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Black Civil War Veterans and the Records of Incarceration: Slavery, Race, and the Tennessee State Penitentiary, 1850-1870

Peer-Reviewed Dataset Article

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Description

This dataset is a compilation of the records of the 1,400 Black inmates sent from the state's counties to the Tennessee State Penitentiary in Nashville from 1850-1870. The records contain a staggering amount of Black Civil War soldiers/veterans who had enlisted in the segregated

regiments of the United States Military, the United States Colored Troops, or U.S.C.T.[1] The data includes information about Black Union soldiers and veterans sentenced to the state penitentiary, adding an additional dimension to what we know about the relationship between state and national apparatus as well as the challenges the USCT faced during the Civil War and into Reconstruction.The broader *Builders and Defenders* (www.buildersanddefenders.org) database is a digital project that transcribes and makes searchable the identifying information of the enslaved and free Black people of Middle Tennessee before, during, and shortly after the U.S. Civil War. It is one of many that focuses on the population of Black people who changed the course of history through their participation in the Civil War in Nashville.[2] The project leans heavily on local community partners who have transcribed collections related to the Black labor force of the U.S. military in and around Nashville, both enlisted and not. This article spans the dynamics of pre- and postwar Black incarceration in Tennessee, with a focus on the rapid expansion of it during wartime and Reconstruction.

In this dataset, you will find an array of examples for how and why Black men and women were incarcerated in the mid to late nineteenth century. During the Civil War, Union officers, military commissions, and courts martial sometimes sentenced Black soldiers to the state penitentiary in Tennessee. Reasons for sentences ranged from military disciplinary action to mutiny to desertion.[3] Later during Reconstruction, Southern states implemented massive racialized changes in the court systems that fed the state prison system, attempting to address the concerns of white citizens seeking reassurance or retaliation for the federal confiscation and self-emancipation of the people they had enslaved. Many white Tennesseans also sought retribution for the humiliation they reported upon seeing formerly enslaved people armed and in uniform and, in the case of Nashville, part of the occupying force during the war and throughout Reconstruction. White supremacists sought ways to continue the racial hierarchy of slavery and to control unfree labor and Black bodies. Specifically, Southern prisons began incarcerating Black men and women at staggeringly high rates in contrast to their white counterparts.

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[1] The authors would like to thank the Vanderbilt University Black Digital Humanities Working Group for their generous revisions and suggestions to this article during a workshop in October 2022.

[2] For historical overviews of this time period and other related datasets we have produced, see Angela Sutton, "Enslaved and Free Black Builders of Nashville's Civil War Fortifications, 1862-1863: A List from the U.S. Army Corps of Engineers," *Journal of Slavery and Data Preservation* 2, no. 3 (2021): 12-13, https://doi.org/10.25971/CDYH-CR03; Sutton and Jessica Fletcher, "Supplemental Materials and Claims-Making of Enslaved and Free Laborers of the US Army in Civil War Nashville, 1862-1879," *Journal of Slavery and Data Preservation* 4, no. 1 (2023): 48-60, https://doi.org/10.25971/tyda-9n03.

[3] For example, William Barcroft was a member of Company H of the 86th USCT and sentenced to 36 months in January 1866 by a military commission from the Department of Alabama for "striking an officer." The sentence included "loss of all pay except what may be due the sutler and laundress." Further information in the notes detail that Barcroft was 23 years old, could read and write, and was a barber. Barcroft was later released in April 1866 by General Thomas. Simon Chandler, private of Company B, 1st US Colored Heavy Artillery, is another example; he was sentenced by a military commission for ten years in October 1865 at Chattanooga, Tennessee for a "violation of articles of war." William Barcroft and Simon Chandler, *Builders and Defenders*, https://buildersanddefenders.org, accessed March 2, 2024.

This social and legal transformation is made evident in the sources in this dataset. Following the Civil War, the percentage of Black inmates in the state of Tennessee increased dramatically, from roughly 5% of the prison's population prior to the war to about 62% in 1869. The numbers are also stark when it comes to children (defined as people under the age of 18). In the years 1851-1865, a 14-year period, there were a total of 49 children incarcerated, and all but one were either listed as white or not stated (oftentimes not stated because they came from counties where white was the default). Once the war ended, however, the dataset shows, 141 children were incarcerated over a period of just five years (1865-1870). Of these, 87 (again, 62%) were listed as Black or "mulatto" in the dataset, and 75 were listed as white or not stated. The youngest Black child incarcerated in the state penitentiary was J. D. Mangum from Hamilton County, imprisoned for forgery at the age of 10. As with most places in the U.S. South, all prisoners in the penitentiary were eligible for the state's convict leasing program.

The dataset serves as an illustration of why the Black prison population expanded so rapidly during this time period due to multiple discriminatory practices in Tennessee during and after the Civil War. Prior to emancipation, Black people who were seen as "unruly" or "disobedient" were punished by enslavers. The penitentiary took over this role in the Southern states. In turn, the Black prison population expanded exponentially. The racially disproportionate nature of these carceral statistics is of course reproduced all over the nation in our country's prisons today. When this dataset of the Tennessee State Penitentiary is combined with the other datasets in the *Builders and Defenders* database and situated in historical context, these numbers reveal new information about the relationship between the federal and state apparatus and about the ways in which so-called former slave states retained control over and continued to utilize legal structures and institutions to steal labor from Black Americans after emancipation.[4] Joining qualitative and quantitative digital humanities methods, this dataset is of interest to scholars who study the regional dynamics of antebellum and post-Civil War prison systems, convict leasing and the development of the modern carceral state, Black fugitivity and participation in the Civil War, and incarceration of free Black men and women and non-Black people convicted of crimes related to slavery. This dataset sheds light on the troubled history of incarceration in Tennessee and contributes to several historiographical debates.

