

Spring 5-3-2017

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**GROUNDING ASPIRATIONS: THE FREEDMEN'S STRUGGLE FOR INDEPENDENCE
FROM THE PLANTER LAND MONOPOLY**

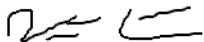
An honors paper submitted to the Department of History and American Studies
of the University of Mary Washington
in partial fulfillment of the requirements for Departmental Honors

Kristopher L Hiser

May 2017

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Kristopher Hiser



05/03/17

Grounded Aspirations:
The Freedmen's Struggle for Independence from the Planter Land Monopoly

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Dr. Claudine Ferrell
History 485
April 24, 2017

Revolution is based on land.
Land is the basis of all independence.
Land is the basis of freedom, justice, and equality.
—Malcolm X

Abstract

Following emancipation, the freedmen began to seek out the highest expression of American conceptions of freedom: their own land. Because of the relationship between land and freedom, they focused their efforts on acquiring homesteads and farms that they could cultivate on their own terms. Southern landowners, however, quickly recognized that in order to recreate their antebellum social and economic positions, they would need a class of dependent laborers to maintain the plantation system which had been so immensely profitable for them before the war. In order to protect their own economic interests, they began to subvert the efforts of the freedmen to acquire economic independence. The insufficient response of northerners, the economic conditions of the South, the inadequacy of the Southern Homestead Act, and the persistent actions of southerners prevented the land reforms that the freed people and their allies desired and left most freedmen landless and dependent upon the class of people from whom they had only recently escaped bondage.

In his “Message to Grassroots” speech in 1963, prominent radical black activist Malcolm X stressed the necessity for control of land in order to protect the rights and freedom of blacks in America.¹ While his tone and his sentiments may have differed from civil rights leaders at the time, there was nothing novel about his assertion. He was echoing the feelings of the freedmen and the political leaders aligned with their cause from one hundred years prior, expressing the same desire for a landed revolution that they had hoped for during Reconstruction. Following emancipation, the freedmen began to seek out the highest expression of American conceptions of freedom: their own land. Many northerners were sympathetic to the freedmen’s desires, but their support for the methods required to help freedmen acquire land varied. Southerners, by contrast, responded to the economic decimation of the South during the war by trying to recreate the antebellum plantation system that had deprived blacks of the fruits of own labor.

Accordingly, while racial attitudes and residual bitterness from the Civil War often guided the conduct of southerners toward the freedmen, it was economic considerations of the landed aristocracy that were at the heart of the efforts to reassert control over the them. Land reform during Reconstruction threatened to forever overturn the plantation system of the South; planters believed that if the freedmen were able to acquire productive land of their own, there would be no labor for plantations, and King Cotton would never return to anything resembling its former glory. Accordingly, planters sought to establish and protect a monopoly on the productive capacity of the South, the lands suitable for cotton production. The aristocracy was not alone in their opposition to black land ownership, however. Because of the status attached to land ownership and agricultural production, non-planters also tried in various ways to exclude the

¹ Malcolm X, "Message to Grassroots" (speech, November 10, 1963), Teaching History <http://teachingamericanhistory.org/library/document/message-to-grassroots/>.

freedmen from acquiring land. Collectively, southern whites, planters or otherwise, used intimidation, violence, artifice, and local and state legislation to prevent the freedmen from becoming freeholders.

For their part, the freedmen were cognizant of these efforts by white southerners and deliberately resistant to them. For the most part, however, southern blacks held agrarian values very similar to their white counterparts. They saw control of the soil as the ultimate protection of independence and autonomy. Some were happy, or would have been if they had acquired land, to engage in the same sort of subsistence farming as white yeomen, but many of them wanted to continue farming cotton, just on their own terms. Whatever their intent, they were frequently willing to go to great lengths, contend with numerous obstacles, and endure great personal sacrifices to acquire land. There were people, southern and northern alike, however, who recognized that fact and preyed upon the freedmen's eagerness. The Freedmen's Bureau attempted, where possible, to protect the freedmen and help them overcome the challenges required for them to become land owners, but the bureau simply did not have the resources and manpower necessary to provide all the protection and assistance the freedmen required. The combined result of all those obstacles, the lack of northern support, and the interference of southerners who wanted to keep a dependent laboring class was all the foundation necessary to undermine the economic independence of the freedmen for at least the following several decades.²

² The freedmen suffered a great deal of abuse at the hands of the northerners and even the national government. For the most part, however, such abuses are not covered here as they are outside the scope of this essay. For some examples, see Patricia C. Click, *Time Full of Trial: The Roanoke Island Freedmen's Colony, 1862-1867* (Chapel Hill: University of North Carolina Press, 2001), 130-142; Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Indianapolis: Bobbs-Merrill, 1964), 270-1; Claude F. Oubre, *Forty Acres and a Mule: The Freedmen's Bureau and Black Land Ownership* (Baton Rouge: Louisiana State University Press, 1978), 42-43.

Even before the war had ended, many freedmen had already tried, or had been granted an opportunity to try, to establish themselves as free, independent citizens of the Republic. As early as 1861, freedmen began to escape their former masters and flee to federal troops. After Gen. Benjamin Butler set the precedent to treat escaped slaves as contraband of war, which would soon be replicated in congressional legislation, contraband camps began to spring up all over the South in places where federal troops were present. In Louisiana, Butler set up a system whereby the freedmen were contracted to planters who agreed to pay them wages set by the government.³ Northern industrialists and political leaders also set up freed labor colonies—in Port Royal and on Roanoke Island, for instance—that allowed freedmen to work under contract and to exercise limited control over the lands on which they had been previously held in bondage. Almost immediately, the freedmen began to demonstrate their desire to become land owners. The administrator of the Roanoke Colony, former army chaplain Horace James, observed that the freedmen are “animated by the prospect of a homestead of their own, and the little comforts of a freehold.”⁴ Believing that “all wage earners who worked hard enough would be able to become property owners, James added that “land was the freedmen’s strongest incentive to industry.”⁵ In Port Royal, Brig. Gen. Rufus Saxton and Rev. Mansfield French devised a plan to help freedmen preempt plots of confiscated land that the government, under the direction of President Abraham Lincoln and Secretary of War Edwin Stanton, was planning on auctioning.⁶ Freedmen were directed by General Saxton to go into the lands set for auction and stake out forty acre claims.

³ See William Cohen, *At Freedom's Edge: Black Mobility and the Southern White Quest for Racial Control, 1861-1915* (Baton Rouge: Louisiana State University Press, 1991), 9-11.

⁴ James quoted in Click, *Time Full of Trial*, 62.

⁵ Ibid.

⁶ Rose, *Rehearsal for Reconstruction*, 275-99.

Saxton hoped that in doing so, the government would not remove the freedmen who had claimed the land in order to go ahead with the auction, and that the lands would be granted to the freedmen at the preferred rate of \$1.25 per acre.⁷ General Saxon and Reverend French's preemption plan was unsuccessful, but the freedmen demonstrated a great eagerness in filing claims and putting small houses upon the lands they hoped to acquire.

After the freedmen had demonstrated their own self-sufficiency in the various free labor experiments, many northern political and military leaders began to focus on helping them acquire land. In recognition of the fact that without land the freedmen would find themselves at the mercy of those planters from whom they had recently gained their independence, Radical Republicans in Congress passed a series of acts intended to confiscate property in the South and redistribute it to freedmen and other loyal southerners. The Second Confiscation Act in August 1862 and the Abandoned and Captured Property Acts of March 1863 and July 1864 were intended to break up the "vast monopolies" of planters and give the freedmen "something to stand upon when asserting and maintaining their right to fair wages."⁸ Then, in January 1865, Gen. William Tecumseh Sherman issued Special Field Order #15, which distributed the land in what came to be known as the "Sherman Reservation" to freedmen for their exclusive use and occupation. The reservation stretched from just south of Charleston, South Carolina, down the whole coast of Georgia, into Florida until just north of Jacksonville, and from the sea, including

⁷ Ibid. When the land was auctioned, it went for an average of \$11 per acre.

⁸ Samuel J. May, "Letter from Rev. Samuel J. May," *National Anti-Slavery Standard* (New York), May 26, 1866; George W. Julian, "Selections: Speech of Hon. George W. Julian, of Indiana: Delivered in the House of Representatives, Washington, DC, March 18, 1864," *National Anti-Slavery Standard* (New York), April 9, 1864.

the Sea Islands, to thirty miles inland.⁹ The order stated that forty-acre parcels would be distributed to the heads of families and that the military would protect those families in their possession “until Congress shall regulate their title.”¹⁰

When Andrew Johnson assumed the office of the presidency in April 1865, however, the legislative efforts of Radical Republicans were severely impeded. In addition to vetoing the reauthorization bill for the Freedmen’s Bureau that would have, ostensibly, secured the freedmen in their possession of the lands in the Sherman Reservation, President Johnson issued an Amnesty Proclamation in May 1865 that granted the “restoration of all rights of property, except as to slaves” to most former Confederates, provided that they take an oath of loyalty to the Union.¹¹ There were thirteen classes of people excepted from automatic amnesty, but President Johnson, “evinced a marvelous generosity,” pardoned an average of one hundred people per day, eventually pardoning 13,500 of the 15,000 who had applied.”¹²

Because the scope of his proclamation was not immediately clear, many freedmen were left in a state of uncertainty in the aftermath of the Civil War. Recognizing the troubling implications of the proclamation before it had been formally issued, Henry Ward Beecher, prominent abolitionist and avid proponent of property distribution to former slaves, expressed his concern that for “political reasons, there may be an attempt to restore these plantations to the old

⁹ William Tecumseh Sherman, "Order by the Commander of the Military Division of the Mississippi," in *The Wartime Genesis of Free Labor: The Lower South*, ed. Ira Berlin, Thavolia Glymph, Steven F. Miller, Joseph P. Reidy, Leslie S. Rowland, and Julie Saville, vol. 3, series 1 (Cambridge: Cambridge University Press, 1990), 339-40.

¹⁰ *Ibid.*, 339.

