment—hers and ours—she became vulnerable, challenging us to engage with our studies, not just intellectually, but personally. She did not shy away from the complex nature of her role as a black professor in a white institution of higher education, the role of our school in the community of Greensboro, North Carolina, or the privilege and power of our role as students. She spent hours outside of the classroom listening and responding to my personal dramas as I fumbled my way through the coursework, often submitting papers way past the deadline.

Eleanor was committed to education in the truest sense, and like most who are willing to speak on behalf of justice—especially people of color—it got her expelled from the institution. A year after I graduated, she was denied tenure. Like too many of her white students, I did not speak out loudly enough on her behalf. After all, it was she who first made me aware of how much power my position as a student and alumna lent.

My project was largely inspired by the Greensboro Truth and Reconciliation Project (GTCRP), an effort initiated by Nelson and Joyce Johnson, the co-founders of the Beloved Community Center in Greensboro, North Carolina. I worked on the Project, first as a student intern while in college, and later as a paid staff member. The GTCRP was initiated by the survivors of the 1979 event in which five labor organizers with the Communist Workers Party were shot and killed by members of the Ku Klux Klan and American Nazi Party at a rally and march in Morningside Homes, a housing project where many of the mill workers the CWP was organizing lived.

Despite being caught on tape by several local news channels that were there covering the march, the Klansmen were acquitted in two separate criminal trials. Meanwhile, the mostly black residents of Morningside homes, as well as the labor organizers, were treated like criminals. Many were arrested and Morningside was placed under a strict curfew.

Nelson and Joyce were both present on that day, and lost several of their close friends. The media and governmental narrative of Nov. 3 implicates both sides—the labor organizers and the Klan—equally, referring to the activists as “outsider agitators” who basically got what was coming to them. The police informants who had full knowledge of the Klan’s plans, did nothing to intervene—a fact conspicuously absent in media reports of the day.

Memories of that day varied from neighborhood to neighborhood, which in 2004, still split along class and race lines. For 25 years, Greensboro’s establishment voiced loud opposition to bringing Nov. 3 to light, saying that it’s better to “let sleeping dogs lie” and look forward. Others saw it as a great opportunity to address present race and class tensions with the benefit of hindsight. The purpose of the GTCRP was to cut through the highly mythologized accounts of that day, and allow the community to bear witness to a fuller, more complex, and multilayered investigation of Nov. 3 than the criminal justice system provided.

People involved in the Project included survivors (like Nelson and Joyce) to clergy to lawyers to college professors to former residents of Morningside homes, to now grown-up children of shooting victims, to college students, to police officers and politicians. I learned something from everyone involved. The experience absolutely transformed me. The value of history as a study of the present, the power of story telling, and the need to think in the long-term were all lessons I learned in my time working there. But Joyce and Nelson modeled a commitment to justice in the spirit of Thict Naht Hahn (“Peace is Every Step”) that even as an

idealistic college student I was too jaded to believe possible. My experiences in post-Katrina New Orleans, Lowndes County, Alabama, and Richmond, Virginia continue to affirm the lessons I learned in Greensboro.

It seems ironic to me that Rod has been absolutely critical to my research. He knows more about W.D., his land, and his business enterprises, than anyone else in my family. For better or worse, Rod is not burdened with shame, guilt, or denial regarding our inheritance. He admires W.D.'s business sense but does not shy away from the brutality of his operation. An enthusiastic tour guide and host, Rod has encouraged and supported my effort to seek the truth about our family's history, and warned me not to fall into the pattern of mythologizing him as those before me have done. And while he embellishes with abandon, he never knowingly lies. His lack of concern for how others perceive him has given me valuable insight into the mentality of the power-elite stripped of political correctness as well as the illusion that a slave economy no longer exists. Rod is really my best guess at what a man like W.D. would have been like, which is exactly how he wants it.

Notes

Prologue

ⁱ Curtin, Mary Ellen. *Black Prisoners and Their World, Alabama, 1865-1900* Charlottesville: University Press of Virginia, 2000, 7.

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ⁱⁱⁱ Amended and Restated Declaration of Covenants and Restrictions The Grove By the Sea, Article VII, Section 1 (1995) 6.