The few Black people in the Tennessee State Penitentiary prior to the Union Army's occupation of Nashville in 1862 were freedmen. One example is Robert Brooke of Washington County, who was sentenced to a year's imprisonment for petit larceny in 1841. The prison record describes him as follows:

> He is 39 years old, 5' 9 ½" high, weighs 160 lbs. Born and brought up in Washington Co., Tenn., on the head waters of Middle Limestone, two miles from Leesburg. Has a wife and two children, the property of Richard[?] Dickens. The above named boy has a scar on the

[4] This phenomenon was not confined to former "slave states"; these new Southern models of relationships between state and federal came into use nationally.

> right side of the fore head caused by a lick with a rock. He has had his right thigh broken, which makes that leg the shortest. A negro.[5]

Several of the inmates who were Black, white, or had their race not stated in the Tennessee Penitentiary prior to the Civil War were incarcerated for crimes directly related to race and slavery. These crimes included "harboring a slave/negro," "decoying of slaves," "tempting slaves to leave their masters," and "negro stealing." One such person was Peter Collins, a twenty-one-year-old white shoemaker born in New York, who was found guilty of "feloniously tempting" the enslaved to leave their enslavers in Hardin County in 1856. He was sentenced to five years in the Penitentiary.

The context surrounding these types of crimes is not explicitly stated in the notes of ledger entries and the wide range of attitudes toward enslavement mean that motivations are not immediately obvious. For example, some of these crimes reflected political ideologies of antislavery and abolitionism, convicted of aiding enslaved people running away from their enslavers to freedom in the North.[6] This is historically true for cases documented before 1850 outside of this dataset. For example, white prisoner Richard Dillingham lost his life trying to help enslaved persons escape. Dillingham was a Quaker schoolteacher from Cincinnati who had been "persuaded by some colored people there to go to Nashville to get some of their relations from a 'hard master.'"[7] He was caught at the Cumberland River bridge with three enslaved people in his closed carriage and arrested on December 5, 1848. At his trial, Dillingham accepted responsibility "for the error into which his education and his feelings of philanthropy led him." He was sentenced to a three-year term, but died in 1850 from one of the Penitentiary's many outbreaks of cholera.[8]

However, these cases could also relate to white enslavers convicted of "decoying slaves" as a means to kidnap, enslave, or sell enslaved persons under new conditions. For example, a legal dispute in 1846 in Bradley County, Tennessee illustrates some of these themes. In December 1846, Eliza Morris, a white woman, asked the Chancery Court of Bradley County that "William H. Stringer and Asahail Rawlings be ordered to 'surrender and deliver up' her slave named Clerry."[9] She argued that Stringer and Rawlings had sent a "negro man, a slave belonging" to the estate of the trafficker who sold her Clerry, "to purloin and decoy Clerry from her possession." Morris's claims represent a common practice of white enslavers in the South to kidnap and re-enslave Black men and women under the crime or accusations of "decoying slaves" and other terms. In these events, these convictions were for what agents of the law considered property crimes between whites.

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[5] Convict Records Volume 43, 1845-1875, Ledger 45, 191, Tennessee State Library and Archives.
[6] See R. J. M. Blackett, *The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (Camgridge: Cambridge University Press, 2018).
[7] Chase C. Mooney, *Slavery in Tennessee* (Bloomington: Indiana University Press, 1957), 60, 61, 218.
[8] Charles Sherrill and Tomye Sherrill, *Tennessee Convicts: Early Records of the State Penitentiary* (Mt. Juliet, TN: privately printed, 1997), 296.
[9] Petition of Eliza Morris to the Chancery Court of Bradley County, Tennessee December 2, 1846; result not stated; in *Race and Slavery Petitions Project,* PAR Number 21484604, http://dlas.uncg.edu/petitions/.

The terms for these legal instances join an array of other important conviction types before the start of the Civil War that shed light on the criminalization of activities related to race and slavery in the antebellum South. These cases, alongside other conviction types such as providing enslaved persons with forged passes, help illuminate how issues around race and slavery were present in the pre-war southern prison systems. Further, these cases provide important information to future researchers studying the movement of enslaved peoples in the U.S. South–whether it was through fugitivity or through the forcible movement of kidnapping and re-enslavement.

Later, during the war years, in the spring of 1862, the Federal government established military rule over Nashville and President Lincoln appointed Senator Andrew Johnson as Military Governor. A new agent, James Calvert, was appointed to oversee the State Penitentiary.[10] Calvert was authorized to "engage, at remunerative prices, all of my spare hands to work upon the fortifications near the Prison."[11] Of the nearly 5,000 enslaved, free, and imprisoned Black people working on the fortifications, only a small fraction ever saw pay for their hard labor.[12] The federal government utilized the changing legal landscape around emancipation and enslavement to push back against Nashville Union Officers' demands for money with which to pay the laborers while never missing a payment to the Penitentiary.[13]

There were 362 inmates in the Penitentiary when the Federal government occupied Nashville and took over. That number was reduced significantly over the following year. This was largely due to the failure of the local court system during the war; because of wartime instability or sometimes political leanings, many county courts were not sending convicted criminals to occupied Nashville. The reduction in numbers was also due to a generous number of pardons issued by Governor Johnson, who sent 58 prisoners home from April 1862 through September 1863. This left only 156 inmates in the fall of 1863, of whom only several were identified as "colored." [14]

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[10] From its establishment in 1829 the prison was intended to be self-funded, using the stolen labor of convicts to cover expenses. The prison sometimes operated in the red, and biennial reports to the State Legislature were filled with complaints, explanations, schemes and pleas for more money. Workshops on the prison grounds included a shoe manufacturer, a Blacksmith's shop, and, in 1861, facilities for the production of haversacks used by Confederate soldiers. "Destructive Fire," *Republican Banner* (Nashville), May 21, 1861: 6.