¹¹ Andrew Johnson, "Amnesty Proclamation, 29 May 1865," in *The Papers of Andrew Johnson*, ed. Paul H. Bergeron, (Knoxville: University of Tennessee Press, 1989), 129.

¹² Rose, *Rehearsal for Reconstruction*, 350; Heather Cox Richardson, *Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901* (Cambridge: Harvard University Press, 2001), 16.

owners. . . . It is my hope and prayer,” he added, “that, among the first things that President Johnson will do, will be to take his iron pen and strike out, with utter annihilation, so much of the proclamation of amnesty as contemplates restoration of property to those who take the oath of allegiance.”¹³ This hope was not realized; a year after it had been issued and after most southerners had reclaimed their property, general reformer and abolitionist Rev. Samuel May complained that the proclamation left the freedmen “dangling—dependent on the self-interest of their former oppressors.” He added that the “unhappy consequences of [Johnson’s] bad ‘policy’ [were] already appearing in the revival of the haughty spirit of the Southern Aristocracy.”¹⁴ Johnson had given planters the support they needed to regain control over the southern economy: the land. In the spring of 1866, to contemporary observers, the hope of revolutionizing the plantation economy of the South to release the freedmen from dependence upon their former masters looked rather bleak.

By summer 1866, the hope of the freedmen to acquire property rested almost entirely on the Southern Homestead Act. Maj. Gen. O. O. Howard, after running out of other options to help freedmen secure the land he believed so vital to their wellbeing, suggested to Rep. Thaddeus Stevens, Radical Republican leader from Pennsylvania, that public lands be set aside for the exclusive use of the freedmen.¹⁵ Working with William Fessenden, who headed the Joint Committee on Reconstruction, Congressman Stevens crafted the act, which was signed into law in June of 1866 by President Johnson.¹⁶ It stated that 46,398,544 acres of public lands in

¹³ Henry Ward Beecher, "Henry Ward Beecher's Visit to South," *Liberator* (Boston), May 26, 1865.

¹⁴ May, "Letter from Rev."

¹⁵ For more on Howard and his dedication to the freedmen, see William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New York: Norton, 1994).

¹⁶ Claude F. Oubre, *Forty Acres and a Mule*, 86-87; "The Southern Homestead Law," *Christian Recorder* (Philadelphia), August 4, 1866.

Arkansas, Alabama, Florida, Louisiana, and Mississippi would be made available for settlement, and that until January 1, 1867, those lands would be for the “exclusive use” of the “freedmen and loyal refugees.”¹⁷ According to an African American newspaper, the *Christian Recorder*, the value of “this opening” for the freedmen could not have been “overestimated.”¹⁸ Rep. Sidney Clarke of Kansas later proclaimed that it could not “be too often repeated or too deeply impressed upon the public mind” that “this homestead policy is one of the Republic's strongest safeguards.”¹⁹ But the inadequacies of northern support, the flaws in the law, and the actions of southern opponents to black property ownership meant that the Southern Homestead Act would not be enough to overturn the plantation system that relied on the exploitation of black labor.

Like Radical Republicans, northerners in general recognized that the freedmen’s interests would be best protected if they acquired land; however, many of those northerners were opposed to any distribution or assistance from the government to help them do so.²⁰ Even before the passage of the Southern Homestead Act, according to preeminent Reconstruction historian Eric Foner, northerners believed “that the road to black landownership should lie through patient wage labor—while market values and responses were learned—rather than a sudden ‘gift of land.’”²¹ Even an ardent abolitionist, William Channing Gannett, who had organized a school

¹⁷ Ibid.

¹⁸ “Southern Homestead Law.”

¹⁹ Sidney Clarke, “Land Monopoly vs The People--Abuses of the Treaty-Making Power: Extract of a Speech of Hon. Sidney Clarke, of Kansas, in the House of Representatives, January, 1869,” *National Anti-Slavery Standard* (New York), May 8, 1869.

²⁰ LaWanda Cox, “The Promise of Land for the Freedmen” (1958), in *Freedom, Racism, & Reconstruction: Collected Writings of Lawanda Cox*, ed. Donald G. Nieman (Athens: University of Georgia Press, 1997).

²¹ Eric Foner, *Politics and Ideology in the Age of the Civil War* (Oxford University Press, 1980), Kindle Edition, 111; See also LaWanda Cox, “Tenancy in the United States, 1865-1900: A Consideration of the Validity of the Agricultural Ladder Hypothesis,” in *Freedom, Racism, & Reconstruction: Collected Writings of Lawanda Cox*, ed. Donald G. Nieman (Athens: University of Georgia Press, 1997).

for the freedmen in the Port Royal experiment, “prayed” that the freedmen not acquire land “by gift.”²² Horace James, the administrator of the Roanoke Colony, believed that “all wage earners who worked hard enough would be able to become property owners.”²³ These attitudes contributed to the half-hearted approach to helping the freedmen secure land immediately after the attempts to do so began. Similar northern attitudes later greatly impacted the efficacy of the Southern Homestead Act. The *Christian Recorder* opined that the act would allow many freedmen to “begin on [a] humble scale, but if they show[ed] the right disposition,” they would “soon” be on the “high road to independence and prosperity.”²⁴ The act did provide the freedmen with land, but even with transportation to their homesteads, it would have taken far more than “manly self-reliance” for most of the freedmen to make good use of their property.²⁵

There were numerous obstacles, in addition to the resistance of southerners, in front of the freedmen who wanted to acquire land under the provisions of the act. The Freedmen’s Bureau had not received any appropriation from Congress, requiring it to be entirely self-sufficient.²⁶ Union men like Brig. Gen. Joseph Fullerton, who had conducted an inspection of the conditions of the South for President Johnson, thought that the bureau would only agitate the political situation in the South, which would be “injurious to the freedman.”²⁷ President Johnson

²² W.C.G., 1 March, 1863, in Pearson, in *Letters from Port Royal: Written at the Time of the Civil War, 1862-1868*, ed. Elizabeth Ware Pearson (Boston: W.B. Clark Company, 1906), Kindle Edition.

²³ Click, *Time Full of Trial*, 62.

²⁴ “Southern Homestead Law.”

²⁵ *New York Tribune*, December 14, 1869, quoted in Cox, “Tenancy in the United States,” 4.

²⁶ Because of the lack of funding, General Howard had to rely on Union soldiers and officers, whose wages were paid by the military, to fill the ranks of the bureau. Other than those wages paid by the government to bureau agents, only activities that had specific apportionments, like the travel provisions for freedmen taking advantage of the Southern Homestead Act, received funding from Congress.

²⁷ Joseph S. Fullerton to Andrew Johnson, 9 February 1866, in Bergeron, *Papers*, 64.

apparently concurred and decided in April 1866 to veto another bill extending the existence of the Freedmen's Bureau that included an appropriation of \$11,745,000.²⁸ In order to garner the support to pass the bill over Johnson's veto, Radical Republicans had to revise it and pass a version that included no such appropriation. Because of the great responsibility of carrying out the provisions of the Southern Homestead Act—including surveying lands, processing applications, and helping the freedmen acquire transportation to their homesteads, as well as their general duties of protecting the freedmen in contracts and relations with plantation owners—the resources of the bureau were stretched far too thin for it to be efficient.

The six-month period during which “disloyalists [could] not get a foothold,” ended in January of 1867; it came and went before most freedmen had been able to even begin the process to acquire land.²⁹ In the first place, many freedmen were bound to contracts that were renewed yearly, did not expire until January, and were paid only upon completion. If they had left to acquire homesteads during the first six months of the act, they would have had to forfeit the wages, in the form of a portion of the crop, that they had earned until that point, and which they desperately needed. Even if those freedmen had been able to leave, however, it is unlikely that they would have acquired homesteads by January. The bureau simply did not have the manpower to assist them. As late as March of 1867, there was only one land office open in Arkansas, for example, despite the fact that there were allegedly 9,208,012 acres available for settlement in that state alone. Maj. Gen. E. O. C. Ord reported great difficulties processing the number of

²⁸ Andrew Johnson, "Veto of the Freedmen's Bureau Bill, February 19, 1866," Teaching American History, <http://teachingamericanhistory.org/library/document/veto-of-the-freedmens-bureau-bill/>.

²⁹ "Southern Homestead Law."

claims “of so many freedmen” and requested that a second office be opened in Clarkville.³⁰ The bureau’s ability to process homestead claims in other states was just as insufficient. According to Claude Oubre, the inadequacy of the land offices in Louisiana was particularly acute.³¹

One freedman, A.W. Ross, wrote on behalf of himself and nearly “three hundred heads of families” to the bureau commissioner, General Howard, complaining that despite their eagerness to enter homesteads, neither the assistant commissioner for Mississippi nor the land officer there could provide them with information about how to acquire them.³² He indicated that the planters for whom they had been working were charging as much as \$12 an acre for rent. He also informed General Howard that if the “laggard land officers” did not hurry, they would have to continue “paying all they [could] earn to the owners of the soil” and that the owners would “manage by hook or by crook to get all.”³³

Despite the persistent efforts of the freedmen and the insistence of many northerners, it was very difficult for many blacks to simply strike out on their own. As a class, they were generally too indigent to purchase the seeds and implements necessary to be able to cultivate the land. In order to “relocate, register, sustain themselves and establish a farm,” settlers might need as much as \$600-\$1,000, the equivalent of roughly \$9,000-\$15,000 in 2017.³⁴ Many freedmen, however, had “left their masters with nothing but their persons,” and even if they would have

³⁰ Brevt. Major General Edward O. C. Ord to Major General O. O. Howard, 15 March 1867, in *Freedom: A Documentary History of Emancipation, 1861-1867*, ed. René Hayden, Anthony E. Kaye, Kate Masur, Steven F. Miller, Susan E. O'Donovan, Leslie S. Rowland, and Stephen A. West (Chapel Hill: University of North Carolina Press, 2013), 940.

³¹ Oubre, *Forty Acres and a Mule*, 109.

³² A. W. Ross to Gen O. O. Howard, 6 Oct 1866, in Hayden et al., *Freedom*, 941.

