

THE RHODES JOURNAL OF  
**REGIONAL STUDIES**

VOLUME 1  
2004



**Rhodes College**  
—1848—

ESSAYS BY  
*Daniel Anglin • Millie Worley • Chris Hathorn*

# *The Rhodes Journal of Regional Studies*

Volume 1 (2004)

## Contents

Researching a Region: Introducing the <i>Rhodes Journal of Regional Studies</i> <i>Timothy S. Huebner, Editor</i>	3
The “Dean of Memphis Musicians”: The Life and Work of Christopher Philip Winkler, 1824-1913 <i>Daniel Anglin</i>	8
Reconsidering the Role of the Irish in the Memphis Race Riot of 1866 <i>Millie Worley</i>	38
Explaining the Enigma: Understanding the Failure of Further Legalized Gambling in Arkansas <i>Chris Hathorn</i>	60
About the Authors	96

The *Rhodes Journal of Regional Studies* is published annually by the Rhodes Institute for Regional Studies, a part of Rhodes CARES (Center for Academic Research and Education through Service). Rhodes CARES is funded by a grant from the Robert and Ruby Priddy Charitable Trust of Wichita Falls, Texas.

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# Researching a Region: Introducing the *Rhodes Journal of Regional Studies*

Memphis and the Mid-South region afford unique opportunities for scholarly research. From the foothills of the Appalachians to the foothills of the Ozarks, from the cotton fields of West Tennessee to the battlefields of Vicksburg, the region encompassing an approximately two hundred mile radius from Memphis has figured prominently in the social, cultural, political, and economic life of the nation. The area's racial and cultural diversity, its significant contributions to literature and music, its pivotal role in the history of civil rights, the prominence of its national political leaders, and its growing importance as a commercial and distribution hub make it an ideal laboratory for research in the humanities, fine arts, and social sciences. In 2003, Rhodes College initiated a new summer program, the Rhodes Institute for Regional Studies, that sought to capitalize on the cultural richness of the region while providing undergraduate students the chance to engage in academic research. Some of the best papers that emerged from the 2003 Rhodes Institute are published here, in the first volume of the *Rhodes Journal of Regional Studies*.

The Rhodes Institute is an innovative program that capitalizes on the liberal arts tradition of the College, the research expertise of its faculty, and its location in one of America's great cities. Students apply to the Institute by submitting proposals for specific research projects in one of several academic disciplines. The Institute faculty then selects a group of Rhodes Institute fellows, who receive meals, housing, research expenses, and stipends while they pursue their academic work. Over the course of the program, Institute fellows spend their first two weeks together engaged in an intensive regional studies seminar; five weeks working on their own projects, interspersed with weekly group meetings; and a final week presenting and discussing their research. By the end of the program, all fellows submit 8,000-10,000-word research papers. This unique experience includes four key components.

## **Interdisciplinary study**

Grounded in the College's liberal arts tradition, the Rhodes Institute brings together faculty and fellows from economics, English, history, music, political science, and religious studies. Institute faculty members team teach the seminar, as they provide information and insight on the region from their own disciplinary perspectives through lectures, readings, and discussions. With a student-faculty ration of 3-1, fellows thus benefit from the expertise of all the faculty members involved in the program. Fellows reap similar rewards when they begin to focus on their research projects. Although each fellow works under the supervision of a faculty mentor within a specific discipline, all members of the Institute faculty take part in discussions of all of the projects during weekly meetings. During these sessions, fellows begin to see the relationships and make the connections among their various topics.

## **Independent Research**

After gaining a broad, interdisciplinary perspective in the regional studies seminar, students embark on their own specialized research. Institute fellows leave the confines of the classroom and venture into the community to work in libraries and archives or in collaboration with businesses, government, or non-profit organizations. In contrast to the normal academic year, when students balance competing academic demands and have little time for focused research, the Rhodes Institute provides an opportunity to engage a project over a sustained period of time without distraction. Encouraged and advised along the way through individual meetings with faculty mentors as well as the larger group sessions, fellows produce papers that conform to the rigorous standards of the Institute faculty.

## **Regional immersion**

Because the program focuses solely on the Mid-South, the Rhodes Institute serves as a cultural immersion experience. Much in the same way that college students often go abroad to imbibe the culture of a specific country, the Rhodes Institute

provides fellows the chance to get to know the Memphis region in ways that few Rhodes students ever do. Fellows engage not only in “academic immersion” during the regional studies seminar, they also take a variety of field trips to experience first-hand the things they have studied in the classroom. During its first two years, the Rhodes Institute has visited Sun Studio, Graceland, Shiloh National Military Park, the National Civil Rights Museum, Mud Island River Park, Elmwood Cemetery, Rowan Oak, Tunica River Park and Museum, and the Stax Museum of American Soul Music. Through visits to such sites, Institute fellows develop a sense of the unique attributes and contributions of the city and region.

### **Civic Engagement**

The Rhodes Institute also fosters civic awareness and involvement in Memphis and the Mid-South. During the regional studies seminar and weekly group meetings, Rhodes Institute faculty and fellows discuss current events in the community. The program requires all fellows to read the city’s daily newspaper and to report on articles relating to issues raised in the seminar. To further such engagement, the Rhodes Institute is actively working to form partnerships with local institutions and organizations. All Institute fellows, for example, receive summer memberships in Mpace Memphis, a group of young professionals devoted to promoting and improving the city. And in the most general sense, Rhodes Institute fellows’ research helps them to make connections in the community—with librarians, policy makers, academicians, businesspersons, clergy, civic activists, and others—that will pay enormous dividends, particularly for students who decide to settle in the Mid-South.

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The three papers contained in this inaugural issue of the *Rhodes Journal of Regional Studies* exemplify these characteristics of the Rhodes Institute, in that the essays represent an interdisciplinary approach to researching the Mid-South. Daniel Anglin’s essay

combines the disciplines of music and history to describe a central figure in the history of Memphis church music, Christopher Philip Winkler. Profiling the life and work of this late nineteenth-century organist and composer, Anglin's highly original article relies on unpublished material obtained from Winkler's Nashville descendants, as well as newspaper articles, city directories, and local church histories. Anglin also analyzes the structure of Winkler's numerous works and shows the consistencies and patterns within his compositions. The result is a unique contribution to our understanding of local music history. Although Elvis and the like have dominated popular conceptions of the musical life of Memphians, it should come as no surprise that Memphis, often described as "a city of churches," possesses a rich tradition of church music as well.

Millie Worley's essay explores a more well known aspect of Memphis history, the race riot of 1866. One of the most significant events in Memphis history, the riot resulted in the deaths of forty-six African Americans and two whites. Most historians have portrayed the riot as a conflict between the city's poor Irish residents and the large, newly-freed black population that migrated to the city during and after the Civil War. According to many scholars, Irish city employees—mostly police officers—instigated the mob violence against African Americans. Worley's essay challenges this interpretation. After digging into Recorder's Court and city payroll records in local archives, Worley discovered that many of the Irish police officers blamed for leading the riot were not actually police officers at all. Republicans in Congress who came to Memphis to investigate, according to Worley, exaggerated the involvement of the police and city officials in general in order to justify a Republican takeover of the Democratic, Irish-controlled city government. Worley's essay aptly demonstrates how new research in primary sources can alter existing interpretations of historical events.

Finally, Chris Hathorn offers a thorough and thoughtful examination of the politics of gambling in Arkansas. Given the recent popularity and enormous profits associated with legalized gambling in other states, particularly in the South, Hathorn asks why attempts to establish a state lottery and casinos have repeatedly failed in the Natural State. The answer he provides to this question is comprehensive and multi-

faceted. Based upon interviews with policy makers and political scientists, as well as research in political science and economic theory, Hathorn concludes that organized opposition among religious conservatives, money from Mississippi casino interests who fear competition, and a series of legal obstacles that make it difficult for the state to amend its constitution have all contributed to the failure of efforts to expand legalized gambling in Arkansas. Hathorn's essay makes an important contribution to one of the nation's most significant public policy debates.

The publication of these articles and the journal's dissemination throughout the region represents one aspect of the Rhodes Institute's larger efforts to foster civic engagement. Scholars, teachers, and students in and of Memphis and the Mid-South will, it is hoped, gain new insights from the research published here and in future volumes.

The Rhodes Institute, finally, expresses deep gratitude to those who, because of their belief in our educational mission, have made this program and this publication possible. In particular, I wish to thank the Robert and Ruby Priddy Charitable Trust of Wichita Falls, Texas for its generous support of Rhodes CARES (Center for Academic Research and Education through Service), of which the Rhodes Institute is a part.

*Timothy S. Huebner*  
Editor





*Christopher Philip Winkler, c. 1870*

# The “Dean of Memphis Musicians”: The Life and Work of Christopher Philip Winkler, 1824-1913

By Daniel Anglin

For more than fifty years, Christopher Philip Winkler influenced the music of Memphis, Tennessee. While musicologists and historians have focused their attention on the popular musical forms that emerged from the city during the twentieth century, Memphis, with a large number and wide variety of places of worship, has always had a thriving church music community. From 1855 to 1904, Winkler served several churches in the city, including St. Peter’s Catholic, St. Lazarus Episcopal, and Second Presbyterian, as well as Temple Israel, Children of Israel.<sup>1</sup> Throughout his life, Winkler composed a variety of works and, working with his friend E. Witzman, published a number of these compositions.<sup>2</sup> Most of his published works were solo piano pieces, but solo voice with piano accompaniment also accounted for a large number. Written between the 1840s and 1890s, these works display a compositional consistency. Through his compositions and his positions of leadership within the community, Winkler made a significant contribution to the musical life of Memphis. Despite his dominance of late nineteenth-century Memphis church music, Winkler has never received scholarly attention.

## Early Life

Christopher Philip Winkler was born on March 26, 1824 in Gutenstetten, Mittelfranken in Bavaria, Germany, near Munich, and he was baptized at the Lutheran Church of St. John the Baptist on April 11, 1824.<sup>3</sup> The family moved several times because of his father’s government-appointed teaching position. At age

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<sup>1</sup> “Death Calls Dean of Memphis Musicians,” *The Commercial Appeal*, March 23, 1913.

<sup>2</sup> See the appendix for a complete list of Winkler’s works.

<sup>3</sup> Baptismal record, St. John the Baptist Lutheran Church, Gutenstetten, Germany. Record is in the possession of the author.

seven, Winkler took up the organ while living in Hersbruck, and by the age of twelve, he had played at a large cathedral in Heidenheim, Hahnenkamm, where his mother reportedly heated bags of beans to warm his hands before he had to play.<sup>4</sup> Winkler's older sister Emma, a musician in her own right, reportedly taught the children of Queen Victoria.<sup>5</sup> Most likely, it was she who mentored her younger brother and urged him to enroll at the Royal Conservatory of Munich, where he eventually graduated third in his class.<sup>6</sup> This school was

Courtesy of David Winkler.



*Earliest known photograph of Christopher Philip Winkler, c. 1861, with his wife, Susan Margaret Bond Winkler, and sons William Bond Winkler (left) and Philip Mason Winkler (right).*

under the direction of the court and probably headed by Franz Lachner at this time. Lachner worked for the court in Munich, served as the General Music Director for the Conservatory in the late 1830s, and composed in a similar style to that of his friend Franz Schubert. Although no longer in existence, the Royal Conservatory of Munich has loose ties to the present Richard Strauss Conservatory of Munich.

At the age of sixteen, Winkler came to the United States. In his Will and Testament of 1905, he recounted this trip of 1840: “Leaving home on foot and walking all the way to Bremen, . . . I took passage in a lighter for Bremerhaven and there was transferred with a big number of others, men mostly and a few women, to a brig which brought us after a voyage of fifty six days to Philadelphia, Pa.”<sup>7</sup> After

<sup>4</sup> Christopher Philip Winkler's Will and Testament, c. 1905, obtained from David Winkler, Nashville, Tennessee, and in the possession of the author.

<sup>5</sup> Goldie Burgess to Dr. John E. Winkler, c. 1966-1968, obtained from David Winkler, Nashville, Tennessee, and in the possession of the author. Burgess was the daughter-in-law (wife of Marion Pope Winkler) and student of Christopher Philip Winkler.

<sup>6</sup> Christopher Philip Winkler, “Music and Musicians,” *The Commercial Appeal*, 1890.

<sup>7</sup> Christopher Philip Winkler's Will and Testament, c. 1905.

arriving in Philadelphia, Winkler spent six years in Virginia and North Carolina. His older brother Johann Adam Aigdius Winkler, who was also a musician and published composer, lived in Yancyville, North Carolina, and Christopher Philip spent much of his time with his sibling. In April 1841 both Christopher Philip and his brother became United States citizens.<sup>8</sup> Johann Winkler went on to become a professor of music at Valley Union Seminary in Virginia.<sup>9</sup> Later, when Johann Winkler went into the liquor business, his younger brother disowned him.<sup>10</sup>

Christopher Philip stayed in North Carolina and Virginia until the middle of 1845 when he took a new position in Jackson, Tennessee.<sup>11</sup> Hired to teach music and languages at the Female College in Jackson, Winkler traveled by buggy the entire length of North Carolina through Ashville, Knoxville, and Nashville.<sup>12</sup> These towns seemed extremely small to him, although he thought the country was beautiful. Until 1854 he taught at the Jackson Female College (later Lambuth College) and eventually became head of the music department. Apparently Winkler had grown tired of teaching some time before this, but his business ventures in Louisiana proved to be continuous failures. He moved to Louisiana at least once to pursue his mercantile aspirations, but this endeavor failed in large part because of the Louisiana yellow fever epidemic of 1853.<sup>13</sup>

On February 16, 1854, Winkler married Susan Margaret Bond, a student of his from the college. Bond had grown up on a plantation just north of Memphis, and in order for her to remain close to her family, the Winkler couple purchased from Bond's father a piece of property on the southeast corner of Dunlap and Poplar in Memphis. Wealthy and prominent, the Bond family owned a large plantation in the area near Bartlett, Tennessee.<sup>14</sup>

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<sup>8</sup> Naturalization records of J. A. E. Winkler and Christopher Philip Winkler, North Carolina State Archives, Raleigh, N.C.

<sup>9</sup> J. A. E. Winkler, "Farewell! If Ever Fondest Prayer," (Baltimore: G. Willig, Jr.), 1850.

<sup>10</sup> Burgess to Dr. John E. Winkler, c. 1966-1968.

<sup>11</sup> A possible Masonic influence might be found in Winkler's hiring in Jackson, Tennessee.

<sup>12</sup> "Masonic Sketch of Professor C. P. Winkler," *Fort Myers Press*, January 26, 1911.

<sup>13</sup> "Masonic Sketch."

<sup>14</sup> Goldie Burgess to Dr. John E. Winkler, c. 1966-1968.

## Antebellum and Civil War Years

According to Winkler, at the time of his arrival in Memphis the quality and sophistication of Memphians' musical tastes stood in need of improvement. "When I came to the city, in 1855," he later wrote, "the prevailing style of music was 'Oh! Suzanna. Don't You Cry,' 'Old Dog Tray,' and 'My Old Kentucky Home.' Nothing else would go at concerts. The great moving power in those days were the choirs, although the music, except in the Catholic Church, was poor enough. There was very little improvement perceptible until after the war."<sup>15</sup> In 1854, Winkler began teaching music at the Female College in Memphis, which later became St. Mary's Episcopal School. The first Episcopal school in the area, St. Mary's was directed by Rev. McPherson of Calvary Episcopal Church and was housed initially in Calvary Episcopal Church. Later, it rented space in the neighborhood until the Civil War. Winkler remained at this teaching position until 1867.<sup>16</sup>

Within a few years, Winkler took on another responsibility. In 1857 he became organist at Temple Israel, Children of Israel, then located on Main and Exchange. In 1883 the temple moved to Poplar Avenue between Second and Third streets.<sup>17</sup> Winkler studied Jewish music before taking this job to learn the "peculiar character of the music of Jewish composers."<sup>18</sup> Assisted by Leon Leopold, Winkler composed almost every service for the synagogue and had composed or arranged over 850 pieces by 1894.<sup>19</sup>

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<sup>15</sup> Winkler, "Music and Musicians," *The Commercial Appeal*, 1890. Winkler also noted some of the leading musicians in the city: "At that time some of our prominent musicians and singers were Nora Bradford (Chapsky), Mrs. Libbie Miles, Mrs. Jennie Boylan, Mrs. J. M. Keating, Mrs. Tomlinson, Miss Jennie Magenency, and her sister, Kate; Miss Sallie Lynch, Mrs. Voorheis, on the harp: Mr. Tomlinson, flute; Mr. Barbieri, guitar. Among the gentlemen singers were Peterson, Boyle, Gideon, Gage Bornemann, Bells. Mr. Ben Whaples, who died in 1866, was also a composer of music and a fine organist. This list would not be complete without the names of Leo Wheat, and Henry Farmer, one a fine organist and the other a flutist, who have obtained wide celebrity since then."

<sup>16</sup> *Memphis Daily Appeal*, January 1, 1861. In 1861, the principal of St. Mary's, noted that "Winkler continues, as in years past, to control the music."

<sup>17</sup> "Jewish Temple," *Memphis Public Ledger*, January 18, 1884. The organ at this new synagogue was a Hook and Hastings of Boston. It contained two manuals with twenty-six stops and 1183 pipes.

<sup>18</sup> "Jewish Temple," *Memphis Public Ledger*.

<sup>19</sup> "The Social Swim," clipping from unknown newspaper of Memphis, Tennessee, February 1894. Obtained from Lamar King, Memphis, Tennessee, and in the possession of the author.

The talents of these two men impressed the congregation to the point that on April 10, 1884, the congregation asked that the organ be played at every service.<sup>20</sup> The rabbi in 1889, named Lowenstein, reported that “The choir under the direction of Professor Winkler continues to charm all who attend our services.”<sup>21</sup> During his forty-four years of service there, Winkler took only two breaks from his work at the synagogue. He went on a six-month vacation in the later part of his life to visit his son in Dewitt, Arkansas. The other break came during the Civil War.

Winkler’s activities during the Civil War, in fact, are unclear. During the naval battle for Memphis, fought on the Mississippi River during June 1862, a year after Tennessee seceded from the Union, the Confederate Army organized the Third Battalion Tennessee Infantry in Memphis. This was known as the Memphis Local Defense Battalion, and Winkler served as a private in company E.<sup>22</sup> This battalion has no record of seeing action and was disbanded soon after the Battle of Memphis. At that point, Winkler may have left the city altogether. He remained in the city for at least part of the war, as newspaper sources reveal that he founded the Maennerchor, a men’s chorus, sometime between 1860 and 1865. Still, his exact whereabouts during the war period are difficult to determine. After conflict with the local authorities about its refusal to lower the Confederate flag, St. Mary’s School moved to Hernando, Mississippi, renting space from the Baptist Female College in 1863. The school stayed there until 1866. Winkler might have moved to Hernando with the school during this period, or perhaps to the Bond family’s properties in Dewitt, Arkansas, or their plantation north of Memphis. It is unlikely that the Winkler family stayed in town, as the Joe Bledsoe Census of 1865 has no record of the family in Memphis. The city directory also does not mention the Winklers again until 1866.

Some evidence supports the theory of Winkler moving to Hernando, at least until 1866. Although it does not mention Winkler specifically, an advertisement

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<sup>20</sup> Ernest Lee, ed., “Temple Israel Parish Contributions,” *Our First Century*, (Memphis: Temple Israel, 1954).

<sup>21</sup> Lee, “Temple Israel Parish Contributions.”

<sup>22</sup> The United States Army Service Records, Film #M231, Roll 47.

published for St. Mary's School in 1865 from Hernando states that the price for music lessons for five months was thirty dollars. This was the same price of Winkler's lessons in Memphis.<sup>23</sup> Winkler could have taught in Hernando until 1866 when he was again listed in the city directory. No other music program is evident at St. Mary's until 1888 after the school moved back to Memphis, and Carrie Keating and Paul Schneider are listed as the music faculty.

Records also show that Winkler occasionally played the organ at Calvary Episcopal Church during this time. Located at the corner of Adams and Second, Calvary was considered the "mother" Episcopal Church for the Memphis region. Winkler was neither a permanent organist at Calvary at this time, nor was he a member or communicant of the church. Therefore, each record where he is present in the congregation suggests that he acted as a substitute organist. "Organist" written in parenthesis next to Winkler's name confirms this. Winkler was listed in the visitor's registry for a single day in 1858 and again in 1859.<sup>24</sup> No specific date was listed, however, for either of these engagements.<sup>25</sup> Calvary's records indicate that Winkler played the organ on two other specific dates, November 11, 1862<sup>26</sup> and December 9, 1863.<sup>27</sup> Since St. Mary's did not move until the end of 1863, and the Calvary log does not list Winkler playing after 1863, an argument can be made that Winkler did in fact follow St. Mary's School to Hernando, at least for part of 1864-1865.

As early as September 1865, Winkler served as the organist at St. Lazarus Episcopal Church, which was the fourth Episcopal Church to be admitted to the Diocese of Tennessee. Although admitted to the Diocese in 1867, the church existed

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<sup>23</sup> Ellen Davies-Rogers, *The Great Book*, (Memphis, Tenn.: The Plantation Press, 1973), chap. 12. This advertisement was printed on the back of a Baptist Female College pamphlet.

<sup>24</sup> Calvary Parishioners ledger. Book 3EDR, p. 29 (book and page number refer to the organizational system by Ellen Davies-Rogers.); Calvary Parishioners ledger. Book 3, p. 32.

<sup>25</sup> *History of Shelby County and the City of Memphis*, (Nashville: Goodspeed Publishing Co.), 1887. The organ he played at Calvary was a small organ, which cost less than six thousand dollars.

<sup>26</sup> Calvary Parishioners ledger. Book 3, p. 39.