[11] State of Tennessee, House of Representatives, "Agent's Report, Tennessee Penitentiary Dec. 17, 1863," *Journal of the House of Representatives at the General Assembly* (Knoxville: 1863).

[12] *Builders and Defenders*, www.buildersanddefenders.org/ExplorationPage, accessed January 12, 2024.

[13] See "Roll of Non-Payment of Carts, Drays, & Wagons Employed in Hauling on Fortifications at Nashville from commencement August 1862 to April 1st 1863," Documents of Lieutenant George Burroughs, Microfilm #1797, Reel 1 and 2, and "Index to non-payment roll defenses of Nashville August 1, 1862 - April 1, 1863," Documents of Lieutenant George Burroughs, Microfilm #1797, Reel 3, Tennessee State Library and Archives.

[14] *Report of the Condition of the Tennessee Penitentiary* (Nashville: Cameron & Co., 1865), 10.

Soon thereafter, the Union Army realized that the Penitentiary was a good place to confine both soldiers and citizens who fell afoul of the military during the war. The prison records show 245 men, both white and Black, sentenced by military courts. They came for many reasons, as these few examples show:

> *Freeman, Frank, colored. Sentenced by military commission at Murfreesboro for manslaughter, Sept. 1865. Private, Company C, 13th U.S. Colored Infantry. From Jefferson County, Kentucky.*
>
> *Hayes, Joseph, colored. Age 20. Sentenced to three years imprisonment by military commission for desertion from 1st U.S. Heavy Artillery. No trade, no education.*
>
> *Ingram, William, colored. Sentenced by military court martial at Memphis for striking an officer. Sentenced reduced from death to 5 years imprisonment. Private, Company I, 59th U.S. Colored Infantry. No trade, no education.*

All three were released by order of General Thomas in April 1866.

This dataset allows us to link the Civil War to the development of the prison system and flesh out a robust sense of the experiences, actions, and motivations of USCT soldiers during the war. [15] It recasts ideas that USCT soldiers were a monolith and shows that experiences of desertion, mutiny, and discord in ranks were present alongside the thirst for freedom, self-determination, and nation-building that show up in other datasets. The biographies that we are able to write with the help of this dataset illustrate how each soldier had their own complex set of reasons for participating, or not, in the war.

The prevalence of USCT soldiers in the prison record provides links to other military sources during the war that appear (or will appear) in both the *Builders and Defenders* and Enslaved.org databases. For example, soldier records of the Battle of Nashville's Black participants add further details to these records from the state penitentiary. In the compiled service records of the 12th regiment, for example, the case of William Hall corroborates the prison notes that state Hall, 25, was sentenced by a military commission at Murfreesboro, Tennessee for larceny for a duration of three years in January 1866, and released by order of General Thomas in April 1866. [16] Compiled records for the 12th regiment show that Hall was indeed sentenced to the state

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[15] For a few examples of the broad literature on the USCT, see John David Smith, *Black Soldiers in Blue: African American Troops in the Civil War* (Chapel Hill: University of North Carolina Press, 2002); William A. Dobak, *Freedom by the Sword: the U.S. Colored Troops, 1862-1867* (New York: Skyhorse Pub, 2013); Kelly D. Mezurek, *For Their Own Cause: The 27th United States Colored Troops* (Kent, OH: Kent State University Press, 2016); Edward G. Longacre, *A Regiment of Slaves: The 4th United States Colored Infantry, 1863-1866* (Lincoln: University of Nebraska Press, 2003).

[16] Charles A. Sherrill, *Tennessee Convicts: Early Records of the State Penitentiary 1850-1870*, Vol. 2 (Santa Maria, CA: Janaway Publishing, 2002), 138.

penitentiary and illustrates additional primary sources and future datasets that can be linked and studied together alongside this one.[17]

The press of military incarceration of Black soldiers came from white populations uneasy with large numbers of Black veterans with free movement in their towns and from the need to be kept safe from these white populations without being pushed into violent conflicts for which Black veterans could and did pay with their lives.[18] The 12th regiment contained many of the laborers who had worked on Nashville's wartime defenses, including Fort Negley and the railroads. Major General Stearns, the Commissioner for the Organization of the USCT in Middle and East Tennessee, admitted that after performing this labor, often without compensation, those male laborers who were still fit enough to fight were forcibly enlisted in the 12th while their wives and children starved in Union refugee ("contraband") camps.[19] Thomas realized he was discharging many men with combat experience whose payments were late and who knew that their fallen comrades' widows would not get the funds they were due. Furthermore, many of these men, like Hall, often had nowhere to return after the war. Stearns worried this created a potential for further racial violence. These Reconstruction issues are made more visible through the combined records of the penitentiary and military.