³³ *Ibid.*

³⁴ Neil Canaday, Charles Reback, and Kristin Stowe, "Race and Local Knowledge New Evidence from the Southern Homestead Act," *Review of Black Political Economy* 42, no. 4 (2015): 406.

stayed, there was little likelihood of their having saved any significant amount of money from the low pay they received.³⁵ In one case, a group of twenty families requested from the bureau transportation to Lake City, Florida, where they had filed for homesteads. Because, however, they were “almost entirely destitute of clothing or means to make themselves comfortable during their journey” and “without money or means to purchase the necessary stock implements or seed,” their application for transportation was denied.³⁶ Another group of freedmen who had settled near Ft. Smith, Arkansas, found themselves on their land without any implements to cultivate it. General Howard, perhaps foreshadowing his role in the Freedmen’s Bank, was able to raise \$1072.83 from northern investors to help those freedmen acquire supplies, but such aid was rare.³⁷

Freedmen were generally unable to acquire loans to overcome their deficiencies. The war had totally decimated the economy of the South. By the summer of 1865, “commercial banking [in the South] had almost ceased to exist.”³⁸ Because the whole of the South needed capital to repair the economy, northern banks generally had to decide between loaning money to the freedmen and loaning money to planters, and almost invariably, “the planters won out.”³⁹ The

³⁵ Post Chaplain Francis Springer to Capt. Chas. Banzhof, 19 December 1866, in Hayden et al., *Freedom*, 951.

³⁶ Capt. Geo. R. Walbridge to Col. C. C. Sibley, 18 February 1867, in Hayden et al., *Freedom*, 959 and 959 editors’ note.

³⁷ Springer to Banzhof, 19 December 1866, in Hayden et al., *Freedom*, 951 and 951 editors’ note.

³⁸ Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985), 99; Roger L. Ransom, “Reconstructing Reconstruction: Options and Limitations to Federal Policies on Land Distribution in 1866-67,” *Civil War History* 51, no. 4 (2005): 670.

³⁹ Ransom, “Reconstructing Reconstruction,” 671. For more on the lack of credit in the South, see Heather Cox Richardson, “A Marshall Plan for the South? The Failure of Republican and Democratic Ideology during Reconstruction,” *Civil War History* 51, no. 4 (2005): 378-87.

one notable exception, the Freedmen's Bank, was established specifically to meet the credit needs of those blacks who had taken advantage of the Southern Homestead Act, but who required money in order to "break up the soil, fence, build, or cultivate."⁴⁰ The bank, however, was plagued with problems, not the least of which was a huge embezzlement scandal that meant that freedmen lost both the option to take out loans and any savings they had deposited in the bank.⁴¹ Regarding the lack of funds available, Wendell Phillips, prominent abolitionist and proponent of property distribution to freedmen, pleaded in 1870 that the new farmer "must be aided from some quarter before he can enter on his new possessions."⁴² Although he believed that "such a point needs no laboring," northern leaders, and even other notorious abolitionists, were unwilling to push for measures in Congress to help the freedmen. Lacking these lines of credit, most freedmen were forced into the "form of peonage that would ensnare black farmers for years: the sharecropping system."⁴³

Another problem with the homestead act that faced loyal whites and freedmen who wished to take advantage of its provisions was that the land offered was often of inferior quality.⁴⁴ The acreage offered by the act seemed abundant, but a great deal of it was on mountain sides, in swamps, or was otherwise not arable. According to historian Michel Lanza,

⁴⁰ Wendell Phillips, "The Negro's Claim," *National Anti-Slavery Standard* (New York), January 29, 1870.

⁴¹ For more on the freedmen's bank, see Carl R. Osthaus, *Freedmen, Philanthropy, and Fraud: A History of the Freedman's Savings Bank* (Urbana: University of Illinois Press, 1976).

⁴² Phillips, "The Negro's Claim"; for more on Wendell Phillips's view of property distribution, see James Brewer Stewart, *Wendell Phillips: Liberty's Hero* (Baton Rouge: Louisiana State University Press, 1998).

⁴³ Charlene Gilbert and Quinn Eli, *Homecoming: The Story of African-American Farmers* (Boston: Beacon Press, 2000), 21.

⁴⁴ For more on the quality of land available under the Southern Homestead Act, see Claude F. Oubre, "Forty Acres and a Mule: Louisiana and the Southern Homestead Act," *Louisiana History* 17, no. 2 (April 1, 1976) 143-57.

“Republican leaders paid scant attention to land quality.”⁴⁵ They were largely unaware of the fact that the reason most of the public land available in the South was unclaimed was precisely because it was “greatly unfit for cultivation.”⁴⁶ In addition, at the passage of the act, most of the available land had not been surveyed, and the land records were in total disarray. In recognition of the poor quality of the available land, Rep. William Lawrence pleaded to his fellow legislators, unconvincingly, that the land that had been granted to railroad companies in 1856 but that had still not been utilized should be made available to freedmen and landless whites.⁴⁷ He opposed the Republican congressman from Tennessee, Samuel Arnell, who, having read aloud the total acreage made available by the act, intended to create the impression that there was an abundance of land already available. Rep. George Julian, perhaps the most ardent supporter of land reform in Congress and the chairman of the Committee on Public Lands, informed his colleagues that most of the lands were either barren or “so inaccessible to settlements as to be undesirable for present occupancy.”⁴⁸ Of the millions of acres held by the government in Louisiana, for instance, the 900,000 acres held for the railroads were “of a superior quality, in the vicinity of streams, and in every way desirable for homesteads.” Outside of that grant, according to one report, “there were not one hundred thousand acres of government land fit for cultivation.”⁴⁹ A land surveyor in Arkansas wrote to the assistant commissioner that “nearly all

⁴⁵ Michael L. Lanza, *Agrarianism and Reconstruction Politics: The Southern Homestead Act* (Baton Rouge: Louisiana State University, 1990), 87.

⁴⁶ *Ibid.*

⁴⁷ William Lawrence, "Homesteads to Colored Citizens: Important Speech of Hon. William Lawrence of Ohio," *National Anti-Slavery Standard* (New York), February 15, 1868.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

first class cotton lands were entered years ago” and that “intending emigrants would do well to keep this fact in view.”⁵⁰

In order, therefore, for the freedmen to have effected any substantial reform in the agricultural system of the South, they would have needed a great deal of assistance that was simply not forthcoming. Many northern Republicans were likely more concerned over the added representation that southern states would get in Congress. In determining congressional apportionment, southern blacks, whose numbers were counted as three-fifths only of a person when they were enslaved, would now count as full citizens of their respective states regardless of whether they were given the right to vote. Republicans, accordingly, generally felt that the best way to protect the rights of the freedmen was to extend the franchise. In May of 1866, the anti-slavery society believed that the “suffrage of the freeman” was the primary “defense[] necessary to secure” the freedmen’s “personal liberty.”⁵¹ Unless freedmen were given the franchise, only southern whites would elect representatives to Congress, which would dismantle the Republican Congressional supermajority. Because the vote for black men was so important to the political fortunes of the Republican Party, it was natural that the passage of the Fifteenth Amendment was the object of so much Republican attention.

The most astute political observers and those who were most concerned with the wellbeing of the freedmen, however, recognized that without land to protect their interests, suffrage was of little use to the freedmen or to the party. Rep. Sidney Clarke, fearful of the

⁵⁰ W. W. Granger to Brvt. Major John Tyler, 30 October 1866, in Hayden et al., *Freedom*, 943. According to Granger, what lands remained were good only for corn, small grains, vegetables, and fruits. These crops, while fine for those freedmen interested in subsistence farming, would not provide enough revenue to make a substantial impact on the freedmen’s general reliance on planters for employment. It is unclear, also, whether this information is entirely true or if the surveyor himself has the interests of the planters in mind when he wrote this report.

⁵¹ Mary Grew, "The Situation," *National Anti-Slavery Standard* (New York), May 26, 1866; May, "Letter from Rev."

“landed monopoly” that would “build injustice and rapacity into the political system,” proclaimed that “whoever owns the land of a country . . . will in the end control its politics, and that suffrage was not enough” if Congress really wanted to improve the plight of former slaves.⁵² He argued to his fellow representatives that the history of America had been “a broader and more liberal recognition of occupation and labor,” and that failing to provide homesteads for poor southerners, black and white, would be an incredible step backward. But despite the fact that, according to Wendell Phillips, “the whole nation recognize[d] the fitness and necessity of securing land to the negro,” Congress was unwilling to do anything more to help them acquire it. Northerners believed that if the freedman were to acquire land, he must do so of his own accord, and that like the hog, the freedmen should be left to “root or die.”⁵³

Many northern political leaders either failed to recognize or were disinterested in the fact that planters’ control of the cotton-producing lands of the South gave them a practical monopoly over labor. Without land of their own, freedmen had little choice but to hire themselves out to planters for whatever terms they were willing to offer. American political doctrine had long recognized the danger of such monopolies. Even President Johnson had acknowledged that in the U.S. there was “no room for favored classes or monopolies.”⁵⁴ Perhaps because of his success in overcoming his own humble beginnings, however, he was unwilling to afford the freedmen what he believed were special protections.⁵⁵ He also believed in the states’ rights doctrine, which meant to him that any solution for the land and labor issues must be resolved by the states, and

⁵² Clarke, “Land Monopoly.”

⁵³ Phillips, “The Negro's Claim.”

⁵⁴ Andrew Johnson, “President's Message,” *Weekly Vincennes Gazette*, December 16, 1865.