<sup>27</sup> Calvary Parishioners ledger. Book 3, p. 51.

at least three years before this time and was located on Madison between Third and Fourth Streets. When playing the inaugural concert on the First Baptist Church's organ on September 12, 1865, Winkler was listed as the organist at St. Lazarus.<sup>28</sup> Winkler, however, did not stay at this post long. In May 1866, St. Lazarus asked Major Henry Hampton to organize a choir and employ an organist.<sup>29</sup>

## **The Post-Civil War Years**

After the Civil War, Winkler began to increase his musical activity in the city. In the 1866 city directory, Winkler took out a personal advertisement that offered "Vocal and Instrumental lessons." He apparently offered piano, guitar, organ, and voice lessons. Winkler's residence, as well as a music store known as Katzenbach's, were listed as locations to leave orders. At that time, Katzenbach's was the only music store in town, located at 315 Main Street.<sup>30</sup> Other information compiled from the 1865 Bledsoe Census indicates that only two music professors were in residence in the city and only ten music teachers worked in Memphis. Winkler is not included in this list, but these statistics demonstrate the limited musical life of Memphis at this time. This advertisement is the only one that appears in the city directory, but photos and other newspaper accounts reveal that Winkler continued private music instruction throughout his life in Memphis. *The Great Book of Calvary Episcopal Church* states that almost all prominent singers received instruction from Winkler.

In the late 1860s, Winkler served as director of several important musical societies in Memphis. In 1866 he took over the Mendelssohn Society from Professor Sabatsky. Founded in 1865, this vocal club was credited with the highest

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<sup>28</sup> "Something About the New Organ in the Baptist Church," *The Memphis Argus*, September 13, 1865.

<sup>29</sup> *The Commercial Appeal*, March 13, 1948; March 13, 1948; April 7 1948. Jefferson Davis, former President of the Confederate States, was a vestryman at this church and most of the parishioners were Confederate Veterans. There was much controversy over the church during and after the Civil War due to the "northern" Rector and mostly "southern" congregation. The yellow fever epidemic in 1878 destroyed the parish and the church was forced to merge with Grace Episcopal Church.

<sup>30</sup> T.M. Halpin, compiler, *Memphis City Directory 1866*, (Memphis, Tenn.: Bingham, Williams & Co. Publishers, 1866).



trained and most cultured musicians in the city. He held the position of director for three years until Ernest Perring replaced him. Later, he directed the Mozart Society, where he was preceded by Lee Herzog and succeeded by Morse Downs of New York. The Mozart Society birthed the idea of a “conservatory of music for Memphis,” which eventually became the Memphis School of Music.<sup>31</sup> The Memphis School of Music later became the Music Department of Southwestern at Memphis (now Rhodes College). The Mozart Society is credited with giving the largest spring music festival before 1890. All of the city’s musicians worked together through the Mozart Society.

After the war Winkler began his lengthy tenure at St. Peter’s Catholic Church. Professor Ben Whaples, the organist-choirmaster at St. Peters, passed away in 1866, and Winkler resigned from St. Lazarus shortly afterwards. Winkler then began a lengthy tenure at St. Peter’s, sometime in either 1867 or 1868.<sup>32</sup> The historically Irish Catholic Church located at the corner of Third and Adams was founded in 1840 and handed over to the Dominican order in 1846. The present stone building where Winkler played was built around the old church between 1852 and 1855. The St. Peter’s organ was built by Henry Erben of New York, N. Y. and had three manuals and two and one-third octaves of pedals. Twelve stops were on the great organ; ten stops were on the choir; eleven stops were on the swell; five stops were on the pedal, and the organ contained eleven mechanical stops.<sup>33</sup> The organ was made so that both bellows could be blown and all stops played at once. The two thousand pipes were built at a cost of \$8,500 with a \$1500 transportation cost. This massive organ was reportedly the most impressive in the West at this time.<sup>34</sup> Father Clarkson facilitated the contract for the organ and hired Winkler. Mrs. Ella Dyche also assisted Winkler in this position. Credited with having the best choir in Memphis, Winkler wrote or arranged most of the music performed at the church.<sup>35</sup> Because St. Peter’s had the best organ in Memphis at the time, people would come

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<sup>31</sup> Winkler, “Music and Musicians,” *The Commercial Appeal*, 1890.

<sup>32</sup> “Musical Reminiscences,” *Morning News*, April 4, 1902.

<sup>33</sup> “The New Organ and the Choir at St. Peter’s,” *The Memphis Bulletin*, December 11, 1864.

<sup>34</sup> “The New Organ and the Choir at St. Peter’s.”

to the church just to hear it. Winkler orchestrated and arranged music to suit the singers of the all-volunteer choir, who brought great modern and classic works to the congregation and the community.<sup>36</sup>

According to the city directory, Winkler began teaching at St. Agnes Academy in 1867-1868. This is the only year he is listed in this capacity. The most probable explanation for the one-year position is that part of the organist/choirmaster position at St. Peter's required a teaching position at St. Agnes. Changes in his contract or the difficulty of holding both positions might also account for his short-term employment. In 1869 Winkler also began working at Benson's Music store on 317 Main Street.<sup>37</sup> He did so until 1880 when he is listed as working at 294 Main, the location of H. G. Hollenberg, a company that published some of Winkler's compositions.

Winkler also served as director of the Opera Club, which produced such works as "Fra, Diavolo" which toured to Nashville, "Der Freischutz," and "Dorothy." Winkler wrote and orchestrated each part from a piano reduction.<sup>38</sup> "Dorothy" was supposedly orchestrated by hand in only one week's time. It is possible that other operas, even operas originally composed by Winkler, could have been performed. According to contemporary accounts, these operas "were not surpassed by professional troupes."<sup>39</sup>

In 1872, Winkler began to work closely with an old friend, E. Witzmann, whom he had met in Jackson, Tennessee. An interview with a student of Winkler reveals that the two knew each other perhaps as far back as the Royal Conservatory in Munich.<sup>40</sup> According to the 1870 city directory, Witzmann was a language and music teacher at Amour Institute, and in 1872 he opened E. Witzmann & Co. with his partner E. Levy. The store was located in the Adams Building on 221 Second Street in Memphis. Initially, they only sold pianos, but eventually the store

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<sup>35</sup> "Musical Reminiscences."

<sup>36</sup> "Musical Reminiscences."

<sup>37</sup> "Bygone Days," *The Commercial Appeal*, November 1, 1994.

<sup>38</sup> Winkler, "Music and Musicians," *The Commercial Appeal*, 1890.

<sup>39</sup> Davies-Rodgers, *The Great Book*, 434.

<sup>40</sup> Goldie Burgess to Dr. John Winkler, c. 1966-1968.

published music and sold music supplies, pianos, and organs. Soon, Witzmann began publishing Winkler's compositions. At this point, however, Witzmann was known as the business musician and Winkler as the "Nestor among the musical fraternity."<sup>41</sup>

In 1881 Winkler's house became annexed into the city and became 448 Poplar Avenue. In 1882 Witzmann & Co. was taken over by Emile Witzmann and Emile Levy, the daughters of the original owners, and the store continued to expand from 223-225 Second Street. This is also the first year in which music publishing is listed as a function of the business. In 1887 Winkler is listed as working at E. Witzmann & Co.

Courtesy of David Winkler.



*The Professor with six female music students, c. 1900.*

at 223 Second Street and residing at 457 Poplar. According to the records, Winkler lived with his sons at 92 Virginia Avenue in 1888.

In 1888, while still working at St. Peter's, Winkler organized a concert at First Presbyterian Church to display the new organ, made by Hook and Hastings of Boston. Both Winkler and his assistant Ella Dyche played this \$3,000 organ in the concert. It appears Dyche would play the organ in many of the choir pieces so that Winkler could either sing or conduct. Winkler played the Overture to *Semiramis*, *Traumerei-Reverie*, *Memphis March* (one of his own compositions), *Prayer and Triumphal March*, and many others. The St. Peter's choir sang the "Kyrie" from Mozart's *Twelfth Mass*. People lauded the concert as a huge success.<sup>42</sup>

<sup>41</sup> "Musical Reminiscences."

<sup>42</sup> "An Inaugural Organ Recital," *The Memphis Daily Avalanche*, February 17, 1888.

In 1889, Second Presbyterian Church, then located at Beale and Main Street, hired Winkler for a one-year contract. The contract mentions him working for the Jewish synagogue, but not St. Peter's. The salary at Second Presbyterian was sixty dollars per month, with an additional five dollars for extra services. The church found that it was more economical for them to hire Winkler and a single cantor than to pay a large choir. Sometimes Winkler worked with a quartet and at other times with a soloist, but the elders of the church were always pleased with the music. Winkler was very strict with this choir and actually published a contract stating the duties and lifestyle mandatory for his singers. Winkler left this position sometime in early 1892.<sup>43</sup>

In 1890 the Maennerchor, a choir society, presented C. P. Winkler with an ebony baton mounted with gold, engraved with the following: "Presented to Professor C. P. Winkler by the active members of the Memphis Maennerchor."<sup>44</sup> Louis G. Fritz welcomed Winkler: "Let me, nevertheless in view of the present exalted position of our chorus under the leadership of Professor C. P. Winkler, pay tribute to that man who, as the society's first director, with but the accompaniment of a simple guitar, instilled its members with an enthusiasm that perhaps surpassed their artistic efforts, but deserves the fullest recognition at our hands now."<sup>45</sup> As this is the final newspaper reference to Winkler's formal relationship with the Maennerchor, Winkler probably retired from this chorus at this time.

Winkler may have retired at this time from St. Peter's as well, before he contracted with Second Presbyterian. There is no mention of Winkler at St. Peter's between 1890 and 1894. At Christmas in 1890, Winkler played at St. Joseph's Catholic Church, located on George, near Shelby, and the church choir performed Giorza's *Mass, No. 3*. The choir, with new singers, was under the instruction of

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<sup>43</sup> Second Presbyterian Session Minutes. 1889-1891. Winkler probably played in the new Second Presbyterian Church only a few times. The new church, located at Hernando and Pontotoc, contained the largest organ at that time in Memphis. Winkler's wife Susan moved her membership to Second Presbyterian from the Cumberland Presbyterian denomination. She is never mentioned at any other church where Winkler played. *Second Presbyterian Ledger*, 1889.

<sup>44</sup> *Memphis Daily Commercial*, July 21, 1890.

<sup>45</sup> *Memphis Daily Commercial*, July 22, 1890.

Winkler.<sup>46</sup> Easter at St. Joseph's lists the performance of Giorza's *Second Mass*. Singers Louise Steinbrecher, Lillie Smith, Laura Thomas, L. Pelegrin, J. R. Ryan, Oscar Barfus, Matthew Dillon, Matthews, and Anderson were listed by name.<sup>47</sup>

In the later part of 1892 Winkler began to play organ at Calvary Episcopal Church. On October 18, Winkler played a wedding at Calvary<sup>48</sup> and then at the Easter services on March 26, 1893, Winkler conducted and Ella Dyche accompanied on the organ.<sup>49</sup> The second break from the Jewish synagogue occurred in July of 1893. For six weeks Winkler vacationed on his farm in Arkansas. Although there is no mention of a replacement for the Jewish synagogue, Dyche replaced him as organist at Calvary.<sup>50</sup> Winkler returned to both positions, but left Calvary early in 1894.

In early 1894 Winkler returned to St. Peter's, where he remained for the next seven years. Some of the choir's repertoire included Mozart's *Twelfth Mass*; Wilcken's *Ave Maria*; Giorza's *First* and *Third Mass*; *Date Sonitum Pastores*; Haydn's *Mass No. 2* in C; Rossini's *Stabat Mater*; and many of Winkler's original compositions.<sup>51</sup> These original compositions were often settings of Psalms, but many were anthems, offertories, or sections of the mass. Winkler often composed settings for Vespers and of the *Magnificat*.<sup>52</sup> Winkler consistently orchestrated the parts for small instrumental forces of about eight players for each mass. One account indicates that Winkler composed on a Thursday night, wrote out the orchestra parts Friday night, and performed the work on Sunday.<sup>53</sup>

Winkler used his farm in Arkansas as his summer home, but would come back

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<sup>46</sup> *The Appeal-Avalanche*, December 24, 1890.

<sup>47</sup> *The Appeal-Avalanche*, April 16, 1892.

<sup>48</sup> *The Appeal-Avalanche*, October 1892.

<sup>49</sup> *The Appeal-Avalanche*, October 18, 1892; March 26, 1893.

<sup>50</sup> *The Public Ledger*, July 3, 1893.

<sup>51</sup> *The Commercial Appeal*, September 30, 1894; October 13, 1895; December 22, 1895; March 31, 1896; April 5, 1896; May 17, 1896.

<sup>52</sup> *The Commercial Appeal*, May 30, 1897.

<sup>53</sup> *The Commercial Appeal*, April 2, 1899. A few choir members under the direction of Winkler include a Mrs. Plummer, Mrs. L. Steinbrecker, J. Hewitt, N. O'Donnell, N. Cunningham, N. Lunn, Mrs. Grove, Mrs. Mette, Mrs. Maydwell, Mrs. I. Eall, A. Dean, I. Pergeney, S. Viser, E. R. Johnson, W. Sonfield, J. F. Ryan, L. Hirsch, J. P. Carey, W. Wood, and S. M. Wright. *The Commercial Appeal*, December 23, 1894.

every fall to play for St. Peter's and the Jewish synagogue. Many times he would return with new compositions. By August 1896 the Jewish synagogue boasted of Winkler's twenty-two different complete services and thirty-plus anthems.<sup>54</sup> In 1901 Winkler retired from the Jewish synagogue and St. Peter's Church. He worked at Witzmann & Co. as a counter clerk until 1903, when he moved in with his son John L. Winkler at 216 Desoto Road. By 1904 he permanently moved to his plantation in Arkansas. Toward the end of his career, Winkler offered this assessment of the musical life of Memphis:

At the present time, while there is a good deal of advancement individually in instrumental as well as vocal music, there has not been lately . . . any concerted effort for the production of standard works. The energy that is frittered away in the formation of so many little clubs, while productive of good results in a small way, is subversive of great achievements. We have many fine singers, especially among the ladies, but a large number of them are unwilling to sink their individuality for the performance of great works. We have at the present time better orchestra facilities than at any time since 1878, and by using the orchestra here as a nucleus and bringing performers on such instruments as are not here (such as oboe, bassoon, etc.) we could perform the orchestra parts of any opera or oratorio.<sup>55</sup>

Memphis music, in other words, had progressed quite a bit since his arrival in 1854.

A Freemason, Winkler devoted more time to this organization toward the end of his life. He attained the majority vote to enter the brotherhood on March 26, 1845, and in May of that year, while still in North Carolina, he was initiated into the order after passing the required trials. Winkler then immediately headed to

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<sup>54</sup> *The Commercial Appeal*, August 31, 1896.

<sup>55</sup> Winkler, "Music and Musicians," *The Commercial Appeal*, 1890.

Jackson, Tennessee, where, as aforementioned, he worked as a music and language instructor. Due to the short amount of time between the trip and his initiation as a Freemason, the Masonic connection may have helped Winkler obtain his job there. Winkler described his life as a Mason in his “Masonic Sketch of Professor C. P. Winkler” written for the *Fort Myers Press* in 1911. St. Elmo Commandery knighted Winkler after successfully performing music for the Knights Templar convocation in Memphis. This was well after Winkler’s retirement in 1901 due to hearing loss. In spite of this hearing loss, Winkler furnished music for the Angerona Lodge, Royal and Select Council, St. Elmo, and other Commanderies. When Winkler agreed to perform music for the new Scottish Rite Masons in Memphis, he was immediately advanced to the thirty-second degree of Masons. Winkler was a member of Angerona Lodge Number 168, St. Elmo’s Commandery Number 15 of the Knights Templar, and Tennessee Consistory Number 1.<sup>56</sup>

Winkler received much acclaim for his role in raising the musical standards of Memphis. A soloist dedicated her performance to Winkler as her teacher and friend during her 1896 performance of Rossini’s *Stabat Mater* in Memphis.<sup>57</sup> In addition to the ebon baton that the Maennerchor presented to him, Winkler received a piano from Temple Israel, a large rug from St. Peter’s, and a gold watch from the Mendelssohn Club.<sup>58</sup> The citizens of Dewitt, Arkansas, meanwhile, presented Winkler with a golden-headed cane for his fiftieth wedding anniversary. Known as the “Dean of Memphis Musicians,”<sup>59</sup> he returned to Memphis for a short time in 1909. A newspaper article announced his arrival to the entire community.<sup>60</sup> On March 22, 1913 Winkler died at the age of eighty-eight—just three days before his eighty-ninth birthday—while visiting his son William in Ft. Myers, Florida. Effie Henderson McAdow, granddaughter and student of Winkler, recalls “he died sitting in his rocking chair by the fire...his wife sitting next to him in a smaller rocker with

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56 “Masonic Sketch of Professor C. P. Winkler,” *Fort Myers Press*, January 26, 1911;

“Death Calls Dean of Memphis Musicians,” *The Commercial Appeal*, March 23, 1913.

57 *The Commercial Appeal*, February 23, 1897. Another student named John Berger moved to New York and reportedly did very well singing in churches there.

58 Will and Testament of C. P. Winkler, March 8, 1903, obtained from David Winkler, Nashville, Tennessee, and in the possession of the author.

59 “Death Calls Dean of Memphis Musicians.”

her hand on his.” William Winkler had brought some ice cream. William’s wife “got up and fixed a dish for him [C. P. Winkler] and brought it and pressed it to his lips and he didn’t move. She touched his lips again and shook him, and she said, ‘O Willie,’ and my father went [over to him]... and he was dead.”<sup>61</sup> His Will and Testament left most of all his belongings to his wife with a few exceptions, such as his violin, Masonic books, and gold watch.

### **Winkler’s Compositions**

Winkler’s first works were published in 1848, only eight years after his arrival in the United States. He published many piano solo dances, at least one minstrel or “Ethiopian Song,” and solo voice pieces with piano accompaniment. His publishers included L. Lemaire, Cincinnati; P. Flavio, Memphis; Balmer and Webster, St. Louis; A. Fiot, Philadelphia; and James A. McClure, Nashville; and finally, E. Witzmann & Co., Memphis. His publishers follow a western trend, as Winkler moved west towards Memphis.

Examples of Winkler’s early piano works include the *Recollections of Memphis-Romanc*, *Bluff City Gallop*, *The Mountain Waltz*, and *Old Maid’s Polka*.<sup>62</sup> The most common element in Winkler’s work is that of octave doubling. As seen in Example A, the first beat of each measure in both clefs is played an octave apart. The third beat in the second measure of the treble clef is also played in octaves. Measure one has octave A’s played in the treble clef and octave D’s played in the bass clef. These are the tonic, D, and dominant, A, which are highlighted by the repeated note at the octave. Example B also has the left hand on beat one playing two notes an octave apart—once again emphasizing the tonic F and the dominant C. In many of Winkler’s compositions the octave doubling highlights the tonic and dominant.

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<sup>60</sup> “Music and Musicians,” *The Commercial Appeal*, November 14, 1909.

<sup>61</sup> Author’s interview with Effie Henderson McAdow, daughter of William Winkler, granddaughter and student of Christopher Philip Winkler.

<sup>62</sup> See appendix for a complete list of works





Example A: Christopher Philip Winkler, *The Mountain Waltz*,  
(Cincinnati, Ohio: L. Lemaire, 1848), mm. 1-3.



Example B: Christopher Philip Winkler, "No. 1 Romance,"  
*Recollections of Memphis*, (Memphis, Tenn.: P. Flavio, 1854), mm. 1-2.



Example C: Christopher Philip Winkler, *Old Maids' Polka*,  
(Memphis, Tenn.: P. Flavio, 1852), mm. 1-4.

Example C shows one of the best examples of the repetition octave doubling. Each time a single note is played, one or both hands are playing two notes an octave apart. Measure one, beats one and two in the bass; measure two, beat one in the bass, and beat two in the treble; and measure four, beats one and two in the bass, all show the repeated octave being played. This technique could be directly related to Winkler's large hands. In addition beat two in measures two and three in the left

hand show an octave repeated above the root position triad. The bass consistently emphasizes the octave in these four measures.

These three examples demonstrate another Winkler trait. In Example A the first beat is played in a low register with a relatively thin texture—only two notes. The second and third beats are both richer and thicker in texture using a second inversion triad. Example B shows the same effect in the bass where the second half of beat one is a single C; beat two is a higher register F and A. This repeated pattern continues. Example C shows this same effect with a low, less-dense chord on beat one and a thicker chord on beat two. This waltz or simple-triple meter effect is common throughout Winkler's early work. Most piano pieces were in triple meters with few exceptions.

In Winkler's early art songs, the octaves are found along with arpeggios of triads. All of these triads are consonant. Most often, first inversion or root position arpeggios are used. In Example D, easily recognizable are the arpeggios of the G, B-flat, e-flat. The treble is once again playing the tonic E-flat in two octaves.



Who art thou, beau-ti-ful be-ing That is

Example D: Christopher Philip Winkler, *Beautiful Queen*,  
(Cincinnati, Ohio: L. Lemaire, 1850), mm. 5-6.



Simplice.  
Legato.

Example E: Christopher Philip Winkler, *Thou Art With Me*.  
(Memphis, TN: P. Flavio, 1848), mm. 1-3.

2:V When the ro - sy foot of morning

Dearest! thou art with me ever

Example F: Christopher Philip Winkler, *Thou Art With Me*,  
(Memphis, Tenn.: P. Flavio: 1848), mm. 7-10.

Example E shows the arpeggios combined with another common effect Winkler used. Here the melody is being played in the right hand, and the accompaniment is entirely in the left hand. Winkler often would have the tonic of the chord hold while the chord is arpeggiated—third, fifth, root. This creates the octave being played once again in one hand. The triple meter is shown in Example F showing a consistency in composition between piano and vocal compositions.

These three characteristics listed above occur throughout Winkler's compositions. A late composition from 1910 seen in Example G shows these same aspects. All the measures show the octave doubling in the right hand, and the waltz-bass accompaniment figuration. Example H shows a work from 1886 from *Sabbath Musings*. This two series collection of sacred works was originally published in 1885 with vocal works being added later in 1886 and 1887. Example H, measure 3, shows the arpeggios where a single note is held while the broken chord is sounded below. Sometimes two notes, as is common in measures one and two, are held while melodic material is sounded above. The remainder of these pieces are also laid out in much the same manner.



Example G: Christopher Philip Winkler, *Royal Palm Theatre Waltz*,  
(1910), mm. 1-6.



