

THOMAS BAHDE



The Life and Death of Gus Reed

A STORY OF RACE AND JUSTICE IN ILLINOIS
DURING THE CIVIL WAR AND RECONSTRUCTION

Ohio University Press – Athens

Introduction

Bits of wreckage. Some bones. The words of the dead. How make a world of this? How live in that world once made?

—*Cormac McCarthy*, *The Crossing*

AUGUSTUS “GUS” REED died early in the evening of May 7, 1878, his final screams still echoing through the solitary confinement block of the Illinois State Penitentiary. His wrists were shackled to the iron door of his cell and a wooden gag was buckled tightly to his head with leather straps. He had been cuffed to his cell door for two days, shouting as loudly as he could with the gag between his teeth. In an effort to silence him, one of the guards had whipped him with a leather strap, but to no avail. The night he died, Gus Reed screamed so hard and long with the gag in his mouth that his lungs began to hemorrhage, and within a few minutes he drowned in his own blood. The night guards unshackled his body and the next day took it to a makeshift morgue on the prison grounds. After an autopsy was performed, the coroner’s jury determined that “persistent yelling with a gag in his mouth” had caused the prisoner’s death. The penitentiary’s board of commissioners ordered an investigation and listened to two days of testimony from guards, administrators, and doctors. They eventually decided that two guards had been responsible for the prisoner’s death. The guards were dismissed; the investigation was closed; and Gus Reed was forgotten.¹

According to the information he gave most consistently, Gus Reed was born in Georgia and came to Illinois during the Civil War at just eighteen years old.

Penitentiary records described him as “mulatto,” but all other sources referred to him simply as “negro,” “black,” or “colored.”² He spent most of his twelve years in Illinois in county jails and the state penitentiary, first appearing in the criminal records of Springfield in 1866 for stealing flour from a mill with two other men. In the years before he died, he was in and out of the city’s police courts for fighting, and appeared regularly in the circuit court for burglary and larceny. He was sentenced to the state penitentiary three times, and during his relatively brief periods of freedom, may have been the leader of a gang of thieves that roamed central Illinois. When he died in his solitary cell in the spring of 1878, Gus Reed was just thirty-two years old, but his short, hard life spanned some of the most significant events in nineteenth-century America, from the final years of the slave system and the war that brought it to an end, to the flawed reconstruction that shaped the contours of national race relations for more than a century to come. With Gus Reed’s unique history to give it shape, this book considers the consequences of the Civil War, emancipation, and Reconstruction in the nation’s heartland, and traces the changing influence of race in politics, culture, and criminal justice during the latter half of the nineteenth century.

Taking cues from both biography and social history, this book uses Gus Reed’s life as a framework on which to hang a larger story of the evolving relationship between race and justice. This is not biography in a traditional sense, for whereas biography often seeks to paint a portrait of the individual, the task in this book is similar to painting the individual within a landscape—or perhaps, painting a landscape within the individual. Organizing this book around Gus Reed’s life and death poses challenges because he left so few historical traces, but it also provides opportunities to connect people, places, and events. Each chapter focuses on topics and themes from Gus Reed’s life, but he does not always play a prominent role. We begin, as he did, in antebellum Georgia and then move to wartime Illinois; we make our way to the black community of Springfield and confront, as he did, white resistance to emancipation, civil rights, and black citizenship; we follow him into the criminal underworld and then to the state penitentiary. Through all of this, people and events about which he knew little if anything shaped his world, and so they also shape this narrative.³

Gus Reed’s encounters, or near-encounters, with two individuals in Illinois were particularly significant in shaping what we know of his life and death. In the autumn of 1877 he stole some meat from the house of a well-known Springfield attorney named Elliott Herndon, brother of William Herndon, last law partner of Abraham Lincoln. For this, he was sent to the penitentiary for the third and final time in the spring of 1878. Elliott Herndon, unlike his

brother, was a staunch Democrat who advocated the preservation of slavery where it existed and appealed to the white citizens of Illinois to keep their civil and political institutions free from the contagion of black citizenship and suffrage. Elliott Herndon and his fellow Democrats strove to exclude southern blacks like Gus Reed, rootless young men set loose from the restraining bonds of slavery that now threatened the stability and integrity of a state founded by and for white men. Concerns about black criminality were especially effective in stirring the prejudices of white voters during the decade after emancipation because crime seemed to have become a national epidemic. Penitentiary officials and criminologists developed new ways to track, profile, and reform criminals as public demand for more effective incarceration intensified. At the forefront of this work was Robert Wilson McClaghry, warden of the Illinois State Penitentiary when Gus Reed died.

