He's only a payin' 'em back! Struggling for Freedom During Civil Conflicts

by Philip Smith

In popular depictions of Reconstruction, the public often gets a rather distorted view. Traditional accounts tell stories of political conflict between Radical Republicans and Democrats, carpetbaggers and Redeemers, and armed conflict between Union soldiers and Klansmen. Freedmen and other people of color are often portrayed as passive victims of violence, calling out for white saviors, and not as people willing to fight the power structure. A more careful reading of Reconstruction and civil conflicts, in general, shows something very different. Civil conflicts, such as the Civil War and Reconstruction, tend to turn society on its head. This essay will examine a local conflict known as the Lowry Wars in Civil War/Reconstruction-era North Carolina. It will propose that for brief moments, society's rules and social structures are in flux, and oppressed people—especially people of color—are given the opportunity to fight for their rights and against the power structures that oppress them.

Between 1864 and 1872, an interracial group known as the Lowry Band fought against the local and statewide ruling class of North Carolina in a conflict known as the Lowry Wars.[1] Members of the Lumbee tribe composed the majority of the band. A tribe with a complicated history that fueled later patterns of resistance, the Lumbee people emerged from the swamplands of Robeson County, descending from several indigenous tribes as well as blacks and whites.[2] Many historians, both academic and professional, have speculated on the exact origins of the tribe. Hamilton McMillan, a 19th century Robeson County historian, believed that the Lumbee were the descendants of the Croatan tribe that (possibly) gave refuge to, and eventually absorbed the members of the lost Roanoke Colony.[3] What seems to be a more plausible explanation is that, as a result of war, disease, and encroaching Europeans, the swamplands around the Lumber River Valley would become a refuge for numerous tribes who commingled and mixed with each other during the eighteenth century.[4] A number of white settlers and freed slaves would settle along the banks of the Lumber River. These early-

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[1] Edward Magdol, "Against The Gentry: An Inquiry into a Southern Lower-Class Community and Culture, 1865-1870," *Journal of Social History* 6, no. 3 (Spring, 1973): 260.
[2] J. Leitch Wright Jr., *The Only Land They Knew: The Tragic Story of The American Indians in The Old South,* (New York: The Free Press, 1981), 233.
[3] William McKee Evans, *To Die Game: The Story of the Lowry Band, Indian Guerrillas of Reconstruction*, (Baton Rouge: Louisiana State University Press, 1971), 22.
[4] Evans, 23.

eighteenth-century settlers and runaways would eventually be assimilated into the Lumbee, further adding to the multiracial nature of the tribe.[5]

While whites did not initially settle in great numbers, when they did come and "discover" the Lumbee and their settlement (which they called Scuffletown), they found a people who spoke English instead of a native language and lacked the tribal structure of other Native American tribes.[6] With the arrival of a more significant number of whites, the status and material condition of the Lumbee began to deteriorate. While they were not resettled, they would have to contend with both slavery and the increasing racism of their white neighbors.

As with all small farmers in the South, Lumbee farmers could not adequately compete with their slaveholding neighbors. No matter how hard they worked, small farmers could not produce the same amount of cash crops as the slave gangs; this, in turn, would lead to a widening gap in wealth between planters and farmers of all races. White supremacy would serve to both divide the Lumbee from their fellow small farmers and make their economic condition even more precarious. The North Carolina Constitution of 1835 took away most citizenship rights from free people of color.[7] Since the Lumbee could not prove their Indian status, because of their lack of a native language and tribal organization, they were classified as free people of color and lost the right to vote, bear arms, and testify against whites.[8]

While they could still own land, official records after 1835 show a steady deterioration of Lumbee economic conditions. The census of 1860 shows that almost all of the Lumbee lands were shrinking, and many had no land at all.[9] The effect of this cannot be exaggerated in an agricultural society where land means power and influence. Landless people, or people who are land poor, are routinely oppressed and overlooked in agricultural societies since the economic power given by lands translates into political influence. It seems that the Lumbees' white neighbors took advantage of the constitutional changes to push them off their lands. They did this with threats and quasi-legal means.[10] Since the Lumbee did not think that their rights would be respected in court—especially since they could not testify against their oppressors—these land grabs often went uncontested.[11]