Example H: Christopher Philip Winkler, *The Fisherman's Prayer*,  
(Memphis, Tenn.: E. Witzmann & Co., 1886), mm. 1-3.

A fourth compositional characteristic is found in Example G and I, combining octave doubling with an ascending or descending scale. This is the most common way in which he establishes tonality. This is often seen in Winkler's work at the very opening of a piece. Measure three in Example G starts the downward scale with the e2 and continues to G and g1. Although mostly seen in his middle to late work, even this piece in Example I from 1850 demonstrates the scale. Both right and left hands begin a downward scale to establish C Major, each hand playing two octaves. The right hand then proceeds to suggest the dominant of G. The left hand has now begun to play ideas reminiscent of a waltz-bass accompaniment figuration.



Example I: Christopher Philip Winkler, *Victory Quick Step*,  
 (Cincinnati, Ohio: L. Lemaire, 1850), mm. 1-6.

Another composition of note is *Come Along Gals, Won't You Come*, subtitled “Ethiopian Song.” This minstrel song, seen in Example J, displays the waltz accompaniment style, alternating the thin and thick texture and the arpeggios, but is strikingly simpler in difficulty and thickness of texture. This is arranged for a four-part choir with piano accompaniment. Written in 1852, this is Winkler’s first example of part writing for voices. A style that is found in his later choir works is the use of parallel sixths and thirds for extended periods. This makes the piece very easy to learn, but less harmonically interesting.



Example J: Christopher Philip Winkler, *Come Along Gals, Won't You Come*,  
 (St. Louis, Mo.: Balmer & Weber, 1852), mm. 25-27.

Example K shows an example of such consistent parallel thirds. This is a common characteristic found in Winkler's part writing, but there are exceptions to this simple style where the level of writing is more difficult.



Example K: Christopher Philip Winkler, *Prayer*,  
(Typeset manuscript, n.p., 1904), mm. 38-42.<sup>63</sup>

Winkler commonly used consonant triads with very few non-chord tones. When found, these non-chord tones are most often passing tones or neighbor tones with few, if any, exceptions. Chromatic modulation is rare, and when a modulation to the dominant or subdominant occurs, a full key signature change is shown. All modulations are accomplished through pivot chords and are usually only to modulate to the dominant, subdominant or relative mode. Example L shows an example modulating to the subdominant through a direct modulation. This occurs after a full cadence on F and then a new melodic idea beginning in B-flat. This becomes the dominant in the new key of B-flat. Some modal mixture is used in pieces, but these are used to help shift modes between major and minor keys.

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<sup>63</sup> Accompaniment was written by David Winkler, great-great-grandson of C. P. Winkler, 2003.



Example L: Christopher Philip Winkler, *Lily Gallopade*,  
(Philadelphia, Pa.: A. Fiot, 1851), mm. 34-35.

A few stylistic exceptions in Winkler's compositions are the frequent use of complete dominant seventh chords most often in root position. Winkler often uses the thick texture of a full seventh chord in the Waltz. Example A, measures two and three show this trait. This also suggests that Winkler had large hands that were capable of playing virtuosity. The dominant seventh is also found as a third inversion with a missing fifth. This chord is seen in Winkler's compositions and is commonly used by other composers at this time. This characteristic creates a slight dissonance in the accompaniment by accenting the major second between the root and seventh of the chord, while remaining in the principle key. This creates a strong cadential feeling, and Winkler uses this at half cadences. Final cadences are the only times other chromatic chords are used. There are only a few examples of French-augmented sixth chords and German-augmented sixth chords in his compositions.

Winkler's overall compositional style, including harmonic choices, melodies, and genres, did not change significantly throughout his life. The melodies and overall formal plans began to become longer and more complicated, but this did not lead to harmonic innovations such as those taking place in Europe at this time. Winkler, however, preferred to adapt traits of the late Classical style and simplify it into a unique American style, which contained strong rhythmic features and simple harmonies.

*Fond Memories*, a nocturne written in 1877 is the most complex and "romantic"

sounding piece, although it is still much simpler than the European equivalent. Example M displays the second of four key changes in this work. The piece is mostly consonant but does have a freer style of composition than his other works.



Example M: Christopher Philip Winkler, *Fond Memories*,  
(H. G. Hollenberg, 1877), mm. 65-69.

His later piano pieces hinted to an even earlier Baroque style of long spinning melodies with a clear harmony in broken chords. Even the virtuosity these pieces display hints to a Baroque style while still fitting in a sonata, rounded binary, or minuet and trio form. It is obvious by the contextual information that his music was simple for the masses to understand but also virtuosic in order to impress listeners.

His later piano pieces are consistent with his early pieces but are actually a step backwards in complexity from his middle compositions. This could suggest a trend of composers of returning to a simpler style in order to retain audiences. Harmonically, only the middle compositions contain augmented sixth chords or modulations to other than the dominant or subdominant. The use of seventh chords occurs in most of Winkler's works, but in the middle period of composition, these are found in third inversion in order to use the major second between the root and seventh to create dissonance. This practice is not found in Winkler's early or later compositions. Many of these later pieces were written as etudes for his grandchildren, which explains their simple formal design and lack of virtuosic elements. One inference is that during the middle period of composition the performer intended was Winkler himself. The pieces written early in Winkler's career were likely written strictly for publication and are therefore easily understood



and performed by the public. Later in his life his compositions were for family members who were beginners at the piano. Without many surviving examples of his literature for the Jewish synagogue or Christian churches, it is difficult to account for his compositional style during the years of church service.

### **Winkler's Legacy**

Throughout the second half of the nineteenth century, Christopher Philip Winkler was an integral figure in the development of a musical culture in Memphis, Tennessee. Winkler served as organist at almost every major church in Memphis during this time, and he profoundly shaped the music heard by the city's population, particularly its church-goers. Not only was his choir at St. Peter's Catholic Church the most popular to hear, each of his successive choirs were also highly acclaimed and drew large audiences. The particular influence of Winkler can be seen in his compositions, for not only did he perform the standard pieces, Winkler wrote music as well. The western frontier of Memphis, as described by Winkler, was primarily exposed to the popular music of the day. This music was simple harmonically and was most often a style of dance music. Winkler's music exhibited these traits but progressed beyond the standard "O, Susanna." Both his secular dance pieces and the sacred music he performed in the church elevated the tastes and shaped the preferences and expectations of Memphians. As one of only three music professors in the city at the time, Christopher Philip Winkler encouraged and satisfied the musical desires of Memphians while raising the level of their musical education. Among musically-inclined Memphians, his legacy should neither be ignored nor forgotten.

## Appendix: Winkler's Works by Genre

Date	Title		Genre/ Orchestration	Publisher	Obtained
1854	<i>Le Reve</i>		Guitar	G. W. Brainard & Co.- Louisville	Library of Congress
	<i>Orpheus</i>	No. 1, 2, 3.	Guitar Solos		Not Recovered
	<i>Mozart's Twelfth Mass</i>	Arrangement	Orchestra	Manuscript	St. Peter's Church
	<i>Untitled March for E Major</i>		Organ	Manuscript	David Winkler
1848	<i>The Georgianna Polka</i>		Piano Solo	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	Library of Congress
1848	<i>The Mountain Waltz</i>		Piano Solo	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	David Winkler
1850	<i>Tonawanda Quick Step</i>		Piano Solo	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	Library of Congress
1850	<i>Victory Quick Step</i>		Piano Solo	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	Library of Congress
1851	<i>Lily Gallopade</i>		Piano Solo	A. Fiot- Philadelphia	Library of Congress
1852	<i>Old Maids' Polka</i>		Piano Solo	P. Flavio- Memphis, TN	Library of Congress
1854	<i>Recollections of Memphis No.1</i>	Romance	Piano Solo	P. Flavio- Memphis, TN	Library of Congress
1854	<i>Recollections of Memphis No.2</i>	Bluff City Galop	Piano Solo	P. Flavio- Memphis, TN	Library of Congress
1860	<i>Recollections of Memphis</i>	A Romanza	Piano Solo	Jas. A. McClure- Nashville 1889- E. Witzmann & Co.-Memphis, TN	Mississippi Valley Collection, Univ. of Memphis/ David Winkler
1877	<i>Fond Memories</i>	Nocturne	Piano Solo	H. G. Hollenberg- Memphis, TN	Library of Congress
1884	<i>Charity</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Evening Prayer</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Faith</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered

Date	Title		Genre/ Orchestration	Publisher	Obtained
1884	<i>Gratitude</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Heavenly Grace</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Hope</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Humility</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Morning Prayer</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>New Recollections of Memphis</i>		Piano Solo	E. Witzmann & Co.-Memphis, TN	Mississippi Valley Collection, UofM
1884	<i>Resignation</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1884	<i>Trust in Providence</i>	Sabbath Musings	Piano Solo	E. Witzmann & Co.-Memphis, TN	Not Recovered
1902	<i>La Rose de Manila</i>	Valse brillante et facile	Piano Solo	E. Witzmann & Co.-Memphis, TN	David Winkler
1902	<i>Panama Two-Step</i>		Piano Solo	E. Witzmann & Co.-Memphis, TN	David Winkler
1904	<i>The Golden Wedding March</i>		Piano Solo	E. Witzmann & Co.-Memphis, TN	David Winkler
1904	<i>The Herdsman's Call</i>		Piano Solo	E. Witzmann & Co.-Memphis, TN	David Winkler
1904	<i>The Return of the Heroes</i>	Grand March	Piano Solo	E. Witzmann & Co.-Memphis, TN	David Winkler
1907	<i>Le Chant angelique</i>		Piano Solo	Manuscript	David Winkler
1909	<i>Heart Throbs</i>		Piano Solo	Manuscript	David Winkler
1909	<i>La Seperation, l'absence et le retour</i>		Piano Solo	Manuscript	David Winkler
1910	<i>Contentement and Cheerfulness</i>		Piano Solo	Manuscript	David Winkler
1910	<i>Farewell to the Dying Year 1910</i>		Piano Solo	Manuscript	David Winkler
1910	<i>Royal Palm Theatre Waltz</i>		Piano Solo	Manuscript	David Winkler

Date	Title		Genre/ Orchestration	Publisher	Obtained
1911	<i>Dance of the Wood Nymphs</i>		Piano Solo	Manuscript	David Winkler
1911	<i>La Solitude</i>		Piano Solo	Manuscript	David Winkler
1911	<i>Surprise Waltz</i>		Piano Solo	Manuscript	David Winkler
1911	<i>Waltz</i>		Piano Solo	Manuscript	David Winkler
	<i>Blue Ribbon March</i>		Piano Solo	Manuscript	David Winkler
	<i>Coon-Hollow</i>	Arrangement	Piano Solo	Manuscript	David Winkler
	<i>Cross-purposes</i>		Piano Solo	Manuscript	David Winkler
	<i>Dixie</i>		Piano Solo	Manuscript	David Winkler
	<i>Duettino</i>		Piano Solo	Manuscript	David Winkler
	<i>Ft. Myers Two-Step</i>		Piano Solo	Manuscript	David Winkler
	<i>Get There Gallop</i>		Piano Solo	Manuscript	David Winkler
	<i>High School March-Two Step</i>		Piano Solo	Manuscript	David Winkler
	<i>Isthmus Two-Step (Same as Return of the Heroes)</i>		Piano Solo	Manuscript	David Winkler
	<i>La douce Melancolie</i>		Piano Solo	Manuscript	David Winkler
	<i>La Felicite</i>		Piano Solo	Manuscript	David Winkler
	<i>La joyuse Gitana</i>		Piano Solo	Manuscript	David Winkler
	<i>Pensees de Crepuscule</i>		Piano Solo	Theodore Presser Music-Philadelphia/Manuscript	David Winkler
	<i>The Cuckoo-Alarm Clock</i>		Piano Solo	Manuscript	David Winkler
	<i>The Leaper of Jumber</i>		Piano Solo	Manuscript	David Winkler
	<i>The Matin Bell, The Chapel Bell</i>		Piano Solo	Manuscript	David Winkler
	<i>The Stars</i>		Piano Solo	Manuscript	David Winkler
	<i>Untitled March</i>		Piano Solo	Manuscript	David Winkler

Date	Title		Genre/ Orchestration	Publisher	Obtained
	<i>Untitled March in Ab Major-Two Step</i>		Piano Solo	Manuscript	David Winkler
1902	<i>Grand Military March</i>		Piano, 4 Hands	Typeset by David Winkler	David Winkler
	<i>Out of the Deep</i>		SATB	Manuscript	Memphis/ Shelby County Room, Memphis Public Library
	<i>When Oppressed By Care</i>		Solo Voice/ Chorus	Manuscript	Memphis/ Shelby County Room Not Recovered
1886	<i>Prayer</i>	Sabbath Musings	Vocal Duet, Solo, Chorus	E. Witzmann & Co.-Memphis, TN	Not Recovered
1904	<i>Prayer</i>	Sabbath Musings?	Vocal Quartet	Typeset by David Winkler	David Winkler
1889	<i>Jesus, Savior of My Soul</i>		Vocal Solo, duet, quartet	E. Witzmann & Co.-Memphis, TN	David Winkler
1848	<i>Thou Art With Me</i>		Vocal Solo/ piano Acc.	P. Flavio- Memphis, TN	Library of Congress
1850	<i>Beautiful Queen</i>		Vocal Solo/ piano Acc.	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	Library of Congress
1850	<i>I Think of Thee!- Wilt Thou Think of Me?</i>		Vocal Solo/ piano Acc.	L. Lemaire- Cincinnati; G. P. Reed & Co.- Boston	Library of Congress
1852	<i>Come Along Gals, Won't You Come</i>	Ethiopean Song	Vocal Solo/ piano Acc.	Balmer & Weber-St. Louis	Library of Congress
1886	<i>The Fisherman's Prayer</i>	Sabbath Musings	Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN	David Winkler
1887	<i>Faithful, O Father</i>	Sabbath Musings	Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN	Not Recovered
1887	<i>Hear Us, O Father (Ave Maria)</i>	Sabbath Musings	Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN/ Typeset version by David Winkler	Library of Congress
1887	<i>Lord, in Thy Mercy. O Salutaris</i>	Sabbath Musings	Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN	Not Recovered

Date	Title		Genre/ Orchestration	Publisher	Obtained
1887	<i>To Thee, O Father (Ave Maria/O Salutaris)</i>	Sabbath Musings	Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN	Not Recovered
1906	<i>I Am a True American Citizen</i>		Vocal Solo/ piano Acc.	W. H. Willis & Co.-Cincinnati/ Chicago	David Winkler
	<i>Far from My Thoughts (Ave Maria)</i>		Vocal Solo/ piano Acc.	E. Witzmann & Co.-Memphis, TN	Not Recovered
	<i>In the Cross of Christ I Glory</i>		Vocal Solo/ piano Acc.	Manuscript	David Winkler
	<i>My God, My Father, and My Lord</i>		Vocal Solo/ piano Acc.	Typeset by David Winkler	David Winkler



*These scenes of the Memphis Riot of May 1866 were published soon afterward in Harper's Weekly, a popular nineteenth-century periodical. Such images helped galvanize northern public opinion against the Memphis rioters.*

*Above: Newly freed former slaves flee from attacking whites. Below: Rioters burn a schoolhouse for freedpersons.*



# Reconsidering the Role of the Irish in the Memphis Race Riot of 1866

By Millie Worley

On May 1, 1866, Memphis erupted in racial violence. That afternoon two horse-drawn hacks collided. One was driven by a white man and the other by a black man.<sup>1</sup> The two men argued and eventually came to blows over the accident. White Memphis police officers John O'Neal, David Carroll, and James Finn, accompanied by former police officer John Stephens, attempted to arrest the black man, but a nearby group of African-American federal soldiers prevented the arrest. The two groups separated, promising to meet again to settle the matter. During that initial conflict, Stephens received a fatal wound. By nightfall, another group of federal troops, probably white, had restored order.<sup>2</sup> A few white police officers returned to the scene that same night with reinforcements, but the black soldiers had already returned to nearby Fort Pickering. Army officers did not allow the black soldiers to leave after they had arrived at the fort, and most of the soldiers had already surrendered their weapons. The vast majority of the population of South Memphis (the African-American community around Fort Pickering) did not have weapons to defend themselves, and without the protection of the black soldiers the community had no protection from the mostly armed white mob.<sup>3</sup> The white group split up and began wreaking havoc in the black community.<sup>4</sup>

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<sup>1</sup> James Gilbert Ryan, "The Memphis Riot of 1866: Terror in a Black Community During Reconstruction," *Journal of Negro History*, 62 (1977): 243, 246; Jack Holmes, "The Underlying Causes of the Memphis Riot of 1866," *Tennessee Historical Quarterly*, 17 (1958): 195.

<sup>2</sup> These troops were probably white, as the African American troops had been discharged from service by April 30.

<sup>3</sup> The actual origin of the first group of whites to return to the scene of the incident cannot be definitely discerned, although contemporary reports characterized these whites as reinforcements for the police involved in the initial armed conflict.

<sup>4</sup> Ryan, "Memphis Riot of 1866," 243. "Memphis Riots and Massacres," House Report No. 101, U.S. 39<sup>th</sup> Congress, 1<sup>st</sup> Session, July 25, 1866, Report of the Select Committee on the Memphis Riots. *Memphis Riots and Massacres* (New York: Arno Press, 1969).



The mob set buildings on fire and then shot at any people attempting to escape the flames. Reportedly, a rioter killed a twelve-year old boy in cold blood, and another rioter stabbed a fifty-year old woman multiple times.<sup>5</sup> Witnesses also said that the rioters killed at least one invalid and shot a man sitting on the porch of a hospital.<sup>6</sup> Every eyewitness agreed that none of the killed by the mob had weapons at the time. The profile of the victims suggests that perhaps part of the motivation of the mob included frightening both the black population and those whites who had come from the North to assist them as teachers and missionaries.<sup>7</sup>

Some witnesses even named some of the men involved, such as David Roach, and other witnesses claimed to have seen a man named John Pendergast kill at least one person and participate in the burning and looting all night.<sup>8</sup> Not a single white man ever served any jail time or was hanged for his crime. By the time soldiers placed the city under martial law, forty-eight people had been killed and seventy-five had been injured. Malicious, armed white men brutally raped five unarmed black women. The rioters burned over a hundred buildings, including four churches and twelve schools.<sup>9</sup> Only two white men lost their lives in the riots, whereas forty-six blacks died.

## **Historians and the Riot**

Historians have provided many explanations for the riot. Some have blamed the actions of a supposedly undisciplined group of black federal soldiers, the absence of civic leadership, the racism of the local white press, and the reportedly tense

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<sup>5</sup> Testimony of Dr. J.N. Sharp, *Memphis Riots and Massacres*, 154-5. as found in Ryan, "Memphis Riot of 1866," 249.

<sup>6</sup> Testimony of Maria Marshall, *Memphis Riots and Massacres*, 179-80; Testimony of Dr. D. P. Beecher, *Memphis Riots and Massacres*, 148, as found in Ryan, "Memphis Riot of 1866," 249.

<sup>7</sup> Holmes, "The Underlying Causes of the Memphis Riot of 1866," 213-15.

<sup>8</sup> Ryan, "Memphis Riot of 1866," 248. Ryan here is summarizing based on different testimony found in the House Congressional Report, *The Memphis Riot and Massacre*.

<sup>9</sup> Ryan, "Memphis Riot of 1866," 249.

relations between black soldiers and Irish city police.<sup>10</sup> Originally, historians tended to claim that the African-American soldiers bore much of the burden for the bloody events of that spring, but such interpretations rested largely on racist assumptions. Gerald Capers, for example, described the city's African American community as "an undigested body in the city's craw."<sup>11</sup> Capers and historian Jack Holmes, moreover, relied too heavily on white newspaper accounts, often without regard to the papers' undeniable racial bias and exaggeration. Later scholarly works drew extensively upon these early studies when piecing together the events of the riot.

Early investigations of the 1866 Memphis Race Riot, moreover, tended to claim that the "better" citizens of Memphis did not participate in the atrocities, and that the mob consisted of the dregs of the Irish community. City leaders, however, cannot be ignored in a situation this explosive. Mayor John Park, who was reportedly drunk at the time, did nothing to stop the violence. John C. Creighton, the Judge of the Recorder's Court, urged the mob to kill all the African Americans they could find and stated he would not arrest any white person for carrying concealed weapons.

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<sup>10</sup> Other articles involving the riot include, Marius Carriere, "An Irresponsible Press: Memphis Newspapers and the 1866 Riot," *Tennessee Historical Quarterly* 60 (2001): 2-15; DeeGee Lester, "The Memphis Riots of 1866," *Eire-Ireland* 30 (1995): 59-66; Kevin R. Hardwick, "'Your Old Father Abe Lincoln is Dead and Damned': Black Soldiers and the Memphis Race Riot of 1866," *Journal of Social History* 27 (1993): 109-28; Polly Owen, "Is it True What They Say About the Irish?," *West Tennessee Historical Society Papers* 32 (1978): 120-32; Kenneth W. Goings and Gerald L. Smith, "Duty of the Hour: African-American Communities in Memphis, Tennessee, 1862-1923," *Tennessee Historical Quarterly* 55 (1996): 130-43; Eugene J. Cornacchia and Dale C. Nelson, "Historical Differences in the Political Experiences of American Blacks and White Ethnics: Revisiting an Unresolved Controversy," *Ethnic and Racial Studies [Great Britain]* 15 (1992): 102-24; Brian D. Page, "An Unholy Alliance: Irish-Americans and the Political Construction of Whiteness in Memphis, Tennessee, 1866-1879," *Left History* 8 (2002): 77-96. Several theses have also been written that involve the subject, including but certainly not limited to the following: John Z. Terreo, "Reporting by Memphis Newspapers Prior to the 1866 Race Riot and During the 1968 Sanitation Strike: a Historical Study," (M.A. thesis, Memphis State University, 1987); Vincent L. Burns, "The Memphis Race Riot of 1866," (M.A. thesis, Memphis State University, 1972); Ernest Walter Hooper, "Memphis, Tennessee, Federal Occupation and Reconstruction, 1862-1870," (Ph.D. diss., University of North Carolina, 1957); Leigh D. Fraser, "A Demographic Analysis of Memphis and Shelby County, Tennessee, 1820-1972," (M.A., thesis, Memphis State University, 1974).