Transformations in Southern prison systems shed light on the histories of Black mass incarceration after emancipation in the United States. Although legally freed, formerly enslaved men and women continued to face threats to their political and civil rights through unequal and unfair imprisonments and convictions. Although the thirteenth amendment abolished chattel slavery in 1865, it permitted slavery if an individual was a convict: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." A broad array of restrictive and discriminatory legislation was debated and sometimes passed in the South during this time, as well. Tennessee debated the use of Black Codes in 1865 and bordering states such as Alabama introduced legislation after the Civil War that specifically profiled Black men to be arrested and convicted of crimes under vagrancy and enticement laws and the Black Codes in the 1870s. Exploiting and building upon this legal groundwork, Southern legal institutions and prisons like the Tennessee State Penitentiary soon sought to reinforce slavery's racial hierarchy and forced labor system after emancipation by incarcerating Black men and women at exponential rates and forcing them to work on prison chain gangs and in the convict leasing system.

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[17] Record of William Hall, Compiled Military Service Records of Volunteer Union Soldiers who Serviced with the United States Colored Troops, 12th United States Colored Infantry, MF 1742, Tennessee State Library and Archives.
[18] See Donald R. Shaffer, *After the Glory: The Struggles of Black Civil War Veterans* (Lawrence: University Press of Kansas, 2004).
[19] Angela Sutton, "Enslaved and Free Black Builders of Nashville's Civil War Fortifications, 1862-1863: A List from the U.S. Army Corps of Engineers," *Journal of Slavery and Data Preservation* 2, no. 3 (2021): 12-13, https://doi.org/10.25971/CDYH-CR03.

As the Federal authorities attempted to reestablish local governments in Tennessee after the war, they were frustrated by pro-Confederate community leaders who attempted to use the courts and prisons to punish formerly enslaved people and pro-Union whites. The population of Black prisoners grew quickly. Public sentiment against the new freedmen and their lack of friends, money, or knowledge of the legal system to help defend themselves in court resulted in widespread incarceration. From seven "colored" inmates in 1863 the population grew almost tenfold to 66 in 1865, and more than doubled again to 165 by Nov. 30, 1866. By 1875, the Penitentiary housed 583 people described as "negro," "colored," or "mulatto" (including 35 females) out of a total population of 968.[20] This meant that 60% of the Reconstruction-era prison population in Tennessee was Black. Governor William Brownlow, a "Union firebrand" determined to bring about a new order in Tennessee, repeatedly pardoned both the freedmen and the pro-Confederate officials sent to the Penitentiary, causing a public outcry. The *Tennessean* newspaper reported this story, with the headline "Think of it- *three hundred convicts* to be turned loose upon the people of our state!"[21]

Despite Brownlow's efforts in the years immediately after the war, the rapid influx of prisoners with little state accommodation for it created very poor living conditions. The prison had not been expanded since it opened in 1831. The two hundred cells, designed for only one inmate in each, were 7.5 feet square, barely large enough for two people to lie side by side on the floor. An inventory of equipment made in 1865 shows that there were 99 cots with bedding, along with six cots for guards and six bedsteads for the staff, but a prisoner had no chair, table, or other furniture in their cell.[22] There is no indication in the records that prisoners of color were kept segregated. Certainly, no special buildings were erected for housing "colored" inmates, but it is unlikely that people of different races would have shared a cell. In this regard, the written record reflects equally poor housing conditions for prisoners.

Sanitation was poor and disease ran rampant in the overcrowded prison. Penitentiary physician G. P. Henry reported at the end of 1874, "Above all, the great causes which have been most prominent in the destruction of life, have been the epidemics which have scourged our institution." A cholera outbreak in the 1870s illustrates these poor living conditions. In the summer of 1873 hundreds of inmates became ill. This terrible scourge was followed by "flux of a very malignant type, and for weeks our hospital was crowded to its utmost capacity." In 1873-4

[20] *Report of the Superintendent of Prisons . . . January 4, 1875* (Nashville: Tavel, Eastman & Howell, 1875), 78.
[21] *Tennessean,* March 6, 1868. A typical case confronting Governor Brownlow is described in a letter written by Black inmate John Bonner, who had been convicted of larceny in Shelby County in 1866. He asked the Governor to pardon him, saying he had not been involved in the robbery of Stifle's Grocery Store. Bonner explained that he lived next door to the store, which was robbed by a group of six men. He claimed that prior to his trial, Stifle met with the jurors and promised them champagne and beer if they would convict Bonner. After laying in jail for four months, Bonner was convicted in a ten10-minute trial. Evidently the Governor sent an immediate pardon, as Bonner was never logged in at the Penitentiary, hence he does not appear in our dataset. Governor William Gannaway Brownlow Papers, 1865-1869, GP21, box 5, folder 5, Tennessee State Library and Archives.
[22] *Agent's Report . . . January 21, 1865,* 38, State Prison Records 1831-1992, record group 25, Series 10d "inventories," Tennessee State Library and Archives.

a total of 63 inmates died.[23] This situation is disturbingly familiar in light of the numbers of inmates of color, especially who are Black, who die of preventable communicable diseases like HIV and Covid-19 while in state custody.[24]

Prison overcrowding in Tennessee provided an excellent springboard from which the state could launch a program of forced convict labor. Beginning shortly after the Civil War, convicts were sent to live and labor without pay at such places as the Vulcan coal mines, J. C. Harlan's plantation in Maury County, and on several railroads.[25] The penitentiary's robust use of convict leasing occurred with private companies such as the Tennessee Coal, Iron, and Railroad Company's mines in Tracy City to forcibly mine and process coal and iron.[26] As Southern states like Tennessee participated in convict leasing through the forced labor of Black inmates, they exported unprecedented levels of raw resources such as coal and iron to northern industrial centers and western expansion projects—the very same projects which had formerly relied on Southern raw materials which used to be harvested, mined, or produced by the enslaved populations.[27]