In Mary C. Norment's history of the Lowry Wars, we get a sense of just how hardened racial attitudes had become. Norment, an inhabitant of Robeson County and

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[5] Evans, 29.
[6] Magdol, "Against The Gentry," 262.
[7] William McKee Evans, *To Die Game,* 32.
[8] W. McKee Evans, "The North Carolina Lumbees: From Assimilation to Revitalization," in *Southeastern Indians Since The Removal Era,* ed. Walter L. Williams (Athens: University of Georgia Press, 1979), 50.
[9] Evans, 50.
[10] Evans, 51.
[11] Evans, *To Die Game,* 33.

victim of the Lowry Band, describes the Lumbee as hypocrites who can be religiously austere at one moment and fall over drunk the next.[12] She states: "The entire race are intemperate whenever they have the means of gratifying their taste for spiritous liquors." This love of liquor caused them to be incredibly violent and "fussy."[13] Norment describes the Lumbee as natural criminals who are superstitious and cannot stop having children.[14] She states that before the war, Lumbee criminals kept the courts busy and "demoralized the entire slave population and not a few of the white trash." This, she claims, led to higher taxes since the county had to foot the bill for their jail stays.[15] Norment's descriptions of the Lumbee are littered with the all-too-familiar language of racism and white supremacy. Her account gives a snapshot of the views of a highly racist society that blames the Lumbee for their own poverty and plight.

It is no wonder then that, during the Civil War, the Lumbee community declined to support the society that had impoverished and oppressed them. While they could not serve in the Confederate Army because of their race, the Confederacy was more than happy to conscript them into labor battalions in their quest to build a series of forts around the Cape Fear estuary.[16] Conditions in the labor battalions were notoriously bad, and a growing number of Lumbee conscripts fled to swamps in order to avoid the harrowing conditions of the battalions.[17] In the swamps, the Lumbee came to face to face with Union soldiers who had escaped from the Confederate prison camp in Florence, South Carolina. The famine conditions of the late Civil War and a mutual antipathy to the Confederacy would compel the two groups to cooperate. In 1864, the Lowry Band was formed by Lowry kin and escaped Union soldiers.[18]

To feed themselves and their neighbors, the Lowry Band began a series of raids on local plantations. The band began by raiding the people whom they knew had ample stocks of food. One such person was James P. Barnes, a wealthy slaveholder and minor Confederate official.[19] When Barnes noticed that he was missing some hogs, he obtained a warrant and searched the home of Allen Lowry, the father of both William and Henry Berry Lowry, the leaders of the Lowry band. While he did not find Allen's sons, he did find a set of hog ears and proceeded to threaten both Allen and his sons.[20] Soon after,

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[12] Mary C. Norment, *The Lowrie History: As Acted in Part by Henry Berry Lowrie, The Great North Carolina Bandit. With Biographical Sketches of His Associates. Being a Complete History of the Modern Robber Band in The County of Robeson and State of North Carolina,* 4th ed., (Lumberton: Lumbee Publishing Company, 1909), 27.
[13] Norment, 27.
[14] Norment, 27-29.
[15] Norment, 29.
[16] Evans, *To Die Game*, 34.
[17] Evans, 36.
[18] Evans, 36.
[19] Evans, 38.
[20] Evans, 38.

Barnes was killed by Henry Berry Lowry. The Band next turned their attention to James Harris. Harris was a Confederate recruiting officer who had killed three Lowry family members. [21] In early 1865, Harris was ambushed by the band and shot to death. Soon after, the band raided the Robeson County Courthouse in Lumberton for both provisions and weapons.[22]

With the killing of a civil and military officer and the successful raid on the courthouse, the Confederate Home Guard decided to launch a targeted campaign against the Lowry Band. The guard would raid and search the homes of the family members of the band. During one of these raids, they searched the home of Allen Lowry. Finding stolen goods, they took Allen and his son William to the woods and "examined" them.[23] Finding them guilty of banditry, they were ordered to dig their own graves by members of the guard. They were then shot to death "with duck shot and ball."[24]

The Confederate Home Guard would continue to terrorize the Lumbee in order to get information on the band. On one occasion, the guard took Henry Berry's mother into the woods, tied her to a tree, and blindfolded her. They then proceeded with a mock execution, the purpose of which was to gather information on the whereabouts of Henry Berry, who had emerged as the band's leader after the execution of his brother William.[25] Despite the violence and intimidation, the end of the Civil War in May would signal the end of the first phase of the Lowry War.