⁵⁵ “The Civil Rights Bill,” *Harper's Weekly*, April 14, 1866, 226.

not the national government. Johnson apparently did not share the view that it was “a distinguishing mark of true statesmanship to guard as much as possible against the possibility of monopolies in regard to property”⁵⁶

Overturing the land monopoly, therefore, was a primary concern for those interested in the wellbeing of freedmen and in general economic reform in the South. Aaron Powell, editor of the *National Anti-Slavery Standard*, criticized the “shameful negligence of the government” in not granting the freedmen property, which allowed the “old supporters of slavery” to once again “monopolize the land in that region.”⁵⁷ Without measures to secure land, according to Reverend May, it was “impossible to protect or essentially improve the condition of the Freedmen” and they would be left as “homeless, landless, political ciphers, at the mercy of those who have always oppressed them.”⁵⁸

The land monopoly did not affect only landless blacks in the South, however.⁵⁹ The authors of the Southern Homestead Act recognized this fact when they made the homesteads, in eighty-acre parcels, available for freedmen and loyal whites alike for the first six months, and for any landless head of household afterward. John M. Langston—free-born black and dean of Howard University Law School, the first black law school in the country—bemoaned the “slavery in the case of the negro” as well as what he called “slavery in the case of the poor white

⁵⁶ "Morality and Property," *Christian Recorder* (Philadelphia), October 27, 1867.

⁵⁷ "Annual Meeting of the National Anti-Slavery Society," *National Anti-Slavery Standard* (New York), February 5, 1870.

⁵⁸ May, "Letter from Rev."

⁵⁹ The formal name for the Freedmen's Bureau was the "The Bureau of Refugees, Freedmen, and Abandoned Lands." The provided relief and homestead assistance to both freedmen and white "refugees."

man.”⁶⁰ He recognized that it was the economic arrangement of the South that was the source of so many ills, not just the racial control wielded over former slaves. According to northern journalist Sidney Andrews—who had toured the South for three months during the first year of Reconstruction—many poor whites misguidedly assisted planters in protecting the system where “the middle and lower classes have no ability to free themselves.”⁶¹ Congressman Julian proclaimed that the Civil War was a “landholders’ rebellion” as much as it was a “slaveholders’ rebellion,” and that “vast monopolies” had “made the few the virtual owners of the multitude, whether white or black.”⁶² Andrews, accordingly, declared that “any plan of reconstruction is wrong that tends to leave the [planter aristocracy] in power.”⁶³ Because planters’ economic, and in turn political, power was based on their control of the soil, the only way to have overturned that power was for a much larger portion of southerners, black and white alike, to own land, especially land capable of raising cash crops like cotton. Planters likely recognized this fact as well. Even in 1860, before the war had begun, their southern Democratic congressional allies had opposed land reform. A previous Homestead Act had passed Congress in 1860, but it was vetoed by President James Buchanan. In the House vote on the act, nearly all the nays came from southern representatives, while nearly all the ayes came from the North.⁶⁴

⁶⁰ "Annual Meeting of the National Anti-Slavery Society." Langston had served as a recruiter for the infamous 54th Massachusetts during the war. He was also the first president of the National Equal Rights League, and in 1888, he became the first black United States Representative for Virginia. He was, however, the last black Congressman elected in any former Confederate state until 1972, after the Voting Rights Act of 1965 had restored the franchise to southern blacks.

⁶¹ Sidney Andrews, "Three Months among the Reconstructionists," *Atlantic Monthly*, February 1866, <https://www.theatlantic.com/magazine/archive/1866/02/three-months-among-the-reconstructionists/308769/>.

⁶² George W. Julian, "Selections: Speech of Hon. George W. Julian, of Indiana: Delivered in the House of Representatives, Washington, DC, March 18, 1864," *National Anti-Slavery Standard* (New York), April 9, 1864.

⁶³ Andrews, "Among the Reconstructionists."

⁶⁴ James M. McPherson, *Battle Cry of Freedom* (New York: Oxford University Press, 2003), 193-94.

While freedmen generally sought to resist the power wielded over them by the planter land monopoly, economic opportunity through property ownership had, since the colonial period, been synonymous with American conceptions of liberty. When John Smith landed in the newly established Virginia Colony in 1607, he declared that “every man may be master and owner of his own labour and land.”⁶⁵ By the 1860s, most Americans, especially those living in the agrarian society of the South, recognized the “autonomy associated with title to property.”⁶⁶ Blacks were certainly no exception. They believed that, as Andrew Johnson expressed, “freedom means liberty to work and enjoy the fruit of your own toil.”⁶⁷ They recognized, however, that in the southern economy, only land could have provided that liberty.⁶⁸

Because of these views, freedmen, in spite of all the difficulties, were still, perhaps even naively, chiefly interested in acquiring land for themselves. In the 1865 meeting between General Sherman, Secretary of War Stanton, and a coalition of freedmen, Garrison Frazier, speaking on behalf of himself and the former slaves present, said that “freedom, as we understand it . . . is taking us from under the yoke of bondage and placing us where we can reap the fruit of our own labor” and “take care of ourselves.”⁶⁹ He added that “the way we can best take care of ourselves is to have land, and turn it and till it by our own labor,” so that “we can maintain ourselves and have something to spare.” Frazier and those he was representing were not

⁶⁵ Eric Foner, *The Story of American Freedom* (New York: Norton, 1998), 10.

⁶⁶ Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage and the Market* (Cambridge: Cambridge University Press, 1998), 9.

⁶⁷ "The Main Question," *Harper's Weekly*, May 27, 1865, 322.

⁶⁸ Foner, *American Freedom*, 101-04

⁶⁹ The minutes and details of the meeting are all provided in "Minutes of an Interview between the Colored Ministers and Church Officers at Savannah with the Secretary of War and Major-Gen. Sherman," *New York Daily Tribune*, February 13, 1865.

alone in their view of land. According to another former slave, Merrimon Howard, “only land” would enable that “poor class to enjoy the sweet boon of freedom.”⁷⁰ Their most persistent northern allies, in recognition of the fact that the freedmen and their ancestors had “for generations, tilled those lands without compensation,” felt that the freedmen should be given land to compensate for “their sweat, their tears, and their blood.”⁷¹ Frazier and the freedmen for whom he was speaking, however, emphasized that they were more than willing to repay the government for any land that they were given.⁷² They simply wanted “to be placed on land until [they were] able to buy it and make it [their] own.” Ownership of property, for the freedmen, was not simply an expression of economic success, and it generally meant more to them than the “acquisitive individualism” of northern capitalists. For the freedmen who had been held most their lives in servitude to planters, the Promised Land was land itself.

Many freedmen, especially those who had taken part in the free labor experiments or who settled in Sherman’s Reservation, expected that Congress would either confirm them in their possession of the lands upon which they had made improvements or grant them land in some other fashion. The existence of this expectation, many southerners believed, contributed significantly to the freedmen’s refusal to contract with their former owners.⁷³ The abolitionist Col. James Beecher believed that the Freedmen’s Bureau, in its attempts to help the freedmen

⁷⁰ Foner, *American Freedom*, 102.

⁷¹ May, “Letter from Rev.”

⁷² Anytime Frazier provided a response for the questions asked of the freedmen, the rest would be asked if they concur, to which they would nod or otherwise give assent. The only question about which there was disagreement was whether the freedmen wanted to live isolated from whites or not. One man expressed the view that he would be fine living alongside whites, while the rest concurred that they would prefer to live alone. Thus, although the degree to which Frazier’s words represented the views of the others present is uncertain, the evidence suggests that they concurred about most issues.

⁷³ “South Carolina,” *Liberator* (Boston), December 29, 1865.

acquire land, was excusing “them from labor” and foster[ing] a spirit of distrust of their late masters.⁷⁴ According to historian Charlene Gilbert, “one persistent rumor” among the freedmen, “insisted that the federal government would make a general land distribution to blacks on Christmas day of 1865.”⁷⁵ Because contracts were often for a year or more, many freedmen who believed this rumor probably did not want to be bound to contracts that they could not leave when and if such land became available. There were other, more relevant, circumstances, however, that likely made freedmen reluctant to accept contracts. The whole South was cash poor, including planters whose only wealth was the land, so their ability to pay wages in a timely manner was limited.⁷⁶

Freedmen responded to their new condition of freedom not, as many southerners believed, by simply waiting for the government to grant them land. They, like other Americans interested in acquiring property, simply looked for the opportunities that were most likely to provide them the ability to purchase it. Long contracts, low pay, the risk of not being compensated for their labor at all, and the potential for violence against them and their supporters hindered the freedmen in their endeavor to acquire property. They were also, according to a report from the Freedmen’s Bureau assistant commissioner for Kentucky and Tennessee, fearful of violence against them by former Confederate soldiers. For instance, the freedmen’s fear that, when the long-absent soldiers returned, the shackles would “once again . . . be fastened upon

⁷⁴ Robert R. Singleton, "James C. Beecher and the Freedmen's Bureau," *Mississippi Quarterly* 53 (Winter 1999): 21.

⁷⁵ Gilbert and Eli, *Homecoming*, 18.

⁷⁶ Richardson, "A Marshall Plan," 379.

their limbs,” led them to flee from plantations to military outposts.⁷⁷ Because of the hostility that freedmen faced by those former Confederates, their fear persisted long after the conclusion of the war.

For many white southerners, the freedmen’s reluctance to contract only confirmed the mistaken idea that had been used to justify slavery earlier: that blacks were unwilling to work without coercion. They believed, or at least it suited their economic ideas to believe, that “the negro is an impulsive being” who likes “ease & indolence.”⁷⁸ One southerner, who obviously held a very low opinion of blacks, declared that “the general complaint is they won’t work.”⁷⁹ In an interesting twist of irony, one Union army captain thought that the freedmen might simply be emulating those planters who had “the means of employing others to work for them” when they refused to work.⁸⁰ Whites all over the South would frequently “boast . . . that they have never done an hour's work.”⁸¹ Freedom and property had, for many whites, meant that they would be generally free from labor, but there is no evidence to suggest that any significant number of freedmen shared this idea.⁸²

Concern for the freedmen’s refusal to work for their former masters contributed greatly to the measures that southern whites took to return blacks to plantation work, but the situations that

⁷⁷ Brig Genl Clinton B Fick to Maj Genl Howard, 6 July 1865, in *Freedom: A Documentary History of Emancipation, 1861-1867*, ed. Steven Hahn, Steven F. Miller, Susan E. O'Donovan, John C. Rodrigue, and Leslie S. Rowland, vol. 1, Land & Labor, 1865, series 3 (Chapel Hill: University of North Carolina Press, 2008), 128.