The exploitation of Black prisoners and their labor contributed to the close relationship between Southern penitentiaries and the political and economic rise of industrial capitalism and the carceral state in the South during the late nineteenth century.[28] Through the convict leasing system, for example, Southern prisons operated as profit-driven institutions built upon the forced and unfree labor of Black inmates. State treasuries directly reaped the benefits of the convict leasing system and the profits they made created a substantial percentage of state revenues and budgets. In other words, the convict leasing system became a direct motor for Southern states' political economy and wealth after the Civil War. Penitentiaries leased convict

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[23] *Report of the Superintendent of Prisons . . . January 4, 1875*, 81-85.

[24] See Tawandra L. Rowell-Consulo et. al., "Black Americans and Incarceration: A Neglected Public Health Opportunity for HIV Risk Reduction," *Journal of Health Care for the Poor and Underserved* 27, no. 1 (February 2016): 114-130, and Elizabeth A. Bradshaw, "Do Prisoners' Lives Matter? Examining the Intersection of Punitive Policies, Racial Disparities and Covid-19 as State Organized Race Crime," *State Crime Journal* 10, no. 1 (2021): 16-44.

[25] "Prison Records, State of Tennessee, 1831-1992," Record Group 25, Tennessee State Library and Archives (see https://tnsla.ent.sirsi.net/client/en_US/search/asset/20810/0 for more information).

[26] V. Camille Westmont, "Dark Heritage in the New South: Remembering Convict Leasing in Southern Middle Tennessee Through Community Archaeology," *International Journal of Historical Archaeology* 26 (2022): 1-21, https://doi.org/10.1007/s10761-021-00592-w.

[27] See Karin A. Shapiro, *A New South Rebellion: The Battle Against Convict Labor in the Tennessee Coalfields, 1871-1896* (Chapel Hill: University of North Carolina Press, 1998); Westmont, "Dark Heritage in the New South"; Robert David Ward, *Convicts, Coal, and the Banner Mine Tragedy* (Tuscaloosa: University of Alabama Press, 1987); James Sanders Day, *Diamonds in the Rough: A History of Alabama's Cahaba Coal Field* (Tuscaloosa: University of Alabama Press, 2013).

[28] On the relationship between Black incarceration, industrial capitalism, and the state, see Henry Kamerling, *Capital and Convict: Race, Region, and Punishment in Post-Civil War America* (Charlottesville: University of Virginia Press, 2017); Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Metropolitan Books, 2010); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996); Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the Nineteenth-Century American South* (New York: Oxford University Press, 1984).

labor to various state institutions and government projects and Black prisoners were forced to build railroads, bridges, roads, mines, and other infrastructure for the southern states, just as the enslaved had built the bulk of Southern infrastructure prior to the war. In short, the development of the mass incarceration of Black prisoners was closely connected to the rise of industrial capitalism and the development of the modern carceral state in the postwar South. [29]

Abolition, then, was not a clear-cut rupture point in United States history between freedom and unfreedom for Black Americans, but rather a continuing struggle between Black men and women and the racist structures of power rooted in slavery in the South that continued to try to control them. Historians have shown how Black citizens during the war and after emancipation fought to protect and advance their civil and political rights amid this retrenchment of antebellum white supremacist structures of power that upheld slavery's racial hierarchy and inequality.[30]

In this vein, this dataset, alongside other sources, offers a lens into prisoners' efforts to negotiate freedom and resist the control of the prisons and assert their personhood before and after the war. These themes permeate the prison record in this dataset. For example, pre-war cases of Black and white prisoners convicted of "harboring slaves" illuminates antebellum practices of abolitionism and self-emancipation in Tennessee. Take the case of James Peck, a "free man of color," who was convicted in 1857 for harboring slaves. Prison notes further indicate that he was born in Pennsylvania, worked as a cook, and that his relatives lived in Pittsburgh and his wife, Sarah Graham, lived in Cincinnati, Ohio.[31] Peck's actions in helping to harbor enslaved men and women and his connections to northern cities suggests likely connections to the underground railroad. Escapes as a form of resistance also frequently emerge in prison notes, and other prison records shed light on the family networks convicts had outside of prison and who they possibly sought to reconnect with following discharges, pardons, and escapes. For example, Albert Burrow's case explains that he "escaped from the quarry" he was leased to in 1867 and William Reynold's case talks about his family connections outside of Tennessee – that "his mother lives in Roanoke Co., Virginia" and "has one brother in the army and one sister living with mother."[32]

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[29] On race and Reconstruction, see W. E. B. Du Bois, *Black Reconstruction in America: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Harcourt, Brace, and Company, 1935); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Perennial Classics, 2002); Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge: Cambridge University Press, 2008); Laura Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights* (Cambridge: Cambridge University Press, 2015); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998).
[30] See Manisha Sinha, *The Slave's Cause* (New Haven: Yale University Press, 2016) and Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2010).
[31] Sherrill, *Tennessee Convicts,* vol. 2, 274.
[32] Ibid., 49, 295.