<sup>11</sup> Gerald M. Capers Jr., *The Biography of a River Town*, (Chapel Hill, N.C.: the University of North Carolina Press, 1966), 175. For more general history of the city of Memphis, Tennessee, see Shields McIlwaine, *Memphis Down in Dixie* (New York: EP Dutton, 1948).

Tennessee Attorney General William Wallace actually led one of the mobs and gave a speech encouraging the men to gather weapons and organize.<sup>12</sup>

Federal military leaders also bear some responsibility. Captain Arthur W. Allyn, who commanded federal troops at Fort Pickering, heard random shots the night of April 30, but failed to secure the city at that time, instead preferring to dispatch the next day a small force that in no way prevented the outbreak.<sup>13</sup> The actions of General George Stoneman, the federal commander in Memphis, also deserve close scrutiny. Shelby County Sheriff T.M. Winters requested troops of Stoneman in order to keep a lid on the boiling situation, but Stoneman refused, citing pressure to turn over law enforcement to city officials. He then suggested to Winters that he organize a white posse to secure the city, although the General declined to lead any part of the mob himself.<sup>14</sup> Much of Memphis's Irish leadership participated either in the riot itself or in turning a blind eye to the situation until innocent citizens had already died.

More recently, historians have pointed to racial, class, and ethnic tensions as underlying causes of the riot.<sup>15</sup> Of course, white racism pervaded Memphis in the immediate aftermath of the Civil War. Newspapers in the city routinely published highly inflammatory articles that portrayed recently freed African Americans in an unfavorable light. In fact, when Congress sent a committee to look into the riots, investigators pointed to an extremely biased conservative press as being one of the major problems that contributed to the violence. But if racism was the main cause, why did the mob protect certain African Americans and allow so many others to survive? Other historians claim that economic competition between the Irish immigrant workers and African Americans who had just moved to the city lay behind the outbreak of violence.<sup>16</sup> If the mob was mainly responding to

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<sup>12</sup> Testimony of Captain A.W. Allyn, *Memphis Riots and Massacres*, 246, as found in Ryan, "The Memphis Riot of 1866," 250.

<sup>13</sup> Ryan, "The Memphis Riot of 1866," 246.

<sup>14</sup> Ryan, "The Memphis Riot of 1866," 247; *Memphis Riots and Massacres*, 24.

<sup>15</sup> Ryan, "The Memphis Riot of 1866," 244.

<sup>16</sup> Kathleen Christ Berkeley, "Like a Plague of Locust': Immigration and Social Change in Memphis, Tennessee, 1850-1880," Ph.D. Dissertation, University of California, Los Angeles, 1980, 173-177.

economic considerations, though, why did they attack males and females, young, old, and invalid? Many city employees who worked for low wages and could have been threatened by competition with African-American workers did not participate in the riot. If economic considerations caused the riot, low-wage city employees, such as hospital orderlies and the Street Commissioner's Force, should have been represented among the rioters. Another historian, Barrington Walker, theorizes that the Irish, especially Irish Catholics, were asserting their "whiteness" and that their frustration at being compared to black people pushed them to collective violence.<sup>17</sup> He extensively discusses this theory from the perspective of the witness testimony found in the Congressional Report.<sup>18</sup> The basic assumption of his work is that the mob was nearly entirely Irish, and he moves from that assumption to an argument that the mayor and city officials, who were also mostly Irish, supported the mob.<sup>19</sup> Walker and other recent historians have fallen into the trap of accepting the Irish stereotype. Historian Darrell B. Uselton, for example, argues that the Irish who were governing Memphis during the riot, including police officers and fire fighters, ignored the law in order to wreak vengeance on the African-American community they hated.<sup>20</sup>

### **The Irish Americans of Memphis**

Only recently have historians begun to thoroughly study the role of Irish Americans in the South.<sup>21</sup> The Irish did not make up a significant portion of the overall southern population, as only 84,000 of the 1.2 million Irish immigrants living in America by 1860 resided in the eleven Confederate states.<sup>22</sup> In Tennessee

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<sup>17</sup> Barrington Walker, "'This is the White Man's Day': The Irish White Racial Identity and the 1866 Memphis Riots," *Left History*, 5 (1997): 50-51.

<sup>18</sup> Walker, "'This is the White Man's Day,'" 39, 41, 45.

<sup>19</sup> Walker, "'This is the White Man's Day,'" 40.

<sup>20</sup> Darrell B. Uselton, "Irish Immigration and Settlement in Memphis, Tennessee: 1820s-1860s," *West Tennessee Historical Society Papers*, 50 (1996), 31.

<sup>21</sup> David T. Gleeson, *The Irish in the South: 1815-1877*, (Chapel Hill, N.C.: University of North Carolina Press, 2001). In this general discussion of the southern Irish population, Gleeson focuses on the struggle of Irish immigrants to both retain their cultural integrity and find a socially accepted role in southern society.

<sup>22</sup> Gleeson, *The Irish in the South*, 2.

specifically, the Irish population increased dramatically between 1850 and 1860, from 2,640 to 12,498, a 373.0 percent increase.<sup>23</sup> Although very few immigrants settled in the mountainous areas of eastern Tennessee, Nashville and Memphis were largely affected by the increase in Irish immigration.<sup>24</sup> Memphis, for example, experienced a 490.8 percent increase in its Irish population between 1850 and 1860.<sup>25</sup>

Much of the discussion of Irish workers has assumed that rapid increase in population led to the creation of a permanently uneducated laboring class that lived and died as the dregs of southern cities. However, this was not the experience of the Irish in Memphis. The Irish had developed a sense of community, especially in the context of their Catholic churches. Many people of Irish descent owned small businesses, and unemployment was not a significant problem. In fact, even before the outbreak of the Civil War, many people of Irish descent found work in the city and earned reasonable wages. And on at least three separate occasions, low-wage Memphis Irish laborers joined together to improve their working conditions, precipitating actions which eventually culminated in a successful strike at the Memphis Naval Yard in 1853 that secured a twenty-five-cent-per-day pay increase for the laborers.<sup>26</sup>

Not only did the Irish fight for better working conditions, but they also actively participated in politics in Memphis and struggled to achieve greater political power throughout the South.<sup>27</sup> Deeply loyal to the Democratic Party, the Irish played an active role in the social and political destiny of the region.<sup>28</sup> Understanding the political dynamics of the Irish community reveals why so many white, native-born Americans, especially Radical Republicans, attempted to discredit and strip power from the Irish. Indeed, Irish loyalty to traditional southern causes, such as secessionist Democratic ideals, made them a threat to Republican control during Reconstruction. For this reason, historian David T. Gleeson argues that the Reconstruction period was the pivotal time in the Irish becoming truly southern.<sup>29</sup>

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<sup>23</sup> Gleeson, *The Irish in the South*, 27.

<sup>24</sup> Gleeson, *The Irish in the South*, 34.

<sup>25</sup> Gleeson, *The Irish in the South*, 35.

<sup>26</sup> Gleeson, *The Irish in the South*, 52.

<sup>27</sup> Gleeson, *The Irish in the South*, 189.

<sup>28</sup> Gleeson, *The Irish in the South*, 189.

<sup>29</sup> Gleeson, *The Irish in the South*, 4.

## The Political Environment

Throughout the 1860s, the Republican Party controlled the federal government, including both houses of Congress. Far from being a unified political entity, the Republican Party was split into two main factions: the Conservatives and the Radicals.<sup>30</sup> The Conservatives generally followed the ideology of Abraham Lincoln and desired a swift end of hostility between the Union and the Confederacy. Conservatives tended to be less supportive of dramatic changes in the status of the freed African Americans. The Radicals followed the ideology of such leaders as Charles Sumner and Thaddeus Stevens, and former Confederates—and even some northerners—viewed them as vindictive, aggressive, and intolerant. The Radicals supported civil rights for African Americans, especially the right to vote.<sup>31</sup> Across the nation, the end of the Civil War brought a threat to Republican control. While Conservatives could potentially find common ground with the Democrats, Radicals had little hope of seeing their goals achieved if the Republican Party suffered a serious blow to its power. The most straightforward way of taking care of this threat was enfranchising African Americans, but this plan threatened Republican unity in the North because many Conservative northerners still adhered to racist attitudes.<sup>32</sup> President Andrew Johnson, openly Conservative, had, in the eyes of many Radicals, not taken decisive enough action to control the native southern population. Many Radicals considered the Memphis riot proof that Johnson's policies were too lenient and that the current authority in the South was unacceptable.<sup>33</sup>

With the Democratic Party in Tennessee essentially powerless, the Radical

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<sup>30</sup> David Donald, *The Politics of Reconstruction* (Nashville: Parthenon, 1965), 2.

<sup>31</sup> Donald, *The Politics of Reconstruction*, 2-3.

<sup>32</sup> Donald, *The Politics of Reconstruction*, 17-18.

<sup>33</sup> Eric Foner, *Reconstruction: America's Unfinished Revolution: 1863-1877* (New York: Harper and Row, 1988), 262. For more general studies of Reconstruction, see also William Archibald Dunning, *Essays on the Civil War and Reconstruction and Related Topics* (New York: Peter Smith, 1931); Robert Selph Henry, *The Story of Reconstruction* (Indianapolis: Bobbs-Merrill Co, 1938); Kenneth M. Stampp, *The Era of Reconstruction: 1865-1877* (New York: Alfred A. Knopf, 1965); Edward McPherson, *The Political History of the United States of America During the Period of Reconstruction: April 15, 1865-July 15, 1870* (New York: Da Capo P, 1972); Walter L. Fleming, *Documentary History of Reconstruction: Political, Military, Social, Religious, Educational and Industrial, 1865 to the Present Time* (Cleveland: Arthur H. Clark Co, 1907).

“Parson” William Brownlow was elected governor of the state on March 4, 1865, by an overwhelming margin of 23, 352 to 35.<sup>34</sup> Brownlow sought to gain authority over the city government of Memphis. His election did not necessarily reflect the attitudes of all Tennesseans, as the election was openly rigged in favor of the Unionists of eastern Tennessee.<sup>35</sup> From the beginning of his tenure, Brownlow sought to punish his enemies and maintain a hard, forceful control over the “disloyal” majority of the state.<sup>36</sup> Even the *New York Times* seemed worried about Brownlow’s ability to serve justice, telling him to “make some attempt to infuse a little moderation into his language and demeanor” and to control his desire for revenge.<sup>37</sup> In 1865 Brownlow consolidated his control over future elections by pushing through a law that disfranchised all former Confederates of every level of involvement.<sup>38</sup> A law was even passed disarming everyone except former federal soldiers and Unionist citizens.<sup>39</sup>

Lest he be interpreted as a supporter of African American civil rights, Brownlow thought the former slaves, and black citizens in general, were inferior, and he never wanted to allow the group to vote.<sup>40</sup> However, he also understood that his party was in the minority and much in need of numerical support in the future.<sup>41</sup> So, at the same time that South Carolina and Mississippi began conferring specific civil rights on their African-American populations, Tennessee declared a black citizen to be a competent witness on January 25, 1866. Such symbolic action led much of the black population to consider Brownlow an ally, and despite his distaste for them, he trumpeted this friendship.<sup>42</sup> Brownlow realized that his own political success hinged on African-American suffrage. The Governor had disfranchised

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<sup>34</sup> E. Merton Coulter, *William G. Brownlow: Fighting Parson of the Southern Highlands*, (Chapel Hill, N.C.: University of North Carolina Press, 1937), 261.

<sup>35</sup> The East Tennessee Central Committee provided for the election, and it was dominated by Unionism. Coulter, *William G. Brownlow*, 260-1.

<sup>36</sup> Coulter, *William G. Brownlow*, 262-3.

<sup>37</sup> *New York Times*, March 22, 1865, as found in Coulter, *William G. Brownlow*, 264.

<sup>38</sup> Coulter, *William G. Brownlow*, 269. Such measures were being taken by Radical Republican leaders across the nation. Donald, *The Politics of Reconstruction*, 17-18.

<sup>39</sup> Coulter, *William G. Brownlow*, 270.

<sup>40</sup> Coulter, *William G. Brownlow*, 292.

<sup>41</sup> Coulter, *William G. Brownlow*, 284-6.

<sup>42</sup> Coulter, *William G. Brownlow*, 292-93.

many of the native Memphians because they had not remained loyal to the Union during the war. But the majority of white citizens left in the city had come from Ireland. Thus, Reconstruction politics created a complex situation in Memphis. The Radicals needed non-Irish voters to gain control, but the non-Irish whites overwhelmingly sided with Conservatives.

The situation in Memphis presented a real problem for Brownlow. He disliked Irish rule, mostly because the group did not support his agenda. However, the Irish could not easily be disfranchised. He had only two real options to gain control of the rebel stronghold of Memphis: either he could allow African Americans to vote since they were almost certainly going to support his Radical agenda, or he could discredit the Irish citizens to the extent that special legislation from a higher authority than city ballot boxes could be justified to remove them from power. In July of 1866, after it had become clear that the political situation in Tennessee would require more Radical voters in the coming elections, Brownlow chose to enfranchise African Americans to solidify his power base. He managed to control the city of Memphis without resorting to this action that he so disliked, but he needed the African-American vote to win across the state. Brownlow also employed other tactics to appeal to African Americans and Radicals. Later, Brownlow, in response to outside pressure, pushed the Fourteenth Amendment through the legislature by having representatives who did not show up for the vote arrested and forcibly brought to make a quorum, which only escalated the tension.<sup>43</sup> Thus, a political tug-of-war centered on Irish- and African-American votes characterized Tennessee, which created problems for the congressional committee that came to Memphis to investigate race riot in 1866.

### **The Congressional Report**

Analysis of the Memphis Race Riots cannot rely mainly on the Congressional Report because it contains only secondary information and its creators had political goals in mind. The report includes letters and data gleaned from various sources

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<sup>43</sup> Raymond Cooper, "Parson Brownlow: A Study of Reconstruction in Tennessee," *Southwestern Bulletin* 19 (1931).



and contains only interviews with alleged witnesses, rather than complete witness statements. Historians' reliance upon this document has perpetuated the myth that the mob not only was mostly Irish, but was also led by policemen and firefighters. The actual lists of rioters and data from the police and fire departments of the time cannot support this theory. Individual motives—rather than a collective Irish racism or ethnic identity—explain the involvement of specific Irish policemen and firefighters.

Near the end of May, a committee of three congressmen came to Memphis to investigate the riot and write a report on the events, which would become *The Memphis Riots and Massacres*, the official Congressional Report on the subject. Two of the three had Radical affiliations, Ellihu B. Washburne of Illinois and John M. Broomall of Pennsylvania, and the third, George S. Shanklin of Kentucky, had more Conservative ties. Their agendas reflected the larger struggle over Reconstruction. The Radicals wanted to push the idea of giving some freedmen the right to vote because freedmen would certainly vote overwhelmingly for Radical candidates, which would solve the “Irish problem” in Memphis. Conservatives also wished to blame the Irish but instead of enfranchising African Americans, they sought to exonerate former Confederates. For the Conservatives, reenfranchising these former Confederates would most effectively remedy the “Irish problem.” The Congressional Report oozes these political motivations. In essence, the worse the Irish city government looked, the better the Radicals' chance of passing legislation that would put other Radicals in Memphis in power. (In fact, not long after the House Report, the Tennessee legislature enacted legislation that allowed Governor Brownlow to appoint the entire police force, and the Metropolitan Police Force took over in the late summer of 1866.)<sup>44</sup> Many historians have relied heavily on this Report, despite its political leanings, because it contains interviews as well as other documentation such as letters and employee lists. Because the committee investigated the riot and wrote the Report immediately afterward, the Report comes

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<sup>44</sup> Relative to Memphis, An Act to Establish a Metropolitan Police District, and to Provide for the Government Thereof, passed May 14, 1866, Memphis/Shelby County Archives, Memphis, Tennessee.

closer to being a primary source account of the riot than any other document.

The Report reveals the ways in which the Radicals perpetuated nineteenth-century stereotypes of Irish Americans. For example, in the lists of city employees and officials, the Report identifies each person by ethnicity and lists the overall number of Irish in each capacity. Also, the Report documents employees of the city who worked during the months of April and May, even though the lists are not accurate portrayals of who worked at the time of the riot. Nearly all of those people shown on the list for the month of April who were not working at the time of the riot were of Irish descent. Thus, the list appears to show more Irish working for the government at the time of the riot than actually were.<sup>45</sup>

The questions asked by the committee to the witnesses interviewed also reveal the Committee's anti-Irish bias. The Committee asked questions such as, "You would be in favor of such a proposition as President Johnson announced in his letter to [Mississippi] Governor [William] Sharkey, that all those who had borne arms, had property to the amount of \$250, and could read and write, should have the right of suffrage?" and even "Suppose one man is fighting in the Union army and another one in the rebel army—which is loyal and which disloyal according to your judgment?"<sup>46</sup> With this line of questioning, the committee was testing its witnesses, trying to discover their political feelings and/or trap any closet Confederates into revealing their disloyalty. Such a tactic not only put the witnesses on the defensive but also ensured that the committee knew who its political allies were before asking for serious opinions about the riot. The committee also posed even more telling questions, such as, "Suppose you were to have a mayor chosen by the Irish and that class of men who control your elections here, or one chosen by the resident Negroes; which do you think you would prefer to trust your life and property under?"<sup>47</sup> This question asks the witness exactly how he feels about the idea of African Americans being allowed to vote and at the same time reveals the witness's tendency towards anti-Irish sentiment. This type of question entails an effective rhetorical strategy,

<sup>45</sup> *Memphis Riots and Massacres*. The Mayor sent a list of officials, and the list is printed with indications of ethnicity. However, this list may not have been entirely accurate.

<sup>46</sup> *Memphis Riots and Massacres*, 93, 96.

<sup>47</sup> *Memphis Riots and Massacres*, 139.

because both the Radical interviewer and the witness know what the correct answer should be. Few witnesses would answer this question “incorrectly,” and so the committee received testimony from Memphians who supported African-American suffrage over Irish rule. Such testimony proved invaluable to the Radical cause.

The committee’s questions also often forced the witness to distinguish between the “better class” of white citizens and the Irish. The congressional committee attempted to elicit evidence that the Irish population, especially those employed by the city, mistreated African Americans more than the native southern white population. J.S. Chapman had to answer these questions: “As a general thing, have the manifestations of feeling on the part of the old citizens of Memphis—leaving out the Irish population—towards the Negroes been kind or unkind?” and “How is it that they [the Irish] have control of the city?”<sup>48</sup> Obviously this committee did not focus on just gathering evidence regarding the violence of early May. Rather, they sought to blame the Irish for the massacre of so many African Americans.

### **The Months before the Riot**

A closer look at the situation preceding the riot calls into question the interpretation of the congressional committee. The African-American population drastically increased following the Emancipation Proclamation, so that the percentage of African Americans in the city of Memphis grew from 17 percent in 1860 to 39 percent in 1870; in Shelby County the percentages grew from 35 in 1860 to 48 in 1870.<sup>49</sup> This demographic shift certainly affected the number of people competing for low-wage jobs in the city. Along with these newcomers to the area, the Irish were dominating the city government by 1866. The mayor, recorder, most police officers, firemen, and city council members were Irish, and over 90 percent of the police officers claimed to be of Irish descent.<sup>50</sup> This increase in Irish leadership resulted from Governor Brownlow’s disfranchisement of most ex-Confederates in 1865 to consolidate Republican control of the state. In the

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<sup>48</sup> *Memphis Riots and Massacres*, 192-93.

<sup>49</sup> Capers, *Biography of a River Town*, 164.

<sup>50</sup> *Memphis Riots and Massacres*, 365-371; Holmes, “The Underlying Causes of the Memphis Riot of 1866,” 199.

spring of 1866, no African Americans could vote, which opened the door for Irish influence in Memphis' government. The city government, however, certainly did not exercise ultimate authority. The federal soldiers stationed at Fort Pickering, under military orders, routinely patrolled the city and made arrests.

By the spring of 1866, racial tensions pervaded the city. Because of the hostility between police department and African-American troops, General Stoneman and other military leaders had mustered the African-American soldiers stationed in Memphis out of service by late April 1866. The soldiers, however, did not disperse immediately because they were waiting for their pay. Allowed to keep their side arms, the soldiers left Fort Pickering on at the end of April.<sup>51</sup> General Stoneman, the man ultimately responsible for the soldiers based at Fort Pickering, believed that longstanding problems existed with the police and African-American federal soldiers arresting each other. After the riot, he explained that whenever a police officer arrested a soldier or vice versa, the arresting group used unnecessary brutality.<sup>52</sup> Moreover, shopkeepers often accused the black soldiers of committing armed robbery. Also, in December of 1865 there were multiple reports in the newspapers about African-American soldiers killing innocent white citizens in cold blood.<sup>53</sup> The *Memphis Daily Post*, a paper not typically sympathetic to the conservative viewpoint, published inflammatory articles that seemed to support black civil rights. For example, one article, entitled "A Bit of 'Outrage'" read, "The 'niggers' of course, may be kicked, cuffed, bruised and beaten, but they must never reply. Oh no, of course not."<sup>54</sup> The article not only expressed a clear political opinion, but also used sarcasm to mock the conservative majority, which fueled further conflict in the city.

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<sup>51</sup> Holmes, "The Underlying Causes of the Memphis Riot of 1866," 220.

<sup>52</sup> Official Report, Major General George S. Stoneman to Lieutenant General Ulysses S. Grant, May 12, 1866, in *American Annual Cyclopaedia and Register of Important Events of the Year 1866*, VI, (New York, 1873): 730, as found in Holmes, "The Underlying Causes of the Memphis Riot of 1866," 207.

<sup>53</sup> Holmes, "The Underlying Causes of the Memphis Riot of 1866," 217-19. See *Memphis Daily Appeal*, December 14, 1865, December 19, 1865, December 20, 1865.

<sup>54</sup> *Memphis Daily Post*, January 30, 1866.

## The Phantom Police Officers

Although many witnesses reported seeing Irish police officers leading the riot, an examination of records of the Recorder's Court in Memphis reveals that police officers in general did not play an especially significant role in the riot. Moreover, those officers who did participate in the riot did not show a tendency to arrest African Americans more than whites and Irish during the period beginning just after the Battle of Memphis in 1862 until the opening of the Freedmen's Bureau in early 1865.