While the Union defeated the South militarily, they failed to destroy the region's power structure. Robeson County was no different from the rest of the South in this respect. The local government continued to be in the hands of a few well-connected, former slaveholding families.[26] The level of control these families had is clearly seen within the family of Mary C. Norment, a noted source for the history of the Lowry Wars. Norment's grandfather-in-law was the chairman of the county court, her father-in-law was the county solicitor, and her husband, Owen, was the captain of the county militia.[27] With so much to lose, local elites acted swiftly to protect their power. The Confederate Home Guard was converted into the "Police Guard" and deputized by the county.[28]

The police guard would soon move against Henry Berry. On December 7, 1865, Henry Berry was arrested on his wedding day. The young man was charged with the

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[21] George Alfred Townsend, *The Swamp Outlaws: Or, The North Carolina Bandits: Being a Complete History of the Mondern Rob Roys and Robin Hoods,* New York: Robert M. DeWitt, 1872, 49.
[22] Evans, *To Die Game*, 41-42.
[23] Townsend, *The Swamp Outlaws,* 51.
[24] Townsend, 52.
[25] Evans, *To Die Game,* 50.
[26] Evans, 57.
[27] Evans, 58.
[28] Evans, 60.

murder of James P. Barnes and held in the Columbus County Jail at Whiteville.[29] Early the next year, Henry Berry would escape, flee to the swamps, and reform the Lowry Band. This reformed band would be much smaller than the previous one but would retain its multiracial character. The band was composed primarily of Lumbee but included two freed slaves and at least one white member. [30]

During this time, the Police Guard used the Lowry Band as a pretext to unleash a reign of terror among the darker-skinned population of Robeson County. Members of the Lumbee Oxendine family (Calvin and Henderson Oxendine were members of the band) were whipped, lynched, and shot by the Police Guard.[31] Black men who had the flimsiest connection to the families of the band were targeted, beaten, and shot.[32] Faced with the violence of the county elites, the Lumbee, African Americans, and some poor whites would actively aid and support the Lowry Band over the coming years.

This support was probably best summed up by Aunt Phoebe, an old freedwoman in Robeson County. In her interview with Townsend, she opened her mouth to show him her missing teeth.[33] She then explained that her former master had beaten her so hard with an oak stick that he had knocked nearly all of her teeth out. She then remarked: "Oh, dis was a hard country, and Henry Berry Lowery's jess a payin' 'em back. He's only a payin' 'em back! It's better days for de brack people now. Massta, he's jess de king o' dis country."[34] The Lowry Band was fighting the people who had oppressed both the black and Lumbee populations of Robeson County. Unlike the masters who hoarded food during the post-war famine years, the Lowry Band shared some of their stolen food with the poor of all of the races of Robeson County.[35] The poor of Robeson County would pay the band back with a one-way flow of information. They would always know where their enemies were, while their hunters could rarely find them.[36]

This support would find practical expression in the political life of Robeson County. Lowry's supporters became a vocal force within the local Republican Party.[37] While they would pay lip service to the demands of their pro-Lowry members, local Republican leaders would never fully commit to the efforts to pardon Henry Berry.[38] This was demonstrated clearly in 1868 when Henry Berry was persuaded by Republican

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[29] Evans, 70-71.
[30] Evans, 72-74.
[31] Townsend, *The Swamp Outlaws*, 34-35.
[32] Townsend, 36.
[33] Townsend, 27.
[34] Townsend, 27.
[35] Evans, "The North Carolina Lumbees," 52.
[36] Evans, 52.
[37] Evans, 52.
[38] Evans, *To Die Game,* 96.

leaders to turn himself in.[39] Despite their promises of security and a fair trial, Republican officials failed to adequately protect his cell.[40] Henry Berry began to hear rumors of a lynch mob, and once again escaped from the county jail on December 12, 1868.[41] After his second escape, state Republican leaders would support attempts to capture Lowry, and the split between Lowry's supporters and the supporters of the Republican state leadership would lead to Democratic victory in the next election.[42] Official attempts to grant Lowry a pardon or a free trial would end, and it looked like there was increasingly no way out for Lowry and his swamp guerillas.