This dataset adds new details to understanding the lived experiences of prisoners before and during their imprisonment in southern prisons and helps highlight the differences and similarities between the simultaneously developing prison systems in the North and South, the dynamics of prison reform ideologies and movements, and the racial and gender hierarchies shaping their formation. For example, examining Illinois and South Carolina prisons, historian Henry Kamerling challenges linear histories about the inevitable rise of the convict leasing system in the South. He reveals the dichotomy between a reform-centered prison system in the North and exploitative convict leasing in the South by examining how during Reconstruction Black communities engaged in prison reform and community support.[33]

Likewise challenging a dichotomous understanding between the North and South prison systems, this dataset is part of an effort to put the untold story of Nashville's Tennessee State Penitentiary at the center of a larger national history and at a nexus between the North and the South. Nashville sits near a juncture of the Cumberland River, which extends from the Ohio River through southern Kentucky, Middle Tennessee, and to St. Louis where it meets the Mississippi River. All of Nashville was shaped by the Cumberland's central location and the connections this river system created to the region. We frame the penitentiary as part of this river-ways confluence–deeply shaped by the people, ideas, and materials crossing these North-South riverine boundaries. The Tennessee state prison represents an epicenter between North and South to study these histories of the regional prisons and, specifically, the experiences of Black prisoners after emancipation and Reconstruction.

The dataset notes the far-reaching geographic lived experiences and kinship networks of many of the inmates. For example, B. H. Branch, imprisoned in 1861, was born in South Carolina, had lived in Stoddard, Mississippi and Butler County of Missouri, and had a wife and two children who lived in Henderson County, Kentucky.[34] Similarly, George H. "Captain" King, imprisoned in January 1865 by a military commission at Chattanooga, was "born and raised in Pennsylvania" and had "family living in Knox County, Illinois" before he escaped in May 1865.[35] These examples, alongside Peter Collins discussed above, further highlight how Nashville was a center between the North and South linking these relationships.

The dataset opens avenues to study gender and prisons. Scholars such as Sowonde' Mustakeem, Erica Rhodes Hayden, Talitha LeFlouria, and others have explored women's experiences in prisons and highlighted how gender concepts fundamentally shaped the making of prison systems.[36] Centering and tracing women's experiences, these scholars have shown

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[33] Kamerling, *Capital and Convict*.

[34] Sherrill, *Tennessee Convicts,* vol. 2, 35.

[35] Ibid., 201.

[36] Sowande' Mustakeem, "'Armed with a Knife in Her Bosom': Gender, Violence, and the Carceral Consequences of Rage in the Late 19th Century," *Journal of African American History* 100, no. 3 (2015): 385-405; Erica Rhodes Hayden, *Troublesome Women: Gender, Crime, and Punishment in Antebellum Pennsylvania* (University Park: Penn State University Press, 2019); Talifa LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: University of North Carolina, 2015); Kali N. Gross and Cheryl D. Hicks, "Introduction – Gendering the Carceral State: African American Women,

how gender and race, societal and cultural notions of womanhood, and women's labor exploitation were a central part of criminal law and the eventual modern carceral state. This dataset includes roughly sixty Black female prisoners; the prison notes for them shed light on their personal identities, family and kinship ties, and experiences at the prison. For example, Rebecca Carter, imprisoned in 1866 for larceny, had "one child in Washington County, [Tennessee]" and was pardoned by Governor Brownlow in 1866.[37] "Susan Contraband," imprisoned in 1864, was released by a military Special Order in 1865 due to "the Judge Advocate General failing to approve the findings."[38] Although the notes are brief, these women's cases offer evidence for further study into the gendered dynamics of racial criminalization and incarceration.

Finally, this dataset also helps to join the histories of Nashville's Fort Negley and the descendants of it to the development of the modern prison industrial system in the United States. Many of the Fort Negley laborers, soldiers, and their families and descendants settled in Nashville after the war and made up a large percentage of some of the earliest post-emancipation Black communities in the city. The dramatic rise in Black incarceration after the war in the state prison ensured that some of the laborers and soldiers, as well as their families and descendants, tragically became victims of the state's efforts to re-establish the former racial hierarchies and power structures of slavery's antebellum years. The development of mass incarceration after Reconstruction continued over the subsequent decades and generations into Jim Crow and continues to be felt today. Scholars have shed important light on the development of the modern prison industrial system built from these foundations of post-war imprisonment.[39] As Michelle Alexander explains, the continued mass incarceration of Black people in prisons today represents the resurgent rise of the New Jim Crow—a circumscription of Black political and social rights in American democracy through incarceration.[40] The Tennessee Penitentiary dataset shows that slavery and the Civil War were the genesis of many modern race-based inequities of the US carceral state. Tennessee's state penitentiary was one of many microcosms in which these inequities began, and this dataset encourages scholars to explore these connections to contemporary issues further.

History, and the Criminal Justice System," *Journal of African American History* 100, no. 3 (2015): 357-65; Kali N. Gross, "African American Women, Mass Incarceration, and the Politics of Protection," *Journal of American History* 102, no. 1 (2015): 25-33.

[37] Sherrill, *Tennessee Convicts,* vol. 2, 61.

[38] Ibid., 74.Her last name was likely unknown and stated as "Contraband" due to the fact that she was imprisoned by the Union Army in 1864 after self-emancipating and seeking out their lines for safety.

[39] For a few examples from this literature, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012); Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009); Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016); Jessica T. Simes, *Punishing Places: The Geography of Mass Imprisonment* (Oakland: University of California Press, 2021).

[40] Daniele Selby, "How the 13th Amendment Kept Slavery Alive: Perspectives from the Prison Where Slavery Never Ended," *Innocence Project* (2021): https://innocenceproject.org/13th-amendment-slavery-prison-labor-angola-louisiana/.