Despite the implications of the Congressional Report, witnesses only actually named ten police officers or former police officers who participated in the riot. The night officers were Barney Burns, John Eagen, Thomas McCormick, and Michael Moore. Witnesses also identified six day officers: David Carroll, James Finn, John O'Neal, David Roach, John Stephens, and Thomas Sweatt. The list of city employees printed in the House Report identifies these men as officers, but payrolls and city council minutes do not confirm their status. In fact, two officers, Thomas McCormick and John Stevens, left the force in April of 1866 prior to the riot.<sup>55</sup> Their dates of resignation match exactly the number of days they received pay in that month, meaning that neither man was working as an active police officer at the time of the riot. John Eagen also ceased to work as a police officer in the month of April, although apparently under different circumstances.

According the Memphis City Council Minutes, Mayor John Park suspended Eagen on April 25, 1866 at the request of the Freedmen's Bureau. They charged Eagen with mistreating a free woman of color named Molly Davis. The committee acquitted him of wrongdoing, but when he reported back for duty at the police department, he was not allowed to begin work and never again worked as a police office.<sup>56</sup> On September 4, 1866, Eagen petitioned for the pay he missed while not

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<sup>55</sup>City Council Minutes, Shelby County and Memphis Records, vol.2 and vol. 3, Memphis/Shelby County Archives. Local historian Joe Walk has done extensive study of police officers during the nineteenth century. He has an unpublished chronological list of the names of all officers mentioned in these records.

<sup>56</sup> Memphis City Council Minutes, August 7, 1866, 44. The payrolls also indicate that Eagen was only paid for a partial month in April and never received another paycheck.

working, citing that he had been cleared but not allowed to work. The committee rejected his petition.<sup>57</sup> The fact that the police department did not reinstate Eagen after allegedly abusing an African American and that the Mayor himself suspended Eagen does not support the idea that the Irish authorities blatantly mistreated the black population. African Americans were only involved in 34.7 percent of his overall arrests in the period leading up to his suspension, which ranged from January 6, 1863 through April 25, 1866.<sup>58</sup> Although he did receive a suspension for mistreating an African American woman, his arrest record does not reveal a tendency to target black citizens for arrest. His statistical record gives no indication that he should have been taken off the police force before the Molly Davis incident. This, along with his swift suspension, seems to lend the city government an air of fairness. The other important element of Eagan's story applies to his motivation. Having just lost his job because of the testimony of an African American at the request of the Freedmen's Bureau, he was probably nursing severe bitterness over his experience.

David Roach, although employed by the police department at the time of the riot, also may have had an unusual employment history with the police department. From July of 1864 to July of 1865, Roach was not working as a police officer.<sup>59</sup> Given that the City Council made appointments in July, the dates lead to the conclusion that Roach did not receive an appointment in July of 1864. This suggests that his relationship with the city government may have been somewhat tenuous. Officer Barney Burns also worked off-and-on for the police department. He worked from March 28, 1864, through August of 1864, but did not begin working for the department again until the spring of 1866.<sup>60</sup> Taken together, these

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<sup>57</sup> Memphis City Council Minutes, September 4, 1866, 83.

<sup>58</sup> Recorder's Court records. January 6, 1863-January 31, 1863; Recorder's Court records. February 1863-November 1863.; Recorder's Court records. November 1863-August 1864; Recorder's Court records. August 1864-December 1864; Recorder's Court records. January 1865-February 1865. All of these records can be found in the Memphis/Shelby County Archives. This statistic was compiled from all of these record books.

<sup>59</sup> Day Police Time Book. August 1861-February 1866. Memphis/Shelby County Archives.

<sup>60</sup> Recorder's Court records, March 28, 1864-August 1864. Burns' precise dates of employment are unclear.

cases suggest that police officers did not receive automatic reappointments and, more importantly, that they may not have been serving on active duty as officers when the riots broke out.<sup>61</sup>

Other employees of the city also probably rioted out of individual motivations. Based on an analysis of the Congressional Report, historian Altina Waller claims that seven firefighters participated in the riot.<sup>62</sup> However, the payrolls for the Fire Department can confirm that only two of the men named in the Congressional Report were actually working as firemen at the time of the riots.<sup>63</sup> One of those men, Henry Dunn, died due to a gun wound received during the riot. Interestingly, Dunn was employed as an engineer, making him second-in-command, on Firesteamer number two. The second man was fireman John Reed, who would have known Dunn very well because he was Chief of Firesteamer number two.<sup>64</sup> Al Young, a former fireman who participated in the riot, also worked with Firesteamer number two up until March of 1866.<sup>65</sup> Thus, all the firemen involved most likely knew each other well and were affected deeply by the loss of Henry Dunn. This analysis, along with the small number of active police officers who actually participated in the riots, leads to the conclusion that personal experiences, rather than occupational identity, might have lay behind their participation in the riot.

Other city employees did not participate in the riot at all. The vast majority of the Street Commissioner's Force claimed Irish descent, but out of sixty-six listed

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<sup>61</sup> The police payroll shows a list of officers the city was paying and where they signed for their money. These records give a concrete way of determining which of the rioters were actually active police officers at the time of the riot. Also, many times the payroll shows the same officer's name spelled in several different ways, which can help to sort out the names found in other records. For example, the police officer John Eagen could also appear under the spelling Eagan, Agan, or Agen. The city directories give another option for checking spellings, occupations, and even sometimes addresses. During that time period, people commonly used phonetic spellings of their names. The Job Bledsoe census of 1865 also lists residents and and their occupations. A complete search for a person should include multiple sources.

<sup>62</sup> Altina L. Waller, "Community Class and Race in the Memphis Riot of 1866," *Journal of Social History* 18(1984), 237.

<sup>63</sup> Payroll Firesteamers, June 1863-August 1867. June 1, 1866 Payroll for May 1-31. Can also be found on microfilm: Reel No. 436, Memphis/Shelby County Archives.

<sup>64</sup> Payroll Firesteamers, June 1, 1866 Payroll for May 1-31.

<sup>65</sup> Payroll Firesteamers, April 2, 1866 Payroll for March 2-April 1.

as paid employees at the time of the riot, none participated.<sup>66</sup> Most of the orderlies who worked at the City Hospital also claimed to be Irish, but out of fifty orderlies employed at the time of the riot, not one was among the rioters. These employees received very low pay, and they had a much greater chance of losing their jobs to African Americans than either the policemen or firemen. Yet they did not strike against African Americans in the riot.<sup>67</sup> Obviously, the common trait among the rioters could not have been that they were Irish city employees.

Despite witness confusion, based on the names given, only seven men of the sixty-eight that appear in the Congressional Report were definitely working as police officers at the time.<sup>68</sup> In other words, roughly 10 percent of the rioters were working as police officers when the riot broke out. One of the men mistaken for an officer, John Stephens, died during the initial conflict between the African-American soldiers and police officers and did not participate in the pillaging at all. Why investigations ever listed him as a rioter seems a reasonable question. Another interesting statistic, the percentage of police officers involved in the riot, shows that the vast majority of police officers did not participate. Less than four percent of Memphis police officers appeared as rioters in the witness statements. Why have both witnesses and historians claimed the police force was the most active part of the rioting mob? One explanation could be that the police did play an important part in the beginning of the riot when they attempted to arrest two black men in a large crowd of African-American civilians and former federal soldiers. Another explanation could be the political bias of the House Report.

Yet another possible explanation for the inflated references to police involvement could include an incentive for witnesses to insert police officers into their testimony during the investigation of the riots. In a letter from General Stoneman to Mayor John Park on May 5, 1866, Stoneman indicated that he expected the city government to reimburse victims and the United States government for losses incurred during

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<sup>66</sup> Payroll Street Commissioner's Force, December 1865-June 1867. June 1866.

<sup>67</sup> Payroll City Hospital, January 1866-March 1868. June 1866.

<sup>68</sup> Waller, "Community Class and Race in the Memphis Riot of 1866," 237. Waller claims that sixteen of the named rioters were police officers, but a careful cross-referencing of the payrolls, City Council Minutes, and Recorder's Court log only confirms seven officers.



the riot.<sup>69</sup> Although newspapers did not publish General Stoneman's letter, the Freedmen's Bureau records that contain the witness statements about the riot also contain a copy of the letter, which means that the Bureau very possibly could have informed witnesses of the letter's contents.<sup>70</sup> If this is the case, witnesses who may have thought that they would be compensated for losses *by the city government* probably also believed that compensation for losses would be given first to people who suffered at the hands *of city government employees*. Complete accuracy in eyewitness testimony rarely occurs, and having an incentive to place police officers at the scene of their losses could definitely shape at least some people's memories of the event.

## The Records

The Recorder's Court records used here to investigate the activities of the six confirmed police officers contains the list of arrests for minor offenses. A statistical analysis of the records of the police involved in the riot reveals whether or not this group tended to seek out African Americans more than whites. Part of the traditional story of the riot has been that the police department had a longstanding feud with the African-American population and that the Irish in general abused African Americans. If the police records do not provide evidence of this feud existing prior to the establishment of the Freedmen's Bureau, then the evidence disproves the argument that the Irish employed by the city always acted with racial motivation. Once the Freedmen's Bureau opened, the police department had to battle with its agents for jurisdiction. Once the Bureau courts made a decision, no civil authorities could overturn it, and the police had to bring all African-American suspects in front of the Bureau judge.<sup>71</sup> A city could operate independently of Freedman's Bureau courts' jurisdiction only if it allowed the testimony of African

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<sup>69</sup> This letter is published within General Stoneman's testimony, *Memphis Riots and Massacres*, 4, 53.

<sup>70</sup> Records of the Memphis Sub-District of the Bureau of Refugees, Freedmen and Abandoned Lands (Freedmen's Bureau): Docket, Provost Marshall Freedmen, October 1865-March 1866. Roll No. 22.

<sup>71</sup> Paul David Phillips, "History of the Freedmen's Bureau in Tennessee," (Ph.D. diss., Vanderbilt University, 1964), 154.

Americans.<sup>72</sup> On January 25, 1866, the legislature passed a bill making testimony from African Americans admissible in court.<sup>73</sup> So, the police department had to adjust first to the authority of the Freedmen's Bureau and then to the reality of the freedmen testifying. For this reason, records of arrests after the Freedmen's Bureau opened cannot portray the officers' actual motivations.

The Recorder's Court docket reveals not only possible racial motivations of police officers involved in the riot, but also the number of African Americans arrested over time. Studying the percentages of arrests of African Americans along with the different charges involved in many of the cases shows the growing racial tension as Memphis became a haven for freedpeople. These records list the name of the party charged, the date, the charge, the arresting officer, the sentence or fine imposed, and in special cases the status of the case. In many cases, the markings "(col)," "contra," "f.m.c.," or "f.w.c." indicate when officers had brought in an African American. This set of records does present a main problem. The Recorder's Court records actually make up only one part of a continuum of records. The Freedmen's Bureau took over the work of the Recorder's Court, literally by beginning its own record-keeping in the back of the Recorder's Court book. After the Freedmen's Bureau closed, the Municipal police force took over the record-keeping for these types of offenses. But the records of these three entities only apply to minor offenses. Major offenses, such as murder, rape, kidnapping, and the like appear in Shelby County records. Thus, while the Recorder's Court records provide a wealth of information about the day-to-day proceedings of law enforcement in Memphis, the information lacks certain relevant information.

The records of arrest in the city of Memphis do not show that Irish police officers particularly targeted African Americans. The police officers known to be involved in the riot who actually were working as officers at the time of the riot did not, according to the records, let any possible racial motivations affect their

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<sup>72</sup> Phillips, "History of the Freedmen's Bureau in Tennessee," 161.

<sup>73</sup> Phillips, "History of the Freedmen's Bureau in Tennessee," 160.

activities on the job.<sup>74</sup> The Recorder's Court Dockets<sup>75</sup> that include records of arrest cannot prove whether the officers always acted professionally, or whether they always acted fairly, but the numerical reality of the records can show whether or not African Americans had a greater likelihood of being arrested by these certain officers. However, the percentage of arrests involving African Americans did not rise steadily until the riot. In fact, the percentage increased along with the population of African Americans. The percentage of arrests involving African Americans peaked during the time of the most rapid influx of freed blacks, between November 1863 and August 1864, but the percentage leveled out at approximately 35 percent in the period leading up to the riot. The increase in African-American arrests corresponds to the rise in the African-American population; it does not necessarily indicate developing racist action on the part of the police. The records cannot be used to mitigate the heinous nature of the rioting officers during the riot. However, the data does contradict the conclusions of the Congressional Report, as well as the conclusions of most historians. The evidence does not support the claim that the police department in Memphis before the riot was a hotbed of racist activity. Rather, the reasonable levels of African-American arrests support the theory that the rioting officers acted not as a collection "Irish police force" per se, but as angry individuals.

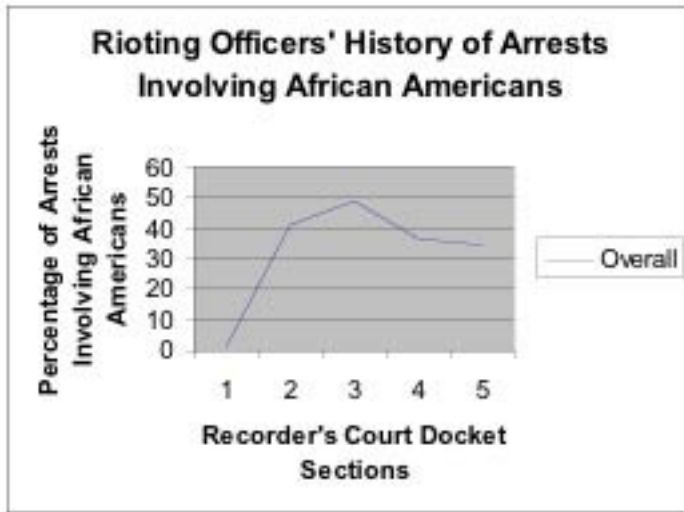
### **Recorder's Court Docket Sections**

1. June 1862-Jan 1863
2. Feb 1863-Nov 1863
3. Nov 1863-Aug 1864
4. Aug 1864-Dec 1864
5. Jan 1865-Feb 1865

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<sup>74</sup> The six officers referred to in the calculations are David Roach, Barney Burns, Thomas Sweatt, John O'Neil, David Carroll, and John Eagen. John Eagen was not actually working as an officer at the time of the riot.

<sup>75</sup> The Recorder's Court Records are contained in several bound Docket books, all found in the Memphis/Shelby County Archives. The Docket books used here are the following volumes: May 1862-January 1863, February 1863-November 1863, November 1863-August 1864, August 1864-December 1864, January 1865-February 1865.



### Reconsidering the Irish and the Riot

The Memphis Race Riot of 1866 caused immeasurable pain and suffering, and its impact on the Memphis community cannot be overestimated. For such an important event, it has yielded relatively little scholarly research. The work that does exist tends to oversimplify the causes of the riot, especially by grouping the Irish-Americans into one large category and approaching the riot as a collective Irish action. The Congressional Report contains witness testimony and other information, but its authors had many reasons to desire the downfall of the city government. Probably because of the politically slanted version of events found in the Report, the mostly Irish police department tended to take the brunt of the blame for both causing and leading the riot. Evidence from the Recorder's Court, though, does not support such a clear-cut version of the events. More research is necessary to determine what motivations united and lay behind the actions of the rioters. Whatever the answer to that question, historians will never again be able to tell the simple tale of Irish police officers taking the leading role in the Memphis Riot of 1866. The evidence simply does not support such an explanation.



*Southland Greyhound Park in West Memphis, Arkansas, which opened in 1955, serves as an example of Arkansas's heritage of legalized gambling. Although attendance has fallen off in recent years at Southland and at racetracks across the country, the park's long existence makes it all the more difficult to understand why the state has failed to enact further legal gambling, such as casinos or a lottery.*

# Explaining the Enigma: Understanding the Failure of Further Legalized Gambling in Arkansas

By Chris Hathorn

Recent years have witnessed the proliferation of an already rapidly expanding gambling industry. The numbers are surprising. In the early 1990s, gambling revenues rose roughly two and a half times as fast as those in America's manufacturing industries.<sup>1</sup> By 1995, legalized gambling in the United States was generating over \$37 billion annually. That year, to promote their small manufacturing businesses, state governments spent a total of \$50 million nationally, which is just one-sixth of what they spent to promote their lotteries.<sup>2</sup> But states have not been the only big spenders. American citizens spent close to \$600 billion gambling in 1998—more than they spent for movies, theme parks, and sporting events combined.<sup>3</sup> In 2001, casinos and “racinos” alone generated \$27.2 billion in revenue; state lotteries that year produced another \$17.6 billion.<sup>4</sup> At present, there is little reason to believe that

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I would like to extend my sincere thanks to my mentor and research colleague, Michael Nelson, for graciously sharing his time, expertise, and thoughtful critiques in my preparation of this paper. I would also like to thank those who, through interviews and in other ways, gave of their time and knowledge to make this study possible. I particularly thank Jay Barth, whose insights led me down many avenues of research that, were it not for his suggestions, might have gone unexplored.

<sup>1</sup> Robert Goodman, *The Luck Business: The Devastating Consequences and Broken Promises of America's Gambling Explosion* (New York: Free Press, 1995), 2-3.

<sup>2</sup> Goodman, *The Luck Business*, 9.

<sup>3</sup> Nicholas Thompson, “Snake Eyes,” *Washington Monthly*, December 1999, 15.

<sup>4</sup> The figures cited come from Larry Copeland, “Money Woes Drive Some States to Gambling,” *USA Today*, March 5, 2003, sec. 4A. Combining elements from casinos and racetracks, the term “racinos” refers to racetracks that have slot machines or video gambling terminals on site. In an effort to boost slumping revenues, a number of tracks nationwide have added slots and various forms of video gaming to attract bettors.

the revenue-producing potential of the industry has done anything but increase.

Although southern states long resisted the lure of legalized gambling—not until 1988 did a southern state adopt either a lottery or legalize casinos—seven of the eleven states of the Old Confederacy now operate lotteries.<sup>5</sup> One of the few southern states that has continued to resist legalization is Arkansas. Even with the quickened pace of proliferation in the South (in 1994, a *U.S. News and World Report* article only half-jokingly renamed the Bible Belt the “Blackjack Belt”), Arkansas has consistently avoided legalizing both casinos and lotteries.<sup>6</sup> Both a regional and national anomaly, the state’s resistance becomes more and more intriguing as surrounding states adopt new gambling measures.

The reasons for Arkansas’s resistance are complex and largely intertwined. Conservative Christians, who oppose gambling for moral and religious reasons, have mobilized strong grassroots opposition to legalization proposals, and financial backing and opposition from the Mississippi casino industry who hopes to prevent competition in Arkansas has helped to stifle gambling proponents in the state. Because of the popular opposition to gambling measures, Arkansas political leaders have had little incentive to promote legalization, and those leaders who have expressed support have lacked the political acumen necessary to design effective and popular legislative proposals. Furthermore, constitutional and legal obstacles, such as a constitutional prohibition against lotteries, requirements for statewide popular approval of constitutional amendments, congressional term limits, and restrictions on the number of amendments that can be placed on a ballot, have made legalization even more difficult. In a state where citizens still hold on to traditional social, religious, and economic values, the odds that gambling will be legalized are indeed slim.

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<sup>5</sup> The following list shows year in which Southern states began operating lotteries: Florida (1988), Virginia (1988), Louisiana (1991), Texas (1992), Georgia (1993), South Carolina (2001), Tennessee (2004). Richard M. Pavalko, *Risky Business: America’s Fascination with Gambling* (Belmont, CA: Wadsworth/Thompson Learning, 1999), 42, as found in John Lyman Mason and Michael Nelson, *Governing Gambling* (New York: The Century Foundation Press, 2001), 10. Mississippi and Louisiana authorized commercial casinos in 1990 and 1991, respectively. Mason and Nelson, *Governing Gambling*, 38.

<sup>6</sup> James Popkin and Katia Hetter, “America’s Gambling Craze,” *U.S. News and World Report*, 14 March 1994, 42-43, 46.

## The Rise of Legalized Gambling in Late-Twentieth-Century America

The story behind legalized gambling's appearance on the national stage and its ascent to prominence is bound up with gambling's popularity and states' recurring revenue needs. The wave of lottery legalization is not one that has defied public opinion. On the contrary, voters have almost always approved of state lotteries, and once adopted, no state lottery has ever been repealed. Aside from considerations of popularity, the spread of legalized gambling has also been catalyzed by states' need for revenue. "The lottery is presented as an alternative to fiscal starvation or, worse yet, an increase in taxes," note economists Charles Clotfelter and Philip Cook.<sup>7</sup> Providing what many legislatures view as a fiscal panacea, the lottery has offered an easy way out for state governments stuck between a rock and a hard place.

Casino gambling has also been the subject of numerous legalization campaigns, and as with lotteries, the promise of economic development has been the factor most responsible for these campaigns' successes. Unlike lottery successes, however, the success of casino proposals has been more limited. One of the most likely explanations is that the gambling industry itself, not voters, has been the primary entity behind the push for most casino legalization.<sup>8</sup> Lacking a broad base of popular political support, the early casino boom of the 1990s was "the result of unprecedented, well-financed campaigns by the gambling industry, countered only by the underfunded, ad hoc efforts of opposition groups."<sup>9</sup> In instances where casino measures did pass, legalization was rarely achieved in a statewide ballot measure. More commonly, legalization resulted when state legislatures allowed local referenda conducted on a town, city, or county level. By concentrating its efforts on impoverished communities in dire need of jobs and tax revenues, the industry has been able to gain approval.<sup>10</sup>

That legislators and the gambling industry itself are almost entirely responsible for the push for more legalized gambling may be one of the most surprising elements of the national spread. Though lotteries are typically popular with a state's citizens, in

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<sup>7</sup> Charles T. Clotfelter and Philip J. Cook, *Selling Hope: State Lotteries in America* (Cambridge: Harvard University Press, 1989), 159.

<sup>8</sup> Goodman, *The Luck Business*, x.

<sup>9</sup> Goodman, *The Luck Business*, 6.