⁷⁸ James Davidson to Gen. Tillson 6 Dec 1866, in Hayden et al., *Freedom*, 848.

⁷⁹ Carter, *When the War*, 147. The language he used in his description indicated a bitter racial attitude.

⁸⁰ Captain W. Storer to Col. O. Brown, 14 July 1865, in Hahn et al., *Freedom*, 138.

⁸¹ Andrews, "Among the Reconstructionists."

⁸² See also Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Knopf, 1981), 345-46.

justified those measures were often of the southerners' own doing. Sidney Andrews reported that it was "proclaimed everywhere that [the freedman] will not work, that he cannot take care of himself, that he is a nuisance to society, . . . and that he is sure to die in a few months." He clarified, however, that "the great body of the people" were "doing all they well [could] to make these assertions true."⁸³ The freedmen's general fear of mistreatment, underpayment, and abuse on plantations frequently made them reluctant to contract. Southerners simply would not tolerate the perceived idleness of freedmen, however, and plantation owners justified their coercion of black labor by asserting that it was necessary to get freedmen to provide for their own support.

In spite of that justification, many freedmen were willing hire out to their former masters and other plantation owners when doing so would help them to acquire land and to provide for themselves. Although black southerners shared with their white counterparts the idolization of land ownership, they quickly and readily absorbed the free labor sentiments of the North. White southerners, by and large, could not understand why the freedmen refused to do their duty by working the land for whites. The freedmen, however, simply wanted to find the best opportunities for themselves, and they were willing to remain "on the same plantations whenever they [found] good employers."⁸⁴ They were in the process of becoming an independent, mobile labor force, constantly searching for the "better man or bargain."⁸⁵ Even when they faced enormous hardships, they often "proved . . . capable in taking care of themselves," much to the chagrin of the planters who wanted them to remain dependent.⁸⁶ In situations where they had, for

⁸³ Ibid.

⁸⁴ W. J. Purnam to Major E. C. Woodruff, 28 February 1867, in Hayden et al., *Freedom*, 483.

⁸⁵ Ibid.

⁸⁶ Col. F. D. Sewall to Maj. Gen'l O. O. Howard, 11 May 1868, in Hayden et al., *Freedom*, 759.

reasons of necessity, signed unfavorable contracts, they usually demanded better terms in subsequent years.⁸⁷ In essence, they were becoming a self-interested class of laborers who, looking to better their fortunes, resolved to acquire land as the ultimate expression of their newfound economic independence, and they were willing to work under whatever terms they could find to help them move in that direction.

For the most part, however, southerners were generally opposed to the efforts of the freedmen to acquire property and to exert this new independence. Plantation owners still lamented the loss of slave property due to emancipation and were set on, in the words of black historian W.E.B. Du Bois, putting the freedmen “to work at a wage approximating as nearly as possible slavery conditions.”⁸⁸ To voice their concerns, an anonymous group of southerners calling themselves “black injions” sent a letter to two freedmen, which warned that, because the United States is a “white mans Country,” they “are bitterly opposed to negroes settieng up to farming for themselves.”⁸⁹ While the language and spelling of the letter indicate that it was likely not written by men of means, there is substantial evidence to corroborate that a significant portion of southerners felt as the “injions” did. In a letter from a bureau assistant commissioner in Virginia to his superiors, he reported that “the whites do not generally approve of” the freedmen having purchased farm land.⁹⁰ Army chaplain James Hawley reported that the planters in Mississippi frequently came to him with three basic problems: “how to control the negro, how

⁸⁷ Capt. Sam W. Carpenter to BVT. Major W.R. Morse, 31 October 1866, in Hayden et al., *Freedom*, 945.

⁸⁸ W.E.B. Du Bois, *Black Reconstruction in America*, First Free Press ed. (New York: Simon and Schuster, 1998), 586.

⁸⁹ Black injions to John Abraham and William Perry, February 1867, in Hayden et al., *Freedom*, 965. Any inconsistencies or errors in spelling or grammar are maintained from the originals, both here and throughout this paper.

⁹⁰ Carpenter to Morse, 31 October 1866, in Hayden et al., *Freedom*, 945.

to make him work hard enough, and how to pay him with the least expense possible.”⁹¹ These planters refused to accept that the only enticement available to compel laborers to work for them was to offer them acceptable contractual terms.

Freedmen chiefly interested in pursuing their own interests were a threat to the plantation economy that whites could not tolerate, and so many of them strove “diligently to discourage the freedmen from any earnest efforts to promote their own higher welfare.”⁹² Brig. Gen. Carl Shurz, who had been assigned by President Johnson to conduct a thorough investigation into the conditions in the South, asserted that “the opposition to the negro's controlling his own labor” and “working for his own benefit” was plainly evident.⁹³ While the institution of slavery had been abandoned on paper, planters hoped to maintain the “subserviency” and “helplessness” that had characterized it.⁹⁴ In order to recreate the antebellum social structure with themselves at the top, planters wanted their former slaves to “remain as they had always done,” bound to the land that created the planters’ wealth.⁹⁵ In this way, plantations “became at least as much an authoritarian political institution as a business enterprise.”⁹⁶

Fearing their loss of control over the black population of the South, many planters began to look abroad for solutions to their labor problem. Looking at the examples of the West Indies

⁹¹ Chaplain James A. Hawley to Col. Samuel Thomas, 4 July 1865, in Hahn et al., *Freedom*, 113.

⁹² Benjamin C. Truman to Andrew Johnson, 9 April 1866, in *The Papers of Andrew Johnson*, ed. Paul H. Bergeron, (Knoxville: University of Tennessee Press, 1991), 386.

⁹³ Carl Schurz, *Report on the Condition of the South* (Project Gutenberg Literary Archive Foundation, 2006), Kindle Edition, 27. In 1868, Shurz was elected as a senator for the state of Missouri. He would also later serve as an editor for various newspapers, including the *Detroit Post* and the *New York Post*.

⁹⁴ Truman to Johnson, 9 April 1866, in Bergeron, *Papers*, 386-7.

⁹⁵ Hawley to Thomas, 4 July 1865, in Hahn et al., *Freedom*, 113-27.

⁹⁶ Jay R. Mandle, *The Roots of Black Poverty: The Southern Plantation Economy after the Civil War* (Durham, NC: Duke University Press, 1978), 13.

and Jamaica—where the plantation system had remained intact after emancipation, in 1834 and 1838, respectively—southerners tried to import foreign labor sources in similar fashion. The first, most obvious pool of laborers were the Chinese who had replaced the slave population in the West Indies.⁹⁷ According to one state senator in South Carolina, the “Chinese were active, hardy, and willing operatives, . . . and no foreign labor will likely succeed so well as the Coolie.”⁹⁸ The plantation owners who thought that the “Coolie system” could be replicated in the U.S. failed to recognize, however, that the West Indies had a near total “absence of unutilized land,” so those laborers had little alternative but to stay on their plantations.⁹⁹ Most of the attempts to utilize Chinese labor took place in Louisiana, but the planters immediately recognized that their new workers would “never [agree to] go into debt to the proprietor” and, accordingly, they would leave “after the contract ha[d] expired,” or even before if they were mistreated or otherwise unsatisfied.¹⁰⁰ Without a “lien on the laborer,” planters could not “compel [them] to remain,” and Chinese immigrants would, therefore, never become the sort of “‘controllable’ labor” that they desired.¹⁰¹

Planters were not only interested in Chinese laborers, however. Some of them believed, mistakenly, that European immigrants—“the thrifty German, the versatile Italian, the sober Englishman, [and] the sturdy sons of Erin”—might be a sufficient replacement for black slave

⁹⁷ Lucy M. Cohen, *Chinese in the Post-Civil War South: A People without a History* (Baton Rouge: Louisiana State University Press, 1984), 46.

⁹⁸ Carter, *When the War*, 169.

⁹⁹ *Ibid.*; Mandle, *Roots of Black Poverty*, 13.

¹⁰⁰ Cohen, *Chinese*, 46.

¹⁰¹ *Ibid.*; Carter, *When the War*, 169.

laborers.¹⁰² To entice these immigrants, more than one hundred immigration companies were established in the South between 1865 and 1867.¹⁰³ One planter in Louisiana, for example, declared that he “will import Germans, Swedes, or some other race” to replace the lost slave laborers. For all their reverence for land, planters failed to recognize that European immigrants might, like the black labor they were trying to replace, want to acquire land of their own. Many of these European immigrants arrived in the U.S. intent on working only long enough to purchase and acquire their own property, either in the U.S. or back in their home countries, after they were able to save enough money.¹⁰⁴ Many European immigrants had left low paying agricultural jobs to find better paying work in American factories and were not interested in the strenuous work involved in cotton production for the meager pay, usually a small portion of the crop, that planters were willing to offer. Southerners’ justifications for their treatment of the black population of their states—that blacks would not work without compulsion—had warped their perception so greatly that they failed to recognize that no other class of people would be willing to do the work for which the freedmen were only demanding reasonable wages.

Although their justifications were generally framed in terms of racial attitudes, many southern plantation owners were simply unable to conceive of a system of free labor where their workers were not coerced. One southern planter remarked to his northern associate that “all we want is that our Yankee rulers should give us the same privileges with regard to the control of labor which they themselves have.”¹⁰⁵ When he was told that in the North, workers were not obligated to sign yearly contracts and that there were no criminal penalties for leaving their

¹⁰² Foner, *Politics and Ideology*, 105.

¹⁰³ Carter, *When the War*, 169.

¹⁰⁴ *Ibid.*, 170.