Dates of Data Collection

1995-2002 (Chuck Sherrill)
2021-2022 (Angela Sutton, Jessica Fletcher)

Dataset Languages

English

Geographic Coverage

Tennessee and surrounding states

Temporal Coverage

1850-1870

Document Types

Bill of Sale, Invoice, or Receipt
Civil Document
Criminal Document
Contract
Legislation or Decree
Letter
Membership List

Sources

Convict Records volume 43, 1831-1875; Convict Records volume 44, 1845-1869; and other collections. Tennessee State Library and Archives, Nashville, TN.

Journals of the Tennessee General Assembly

Sherrill, Charles A. *Tennessee Convicts: Early Records of the State Penitentiary 1850-1870,* volume 2. Santa Maria, CA: Janaway Publishing, 2002.

Methodology

This dataset has been a work in progress over two decades.[41] The dataset is primarily based on a publication from 2002 by Chuck Sherrill, Tennessee State Librarian and Archivist, titled

[41] This section on methodology focuses on how we got the data, how we cleaned it, and any challenges or issues that shaped our approach. For more specific information about how to navigate the dataset, please see the accompanying data documentation sheet.

Tennessee Convicts: Early Records of the State Penitentiary 1850-1870. Data for the book were taken from three sources in the Tennessee State Library and Archives:

> Convict Records volume 43, 1831-1875. This ledger is arranged in tabular format, providing basic information about each prisoner including name, age, place of birth, date received, county from which committed crime, sentence, and discharge information. Race is not always indicated, but the notation "colored" was generally added for people of color.[42]
>
> Convict Records volume 44, 1845-1869. This record book covers the same period but is written in a freehand format. It contains the same basic information as listed in volume 43, but sometimes provides additional details about a prisoner's family and a physical description.
>
> Reports issued by Penitentiary officials to the State Legislature, sometimes available in manuscript form but also as published appendices in the *Journals of the Tennessee General Assembly*. Reports help fill in the gaps in the above volumes, particularly for the years of the Civil War, and provide insightful comments from the Agent or Keeper, and sometimes from other officials such as the physician or chaplain.[43]

Sherrill drew on prison ledgers and legislative reports to create a detailed compilation of the prisoners and information about them, including names and personal identifying information, conviction and release details, and additional notes about their experiences before and after imprisonment. The prison ledgers did not always provide the same type of data about each prisoner, though most entries contained some biographical information. In further research on prisoners of special interest, he searched for pardons, local court records, Southern Claims Commission records, newspaper articles, and other sources. In *Tennessee Convicts,* researchers may find significant insights into prisoners' convictions, family networks, birthplaces, occupations, and more that emerged in the sources. As part of our data-cleaning process, the project team conducted random sample checks on the data in the book, which was found to be accurate. We also checked samples with the National Park Service's Civil War Soldiers and Sailors Database (CWSS) to verify which individuals served in the military.[44]

Working closely with Sherrill, the *Builders and Defenders* digital project team imported entries related to Black prisoners from *Tennessee Convicts* into the database. As the team worked to

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[42] "Prison Records, State of Tennessee, 1831-1992," Record Group 25, Tennessee State Library and Archives. This volume was previously numbered 86, as referenced by Sherrill.
[43] These are sometimes bound as individual volumes, but not always. The reports consistently appear as appendices to the House and Senate *Journals of the Tennessee General Assembly,* published biennially. A full set is available at the Tennessee State Library and Archives.
[44] Available at National Park Service, *Soldiers and Sailors Database,* https://www.nps.gov/civilwar/soldiers-and-sailors-database.htm.

import the new prison data, we discussed new approaches for how to make decisions about ambiguous data, how to clean the data, and how to format the entries in the project. Although *Tennessee Convicts* includes information for all prisoners incarcerated during this time, the team decided to only import information related to Black prisoners and their families and networks to center and highlight the experiences of this population. Further related information about the white inmates can be found in *Tennessee Convicts* and at the Tennessee State Library and Archives. For several entries, race was not stated and the team made decisions on each individual entry based on other clues in the data. For example, it became apparent that before the war antebellum prisons rarely included Black prisoners unless they were free Black people or criminally convicted enslaved people who had been handed over by their enslavers, which was unusual and therefore stated in the notes. We included a few entries of white inmates in the data when related directly to convictions related to Black people. For example, whites who were found guilty of "harboring slaves" or of "decoying" are included in the dataset, with the hopes that their names will provide valuable clues to those searching for the enslaved people they sheltered, protected, or exploited.

The original entries about the prisoners in Sherrill's book were written in paragraph form and included all available information about the individuals: conviction, date received into the prison, crime, race, and birthplace, and additional notes relating to occupation, aliases, and family, etc. The team decided to place metadata about crimes and prison sentences directly into events in the dataset via event types such as "Incarceration" and "Release" and to edit the additional information about the individuals and their personal lives, experiences, and relationships. Thus, the notes and information in the dataset is not an exact replica of *Tennessee Convicts,* but rather an annotated and reorganized version of it that centers the information most useful for linking individuals in Enslaved.org: all related persons, places, events, and dates. Verbatim transcriptions are rendered in quotations.

To navigate the data, the team's web developer, Jim Schindling, compiled five interrelated spreadsheets for ease of ingestion: Person, Event, Snapshot, Place, and Source spreadsheets. Each of these highlights a range of information focusing on different aspects of the source data. A detailed walk-through for navigating these sheets can be found in the data documentation guide accompanying this dataset.