Robert McClaghry had been the editor of a Democratic newspaper in Hancock County until he joined the army in 1862 and became major of the 118th Illinois Infantry, later serving as an army paymaster in Springfield. Like many Democrats who volunteered, McClaghry's wartime service led him to join the Republican Party before the war's end. His new political affiliation probably helped him gain an appointment to the wardenship at Joliet and later to the post of police commissioner in Chicago during the World's Columbian Exposition. McClaghry was part of a new generation of penologists and criminologists in the vanguard of reforming the criminal justice system. He introduced the first English translation of French criminologist Alphonse Bertillon's system of anthropometry—body measurement—to identify repeat offenders. As criminal anthropology gained followers in the 1890s, Bertillon and other anthropometric systems were used to identify known criminals and to classify the physical traits of certain criminal types in order to establish physiological criteria by which varieties of criminal could be distinguished. Racial theorists found support in this data for their own ideas about the inherent criminality of certain races. By the turn of the century, a broad consensus had developed that blacks were both biologically and culturally doomed to an unavoidable descent into vice and criminality. The science of criminology thus seemed to validate the popular suspicions and prejudices that had motivated Illinoisans and other Americans to resist emancipation, citizenship, suffrage, and civil rights for African Americans during the Civil War and Reconstruction. Gus Reed's crimes, convictions, and multiple incarcerations led to his connection with Elliott Herndon and Robert McClaghry. Herndon and McClaghry were linked to each other through their participation in Democratic politics in Illinois, and all three men experienced and helped

shape the legal, political, and cultural consequences of the Civil War in the latter half of the nineteenth century.

The year Gus Reed left Georgia for Illinois, Union general William Tecumseh Sherman marched his army from Atlanta to the sea, leaving the wreckage of the state's slave economy in his wake, and amassing a following of freed people. Whether it was Sherman's march, or another experience with the dissolution of the slave system, something set Gus Reed in motion toward the Midwest. Although Illinois was not a theater of the war, it was nevertheless contested terrain in the ongoing national struggle over emancipation, black rights, and the future of US citizenship. Some believed that a vast conspiracy threatened to throw the state into open warfare, while others feared the wartime expansion of federal authority and the nullification or circumvention of state laws that restricted black residence and citizenship. Throughout the war, the question of whether to strengthen or abolish the state's Black Laws kept the conflict's racial undercurrent foremost in the minds of the people. By entering Illinois when he did, Gus Reed carried the consequences of emancipation into a state struggling mightily with its own racial demons.

Reconstruction was a long national process that took unique shapes depending on time and place. In Illinois, as in many other places throughout the Midwest, it meant a vigorous contest over the nature of citizenship and civil rights in a society that had ostensibly been shaped by and for white men. Many of the legal, political, and cultural assumptions regarding race in Illinois before 1865 seemed to collapse, and it was not clear what would take their place. The Reconstruction era in Illinois was characterized by attempts to make sense of the changes wrought by the Civil War and face the dissolution of foundational assumptions that had guided much of the state's lawmaking for the preceding half-century. Most significant, the war set the context in which Illinoisans encountered the consequences of emancipation and black citizenship. They had already endured decades of debate, controversy, and even violence and bloodshed as they tried to work out who belonged, who did not, and how best to define and enforce those boundaries.⁴ The end of the war made these questions as central for Illinoisans as for Southerners. As Abraham Lincoln observed in 1864, the Reconstruction government in Louisiana had already produced a new constitution that was "better for the poor black man than we have in Illinois."⁵ The Black Laws were not repealed until 1865, and it was not until 1870 that a new constitution finally struck the last of the old racial exclusions from the state's organic law. It was no coincidence that these dates corresponded with the first and last of the Reconstruction amendments, for Illinois in its way was as badly in need of reconstruction as the Southern states.

Much of this book centers on the city of Springfield in Sangamon County, and also on Hancock County in western Illinois. The latter was the home of Robert McCloughry, and it was also one of the state's Democratic strongholds. Like every other county in the state, Hancock County was ideologically divided by the Civil War, even as its soldiers fought and died for the Union. But the divisions were not clean or immutable; the war and its immediate aftermath brought deeply confusing and unsettling changes to local politics, community identity, and popular notions of law and order. Springfield was also divided by the war and, of course, was home to Abraham and Mary Todd Lincoln before they departed for Washington, DC, in February 1861. Shortly after his assassination, it became the final resting place of the Great Emancipator. No other city in the nation experienced the war and its aftermath in quite the same way, but Lincoln's presence was not the only thing that gave Springfield a unique place in Reconstruction America. As the capital, the city was at the center of the state's contentious politics and was frequently in the national spotlight even before the presidential election of 1860. Because politicians and political contingents from all over the state flocked to Springfield, the statehouse, the streets of the city, and the columns of the newspapers were stages on which legal, political, and cultural performances took place before a national audience. Springfield also sat geographically and ideologically on a broad line that divided Illinois into a traditionally antislavery north and proslavery south for much of the nineteenth century. The city was central in several significant respects to Illinois's struggle with race and the consequences of emancipation, and it was emblematic of broader experiences with these contentious issues.