The next four years would follow a similar pattern to the last four: the Police Guard and gangs of citizens would hunt the Lowry Band with little success, and the band would continue to target and raid the plantations of Robeson County. The only thing that would change would be the increasingly desperate measures that Lowry's enemies would use to catch him. By 1870, federal troops were aiding the state militia and Police Guard in their effort to capture Lowry.[43] The bounties for Lowry and his men had grown to astounding figures. Towards the end of the conflict, Henry Berry's state bounty alone was $35,000.[44] The most desperate attempt to catch Lowry was the capture of the band members' wives during the summer of 1871. Colonel Wishart, the commander of the state militia, hoped that this would force the band into open conflict with the soldiers and police guard.[45] In response, Lowry sent a messenger telling the Colonel that if the band's wives were not returned, he would "retaliate" on the white women of the county and that the lives of every white person would be at risk.[46] The wives of the members of the Lowry Band were duly returned the next day.[47]

The end of the Lowry Wars would be much less dramatic than its beginning. On the night of February 16, 1872, the band robbed a general store and left with $1,000 in merchandise and $22,000 in cash. After this haul, Lowry would never be seen again, and his band would disband shortly afterward.[48]

From this investigation, it is clear that the Lowry Band was not simply a group of bandits. Their insurrection was against the white ruling class that had oppressed them

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[39] Evans, 104
[40] Evans, 104.
[41] Evans, 105-106.
[42] Evans, "The North Carolina Lumbees," 52.
[43] "A Notorious Desperado Killed in North Carolina-A Company of Soldiers After His Confederates-A Defaulting Book-Keeper at Chicago," *New York Times* (New York, NY), Dec. 18, 1870.
[44] "Proposition to Capture the Lowry Gang of Outlaws-Singular Enterprise of a Fourth Ward Character," *New York Times* (New York, NY), Dec. 18, 1870.
[45] Evans, *To Die Game,* 191-192.
[46] Evans, 198-199
[47] Evans, 202.
[48] Theda Perdue and Michael D. Green, "The Columbia Guide To American Indians of the Southeast," (New York: Columbia University Press, 2001), 136.

their entire lives. The environment created by the Civil War and Reconstruction allowed the members of the band to challenge white supremacy in a very direct way. The legacy of the struggle can be seen in the Lumbee people to this day. The exploits of Henry Berry and his band figure prominently in Lumbee culture and help define who they are as a people.[49] The Lumbee would continue to resist oppression through the late nineteenth century and into the twentieth. They would keep the right to vote, and in 1885 were recognized as a tribe by the state of North Carolina.[50] The Lumbee would continue to fight white supremacy physically as well. In 1958, the Klan tried to organize a rally in Robeson County. In response, the Lumbee showed up with shotguns and fired above the Klansmen's heads, shooting out their lights. [51] Policemen arrived and broke up the rally; the Klan would not be welcome in Robeson County. The Lowry Band's legacy can be seen in the continued resistance of generations of the Lumbee people.

The Lowry Wars provide an excellent example of people of color using the environment created by civil conflicts to fight for and advance their rights. During the Lowry Wars, people of color were not mere victims waiting for white saviors; they actively fought the society that oppressed them. They won rights that they did not have before they fought. Throughout history, we see that freedom is advanced through struggle, and it is never given out of the kindness of the hearts of the ruling class. While not all struggles have to be violent, advances in freedom have to be fought for by the oppressed. Society cannot advance in any other way.

[49] Evans, *To Die Game,* 252.
[50] Evans, 253.
[51] Evans, 254.