The Person spreadsheet includes the most details about the individual, such as first and last name, race, age, sex, birth and death dates, and more. It also includes columns for information about their occupations and aliases. Further, the notes column is one of the richest sets of data in this spreadsheet; this is where the team edited notes about the prisoners and especially focused on social and cultural history details about their lived experiences in the prison (such as escapes, pardons, or deaths), their birthplaces and residences, and any details about their family and kinship networks. It also includes any available information about former soldiers' basic service records, such as date of enlistment, name of company and regiment, and date of muster out. Patterns surrounding the age of prisoners offer a stark statistic regarding Black incarceration. Before and during the Civil War, there were 49 children incarcerated, and all but

one were either white or not stated. But after the war ended (1865-1870), 141 children were incarcerated. Of these, 87 were listed as Black or "mulatto" and 75 were white or not stated. This spreadsheet also sheds light on, for example, the many occupations of Black prisoners in Tennessee from 1850 to 1870. Skilled trades such as blacksmiths, carpenters, tanners, cooks, shoemakers, barbers, and tailors frequently appeared in the notes, as well as more specific skilled trade such as horse trainers and harness makers, stone and brick masons, wagon and cabinet makers, glass cutters, and more. The prevalence of skilled trades among the Black inmates reflects a wide-ranging array of craftsmanship and specialized knowledge. This, in turn, changes preconceived notions about class and Black incarceration in the U.S. South.

In the Event spreadsheet, the team compiled the information about a variety of events associated with imprisoned people. The main events listed relate to their trial and conviction, incarceration, release, and, if applicable, origination (also known as birthplace event). Trial events state the crime an individual was convicted of and the conviction county. This is especially helpful for analyzing and tracing patterns in the types and frequencies of convictions, as well as convicting county locations. By far, the most frequent crime was larceny (and other forms of theft such as robbery and stealing) with roughly 920 convictions. Two of the heaviest conviction counties in the penitentiary were Davidson County (Nashville and vicinity) with 246 entries and Shelby County (Memphis and vicinity) with 182 entries. Other events such as incarceration events detail the dates of incarceration and any additional details related to the imprisonment, such as the dates of arrival at the state penitentiary; the team included exact dates when available but sometimes only the month was provided. In these cases, the team gave a range of dates for that month. Other times no incarceration date was given so the team worked to create a general date range based on information provided in notes, such as years mentioned in prison ledgers or legislative reports. Release events detail how the prisoner was discharged, such as pardons, good behavior, military discharge, escapes, time served, and deaths. Prisoners identified as Civil War veterans have “military discharge” listed for their discharge type. For each type of release, we include information about the date of release, pardoning official, and, if applicable, cause of death. Numerous pardons appear in the dataset, most of them by Governor Brownlow, but several of them by various other Tennessee governors including Andrew Johnson, who later became president of the United States. In cases where incarceration and release dates were not available or somewhat complicated, the team provided a range of dates based on the notes. For example, occasionally prisoners escaped and then were recaptured and reimprisoned, and later pardoned or released.

Another event the team recorded was origination events, another way to trace birthplaces. Notes from *Tennessee Convicts* frequently stated where prisoners were born, sometimes at the city, county, state, or country level. The team recorded these locations and imported them into the dataset with individuals. Having these locations in a searchable category allows for geographic analyses based on birthplace, conviction counties, and imprisonment in the state penitentiary. These location connections allow future analyses based on patterns of movement and forced movement and migration in the carceral state.

When navigating the dataset, there is a column named "Relationships" in the "Entities" spreadsheet. Unfortunately, due to the nature of the sources, we were not able to identify a large number of people related to the prisoners. The sources might reference a mother, father, sibling, or spouse, but often without names; when names were provided, we created relationship references for those individuals. Besides personal relationships such as these, each prisoner has an official connected to their discharge event (if applicable), such as a governor or a military officer.

Finally, there were some entries that appeared to be duplicates based on name and notes but could not be definitively verified given some differences in information. The case of James Ward exemplifies these challenges: there are two James Wards in the dataset with very similar notes, but some details do not match up: one entry has very little information relating to the crime, conviction, and date, while the other entry has the same information as well as additional details about birthplace, discharge, the law under which they were discharged, and different reference sources.[45] In all cases where we could not be 100% certain the individual entries referred to the same person, the team decided to import them as separate people and allow subsequent researchers to evaluate the notes and related information for potential duplicate. As with all entries related to under-documented people belonging to suppressed histories, the team believes duplication is vastly preferable to further erasure.[46]

Date of Publication

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Data Links

Dataset Repository: Harvard Dataverse, https://doi.org/10.7910/DVN/FE4RLC
Linked Data Representation: Enslaved.org

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National Park Service American Battlefield Protection Program
Vanderbilt University Black Digital Humanities Working Group

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[45] Sherrill, *Tennessee Convicts,* vol. 2, 359.
[46] For scholarship on our metadata cleaning approaches, see Jessica Marie Johnson, "Markup Bodies: Black [Life] Studies and Slavery [Death] Studies at the Digital Crossroads," *Social Text* 36, no.4 (December 2018): 57-79; Katie Rawson and Trevor Muñoz, "Against Cleaning," in *Debates in the Digital Humanities 2019,* ed. Matthew K. Gold and Lauren F. Klein (Minneapolis: University of Minnesota Press, 2019), 279-292; Christine L. Borgman, "What are Data?" in *Big Data, Little Data, No Data: Scholarship in the Networked World* (Cambridge: MIT Press, 2015), 27.

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