Springfield is also where Gus Reed spent most of his time as a free man and a thief after his arrival in Illinois. He may have had family there, part of the diasporic community of southern blacks who arrived during and after the Civil War. Gus Reed's story is thus interwoven with the history of the postemancipation black migration into the Midwest. Tens of thousands of southern blacks moved north in the years following emancipation, the largest such migration to date. Illinois's black population more than tripled between 1860 and 1870, just as the Black Laws were repealed and the question of blacks' legal status remained uncertain. As historian Leslie Schwalm has noted: "For Midwesterners whose understanding of white supremacy had been premised on the right and ability to exclude first Indian people and then African Americans from the region, the physical mobility of former slaves suggested an unwelcome change in racial boundaries and practices in a post-slavery nation."⁶ This mobility revitalized both the existing black communities in the Midwest

and the race prejudice of many whites. The new arrivals forced the issue of black citizenship, not only politically, but also socially and culturally within communities such as Springfield that saw local black populations increase rapidly. The reaction to black migration and the growth of black communities in the postbellum decade did much to shape the national response to race for more than a century to come.

Placing Illinois and the Midwest at the center of a story about the Civil War and Reconstruction situates this work within a historiographical shift that is moving west from Appomattox and toward a “Greater Reconstruction” that extends beyond familiar geographical and historical boundaries. Like Elliott West’s examination of the Nez Perce War of 1877, this book finds that the issues that characterized the Reconstruction of the states of the former Confederacy also shaped nationwide concerns and debates about federal authority, citizenship, and race. Although historians continue to examine the national repercussions of Reconstruction, other states and regions are often positioned as reacting to policies and politics that were primarily oriented toward the South. But Americans everywhere participated in their own unique reconstructions that refigured and reconfigured many of their antebellum legal, political, and cultural norms, especially concerning race and the role of African Americans in the nation. An examination of Gus Reed’s world allows us to consider the problems of race and justice within the national heartland, where legal, political, and cultural influences from both North and South shaped a region that came to stand for mainstream America. Gus Reed’s is one of many stories about one of the many reconstructions that took place here. It suggests a way of understanding the intertwined regional and national impacts of the Civil War and emancipation, as well as the beginnings of a widespread retrenchment against African American citizenship and civil rights in the decades that followed.⁷

White midwesterners who were uncomfortable with free blacks before and during the Civil War remained so in its wake.⁸ For many, emancipation and the gradual advance of civil and suffrage rights deepened old animosities and raised new concerns. The postwar resistance to black citizenship grew especially out of wartime critiques made by Democrats, who advanced white supremacist rhetoric to defend bastions of white privilege and exclusivity.⁹ Although these critiques did not gain lasting electoral traction in national politics after the Civil War, they nevertheless shaped attitudes toward race for the next century. The political calculations of Republicans and Democrats produced electoral consequences, but they also shaped and were shaped by popular notions of democracy, community, and justice. For most Americans,

the politics of race was inseparable from, even inconceivable without, the real and significant repercussions on the streets of their cities and towns.

The durability of antebellum concepts of blackness, conceits of citizenship, and tactics of political rhetoric was part of the midwestern story, and the broader American story, of the late nineteenth century. Understanding how this troubling legacy gave shape and precedent to a nationwide epidemic of racial violence at the turn of the century helps us understand why race persisted throughout twentieth-century thinking about crime and why it continues to be part of an ongoing national conversation about crime and justice. Discussions and debates regarding black criminality circulated within legal, political, social, and cultural spaces. The race problem was linked to the crime problem, as well as to deeper concerns about the nature of the body politic. With the rise of professional criminology and the apparent confirmation of black criminality, popular feeling on race and crime joined with the authority of professional judgment, and the decades after the Civil War laid the ideological groundwork that led many white midwesterners and other Americans to turn violently against their black neighbors around the turn of the century.¹⁰



The night he died, Gus Reed uttered his only recorded words. With a wooden gag between his teeth and his wrists chained to his cell door, he shouted his own name—wildly, urgently, loudly—over and over, until his lungs hemorrhaged from the effort and he slumped against the cold iron bars and bare stones of his solitary cell. Whether it was a mad, desperate assertion of identity and agency in his last few moments, or a final cry for help, it echoes still in what follows. Gus Reed's life and death were not quiet, but their sound died against the greater roar of history. This book proposes that Gus Reed need not remain imprisoned by the silences that surround him in the historical record and that even a life like his can help us see the history with which it was interwoven with fresh perspective and new insight. With his final breath and his only recorded words, Gus Reed reminds us how acutely opaque any long-dead historical subject must remain. Bits and pieces are all that remain to suggest who Gus Reed may have been and why he lived as he did, but we can hang stories on his bones and gather around him the wreckage of the past and the words of the dead, and from it all we can make a history that tells something about the world as it was and the world as it is.

Thank you for your interest in this Ohio University Press title.

This book is available for purchase [online at our website](#) or through other ebooks vendors.



**OHIO
UNIVERSITY
PRESS**