<sup>10</sup> Goodman, *The Luck Business*, 6.



1995 gambling scholar Robert Goodman pointed out that there is not one popularly-based, grassroots organization that promotes and lobbies for more gambling opportunities.<sup>11</sup> Though Goodman's assessment places a greater emphasis on casino gambling, to which constituents are more averse, the push for lotteries has also been initiated largely by the political elite. In many cases of casino adoption, widespread consideration of voter opinion has been conspicuously absent. The fact that voter input has been bypassed in so many legalization campaigns led to the development of "right to vote" campaigns in a number of states in 1995. Created in Pennsylvania, Florida, Illinois, Massachusetts, and Rhode Island, the campaigns demanded voter approval of any further expansion of gambling within those states.<sup>12</sup>

The recent national rise of gambling has been called the "third wave" of legalizations to sweep the country.<sup>13</sup> Beginning in 1964, New Hampshire became the first state in the twentieth century to create and own a lottery, and in 1967 New York quickly followed suit. By the early 1970s, lotteries had spread throughout the Northeast and into parts of the Midwest, and by 1975 thirteen states had legalized lotteries within their borders. Beginning with Arizona in 1981, the 1980s witnessed an explosion of lottery legalizations—or a second wave. In all, eighteen states and the District of Columbia joined the ranks of lottery states during the decade, bringing the total number of lottery states to thirty-one in just over twenty years. Today, forty states own and operate lotteries, with Tennessee being the most recent convert in June 2003.

Casino gambling, as noted earlier, has witnessed a less dramatic series of legalizations, but nonetheless, its expansion is worth noting. Until New Jersey legalized casinos in 1976, Nevada was the only state in the Union with this form of legalized gambling. A series of casino proposals followed in a number of states, but few passed, as opposition from businesses proved fierce and concerns over casino-

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<sup>11</sup> Goodman, *The Luck Business*, x, 58.

<sup>12</sup> Goodman, *The Luck Business*, 83.

<sup>13</sup> I. Nelson Rose, "The Legalization and Control of Casino Gambling," *Fordham Urban Law Journal* 8 (Winter 1980): 245.

spawned crime dominated discussions.<sup>14</sup> In what would prove a landmark instance of casino legalization, Iowa became the first state to legalize casino gambling on riverboats in 1989, effectively paving the way for rapid riverboat casino legalizations in the early 1990s. By 1992, Illinois, Mississippi, Louisiana, Missouri, Indiana, South Dakota, and Colorado had become casino states, though that year would mark the beginning of a long drought for successful casino legalization campaigns. Since 1992, only Michigan has opted to authorize casino gambling.<sup>15</sup>

### **A History of Opposition in Arkansas**

Arkansas's resistance to legalized gambling is surprising for a number of reasons. Until 1964, when Governor Orval Faubus closed down the state's casinos, the city of Hot Springs had enjoyed a long-standing and highly profitable illegal casino industry. Gambling policy scholars John Lyman Mason and Michael Nelson note that Hot Springs' history of gambling involvement is often bound up with romantic notions of bootleg casinos, "where flappers drank bathtub gin and Al Capone shot craps into the wee hours of the morning."<sup>16</sup> For the past fifty years, pari-mutual betting has been a legal gambling activity in Arkansas. Oaklawn Park, Hot Springs' horseracing track, and the dog track at Southland Greyhound Park in West Memphis have long been a part of Arkansas's cultural and economic landscape, and though recent years have saddled racetracks across the nation with losses, the fact that Arkansas has lived contentedly with one form of gambling for so long makes its outright refusal to live with another form all the more unusual.

Aside from Arkansas's historical ties to gambling, other factors weigh in favor of further legalization efforts within the state. One of the most central is the general anti-tax attitude that permeates the state. While the same can be said of any number of states, the particular nature of Arkansas's tax system makes raising taxes both difficult and unpopular. As Diane Blair and Jay Barth note in their upcoming book *Arkansas Politics*

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<sup>14</sup> Mason and Nelson, *Governing Gambling*, 34-5.

<sup>15</sup> Mason and Nelson, *Governing Gambling*, 36-9.

<sup>16</sup> John Lyman Mason and Michael Nelson, "The Politics of Gambling in Arkansas and South Carolina," paper presented at the Annual Meeting of the American Political Science Association, 2001.

*and Government: Do the People Rule?*, “tax inequity in Arkansas remains in place with the sales tax the sole legitimate option for new tax revenues in an increasingly partisan political environment.”<sup>17</sup> Arkansas finds itself in the unenviable position of having to raise revenue to relieve fiscal pressures, and with few options on the table, a choice must now be made between increased taxes or a statewide lottery. When push has come to shove in previous fiscal crises, tax increases have ultimately won out. Nevertheless, few states possess a constituency as vehemently opposed to increased taxation as Arkansas’s.<sup>18</sup>

As stated earlier, lotteries provide a means of raising revenue that is both far more popular than tax hikes in most states and is voluntary in nature. In addition, one of the boons of legalizing gambling, proponents have argued, is that so instituting the practice reduces the instances of illegal gambling within the state.<sup>19</sup> The greatest reason why Arkansas might have been expected to legalize gambling activity, though, is that every other state around it has. In his article, “Winning Gambling Ballot Issues,” political consultant William Hamilton writes that “The *guaranteed proximity* of a gaming enterprise can sometimes switch voters based on the loss of revenue and control to put the pro-side over the top” (his emphasis).<sup>20</sup> Hamilton references, perhaps unwittingly, the process of policy

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<sup>17</sup> Diane D. Blair and Jay Barth, *Arkansas Politics and Government: Do the People Rule?* (Lincoln, Neb.: University of Nebraska Press, forthcoming 2004), 8.

<sup>18</sup> In an insightful look into the problems plaguing an extremely regressive Arkansas tax system, Barth and Blair note that even though Arkansas’s taxes across the board are “almost ridiculously” low, Arkansans feel “with astonishing incorrectness” that their taxes are as high or higher than those in other states. (Despite sales tax increases in recent years, Arkansas’s state and local per capita taxes still ranked 43<sup>rd</sup> lowest in the nation in 2000.) The result is that officials wishing to please their constituencies have traditionally voted against tax increases when at all possible. Blair and Barth, *Arkansas Politics and Government*, 6, 12.

<sup>19</sup> John L. Mikesell and C. Kurt Zorn, “State Lotteries as Fiscal Savior or Fiscal Fraud: A Look at the Evidence,” *Public Administration Review* 46 (August 1986): 311-320. Though proponents frequently argue that legalizing gambling does indeed reduce instances of illegal gaming activity, many scholars remain skeptical. Mikesell and Zorn note that though a legalized lottery “reduces participation in some forms of illegal gambling,” it may increase it in others and likely increases overall wagering volume. Robert Goodman echoes this idea, asserting that legalizing forms of gambling does not slow illegal activity but rather provides new players for such ventures. Because organized crime offers better odds and nontaxable payouts, he contends, illegal establishments maintain their own market niche despite legalization

<sup>20</sup> William R. Hamilton, “Winning Gambling Issues,” *Campaigns and Election*, December/January 1994, 53, as found in Goodman, *The Luck Business*, 73.

diffusion among the states, a process that has driven gambling's expansion throughout the third wave. Because one state's lottery or casinos attract bettors from across state lines, arguments against adoption in neighboring states are undercut. As former governor of Kansas John Carlin put it, "Not having one [a lottery] when your neighbor has one is like tying one hand behind your back."<sup>21</sup>

Arkansas's first attempt at legalizing gambling—in this instance, casinos—came on the heels of New Hampshire's lottery adoption and the closure of Hot Springs' casinos in 1964. Although governors and politicians had attempted for years to close the illegal Hot Springs casinos, efforts had always been stifled and had produced few lasting effects.<sup>22</sup> Upon his election as governor in 1954, Orval Faubus, the man who would dominate Arkansas politics for the next decade, vowed to end the casino presence in Hot Springs. Shortly after taking office, though, Faubus, noting the potential difficulty of the struggle, stated that gambling should be left up to the local governments. Faubus's political maneuvering, however, provided only a temporary escape from shouldering responsibility, and he soon came under extensive pressure from the state's Protestant religious groups to enforce the law and close the casinos. When the House of Representatives voted ninety-one to three that the governor intervene, Faubus was left with no choice. On March 27, 1964, he issued an order to close the casinos.<sup>23</sup>

The closures elicited a mixture of responses from groups across the state. In an immediate reaction, the Hot Springs Chamber of Commerce, noting that now

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<sup>21</sup> *Wall Street Journal*, 7 February 1986, as found in Clotfelter and Cook, *Selling Hope*, 150.

<sup>22</sup> Because corruption was so pervasive throughout the city during the 1940s-1950s and gambling became so highly intermixed with politics, gambling interests often bribed politicians to look the other way with regard to illegal gambling operations. Though organized efforts to oust those responsible for gambling's persistence did succeed, success was never permanent, as the power vacuum that resulted was frequently filled by those connected to organized crime elsewhere. Casinos represented a significant portion of the Hot Springs economy, but elected officials in 1964 took their cues from the city's constituents, the majority of whom wanted the illegal casinos shut down. It was not until Rockefeller literally destroyed the casinos' slots and other machinery in 1966 that efforts to permanently end gambling in Hot Springs prevailed. For a detailed discussion of events surrounding the Hot Springs casinos, see John Dombrink and William N. Thompson, *The Last Resort: Success and Failure in Campaigns for Casinos* (Reno: University of Nevada Press, 1990), 144-151.

<sup>23</sup> Dombrink and Thompson, *The Last Resort*, 144-5.

hundreds were unemployed and a major share of the local economy gone, gathered signatures to legalize up to ten casinos in Garland County, including Hot Springs, through the state's initiative process. The process, which provides one of the two permissible ways to amend the state constitution, requires petitioners to collect signatures equal to ten percent of the turnout of the most recent gubernatorial election. If achieved, the proposed amendment goes on the next biennial general election ballot and can be ratified by a majority of voters. (The alternative method of constitutional change is through the legislature, which may place, by majority vote of both houses, up to three proposed amendments on the ballot every two years.) Although the state's initiative process only required that the chamber gather 30,810 signatures in 1964, it collected nearly 75,000. Proponents argued that since illegal activity was inevitable and the casinos could not be effectively closed, they should be legalized, taxed, and closely regulated.<sup>24</sup>

But for all the support that such signatures indicate, opponents of the amendment outnumbered proponents. Significant was the opposition by state political leaders, including Faubus and his 1964 gubernatorial challenger, Winthrop Rockefeller. Opposition was also led by a group known as Churches United against Gambling (CUAG), which, in response to proponents' arguments, pledged to remain organized to keep casinos closed should the amendment fail. Newspapers also opposed the amendment, and as the election approached, the *Arkansas Gazette* ran daily excerpts from the book, *The Green Felt Jungle*, which painted a picture of crime-laden Las Vegas casinos.<sup>25</sup> In the end, the forces of opposition proved too strong, and the amendment failed decisively, 318,229 to 215,744. After the 1964 elections, Faubus allowed several casinos to reopen as private clubs within Hot Springs, but their reinstatement was short-lived. In 1967, after vetoing a bill to legalize gaming in the clubs, Faubus' successor, Winthrop Rockefeller, authorized the final raids. The state police shut down the private clubs and destroyed their slot machines. The casinos

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<sup>24</sup> Dombrink and Thompson, *The Last Resort*, 145-6.

<sup>25</sup> See Ed Reid and Ovid Demaris, *The Green Felt Jungle*, (New York: Trident Press, 1963).

<sup>26</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina.," Dombrink and Thompson, *The Last Resort*, 146-147.

did not reopen again.<sup>26</sup>

The casino discussion reemerged in 1984 in much the same way it had twenty years earlier. Q. Byrum Hurst, Jr., whose father had written the 1964 proposal as a state senator, authored the new proposal. Along with a small group of businessmen with previous ties to the casino industry, Hurst gathered over 155,000 signatures, easily enough to meet the 10-percent initiative requirement. The proposal, which would have authorized seven small and ten large casinos in Garland County, was similar to the 1964 amendment proposal except that the 1984 amendment included no provision that gave Garland County residents a local option vote before casinos licenses were awarded.<sup>27</sup>

In lobbying for the amendment's passage, proponents stated that Arkansas had become more liberal since 1964. They also touted the economic benefits of casinos, arguing that they would provide jobs and boost the economy. Proponents' predictions for tax revenues were substantial (\$36 million in the first year), and they estimated that an immediate \$100 to \$400 million would be injected into the city's economy.<sup>28</sup> One poll claimed that 61% of Hot Springs's residents felt casinos were a way to boost the economy.<sup>29</sup>

The outcome, however, was the same. Like his father's proposal twenty years before, Hurst's amendment failed, but this time the margin was greater than two to one around the state, debunking the idea that Arkansans had indeed become more liberal on the issue of gambling. The CUAG again led the opposition and worked diligently to convince voters that proponents had grossly inflated their predictions for revenue increases and new jobs. Led by Sheffield Nelson, a prospective candidate for governor in 1986, the group drew support from law enforcement, business, church, and political leaders statewide, including Governor Bill Clinton and his wife Hillary. Hot Springs mayor Jim Randall also opposed the movement, noting that local citizens were concerned about Hot Springs forfeiting its "family-type" atmosphere for a "casino-type atmosphere that they feel would be unsafe and inconvenient and

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<sup>27</sup> Dombrink and Thompson, *The Last Resort*, 146-7.

<sup>28</sup> Dombrink and Thompson, *The Last Resort*, 147.

<sup>29</sup> *Arkansas Democrat*, 1 August 1984, as found in Dombrink and Thompson, *The Last Resort*, 147.

uncomfortable for them as family people.”<sup>30</sup> In the end, even proponents admitted that the people had spoken authoritatively. Commenting on the outcome, casino advocate Jack Files of Arkansans for a Better Arkansas said, “No question about it. . . . It’s dead and buried.”<sup>31</sup> As Arkansas’s history makes clear, though, age-old issues die a slow death. The casino debate would rise again, but not before Arkansans first debated a lottery.

The year 1984 also witnessed the state’s first real lottery discussion take place. Although the amendment’s sponsor, Representative Doug Wood, did not attain the required number of signatures to place an amendment on the ballot, polls showed that the majority of Arkansans favored a lottery. Despite its defeat, Wood’s proposal paved the way for future lottery discussions across the state.

Six years after Wood’s failed attempt to place a lottery amendment on the ballot, the Arkansas legislature considered the idea for the first time. The proposed amendment, which would have legalized charitable bingo and created a lottery with revenues earmarked for education, may have received consideration in part because of the more relaxed stance that Governor Clinton had since taken on the lottery issue. Clinton stated that although he “would hate to see the government in the gambling business,” he “would not oppose putting it on the ballot if the money went to education.”<sup>32</sup> However, soon after initial discussions, all plans fell apart when a legislative committee added a provision to repeal a civil rights-era amendment to the Arkansas Constitution that required public officials to uphold segregation. Placed in a compromising position where voting in favor of a lottery would have also required opposing the repeal measure—and effectively supporting segregation—the proposed amendment lost all support.<sup>33</sup> This instance marked the last



Courtesy of Old State House Museum Collection

In 1989, Arkansas Governor Bill Clinton expressed support for a state lottery, provided the proceeds benefited education.

<sup>30</sup> *Arkansas Gazette*, 3 August 1984, as found in Dombrink and Thompson, *The Last Resort*, 150.

<sup>31</sup> *Arkansas Democrat*, 8 November 1984, as found in Dombrink and Thompson, *The Last Resort*, 150.

<sup>32</sup> “He’d Favor Lottery Vote, Clinton Says,” *Arkansas Democrat-Gazette*, 25 April 1989, as found in Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

<sup>33</sup> Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

time the legislature seriously considered a lottery proposal.<sup>34</sup> All other proposals from 1990 onward, much to their detriment, would arise from the initiative process.

Following the failure of the legislature's amendment idea, Robert Walker, a research technician at University of Arkansas Medical Services, headed a petition campaign to place a lottery amendment on the ballot in 1990. Walker's group, Arkansas for a Legalized Lottery, succeeded in meeting the 10-percent signature requirement and took heart from polls that showed strong support for a lottery in Arkansas. The proliferation of lottery legalization campaigns in a number of surrounding states, including Texas, Louisiana, and Missouri, also increased the prospects for legalization.

Walker's proposal soon encountered obstacles. Led by W.H. Sutton, a Baptist layman and Little Rock attorney, opponents sued to declare the ballot's title invalid, noting that it gave no indication that a new state commission would be formed to run the lottery or that the proposed amendment had already designated most of the commissioners. Ultimately, though, Sutton's group may have provided a more devastating blow to the amendment's chances when they revealed the results of an investigation showing that many of the signatures for Walker's amendment petition had been forged. The charges ended Walker's campaign, and Walker announced that he would vote against his own amendment on Election Day. Neither he nor anyone else would get a chance to vote on the proposal in the end, though, because on October 26, 1990 the Arkansas Supreme Court ruled the ballot title misleading and struck the amendment proposal from the ballot.<sup>35</sup>

In 1994, three new amendment proposals commanded the attention of Arkansans. The first was a proposal aimed at lifting the constitutional ban on lotteries and creating casinos within the state. Driven by a growing concern over the thriving casino industry in Tunica, Mississippi, race tracks Oaklawn Park in Hot Springs and

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<sup>34</sup> Though talk of lottery legalization within the legislature did not completely die out after 1990, the legislature played little role in the next decade of proposals. Most recently in 2003, the legislature dismissed with little fanfare a proposal to create a state-run lottery. The legislature's lack of serious consideration of the issue has come to typify lottery discussions over the past decade.

<sup>35</sup> *Finn v. McCuen*, 303 Ark. 418 (1990).



Southland Greyhound Park in West Memphis joined forces to form the Arkansas First Committee, which began an effort to gather enough signatures to place an amendment on the November 1994 ballot. Chaired by Little Rock lawyer Craig Douglass, the committee proposed to legalize charitable bingo and to create a state-run lottery with revenues earmarked for education and law enforcement. Significant for Oaklawn and Southland, the proposal would also legalize casino gambling in the state, but only at the Oaklawn and Southland tracks.

A second amendment proposal came from Mike Wilson, mayor of the town of Wilson, Arkansas. Wilson's proposal, which gambling opponent Larry Page conceded was likely "the best casino proposal for Arkansas," provided for one casino in the state near West Memphis, but not at the Southland track.<sup>36</sup> It also stipulated that each county in the state would receive a percentage of the casino's tax revenues for law enforcement purposes. Wilson believed that the proposal, which included ideas for a vast resort complete with restaurants, golf courses, and hotels to accompany the casino, would benefit from the casino's location in West Memphis. Such strategic positioning, he hoped, would attract visitors from nearby Little Rock and, more importantly, from just across the border in Memphis, Tennessee. In an effort to gather signatures for the proposal and place the amendment on the ballot, Wilson established the Committee to Promote Arkansas and shrewdly formed a partnership with Michael Rose, chairman of Promus Corporation, the parent company of Harrah's. Wilson and Rose made arrangements for Promus to run the new resort should the amendment pass. With a stake in the amendment's success, Promus contributed over \$3.2 million to the campaign to pass Wilson's proposal.<sup>37</sup>

The third proposed amendment of 1994, unlike the other two, originated in the Arkansas legislature, which can propose as many as three constitutional amendments every two years. The proposal called for the legalization of charitable bingo and, significantly, for an explicit ban on both casinos and lotteries.<sup>38</sup>

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<sup>36</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>37</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>38</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Aware of the difficulties of gathering the required number of signatures to place their amendments on the ballot, both Wilson's Committee to Promote Arkansas and the Arkansas First Committee bolstered their efforts by using professional out-of-state signature gathering firms. Though both groups ultimately collected enough signatures, they faced staunch opposition from conservative Christians and Common Cause, a statewide, nonpartisan lobbying group dedicated to issues such as campaign finance reform and ethical conduct in governmental affairs. Led by Larry Page of the Christian Civic Action Committee and Common Cause's Scott Trotter, each group promised to vigorously fight both proposals throughout their campaigns. To add to proponents' obstacles, recent polls did not bode well for either amendment. According to one poll, 51% of Arkansans opposed the Oaklawn-Southland sponsored amendment and 55% opposed Mike Wilson's proposal. Only the legislature's amendment concerning charitable bingo had the support of a narrow plurality.<sup>39</sup>

As election day neared, however, it became apparent that none of the amendments would even make it to the ballot that November, as all three were stifled by litigation. Bill Walmsley, president of the Arkansas Thoroughbred Breeders and Horseman's Association, filed suit against the legislature's proposal, claiming that the secretary of state had failed to follow correct procedure for moving an initiative-based amendment to the ballot. Walmsley, who favored the creation of a casino at Oaklawn as specified by the Arkansas First Committee, realized the threat posed by the legislature's amendment, which would have imposed a constitutional ban on casinos and lotteries throughout the state. According to Arkansas's constitution, if more than one contradictory amendment passes, the one with the most votes takes effect. Walmsley and others in favor of the Oaklawn-Southland proposal feared that even if the amendment involving casinos at the racetracks passed, it would be trumped by the legislature's amendment, which would almost certainly receive more votes.<sup>40</sup>

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<sup>39</sup> Noel Oman, "Odds Against Casinos, Poll Shows But Charitable Bingo Looks Like Even Bet," *Arkansas Democrat-Gazette*, 14 October 1994, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>40</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Other suits were also filed. In an effort to derail the Oaklawn-Southland proposal, the Christian Civic Action Committee and Common Cause filed a suit against the Arkansas First Committee's proposal, stating that the ballot title to the amendment was not adequately descriptive. The groups filed similar charges against Mike Wilson's proposal.<sup>41</sup>

Ultimately, the state supreme court removed all three amendments from the ballot. On October 14, 1994, it tossed out the legislature's charitable bingo amendment on grounds that the secretary of state had not published the full text of the amendment in statewide newspapers six months prior to the election, as required by the state constitution. It also removed the Oaklawn-Southland proposal because the ballot title had failed to mention anything about casinos at the racetracks. The final blow to Wilson's amendment came on October 20. Ruling the ballot title incomplete, the court postponed any prospects for legalized gambling in Arkansas until a future date.<sup>42</sup>

Two years later, three new amendment proposals came to the forefront of Arkansas's political scene. Motivated by the need to compete with surrounding states offering a multitude of gambling options, Oaklawn decided to try its hand at legalizing casinos in Hot Springs again. Arkansas's Future Committee, an Oaklawn-dominated organization, announced that it would attempt to place a gambling amendment on the November 1996 ballot. The amendment proposed to allow Oaklawn to open a casino in Hot Springs, given voter approval in a local referendum, and to legalize both charitable bingo and a state lottery, with lottery proceeds earmarked for education and law enforcement. Such stipulations, the committee hoped, would broaden the base of popular support for the amendment. The proposal would also allow two other casinos to open in Hot Springs with hopes of piquing the interest of national casino corporations.<sup>43</sup>

For Oaklawn, the failure of its 1994 proposal had invited economic hardship. Its daily handle in 1996 of \$1.4 million had fallen consistently since the mid-1980s,

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<sup>41</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>42</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>43</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

at which time it was closer to \$3 million. Since the early 1990s, both the horse and dog racing tracks had been involved in an effort to upgrade their gambling options in an attempt to compete with surrounding states. By 1996, Arkansans were traveling to Oklahoma for legalized bingo, to Texas and Missouri to purchase lottery tickets, and to Louisiana, Mississippi, and Missouri for casino gambling. Arkansas's Future Committee executive director Craig Douglass noted that the negative impact of surrounding states' gambling ventures on Arkansas's economy had never been as great as it had become in 1996.<sup>44</sup>

Like Oaklawn, Mike Wilson also revived his campaign for casino gambling in Arkansas in 1996. In an attempt to make his proposal more attractive, Wilson included stipulations to create a lottery and charitable bingo, as well as to allow for eight casinos instead of only one. Most of the revenue from the gambling ventures was to be used to fund a new program for college scholarships, a venture inspired by the success of the HOPE Scholarship Program in Georgia which provides financial assistance to qualified Georgia residents who plan to attend college in the state.<sup>45</sup>

A third amendment proposal came from an out-of-state company, Lottery Systems, Inc. Its proposal would have legalized charitable bingo, enabled the company to own and operate untaxed video gambling machines, and created a lottery with proceeds allocated for education, law enforcement, prescription drugs for senior citizens, and shelters for abused women and children.<sup>46</sup>

Strong opposition was again organized by conservative Christians. Led by Larry Page, the Christian Civic Action Committee stated that it would continue to fight all gambling legislation in the state. In an effort to "send a signal to Oaklawn," Page initiated a petition drive for a constitutional amendment to abolish pari-mutuel wagering in the state.<sup>47</sup> He also campaigned vigorously against the proposals on both

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<sup>44</sup> Michelle Hillier, *Arkansas Democrat-Gazette*, 24 January 1996, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>45</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina." See the Georgia Student Finance Commission's website, <http://www.gsfc.org/HOPE/index.cfm>.