¹⁰⁵ Foner, *Politics and Ideology*, 104.

employment, he remarked, “How can you get work out of a man unless you compel him in some way?” The objection of planters, however, was that the compensation requested by the freedmen was enough for them to elevate their status and potentially compete as property owners. Their dissatisfaction with other labor sources suggests that their ideas were not based entirely on race. No class of people was willing to do the work that slaves had done previously for the pay that southerners were willing to offer, so planters were forced to turn back to the “comfortable catechisms of the pro-slavery argument” that they had used in maintaining their peculiar institution, that subservience to whites was the “proper estate of colored men.”¹⁰⁶ Southerners believed that blacks were not adapted to self-management or to independence and were fit only for the “ruder tasks of the fields.”¹⁰⁷ One Alabama judge exemplified this view when he reportedly declared that he did not believe in “this thing of free negro labor,” although he was at least willing to “give it a fair trial.”¹⁰⁸ The trouble with this sort of trial, however, was that plantation owners would not accept a system that was not as “useful for the future as slave labor has been profitable in the past.”¹⁰⁹ They had none of the wider, capitalist conception of prosperity that had guided the Industrial Revolution in the North.¹¹⁰ They were not interested in

¹⁰⁶ Carter, *When the War*, 175; May, “Letter.”

¹⁰⁷ Truman to Johnson, 9 April 1866, in Bergeron, *Papers*, 384.

¹⁰⁸ The judge declared, “I have a plantation and am going to make contracts with my hands, and then I want a real Yankee to run the machine for me; not one of your New Yorkers or Pennsylvanians, but the genuine article from Massachusetts or Vermont—one who can not only farm, but sing psalms and pray, and teach school—a real abolitionist, who believes in the thing just as I don't believe in it. If he does not succeed, I shall consider it proof conclusive that you are wrong and I am right.” Schurz, *Report*, 23.

¹⁰⁹ Jos Dan'l Pope to Major General Q. A. Gilmore, 29 June 1865, in Hahn et al., *Freedom*, 107.

¹¹⁰ This is not to give the impression that the labor system in the North created anything like prosperity for all. Northern industrialists and businessmen had certainly devised a system all their own of depressing the wages of their workers and making labor conditions favorable to themselves. But the economic system as a whole, based primarily on trade and manufacturing, was much more prosperous in the aggregate than was the agrarian system of the South, and this difference would only exaggerate as the nineteenth century progressed.

an upwardly mobile class of independent laborers; they simply wanted a “useful and efficient peasantry.”¹¹¹

Accordingly, southern planters generally “responded to emancipation with the same stubborn resistance that marked other nineteenth-century landed classes”—landowners in Haiti and Jamaica for instance—“that were faced with the loss of control over their labor,” and they sought, in whatever ways possible, to keep their former slaves at work on their plantations.¹¹² In the words of Chaplain Hawley, “The chief end of a planter is to have & keep negroes, & the next end is to blaspheme all interference with the management of them.”¹¹³ But doing either required many congruent efforts, the culmination of which was intended to ensure that slaves had no option but to rely on the remuneration offered, although not always paid, by their former masters. The most viable alternative to working on cotton plantations was for the freedmen to work their own land. Planters knew, accordingly, that if the freedmen were able to “become possessed of a small freehold,” they would become a “self-supporting nuisance,” and so they were determined to “throw all obstacles” in the way of that occurring.¹¹⁴ Another appealing option for freedmen was the development of alternative industry, which planters, as a class, frequently deliberately stifled. According to historian Dan Carter, any move away from the antebellum economic arrangement “would be taken grudgingly and reluctantly.”¹¹⁵

¹¹¹ Pope to Gilmore, 29 June 1865, in Hahn et al., *Freedom*, 107. See also John Hope Franklin, *Reconstruction after the Civil War*, 3rd ed. (Chicago: University of Chicago Press, 2013), 53.

¹¹² Carter, *When the War*, 4.

¹¹³ Hawley to Thomas, 4 July 1865, in Hahn et al., *Freedom*, 114, 118.

¹¹⁴ Foner, *Politics and Ideology*, 111; Carpenter to Morse, 31 October 1866, in Hayden et al., *Freedom*, 988.

¹¹⁵ Carter, *When the War*, 175.

Because planters were, above all, concerned with making sure that they had the labor necessary to keep their plantations operating, sometimes the only way to ensure that was to offer what the freedmen, or the bureau negotiating on their behalf, considered fair compensation. The *Liberator*, the most well-regarded abolitionist newspaper in the country, reported in December of 1865, perhaps a bit naively, that “many prominent planters . . . are of the opinion that the negroes, if property paid and well treated, will work under the new system.”¹¹⁶ The article also alleged that the sharecropping system, which most planters used, ostensibly, because of their lack of capital, would give way to a cash-wages system in subsequent years as former slaves were able to command more from the healing economy. That assertion was equally misguided, however. The sharecropping system—in which planters agreed to give a portion of the cotton crop, less expenses, to the freedmen who cultivated their land—dominated the southern economy for decades after the war.¹¹⁷ Nevertheless, the expression of this sentiment indicated that at least some planters in the months immediately following emancipation were willing to offer acceptable wages or shares, or pay those dictated by the Freedmen’s Bureau. In one situation, the commander of a contraband camp in Natchez, Mississippi, having received word that a couple hundred former slaves were on their way, wrote to his superior for advice. He indicated that the planters whom the freed people had left had conceded their willingness to pay whatever wages the government mandated so long as their laborers would just return to “finish their crops.”¹¹⁸ Their willingness to accept those terms, however, was short-lived. Almost immediately after the

¹¹⁶ “South Carolina”; In his orders provided to planters in April, the commander of the Northern District of the Department of the South, Brig. Gen. J. P. Hatch, indicated that freedmen were to be given half the proceeds from the crop as remuneration for their labor. John B. Irving et al. to Brig Gen J. P. Hatch, 20 June 1865, in Hahn et al., *Freedom*, 97-98.

¹¹⁷ Gilbert and Eli, *Homecoming*, 21.

¹¹⁸ Cap. James T. Organ to Maj. Gen. D Reynolds, 2 June 1865, in Hahn et al., *Freedom*, 88.

war, planters and their allies began to devise all sorts of methods to regain control of the freed people's labor.

One common method of keeping the freedmen dependent upon white planters for employment was to limit their mobility. Historian Jay Mandle argues that these restrictions on mobility were the most important method by which the planters were able to bind freedmen to the sharecropping system, and that is why it persisted until the Great Migration away from the South in the twentieth century. According to the postwar southern observer General Schurz, the “cases in which negroes were kept on the plantations, either by ruse or violence, were frequent enough in South Carolina and Georgia to call forth from General Saxton a circular threatening planters who persisted in this practice with loss of their property.”¹¹⁹ Black Codes—a series of state and local laws intended to address the new legal status of blacks in the South, but which often contained draconian provisions devised to undermine the freedom of former slaves—contained many restrictions on movement. The Mississippi laws, for instance, stipulated that if any “free negro, or mulatto” is found who has “quit the service of [their] employer . . . without good cause,” they can be carried back, at their own expense, to their “legal employer.”¹²⁰ The laws do not specify what constitutes “good cause,” however, and it is reasonable to suspect that judges, from the upper echelon of southern society, would interpret those words in the narrowest sense possible, finding very few just causes for freedmen to have left their employers.

The most prevalent legal mechanisms for restricting the mobility of the freed people were the vagrancy laws, passed as a part of the Black Codes, in several southern states. These laws

¹¹⁹ Schurz, *Report*, 19.

¹²⁰ "(1866) Mississippi Black Codes," BlackPast.org, accessed January 26, 2017, <http://www.blackpast.org/primary/1866-mississippi-black-codes>.

had various mechanisms to disallow any person—although the enforcement was usually directed only at blacks—to be homeless or unemployed. The Virginia Vagrancy Act, for instance, ordered that vagrants shall be arrested and “employed in labor for any term not exceeding three months . . . for the best wages that can be procured; to be applied . . . for the use of the vagrant or his family.” The effect of the act was that freed people were not able to refuse to work for wages they deemed too low. If they did not accept terms offered by planters in their communities, they would be sent by the courts to work for the planters under terms that were likely worse than those offered originally. If freedmen tried to flee from this employment arrangement, then the law ordered that they be “confined with ball and chain,” sent back to the plantation they had left, and forced to labor for one additional month without any pay.¹²¹ The social and professional relationships between judges, local law enforcers, and planters frequently meant that when a planter was unable to entice enough labor for his plantation, the courts could order any idle freed people to go there and work.

The Freedmen’s Bureau and the military prevented the application of some of these laws, but their spirit remained long after the bureau had disbanded. An order by the commander of the Department of South Carolina on 1 January 1866 stated that any vagrant laws must apply to whites and blacks equally, and that they could not be applied to people who could demonstrate that they had attempted, “but ha[d] been unable, to acquire employment.”¹²² Some planters did not approve of the bureau’s actions in this regard, and made appeals indicating why such mobility restrictions were necessary. In a letter to the commander of the Department of the

¹²¹ “Virginia Vagrancy Act, January 15, 1866,” in *Acts of the State of the General Assembly of Virginia, Passed in 1865-66* (Richmond: Allegre and Goode, 1866), 91-93.

¹²² Major General D. E. Sickles, “General Order no. 1,” 1 January 1866, in Hayden et al., *Freedom*, 82.

South, a South Carolina planter asserted that “the free negro laborer,” like soldiers in the military must be “compelled to obey.”¹²³ The only way he saw to do this was to implement a pass system modeled on those used by the army and the navy. He complained that if such restrictions could not be implemented, then free black labor could not be made profitable, and, accordingly, that it should “be made to yield its position to free white labor.” His suggestions indicated that he, like other members of his class, was simply unable to understand a capitalist, free labor economic system that did not have a dependent class of laborers.

Because the legal restrictions on mobility were formally forbidden the bureau, many southerners resorted to extralegal methods to keep the freedmen from exercising their freedom to move around the country, which greatly diminished their ability to search for better employment opportunities. An anonymous broadside in Tennessee, which threatened any person white or black who did not “do their duty,” had a few stipulations intended to keep blacks bound to the land of their former owners or current employers. It stated that “no man shall squat negroes on his place unless they are under his employ,” that “negroes found in cabins to themselves shall suffer the penalty,” “and that running about late of nights shall be strictly dealt with.”¹²⁴

The Civil Rights Act, passed over President Johnson’s veto in April of 1866, prohibited the application of many of these restrictions to mobility and many other violations of the freedmen’s new rights. It also affirmed the Freedmen’s Bureau’s role in preventing them.¹²⁵ According to the act, blacks were granted essentially all the rights of freedom, except voting, as

¹²³ Pope to Gilmore, 29 June 1865, in Hahn et al., *Freedom*, 108-10.