^{iv} Fitzgerald, Michael W. "Congressional Reconstruction in Alabama." *encyclopediaofalabama.org*. Auburn University, 11 August 2008. Web. 1 July 2010. <<http://www.encyclopediaofalabama.org/face/Article.jsp?id=h-1632>>.

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^{viii} Curtin 30.

^{ix} Blackmon, Douglas A. *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (Doubleday, 2008), 8.

^x Curtin 79.

^{xi} Fitzgerald, Michael W. "Reconstruction in Alabama." *encyclopediaofalabama.org*. Auburn University, 11 August 2008. Web. 15 Sept 2009. <<http://encyclopediaofalabama.org/face/Article.jsp?id=h-1631>>.

^{xii} *ibid*

^{xiii} Civil Rights Cases 109, US 3, 1883. *United States v. Stanley, Ryan, Nichols, Singleton, et al.* 15 October 1883. *caselaw.lp.findlaw.com*. Web. 20 January 2010. <<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=109&page=3>>.

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^{xvi} Civil Rights Cases 109, US 3, 1883. United States v. Stanley, Ryan, Nichols, Singleton, et al. 15 October 1883. *caselaw.lp.findlaw.com*. Web. 20 January 2010.
<<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=109&page=3>>; Blackmon, 93.

^{xvii} Blackmon 75; Curtin 78.

^{xviii} The Lowndes County Heritage Book Committee. *The Heritage of Lowndes County*. Clanton: Heritage Publishing Consultants, 2005. Print.

^{xix} *Biennial Report of the Inspectors of the Alabama Penitentiary From September 30th, 1880 to September 30, 1882*, 12-13.

^{xx} Ibid

^{xxi} *Biennial Report of the Inspectors of the Alabama to the Governor, 1884*, 21; Blackmon 75.

^{xxii} Curtin 6.

^{xxiii} Curtin 122.

^{xxiv} Curtin 7.

^{xxv} Ibid

^{xxvi} *Biennial Report of the Inspectors of the Alabama to the Governor, 1884*, 49.

^{xxvii} Blackmon 395.

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^{xxviii} Frazer, Nimrod T. "RE: our visit." Message to the author. 10 Aug 2009. Email.

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^{xxx} *Biennial Report of the Inspectors of the Alabama to the Governor, 1884*, 24.

^{xxxi} *Biennial Report of the Inspectors of the Alabama to the Governor, 1882*, 35.

^{xxxii} *Biennial Report of the Inspectors of the Alabama to the Governor, 1884*, 58-9.

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^{xxxvii} Curtin 75.

^{xxxviii} *Biennial Report of the Inspectors of the Alabama to the Governor, 1882*, 13-14.

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^{xli} Curtin 30.

^{xlii} Curtin 4.

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^{xlvii} John R. Tankersly to R.H. Dawson, January 18, 1884, Correspondence of the Inspectors of the Penitentiary, 1883-1885, Department of Corrections, Alabama Department of Archives and History.

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^{liv} *Biennial Report of the Inspectors of the Alabama Penitentiary From September 30th, 1880 to September 30, 1882*, 82-83.

^{lv} Curtin 20.

^{lvi} Testimony of Jno D. Goode of Jefferson County, *Testimony Taken by the Joint Special Committee of the Session of 1880-1881, To Enquire into the Condition and Treatment of Convicts of the State*, (Montgomery, Ala., 1881), 5-6.

Chapter 6:

^{lvii} *Biennial Report of the Inspectors of the Alabama Penitentiary From September 30th, 1880 to September 30, 1882*, 82-83.

^{lviii} Curtin 13-18.

^{lix} Curtin 94.

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^{lxi} R.H. Skinner to R.H. Dawson, February 6, 1884, Correspondence of the Inspectors of the Penitentiary, 1883-1885, Department of Corrections, Alabama Department of Archives and History.

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^{lxvi} Entry of July 11, 1883, Reginald Heber Dawson, Diaries, 1883-1906, folder 1, Department of Corrections, Alabama Department of Archives and History.; Curtin 122.

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