<sup>46</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>47</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

moral and economic grounds, thereby rallying conservative Christian voters as well as those of more moderate stance. In addition to the work of Page's organization, political leaders opposed the amendments. Both outgoing Governor Jim Tucker and incoming Governor Mike Huckabee publicly expressed their opposition. Much to proponents' chagrin, the Mississippi casino industry, who hoped to prevent competition and continue attracting Arkansans to casinos in its state, also became involved in the anti-gambling campaign. During the month before Election Day, anti-gambling commercials paid for by the Mississippi casino industry (under the name Arkansas Wins Committee) aired daily across the state.<sup>48</sup>

As in 1994, litigation played a major role in determining amendment outcomes. A number of lawsuits were filed, most citing problems with ballot titles and procedural issues in signature collections. By the end of October, the state supreme court had stricken all proposals from the ballot except Oaklawn's. Though the amendment trailed by only four percentage points in a mid-October poll, that margin would be the closest it would ever come to passing. On Election Day, Arkansans defeated the measure by 200,000 votes.<sup>49</sup> Noting the costs of waging an initiative campaign, Oaklawn general manager Eric Jackson stated that the racetrack would never again lead such an undertaking to legalize gambling in the state.<sup>50</sup>

Soon after the series of 1996 gambling legalization failures, two new faces established themselves as part of the Arkansas gambling campaign. Donald Nicholas of Walnut Ridge, Arkansas, and Jim Harris of Dallas, Texas, formed the Arkansas Casino Corporation (ACC) in 1997 and attempted to place an amendment to legalize casinos and create a lottery on the 1998 ballot. The amendment called for a state-run lottery and legalized status for charitable bingo, as well as for the exclusive right of the corporation to casinos in six counties: Boone in the northern part of the state, Miller to the south, Crittenden to the east, and Sebastian in west Arkansas. The other two counties, Pulaski and Garland, contained the cities of Little Rock and Hot Springs,

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<sup>48</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>49</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>50</sup> Eric Jackson, interview by John Lyman Mason and Michael Nelson, 8 March -2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

respectively, both of which Nicholas and Harris believed would serve as substantial feeder markets for the casinos. The casinos at each end of the state would also serve, in their estimation, to draw gamblers from the nearby states of Missouri, Tennessee, Louisiana, Mississippi, and Oklahoma. Additionally, the ACC strategically chose locales for their casinos where alcoholic beverages were legal, which made these places even more appealing to prospective gamblers.<sup>51</sup>

In an attempt to avoid encountering the same opposition as that found in previous legalization campaigns, Nicholas and Harris devised a plan to sell stock in the industry to Arkansans, who would then reap profits from the casinos. Assuring citizens that all profits would remain in the state was the key to waging a successful campaign, they surmised. Their proposition received little response, though, and the ACC failed to collect the minimum required number of signatures to place the amendment on the ballot in 1998.<sup>52</sup>

Seeking to remedy their shortcomings in 1998, Nicholas and Harris rebounded in 2000, contracting the National Voter Outreach signature-gathering firm to help them overcome the hurdle presented in placing the amendment on the ballot. Shortly thereafter, the ACC acquired an ample number of signatures to place the amendment on the ballot. Specifically, the amendment stipulated that the ACC would pay 15 percent of its net revenues as a gambling tax and that 45 percent of lottery revenues would cover the costs of eliminating the state sales on groceries and help establish a college scholarship program for Arkansas students similar to the one created in Georgia. Beyond this, however, the corporation was not to be regulated in any way by the legislature or Arkansas Gaming Commission.<sup>53</sup>

As in previous campaigns, though, problems soon arose. Word quickly spread that the proposal's primary sponsors were not even Arkansas residents. Both Jim Harris and Bob Buckholz, the campaign's largest financial contributor, were from Texas. Larry Page, now of the Arkansas Faith and Ethics Council (formerly the Christian Civic Action Committee), again played a prominent role in mobilizing resistance.

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<sup>51</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>52</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>53</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

Both Page and Common Cause executive director Scott Trotter campaigned against the unregulated monopoly that would be granted to the ACC. On occasions when Trotter would speak, he would hold up a stack of papers containing Mississippi's casino regulations, and then hold up a blank sheet of paper representing Arkansas's inability to regulate the ACC should the amendment pass.<sup>54</sup>

The death blow to the ACC's proposal came when the Arkansas Securities Commission filed criminal charges against both men in the final weeks before Election Day. Accused of selling unregistered stock without a license and falsifying information about their company to deceive voters, Harris and Buckholz capitulated in their efforts, and the ACC canceled the television ad campaign slated for the final weeks before the vote. Polls indicated that opposition, which had originally hovered around 51 percent, jumped to 60 percent soon after the scandal broke. The amendment failed at the ballot box, as 64 percent of voters opposed the measure.<sup>55</sup>

### **Recent History: Renewed Efforts, Similar Outcomes**

Since the 2000 campaign to legalize casinos and a lottery, no serious pro-gambling movements have developed in Arkansas to threaten any change in the status quo. While a few gambling proponents have come forth with gaming amendments that they have tried to place on the ballot through the initiative process, their efforts have been unorganized and have lacked popular support. In every case, proposals have failed to make it on the ballot.

Recently, there have also been attempts within the Arkansas legislature to lift the constitutional ban on lotteries and to allow expanded video gambling at Oaklawn and Southland's racetracks. Early in 2003, Democratic State Representative Barbara King of Helena sponsored a constitutional amendment to allow the legislature to create a state lottery with proceeds going to education. Convinced that the key to a lottery's success at the ballot box lies in voters considering it as a stand-alone item, King attached no other forms of gambling to her proposal, which would have placed half of lottery revenues into an education trust fund of up to \$100 million

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<sup>54</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>55</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

and half into a lottery proceeds trust fund.<sup>56</sup> Money from the latter trust fund would have been appropriated by the legislature to finance education and gambling addiction prevention and treatment programs. Given the state's tight budget and the particular need for revenues to reform Arkansas's educational system, many legislators believed that King's proposal would garner more serious consideration than past gambling amendments.<sup>57</sup>

King's proposal, however, did not get far, and on March 11, 2003, a House committee voted it down. In addressing the failure of her amendment, King stated that those individuals whom representatives heard from the most about the lottery proposal were aligned with the religious community, which "has always been against gambling."<sup>58</sup> She also noted that legislators needed to reserve at least one amendment to address education concerns, further reducing the proposal's chances of making it on the ballot. Nevertheless, both King and others remain optimistic about the future of a stand-alone lottery proposal in the state. "I think if we ever got it out [of the committee], there would be a fair debate and it would probably pass [in the legislature]," she said.<sup>59</sup> Arkansas policy expert Jay Barth offers a similar assessment, noting that a legislative lottery proposal that does not have casinos attached could see a real sale in the near future. "It would be a close race," he says.<sup>60</sup>

Others, though, like Larry Page, dismiss the idea that religious opposition alone or a restriction on the number of amendment proposals that can reach the ballot provides the reason that King's proposal never gained traction. "In my mind, there was no serious attention paid to the lottery. I think they [the legislators] were convinced it wouldn't pass. I think they were convinced people didn't like it."<sup>61</sup> Like

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<sup>56</sup> Kelly Wiese, "Let people decide on lottery, legislator urges," *The Associated Press State and Local Wire*, 20 February 2003.

<sup>57</sup> The Associated Press, "Arkansas Lottery Could Get Serious Look In Hard Times," *The Commercial Appeal*, 2 March 2003, B4. Early in 2003, the Arkansas Supreme Court issued a mandate declaring the state's school-funding formula unconstitutional. The legislature now has one year to create an "adequate" and "equitable" school system, for which it is in dire need of funds.

<sup>58</sup> The Associated Press, "Gambling initiatives seem unlikely to pass," *The Associated Press State and Local Wire*, 31 March 2003.

<sup>59</sup> The Associated Press, "Gambling initiatives seem unlikely to pass," *The Associated Press State and Local Wire*, 31 March 2003.

<sup>60</sup> Jay Barth, interview by author, 30 June 2003.

<sup>61</sup> Larry Page, interview by author, 30 June 2003.



Page, Democratic Representative Jodie Mahony of El Dorado notes that there seems to be little popular support for the measure. “I don’t see anybody championing it,” he asserts.<sup>62</sup>

Arkansas’s two racetracks have also figured prominently in recent gambling legislation. In another attempt to expand legalized gambling within the state, Democratic Representative Steve Jones of Marion proposed a bill in March 2003 that would have allowed expanded video gambling at both the Oaklawn and Southland racetracks. For both tracks, particularly for Southland, the success of new legislation becomes more critical by the day.

At a time when dog and horse tracks around the country have been victimized by dives in attendance and plunging revenues, Oaklawn presents a success story that is paralleled by few. In its 2002 season, the track saw gains in both attendance and its daily handle, which increased by an astounding 11.3 percent.<sup>63</sup> In addition to revenues earned from the track itself, Oaklawn has profited substantially from both simulcasting and its relatively new “Instant Racing” machines. Simulcasting, which the Arkansas legislature allowed both Oaklawn and Southland to pioneer in the early 1990s, allows for the tracks to televise their races to individuals across the nation, enabling bettors to wager on the races without having to travel to the state. Oaklawn currently broadcasts its races at over 500 simulcast facilities nationwide. Struggling to remain profitable, most other tracks nationwide have begun to do the same.

More recently, the key to the track’s success has been its “Instant Racing” machines. The machines, which resemble slots but are a pari-mutuel betting game based on horse racing, allow bettors to wager on thousands of stored video replays of old horse races using limited knowledge about the horse’s past performance or the jockey’s record.<sup>64</sup> First offered to bettors in January of 2000, Oaklawn’s 150 Instant Racing machines generate about \$3 million in handle per month and produced \$30

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<sup>62</sup> The Associated Press, “Arkansas Lottery Could Get Serious Look in Hard Times,” *The Commercial Appeal*, 2 March 2003, B4.

<sup>63</sup> John Klein, “Oaklawn Scores Unique Daily Double with Revenue, Fans,” *Tulsa World*, 2 February 2003. The term “handle” refers to the amount of money wagered at the track.

<sup>64</sup> Because the machines are considered a form of pari-mutuel betting, no constitutional amendment was required to allow for their use. Only forms of gambling considered games of “chance” are prohibited by the Arkansas constitution.

million for the track last year. Although at this point relatively few in the gambling industry have discovered Instant Racing (Oaklawn's directors helped create the game only three years ago), its popularity will almost certainly grow. "We've introduced thousands of people to racing that would otherwise not be here," notes Oaklawn director Bobby Geiger.<sup>65</sup> In April of 2003, the Oregon Racing Commission agreed to allow Oregon to become the second state to allow the new pari-mutuel games.

In contrast with Oaklawn's success, the outlook for Southland Greyhound Park appears less favorable. Although it is equipped with both simulcasting and the Instant Racing machines found at Oaklawn, Southland has watched attendance and revenues dwindle for a number of years. The \$7.7 million wagered in June 2003 when the track had both simulcasting and Instant Racing equaled just over half of incoming revenues from June 1991, at which time the track had neither.<sup>66</sup> While tracks around the country have been saved from bankruptcy by emerging as "racinos" with slot machines, the introduction of slots to Southland would require the unlikely amending of the Arkansas constitution. A more realistic and only slightly less enticing potential addition to the track, "electronic games of skill," constitutes Southland's hope for a fiscal rebound. Executives believe that the games, which offer everything from video poker to electronic Jeopardy, could have a large enough impact on the track's revenues that broaching the issue of the constitutional change required by slot machines might be unnecessary.<sup>67</sup>

In an effort to bring electronic games of skill to both Oaklawn and Southland, Democratic Representative Steve Jones of Marion sponsored a bill in March that would have legalized the games at the tracks. Aided by supporters who argued that the bill would boost tourism, provide revenue to the state, and allow the tracks to better compete with casinos, Jones' bill cleared a House committee and moved to the House floor for debate in early April. Despite the bill's promise of money for

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<sup>65</sup> Janie Har, "Machines Add New Set of Odds at the Racetracks," *The Oregonian*, 24 April 2003.

<sup>66</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

<sup>67</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

Medicaid programs and college scholarships, the House rejected the proposal by a margin of 57 to 37 in a vote on April 3. Though Jones proposed a similar bill in a special legislative session in May, the bill died with the session's end. Jones says he will try again to pass the bill as early as September. "If there are people in Arkansas and tourists who enjoy these games, we should take a serious look at offering them at a place where gambling is already legal," he stated.<sup>68</sup> Though much debate has ensued over the issue of whether or not video gambling constitutes a game of chance (if so, it would require a constitutional amendment to pass), Jones' bill has not had to legally confront the issue thus far.<sup>69</sup>

Perhaps the most noteworthy element of all of these proposals is their timing. Each comes at a time when Arkansas is sorely in need of new sources of revenue, particularly for education.<sup>70</sup> In light of a recent state supreme court decision that ruled Arkansas's school-funding formula unconstitutional and gave the state just over one year to create an "adequate" and "equitable" state school system, many supporters of legalized gambling feel that now may be a better time than ever to give gaming a serious look.<sup>71</sup> Jay Barth and Diane Blair note that the vast majority of Arkansans (71 percent) seem to concur with the court's decision, agreeing that public education in the state is grossly underfunded.<sup>72</sup> With Arkansans demanding a remedy to the state's fiscal woes, the lingering question of where the money will come from remains. If history is any indicator, it will not come from gambling.

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<sup>68</sup> David Flaum, "Southland Needs Slot Machines to Reinvigorate Betting at Track," *The Commercial Appeal*, 20 July 2003.

<sup>69</sup> In Minnesota and several other states, games that would be allowed under the proposal have been defined as games of chance, which the Arkansas constitution prohibits.

<sup>70</sup> Part of the reason Arkansas now encounters a fiscal crisis in raising money for education is that the state constitution prohibits deficit spending. Arkansas has operated with a balanced budget since 1934, when an amendment was passed that effectively prohibited debt. In response to the school funding crisis, some have called for the repeal of the amendment.

<sup>71</sup> Blair and Barth, *Arkansas Politics and Government*, 41.

<sup>72</sup> Blair and Barth, *Arkansas Politics and Government*, 43.

## Explaining the Enigma

Any attempt to understand the dynamic behind Arkansas's long history of resistance to legalized gambling must begin with the force that has made its resistance so noteworthy: the impact of surrounding states. As Larry Page notes, "Gambling in Mississippi and other states has driven the whole process of gambling proposals here in Arkansas."<sup>73</sup> Political scientists agree. Many scholars, including Jack Walker, Virginia Gray, Frances Stokes Berry, and William Berry, contend that programs or certain issues are likely to gain more support if other states, especially surrounding ones, have already enacted the policy.<sup>74</sup> This process of "policy diffusion" is far and away the dominant factor compelling proponents to wage the gambling battle for so many years. The diffusion of new gambling policies to states bordering Arkansas has also caused the diffusion of the Arkansas dollar to those states as well. Arguments for keeping Arkansas's revenue within Arkansas have been prevalent in almost every pro-gambling campaign thus far. Lobbying for gambling legalization in 1993, candidate for lieutenant governor

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<sup>73</sup> Larry Page, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>74</sup> In a 1969 study of policy diffusion, Jack Walker concluded that "the likelihood of a state adopting a new program is higher if other states have already adopted the idea," especially if "the innovation has been adopted by a state viewed by key decision makers as a point of legitimate comparison." Jack L. Walker, "The Diffusion of Innovation Among the American States," *American Political Science Review* 63 (September 1969): 880-899, 897. While agreeing with many of Walker's ideas, Virginia Gray argued that the spread of innovations among the states proceeds along a somewhat different line. According to Gray, "innovativeness" can best be explained by a state's internal characteristics, namely high per capita income and substantial party competition. Furthermore, innovativeness "does not occur as a general timeless phenomenon" but is rather "issue-specific," implying that innovativeness is not a quality of certain states but occurs in specific instances. Virginia Gray, "Innovation in the States: A Diffusion Study," *American Political Science Review* 67 (December 1973): 1174-1185, 1182, 1184. In 1990, the work of political scientists Frances Stokes Berry and William Berry bridged part of the gap between Walker and Gray's findings. Arguing that "the regional diffusion and internal determinants models can be unified theoretically without doing violence to either explanation," Berry and Berry found that a state government was most likely to adopt a lottery in a year when its fiscal health was poor, its citizens had a high per capita income, neighboring states already had adopted a lottery, the percentage of religious fundamentalists was low, and a gubernatorial election was taking place. They also concluded that the predictive power of such factors was greatest when they appeared in combination. Frances Stokes Berry and William D. Berry, "State Lottery Adoptions as Policy Innovation: An Event History Analysis," *American Political Science Review* 84 (June 1990): 395-415, 396.

Nate Coulter stated, “Our neighbors are doing it. If it’s going to happen, I think we ought not to let our citizens give their dollars to other states.”<sup>75</sup>

Explaining how and why policy diffusion has prompted a wave of legalization campaigns, though, does not explain how and why Arkansas has resisted the influences of such diffusion. One reason Arkansas has remained free of legalized gambling for so long is the staunch religious opposition that the issue has spawned within the state, a factor consistent with other theories that suggest that religious opposition is a stronger determinant of resistance to certain issues than economic considerations.<sup>76</sup> For years, Southern Baptists, who have always viewed any forms of gambling as a vice, have remained dominant among mainline denominations in Arkansas, outnumbering more gambling-tolerant Catholics by seven to one as of 1989.<sup>77</sup> In addition, Arkansas’s Methodist constituency, which also opposes gambling, is twice as large as any other denomination besides Southern Baptists.<sup>78</sup> As historian Michael Dougan notes, the prevalence of Arkansas’s conservative Christian base has often led to “the state’s flirtation

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<sup>75</sup> Joan Duffy, “Huckabee Opposes Arkansas-Run Lottery; Coulter Replies Issue Worth Vote,” *The Commercial Appeal*, 15 July 1993.

<sup>76</sup> Political scientist David Fairbanks argues that religious strength has an “independent impact” on state policy adoptions and that the relationship between the two is not due to their “common dependence on other social and economic factors.” Moreover, Fairbanks contends that where Protestant pressure is strong in one direction, economic and political forces to the contrary have little impact. “At least in the regulation of moral behavior, the values of the prevailing religious culture appear quite resistant to any sudden modification from changing economic conditions,” he writes. David Fairbanks, “Religious Forces and ‘Morality’ Policies in the American States,” *The Western Political Quarterly* 30, no. 3 (September 1977): 411-417, 414, 417. A 1973 study by John Hutcheson and George Taylor supports Fairbanks’s conclusion. They claim that the role of religious groups, specifically fundamentalist sects, is particularly significant in state policy decisions, and their research suggests that religious fundamentalism frequently trumps personal income in importance as a factor determining policy outcomes. John D. Hutcheson, Jr. and George A Taylor, “Religious Variables, Political System Characteristics, and Policy Outputs in the American States,” *American Journal of Political Science* 17, no. 2 (May 1973): 414-421, 418-420.

<sup>77</sup> Michael Dougan, *Arkansas Odyssey: The Saga of Arkansas from Prehistoric Times to Present* (Little Rock: Rose, 1994), 611. At the end of 1988, Southern Baptists totaled 483,483, Methodists followed with 160,525, and Catholics totaled 67,608.