¹²⁴ Lt. Cha B Brady to Bvt Lt Col A. L. Hough, 29 January 1867, in Hayden et al., *Freedom*, 195. The broadside was enclosed with the letter.

¹²⁵ "The Civil Rights Act of 1866," Teaching American History, <http://teachingamericanhistory.org/library/document/the-civil-rights-act-of-1866/>.

whites. Blacks, similarly, could be subjected only to the same laws and punishments as were whites. Because of the bureau's lack of funding, however, the presence of federal authorities in the South was sparse and inconsistent. As late as February 1866, for instance, many blacks were "still being held as [chattel] slaves despite all the bureau's efforts to free and protect them."¹²⁶ When the distribution of land under the homestead act was added to their duties, the bureau's presence in the South was simply not enough to protect the freed people according to the provisions of the Civil Rights Act.¹²⁷

Until the Freedmen's Bureau was disbanded in June of 1872 and federal troops were removed from the South entirely in 1877, many freed people in the areas under federal control paid little mind to the legal restrictions to their mobility. According to one observers, they often felt that an important demonstration of their freedom was frequently "changing their place of residence."¹²⁸ Many of these migrants were probably more interested in reuniting with family and seeking out new opportunities than in simply moving to demonstrate their freedom, but the effect was all the same. Many southerners took notice of and resented these movements, and they frequently attributed them to alleged slovenly characteristics of the freedmen.¹²⁹ In some cases, plantation owners reacted violently when their laborers attempted to leave their plantations. Schulz observed one group of "several negroes who came into town with bullet and buckshot wounds in their bodies."¹³⁰ Apparently, the "reckless and restless characters of that region"

¹²⁶ Oubre, *Forty Acres and a Mule*, 193.

¹²⁷ Litwack, *Been in the Storm So Long*, 366-71.

¹²⁸ Truman to Johnson, 9 April 1866, 9 April 1866, in Bergeron, *Papers*, 385.

¹²⁹ James Davidson to Gen. Tillson 6 Dec 1866, in Hayden et al., *Freedom*, 848.

¹³⁰ Schurz, *Report*, 20.

conspired to “keep the negroes where they belonged,” and the white townspeople opened fire on the freedmen when they fled.

Some southerners, instead of preventing migration of the freedmen, encouraged it in order to take advantage of them. In order to acquire homesteads, many freedmen had to relocate to unfamiliar places. Some of them went to the locations of their homesteads but were unfamiliar with the surveyor markings to locate their plots. They frequently had to resort to paying someone, usually a local white, to help them ascertain this information. In other cases, they would successfully locate their homestead but some white person would come along and tell them that they were in the wrong location.¹³¹ According to Col. John T. Sprague, white men “are not disposed to give Freedmen the necessary information,” and “[w]here there is no open opposition, there seems to be a silent compact on this subject.”¹³² In some more egregious cases, some freedmen were “intentionally misguided.” Neighboring white people would advise them to settle on private lands, and after they had cultivated and improved the land, the owners would come along and force them to either “lose their improvements, or purchase [the land] at an exorbitant price.”¹³³

Other planters, in need of additional cheap labor, would promise freedmen employment to entice them to relocate but would decline to make any commitment or sign any contracts so that the freedmen would be desperate for whatever work was offered when they arrived. One group of planters in Alacua County, Florida, for instance, hired a recruiter to round up hands for their plantation with the promise to make contracts with them once they arrived. Upon their

¹³¹ Colonel John T. Sprague to Bt. Major General O. O. Howard, 19 January 1867, in Hayden et al., *Freedom*, 953.

¹³² Colonel John. T. Sprague to Maj. Genl. Howard, 1 October 1867, in Hayden et al., *Freedom*, 954.

¹³³ *Ibid.*

arrival, however, the terms of the actual contracts were far less favorable than the recruiter had promised, and the freed people were forced to either accept the terms or pay for their return transportation.¹³⁴ In another case, “upwards of four thousand freedmen” from all over Georgia and South Carolina had come to Jacksonville, Florida, under such promises of contract and with designs to “enter land.”¹³⁵ Many of them arrived to find no contracts and “believed themselves in a state of servitude” when they were locked up in “railroad yard like a herd of cattle.” When planters came along offering pay, room and board, these freedmen generally accepted whatever terms they were offered in order to improve their condition. The problem had become so acute that, despite the bureau’s practice to allow the freedmen to move around the country as they pleased when they had the means to do so, Colonel Sprague requested of General Howard that no freedmen be allowed to travel to Jacksonville unless they had signed contracts from local planters in their possession.¹³⁶

In one particularly terrible case, a colony of roughly 1200 freed people, including children, left South Carolina thinking that they were being transported to Jacksonville. They believed that they would be able to take advantage of nearby homesteads and hire out in order to earn enough money to buy the necessary materials to cultivate their own land. They were, instead, taken to New Smyrna, Florida, into the “wilderness where they found no shelter but palmetto trees, no prospects but hard labor, no certainties but hardships and privations, no homesteads surveyed and ready for them, no town or inhabitants from whom to expect assistance, and no source from which to receive their daily sustenance for which they [were]

¹³⁴ Brvt Col Andrew Mahoney to Bvt E. C. Woodruff, 18 January 1867, in Hayden et al., *Freedom*, 858-9.

¹³⁵ Sprague to Howard, 19 January 1867, in Hayden et al., *Freedom*, 860.

¹³⁶ *Ibid.*

already anxious and stinted.”¹³⁷ The Freedmen’s Bureau sent a special agent, W. J. Purnam, to investigate what had happened; he concluded that because the land was so poor and access to work so terrible, the whole endeavor was “a scheme either so blind or heartless that no ordinary judgment or conscious could conceive and execute it.”¹³⁸ Purnam became convinced that a Union general, Ralph Ely, had deceived the freed people. The bureau, at the time, regularly provided transportation and one month of rations to families entering homesteads. The colony at New Smyrna had received only a portion of their rations, and General Ely had seemingly traded off the rest to a local merchant. He also collected \$10 filing fees for the homesteads promised to each of the families but never entered their claims. By the time of Purnam’s investigation, nearly one thousand of the colonists had left with planters who arrived offering contracts, likely with terms that the freedmen might have otherwise rejected.¹³⁹ As this situation illustrates, greed prompted many people, northern and southern alike, to take advantage of the desperate situation of the freedmen and of their eagerness to acquire land. Perhaps they were able to excuse this poor treatment because of the perceived racial inferiority and inhumanity of their victims, but their primary motivation was financial gain. Planters, when they had not devised such tricks themselves, were quick to capitalize on the resultant vulnerability of the freedmen in order to acquire labor.

While such tricks often provided labor in certain situations or particular localities, southerners generally sought more consistent methods for maintaining and controlling the labor supply. One such method was professional restrictions that barred freed people from taking

¹³⁷ W. J. Purnam to Major E. C. Woodruff, 20 March 1867, in Hayden et al., *Freedom*, 974.

¹³⁸ *Ibid.*, 977.

¹³⁹ *Ibid.*

nonagricultural work to maximize the labor supply for plantations. Part of the Black Codes in South Carolina, for instance, ordered that “no person of color” shall work in any profession except servant or farm hand without first obtaining a license from a local judge. The judge would examine the applicant’s “fitness, skill, [and] moral character,” before issuing such a license, the fees for which range from \$10 to \$100 per year.¹⁴⁰ In addition to the fact that the costs were prohibitive, the vagueness and application of this law, like with many other Black Codes, likely meant wide latitude in making such determinations. An order by the commander of the Department of South Carolina subsequently forbade these license requirements, but were it not for the bureau’s presence in the state, South Carolina lawmakers would have used many restrictions just like these to protect their control over black labor, even during the period of federal Reconstruction.¹⁴¹

In addition to the restrictions on the types of labor in which blacks were allowed by southerners to engage, there were also restrictions that defined for whom they were allowed to work. The natural order according to southerners, landed and otherwise, rich or poor, was white over black. For the under-classes, it may well have been race that guided their views, along with a desire to maintain some semblance of superiority in the “rigid spirit of caste” that defined southern society.¹⁴² For planters, however, the restrictions were far more practical; disallowing blacks to hire blacks minimized potential competition for the labor supply. B.T. Montgomery, a freedman who had leased Joseph Davis’s plantation, put out a newspaper advertisement in

¹⁴⁰ *Acts of the General Assembly of the State of South Carolina Passed at the Sessions of 1864-1865* (Columbia: Julian A. Shelby, 1866), 299.

¹⁴¹ Sickles, “General Order,” in Hayden et al., *Freedom*, 82.

¹⁴² In his report, Schurz stated that “another most singular notion still holds a potent sway over the minds of the masses—it is, that the elevation of the blacks will be the degradation of the whites.” Schurz, *Report*, 28; Andrews, “Among the Reconstructionists.”

November 1866 offering good wages to freedmen willing to work for him as laborers.¹⁴³ No doubt this sort of activity enflamed local planters who were competing for those laborers but were disinterested in offering competitive pay. According to Schurz's report, "The white citizens and authorities say that it is for their interests to drive out all independent negroes."¹⁴⁴ Any encroachment into the labor markets by freedmen threatened to weaken the dependence upon white owners that was necessary for maintaining the plantation system that southerners desired.