<sup>78</sup> Though Methodists are not typically categorized as fundamentalists in their beliefs, their attitudes regarding gambling mirror those of traditionally fundamentalist denominations, such as Southern Baptists. Thus, in attempting to categorize them with respect to Hutcheson and Taylor’s research, they should be considered a fundamentalist denomination.

with state-established religion” and an attempt by conservatives to “impose their moral values on the entire community.”<sup>79</sup> The failure of further gambling legalization reflects the role of conservative Christian opposition.

Rallying conservative Christians in the battle against gambling expansion have been groups like the Christian Civic Action Committee and Arkansas Faith and Ethics Council (AFEC), led by Larry Page. Although groups like Page’s have voiced their opposition to gambling measures in other Southern states, Page notes that several important differences have allowed his group to succeed where others in nearby states have failed. One of the most critical involves voter motivation through grassroots campaigning. “The reason we’ve won thus far is that our voters are more motivated to go vote [than other Arkansas voters]. They’ll go stand in the rain in line for hours to vote against this stuff,” Page claims.<sup>80</sup> He notes that lottery opponents in Tennessee’s recent anti-lottery campaign seemed to lack that type of motivation. “The reason Tennessee lost,” Page claims, “is that they [opposition groups] never got their numbers motivated. I really don’t think they ever lit a fire under their people. They went through the motions over there, and I didn’t see a lot of passion or a sense of urgency.”<sup>81</sup>

Page also cites Arkansans’ experience with gambling battles and their education about the issues in explaining AFEC’s success. “The reason I think we’re holding at least to now as well as we are in Arkansas is because the people know what gambling is. You’re going to have a lot of people that fit into our constituency who, unlike those in Tennessee, really know how bad it is and don’t want it.”<sup>82</sup> In addition to campaigning on religious grounds, AFEC has also touted the economic and social consequences of gambling, which has helped the group broaden its attack and appeal. To that end, it has consistently cited empirical literature from academic studies to support its claims against gambling, which Page notes has made his organization more difficult to dismiss as a church group. Combined with an “energized and comprehensive” base of grassroots support, such efforts have helped AFEC play a substantial role in ensuring

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<sup>79</sup> Dougan, *Arkansas Odyssey*, 611, 614.

<sup>80</sup> Larry Page, interview by author, 30 June 2003.

<sup>81</sup> Larry Page, interview by author, 30 June 2003.

<sup>82</sup> Larry Page, interview by author, 30 June 2003.

victory for opposition forces in Arkansas.<sup>83</sup> Conservative Christians' success in derailing gambling proposals affirms much of the theory explaining the significant influence of fundamentalist religious forces in policy matters.

Although religious opposition has made enormous contributions to the Arkansas opposition effort, gambling legalization in other states attests that religious groups, no matter how effectively organized, can rarely stave off legalization efforts alone.<sup>84</sup> Significant in bolstering the effectiveness of groups like AFEC are monetary contributions to opposition efforts from surrounding states. In an effort to prevent Oaklawn and Southland from placing electronic games of skill at their tracks, Southern Research Group, a Mississippi political consulting firm, donated all but \$1,375 of the nearly \$600,000 in contributions to Arkansans for the 21<sup>st</sup> Century, the organization that worked to defeat the recent legislation in 2003. "It seems like I filed that bill on a Thursday and they had radio ads running on Friday," stated Democratic Senator Terry Smith, who sponsored a bill that was similar to but received less attention than a bill sponsored by Democratic Representative Steve Jones.<sup>85</sup>

The contributions provide an example of a new concept within diffusion theory, for which Mason and Nelson coin the term "anti-diffusion." Defined as "instances when actors in one state or political jurisdiction try to forestall adverse consequences for themselves by preventing another state or jurisdiction from enacting a policy," anti-diffusion provides one explanation for why Mississippi casino interests have continually funneled money into Arkansas's opposition campaigns.<sup>86</sup> Eric Jackson recalls that "1996 showed us how hard it is to get casinos in a state next to a state that already has casinos and will fight to keep out any competition. . . .Mississippi killed us."<sup>87</sup> Southland general manager Barry Baldwin agrees. "The biggest reason you'll

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<sup>83</sup> Larry Page, interview by author, 30 June 2003.

<sup>84</sup> For instance, Georgia clergy led a particularly strong opposition campaign against Gov. ~~ernor~~ Zell Miller during his push to legalize a lottery in the state. Though the clergy were both organized and highly motivated, they were vastly outspent. The lottery passed.

<sup>85</sup> Laura Kellams, "Casino-linked firm put up cash for anti-gambling push in state," *Arkansas Democrat-Gazette*, 1 August 2003, 13.

<sup>86</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

<sup>87</sup> Eric Jackson, interview by John Lyman Mason and Michael Nelson, 9 March 2001, as found in Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

never see any gaming in Arkansas is because of the impact that the Tunica casinos will have against Arkansas giving them any competition,” he claims.<sup>88</sup>

However, others, like Larry Page, who insists that his organization receives no financial assistance from casino interests, downplay the influence of Mississippi’s contributions. “In 2000, we went to the ballot in a statewide initiative, and it was not a good proposal, but we won [by a margin of] 64 to 36. Mississippi didn’t spend a dime in Arkansas.”<sup>89</sup> While there are undoubtedly campaign instances where money has proven a non-factor or where proponents have outspent opponents by gross amounts and still come up short in their efforts to legalize, few disregard the significance of the casino finances in Arkansas.<sup>90</sup> “They [church groups] were the face, and these people [Southern Research Group] were the financiers. It’s true that politics makes strange bedfellows,” bill-sponsor Steve Jones noted.<sup>91</sup>

In comparison with external groups working against legalization, groups within Arkansas promoting legalization have fared poorly. In an article on how proponents of legalization can win gambling referenda, William Hamilton states that opponents will prove victorious unless proponents can develop effective campaign communication strategies or “alter voter turnout on election day.”<sup>92</sup> With organizations like Page’s at work, proponents certainly have done little to alter voter turnout, and in most cases, they have failed to create an effective public relations campaign to promote their ideas.

Proponents in Arkansas have suffered from a lack of political backing, and what political support they have garnered has been from politicians lacking the persistence, courage, and charisma to push through an amendment requiring all such qualities. In Georgia’s push for a state lottery, Democratic gubernatorial candidate Zell Miller made the issue central to his 1990 campaign, almost single-handedly rallying support

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<sup>88</sup> Barry Baldwin, interview by author, 2 July 2003.

<sup>89</sup> Larry Page, interview by author, 30 June 2003.

<sup>90</sup> In 1974 New Jersey casino proponents outspent opponents twenty-five to one in an unsuccessful effort.

<sup>91</sup> Laura Kellams, “Casino-linked firm put up cash for anti-gambling push in state,” *Arkansas Democrat-Gazette*, 1 August 2003, 13.

<sup>92</sup> Goodman, *The Luck Business*, 64; Hamilton, “Winning Gambling Ballot,” as found in Goodman, *The Luck Business*, 64.



for the measure in a state that had long possessed reservations about gambling. Senator Steve Cohen, a Democrat, has recently achieved a similar feat in Tennessee. After campaigning for a state lottery for almost twenty years, Cohen finally saw his efforts pay off this past November when the Tennessee General Assembly approved a lottery. Arkansas's movement for legalized gambling, however, has sorely missed someone with Cohen or Miller's persistent determination. "I've never seen it happen anywhere where the political party was ambivalent because who's going to work and raise the money and roll up their sleeves" to get a gambling amendment passed, notes Oaklawn's Eric Jackson.<sup>93</sup> "We just have not had the leadership or political courage to want to do that," Jackson said.<sup>94</sup> Barry Baldwin, general manager of Southland Greyhound Park, cites term limits among legislators as one possible explanation for why Arkansas "has never had a Steve Cohen."<sup>95</sup> Under Arkansas law, since 1998 no individual can serve for more than three terms (six years) in the House of Representatives or for more than two terms (eight years) in the Senate.<sup>96</sup> Such limitations restrict legislators' ability to gain status and lobby for amendments over long periods of time.

It is also worth noting that the governor's support has been absent from every Arkansas legalization campaign over the last forty years. The most support that proponents have received has been from governors such as Republican Mike Huckabee, who have essentially taken a position of neutrality on the gambling issue, publicly condemning it but avoiding a leadership role in the debate. Significantly, Jay Barth argues that with a legislature weakened by term limits, "the tipping of power to the executive branch" places a greater ability to influence policy change in the governor's hands.<sup>97</sup> Such a situation does not bode well for advocates, and as long as such a trend continues, proponents of legalization will face a tough uphill climb in any future campaigns. Arkansas's failed attempts at legalization evidence the importance of policy entrepreneurs to the success of policy adoption. Additionally,

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<sup>93</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>94</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>95</sup> Barry Baldwin, interview by author, 2 July 2003.

<sup>96</sup> [http://www.termlimits.org/Current\\_Info/State\\_TL/](http://www.termlimits.org/Current_Info/State_TL/).

<sup>97</sup> Blair and Barth, *Arkansas Politics and Government*, 44.

gaming proponents' antagonistic relationship with Mississippi gambling interests ensures that little in the way of policy networking will facilitate the diffusion of gambling legalization to the state.

Arkansas's constitution has also presented a consistent obstacle to passing any new gambling legislation. Specifically, the constitution prohibits lotteries, a fact both Page and Baldwin claim is significant since the prohibition requires that people, not just the legislature, vote to remove it.<sup>98</sup> "The legislature is 135 people. It's a lot easier to influence half that number than it is several hundred thousand people," states Page.<sup>99</sup> While the legislature must first refer any legislative amendment proposals to the ballot, voters have the final vote of approval or rejection. In most campaigns, though, the issue has never even reached the voters, as proposals have been rejected in committee. Although Arkansas's initiative method makes it somewhat easier to amend the constitution, a history of failed petitions shows that placing an amendment on the ballot through the initiative process can be an arduous task as well. In the event that one does manage to collect enough signatures to merit a vote on a gambling proposal, the real difficulty of passing the proposed amendment looms large.

A consistent theme of almost every initiative-based gambling campaign in Arkansas's history has been the recurrence of self-interested and poorly devised proposals. As John Lyman Mason and Michael Nelson note, "Politically flawed proposals typically have been matched with politically flawed advocates."<sup>100</sup> On the legislature's part, a lack of clear thinking has also been evident. In the 1990 attempt to legalize a lottery, a provision to repeal a constitutional amendment upholding segregation was attached to the proposal, alienating all support and sealing the amendment's fate. Arkansas history seems to suggest that passing any type of gambling legislation takes both a well-devised plan and someone to champion it. Unfortunately for proponents, Arkansas has never produced either.

One notable facet of almost all the proposed amendments for further legalization is that, because they have involved lotteries, they have required a statewide vote for

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<sup>98</sup> Constitution of the State of Arkansas, Article 19, Sec. 14.

<sup>99</sup> Larry Page, interview by author, 30 June 2003.

<sup>100</sup> Mason and Nelson, "The Politics of Gambling in Arkansas and South Carolina."

approval. Only the 1964 proposal contained a provision for the “local option,” which effectively restricts voter input to counties where casinos will be located. One example of the local option’s effectiveness in passing gambling legislation can be found in Mississippi, a state whose casinos never received a statewide vote. Charlie Williams, a former Mississippi Representative and the current chief of staff to Mississippi Governor Haley Barbour, noted in 1997 that had the vote in Mississippi been statewide, the casino measures never would have passed.<sup>101</sup> The fact that lotteries require a statewide vote is, for advocates, a particularly damaging proposition in Arkansas, which is a state of stark ideological contrasts and one in which the desire for lottery legalization is in some areas very strong.

Along with poor proposal presentation and the need for a statewide vote, the inclusion of provisions in amendment proposals that would legalize casinos has effectively doomed lottery proposals from the outset. In their study of casino failures, John Dombrink and William Thompson note that voters are typically more averse to casino legalization, citing casinos’ historical ties to organized crime, propensity to attract drugs and prostitution rings, and “astronomical” start-up costs as unique obstacles to legalization.<sup>102</sup> Their theory that casino legalization can best be explained by a veto model, which suggests that casino measures will fail if any one of four factors is unfavorable to passage, has received the acceptance of many scholars.<sup>103</sup> The fact that casinos have been attached to every Arkansas gambling proposal in the third wave has severely reduced each one’s already slim odds of passage.

Given that voters have rejected casino-inclusive gambling legislation for so long, the most obvious question becomes why there has never been a vote on a stand-alone lottery proposal. As Barry Baldwin points out, such a proposal would have to come from the Arkansas legislature, since there is little incentive for individuals to wage a costly initiative campaign to create a state-run lottery. “Who would spend all that money to form a statewide lottery and receive nothing in return?” he asks.<sup>104</sup> Though

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<sup>101</sup> John Branston, “Against All Odds,” *Memphis Magazine*, September 1997, 34.

<sup>102</sup> Dombrink and Thompson, *The Last Resort*, 188.

<sup>103</sup> In a critique of the veto model, Mason and Nelson note that Dombrink and Thompson fail to consider the influence of regional diffusion in their model of casino legalization.

<sup>104</sup> Barry Baldwin, interview by author, 2 July 2003.

Barbara King attempted to raise the issue in the most recent legislative session, her proposal received little real attention.

There are likely several reasons why the legislature has given little serious consideration to a lottery amendment. Given the nature of constitutional reform in Arkansas, which stipulates that the legislature may place for voter consideration only three amendments on the ballot every two years, legislators are often forced to make difficult choices about which amendments to support. Little Rock attorney Scott Trotter notes that in most years “there are pressing needs that require amendments such as school funding or property tax reform.”<sup>105</sup> Tellingly, Barbara King pointed out in the most recent legislative session that the consensus among legislators was that at least one amendment should be reserved to address the state’s school funding crisis. Quite often, there simply has not been room for a legislative lottery proposal on the ballot.

In their 1988 study of state lottery adoption patterns, economists John Filer, Donald Moak, and Barry Uze developed a model of “rational legislator behavior” in an attempt to discover why some states adopted lotteries and others did not.<sup>106</sup> The premise under which they worked—“that it is not economic efficiency that motivates particular state lawmakers considering the adoption of a state lottery but rather the political welfare (and often survival) of the legislators themselves”—finds interesting application in Arkansas.<sup>107</sup> If their assumption about legislative behavior is correct (and their findings suggest it is), few Arkansas legislators with interest in their “political welfare” should opt to propose gambling legislation. As Barth notes, even a “limited, well-drafted proposal on gambling” is “sure to enrage thousands of any legislative sponsor’s constituents.”<sup>108</sup> For many legislators, an analysis of the pros and cons of lobbying for lottery legalization may suggest that they are better off leaving such a controversial issue untouched.

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<sup>105</sup> Scott Trotter, interview by John Lyman Mason and Michael Nelson, 8 March 2001, as found in Mason and Nelson, “The Politics of Gambling in Arkansas and South Carolina.”

<sup>106</sup> John E. Filer, Donald L. Moak and Barry Uze, “Why Some States Adopt Lotteries and Others Don’t,” *Public Finance Quarterly* 16 (1988): 259-283.

<sup>107</sup> Filer, Moak and Uze, “Why Some States Adopt Lotteries and Others Don’t,” 260.

<sup>108</sup> Blair and Barth, *Arkansas Politics and Government*, 15.

In light of the 2003 legislative session, there is reason to believe that some legislators may also feel that a lottery proposal is destined to fail at the ballot box. After years of watching voters reject amendment after amendment, many legislators seem convinced that gambling proposals cannot pass and hence do not want to waste an amendment on a proposal that has little hope for success. Robert Goodman notes that statewide rejection of gambling legislation not only dooms any current proposals but also may “establish a negative precedent for future ones.”<sup>109</sup> In Arkansas, such a precedent has long been established.

The presence of the initiative method of amending the constitution may provide another reason that the legislature has not earnestly entertained a lottery proposal. Although it would seem that the initiative method would make the passage of gambling legislation more likely, it may do the opposite. Because their constituents have so frequently brought gambling proposals to the table, it is likely that the legislature feels little responsibility or sees little reason to write a proposal of its own. Barth notes that the legislature, having seen a plethora of initiative proposals fail, has little reason to believe that people have any desire for legalized gambling.<sup>110</sup> The truth, though, may simply be that voters have not been asked in an effective way whether or not they want gaming, specifically a lottery. “I think if Arkansas didn’t have the initiative, we probably would have had a straight up or down vote on one like Tennessee that was put together by the legislature,” Barth contends.<sup>111</sup>

The nature of Arkansas’s Democratic Party, which Barth describes as “more progressive than in other [southern] states,” may provide another reason for the state’s widespread resistance to legalized gambling and the legislature’s lack of attention to the issue.<sup>112</sup> With a legislature dominated by a progressive Democratic party, Barth argues, gambling proposals are less likely to emerge from outside the initiative process. “You have legislators who are the leaders of the party who want to spend more money and have more state services, but they are opposed [to using legalized gambling to

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<sup>109</sup> Goodman, *The Luck Business*, 64.

<sup>110</sup> Jay Barth, interview by author, 30 June 2003.

<sup>111</sup> Jay Barth, interview by author, 30 June 2003.

<sup>112</sup> Jay Barth, interview by author, 30 June 2003.

do so] because of the sense that it's a regressive way of raising money," he asserts.<sup>113</sup> Although it appears that few legislators wish to raise revenue through a lottery, with an already regressive tax system, any method the state chooses to satisfy its revenue needs will likely be regressive. Given the situation, lottery proposals like King's may begin to surface more frequently in future legislative sessions.

In their forthcoming book, *Arkansas Politics and Government: Do the People Rule?*, Diane Blair and Jay Barth state that "even the most carefully drafted and focus group-tested [gambling] amendment would still face a tough electoral battle in the first years of the twenty-first century."<sup>114</sup> Among a host of other reasons why this might be true, Blair and Barth cite the state's culture and a general clash between modernizing and traditionalist forces that continues to remain a part of the Arkansas landscape. Although other studies, specifically Mason and Nelson's, provide an in-depth analysis of Arkansas's resistance to legalized gambling, Blair and Barth note that they "likely underestimate the role of Arkansas's traditionalistic political culture (with its resistance to any change in the social order) as an obstacle to legalized gambling."<sup>115</sup> Such a culture can best be understood in a geographical context.

Long a state in search of its identity, Arkansas is divided almost evenly between highlands and lowlands, between the mountains and the delta. The interests of these two areas often clash, and the regions are "distinct in types of population, in scenery, and in culture."<sup>116</sup> Arkansas historian John Gould Fletcher observes that in spite of the similarity of climate, "the mountain region and the plantation region of this state might well belong to two different continents, to two different worlds."<sup>117</sup> In what historian Michael Dougan describes as "a tug of war between two polar opposites," Arkansas's population has fractioned into two sides: traditionalists and modernizers, the traditionalists inhabiting the Delta region of the state and

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<sup>113</sup> Jay Barth, interview by author, 30 June 2003.

<sup>114</sup> Blair and Barth, *Arkansas Politics and Government*, 14.

<sup>115</sup> Blair and Barth, *Arkansas Politics and Government*, 14.

<sup>116</sup> John Gould Fletcher, *Arkansas* (Chapel Hill, N.C.: University of North Carolina Press, 1947), 3, as found in Calvin Ledbetter, Jr., *Politics in Arkansas: The Constitutional Experience*, (Little Rock, Ark.: Academic Press of Arkansas, 1972), 18.

<sup>117</sup> Fletcher, *Arkansas*, 9, as found in Ledbetter, *Politics in Arkansas*, 18.

modernists the mountain.<sup>118</sup> Remarkably, the state's geography serves as an accurate indicator of both cultural and political ties, to the extent that Dougan divides the state politically between "Mountain Republicans" and "Delta Democrats."<sup>119</sup> Such a division is significant in that a greater percentage of Arkansas's population inhabits the traditionalistic Delta region of the state, strongly aligning the state with the Democratic tradition. Currently, Democrats outnumber Republicans in the legislature well over two to one.<sup>120</sup>

One of the most important reasons why gambling legislation has consistently failed within the state, though, may be that Arkansas has proved a state where modernization, in economy, religion, culture, and attitude, has taken "far longer than in comparable states."<sup>121</sup> Eric Jackson explains that there has been continued resistance to current trends in a number of Arkansas's counties, some of which continue to resist practices acceptable almost everywhere else. "You have to remind yourself that in over half our counties you cannot buy alcohol and in some counties you cannot dance. They're probably not going to go for blackjack, either," says Jackson.<sup>122</sup> Indeed, this traditionalism and the strong religious opposition to legalized gambling from conservative Christians are inextricably linked.

Explanations of Arkansas's culturally ingrained traditionalism, along with other elements presented in this analysis, aim to provide a foundation for explaining a phenomenon of resistance that, to the frustration of many, has defied explanation. Dougan notes that Arkansas today provides a picture of a people attempting to embrace progress but still trailing behind. "Incomplete modernization ultimately is reflected in a time lag between Arkansas and the rest of the nation, so that Arkansas represents America's yesterdays," he argues.<sup>123</sup> Whether the success of gambling legislation constitutes a positive modernizing step is a debate this study has not

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<sup>118</sup> Dougan, *Arkansas Odyssey*, 7.

<sup>119</sup> Dougan, *Arkansas Odyssey*. idem.

<sup>120</sup> For information on the state's population, see <http://quickfacts.census.gov/qfd/states/05000.html>. On the makeup of the Arkansas legislature, see <http://www.arkleg.state.ar.us/scripts/ABLR/members/rep.asp?Mtype=A>.

<sup>121</sup> Dougan, *Arkansas Odyssey*, 7.

<sup>122</sup> Eric Jackson, interview by author, 2 July 2003.

<sup>123</sup> Dougan, *Arkansas Odyssey*, 621.

entertained, but legalization would certainly constitute change. For some Arkansans, this may be reason enough for resistance. For others, it appears the diverse array of obstacles to further gambling legalization in the state will ensure that Arkansans continue to gamble elsewhere. More now than ever, though, the state finds itself in a fiscal crunch with no easy remedy, and how much longer Arkansans can defy what has become popular culture is questionable. For now, though, they have succeeded. Opponents know that more attempts to legalize will emerge, but they also know that history is on their side, and though the war may not be over, the battles have been many in their favor. Legalization may ultimately be inevitable, but in the short term, anyway, further legalized gambling in Arkansas is a long shot.



## About the Authors

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