Such restrictions did not apply only to male laborers, either. One of the stipulations on the anonymous broadside in Tennessee was that "negro women shall be employed by white persons." A freedwoman in Florida, Martha Richardson, was dissatisfied with her employer and decided to leave. Because of the vagrancy laws in Florida that required all colored persons to be employed, she immediately sought work, which she found with her uncle Sandy Richardson. She began working as a nurse for Sandy's children and had already been paid \$5 for her first month when her former employer filed a complaint of vagrancy against her. Local authorities arrested and fined Martha for leaving her employer, rejecting her assertion that her uncle had given her a job, despite record of her payment. Sandy was arrested as well, for trying to prevent those authorities from apprehending his niece.¹⁴⁵ The whole legal and social system of the South was being restructured to recreate, as near as possible, the antebellum arrangement. Martha Richardson was bound to her white employer in a system of peonage nearly the same as she would have been under slavery, but by a newly devised set of legal mechanisms.

¹⁴³ B. T. Montgomery, "Newspaper Advertisement by a Mississippi Freedmen," 21 November 1866, in Hayden et al., *Freedom*, 946. Davis was the brother of former Confederate President Jefferson Davis. Joseph had applied for and received a pardon from President Johnson under the terms of the Amnesty Proclamation.

¹⁴⁴ Schurz, *Report*, 28.

¹⁴⁵ Bt. Capt A. B. Grunwell to Lieut H. J. Lyman, 10 November 1866, in Hayden et al., *Freedom*, 536.

The scope of Black Codes affected not only adults, but children as well. According to the laws of South Carolina, black children who had no parents or whose parents were “vagrants” could be ordered into apprenticeship contracts with any “respectable white person or colored person.”¹⁴⁶ Children could be held in indentured servitude until they were twenty-one-years old if male, or eighteen if female. Parents of black children could bind their children in apprenticeships to respectable persons as well. The inclusion of the respectable qualification, however, was likely a deliberate method of excluding black people from taking such apprentices. Probably very few, if any, black people were regarded as respectable by the legal apparatus in South Carolina.

Planters did not rely on legal restrictions only to bind and keep their laborers at work on their plantations, however. They frequently used the contract system itself to try to restrain freed people in their employ. Chaplain Hawley reported that some planters attempted to bind their potential hands with excessively long contracts. One man in particular offered “rations, clothing, medical care, and one-tenth of the crop if they contracted for ten years.”¹⁴⁷ The nature of such an agreement, if the freedmen were held to their contracts by legal force—which they frequently were—was akin to indentured servitude, only a small improvement from the condition of the chattel slavery of the past.¹⁴⁸ If planters held the power to sell or trade such a contract, the two would have been nearly indistinguishable.

¹⁴⁶ “*Acts of South Carolina*,” 292-93.

¹⁴⁷ Hawley to Thomas, 4 July 1865, in Hahn et al., *Freedom*, 116.

¹⁴⁸ Courts generally, including those run by the Freedmen’s Bureau, would not order specific performance in breach of contract cases. They would, however, frequently order damages so high that freedmen would, in effect, be compelled to complete the original terms; this was especially true in local and state courts. The hearings conducted by the bureau were more likely to judge the fairness of the original contracts when deciding such cases. Aviam Soifer, “Federal Protection, Paternalism, and the Virtually Forgotten Prohibition of Voluntary Peonage,” *Columbia Law Review* 112, no. 7 (November 2012): 1632.

Another way that plantation owners were able to bind blacks to their plantations was through debt peonage. Freedmen would enter into contracts that stipulated that they would be compensated for a portion of the crop less expenses. At the end of the year when the dues were totaled, planters would allege that the freedmen were actually in arrears, that the cost of rent, food, and supplies exceeded what they were due for their portion of the crop. Planters would then forbid the freedmen from leaving until the debt was paid, thus binding them over to work the subsequent year. In order for this scheme to work, planters would often approach local merchants from whom freedmen acquired supplies and request that the merchants inflate the costs of those goods on paper. They would generally offer to split the profit from defrauding the freedmen with merchants who agreed to do so. Special Agent Purnam reportedly spoke with one merchant who had refused several such offers from planters, whose “motto was ‘cheat ‘em.’”¹⁴⁹ When they failed to find cooperative merchants, or when they realized how lucrative it was to both employ freedmen and sell them all their goods, many planters eventually became the merchants themselves.¹⁵⁰ The Peonage Abolition Act of 1867 formally forbade the practice of using debt to bind laborers, but that law, like the Civil Rights Act, depended upon the overextended bureau for enforcement.¹⁵¹

Planters were well aware of the capital investments necessary to cultivate a cotton crop, so in addition to generally paying so little that freedmen would never be able to save for such investments, they frequently withheld black laborers’ shares beyond when the cotton had sold to prevent them from leaving to find better opportunities. In November of 1866, Kelly Moses, a

¹⁴⁹ Purnam to Woodruff, 28 February 1867, in Hayden et al., *Freedom*, 483.

¹⁵⁰ *Ibid.*, 484 editors’ note.

¹⁵¹ Soifer, “Federal Protection,” 1618.

freedmen from Bishopville, South Carolina, wrote to the Freedmen's Bureau assistant commissioner for the state to file a complaint. He complained that "the White men all meet together in Bishopville and agree to not pay the freedmen no cotton money until January" so that they could hold them over for the next year.¹⁵² Most contracts for laborers were entered in January of each year so that planters would know how much of their land they would be able to cultivate. When freedmen were unable to contract with a plantation owner by that time, their options for employment became exceedingly slim. The shares in Bishopville were so low, according to Moses, that if the freedmen and their children were forced to stay on at the plantations another year, "they will be starve[d] with Honger and with nakedness."¹⁵³

Purnam reported in February of 1867 that these types of complaints for "nonpayment of wages [were] becoming numerous in Jackson County, Florida."¹⁵⁴ By withholding wages or payment for shares, the land owners were able to guarantee, without proper enticements, that the freed people working for them would have little choice but to remain where they were. The protection of the plantation system in the South required, first and foremost, that the options of the freed people be extremely limited. Although wages were probably withheld in some cases simply because the land holders, still recovering from the financial decimation of the war, had limited capital to compensate their workers, the primary reason for not paying in a timely manner was to bind the freed people where they were. Purnam reported additionally that "this failure to make payments is found mostly among the 'best families,' who were either too aristocratic to pay small debts, or act upon the principle that 'ponderous bodies move slowly.'" Perhaps this

¹⁵² Kelly Moses to mr Generl Scott, 21 November 1866, in Hayden et al., *Freedom*, 948.

¹⁵³ Ibid.

¹⁵⁴ Purnam to Woodruff, 28 February 1867, in Hayden et al., *Freedom*, 480.

was true in some cases, but it seems far more likely that these families, like those in Bishopville, were aware that by withholding the wages of the freedmen, they could prevent them from seeking more gainful employment.

Wages were not just temporarily withheld from the freedmen, however; plantation owners frequently, according to bureau regulations or otherwise, dismissed black laborers without pay. In spite of bureau regulations, planters who looked upon the requirement for written contracts as “interference with their private rights” attempted, through manipulation and artifice, to get freedmen to accept verbal agreements. These planters, when they were able, frequently took advantage of non-written contracts and modified the terms as they saw fit when it came time to compensate their workers.¹⁵⁵ For example, a group of freedmen in Grenada, Mississippi, were afraid to contract in writing with their employer because they may have failed to understand the terms and would unwittingly sign themselves into servitude. After they accepted the terms of a verbal agreement—one-quarter of the crop plus sustenance—the planter decided to send them away without their share in the fall and hire a group of Irishmen to harvest the crop instead, and for much less than they were due, no doubt.¹⁵⁶

In cases where freedmen refused to accept verbal contracts, or where the bureau advised them not to do so, planters often shirked the contracts in another way. According to Purnam, whites were frequently “disposed to take advantage of the ignorance of the Freedmen in regard to their contracts.” Some planters had “already tried to provoke the Freedmen and make them leave before the expiration of their contract in order to have an excuse for not paying them.”¹⁵⁷

¹⁵⁵ Carpenter to Morse, 31 October 1866, in Hayden et al., *Freedom*, 945.

¹⁵⁶ Hawley to Thomas, 4 July 1865, in Hahn et al., *Freedom*, 115.

¹⁵⁷ Purnam to Woodruff, 28 February 1867, in Hayden et al., *Freedom*, 480.

Southerners likely thought their ability to manipulate and take advantage of the freedmen was a natural result of the latter's being unfit to manage their own affairs, but they would not admit that it was precisely the condition of servitude that had created their inexperience with contracts. By the 1870s, when freedmen were able to learn these lessons and make good use of them, the protections provided to them by the bureau were gone.

When limiting mobility, contract manipulations, and legal professional restrictions failed to keep blacks at work on plantations, southerners frequently turned to spreading fear through intimidation and brutality. Violence had always been a part of southern culture in a way that northerners had difficulty understanding.¹⁵⁸ That is perhaps why they were so taken aback when Rep. Preston Brooks of South Carolina notoriously beat Sen. Charles Sumner of Massachusetts on the Senate floor in 1856 and returned to Congress. For northerners, it may have indicated a breakdown of rational debate and communication caused by the corrupting influence of slavery. For southerners, it was a normal and reasonable way for Brooks to defend the honor of his second cousin Sen. Andrew Butler, the state of South Carolina, and the South in general. So when examining the "reign of terror" against blacks who sought to upset the economic and social order of the South, there is no need to attribute those acts solely to the racist attitudes of the perpetrators.¹⁵⁹ That is not to suggest that southern whites did not demean and dehumanize blacks solely for their race; they almost certainly did. But the reason that they turned to violence against the freedman who exerted his independence was, primarily, to protect the economic and political organization of the South.

¹⁵⁸ Carter, *When the War*, 19-20.

¹⁵⁹ Schurz, *Report*, 27.

Carl Schurz explained in his report that “violence against black families who did own land and against white families who sold it to them was intended to strip blacks of both their land and their independence.”¹⁶⁰ The authors of the anonymous broadside from Tennessee offered a hundred lashes or even a hanging to people who disobeyed its rules, one of which was, surprisingly, that “those that hire negroes must pay promptly and act with good faith to the negro.” They were not interested in racial terror for its own sake; they used the threat of violence against those who might upset the established social order of the South by not doing their “duty,” which included treating their black laborers “properly.”¹⁶¹

In February of 1866, a gang of white men in Bath County, Kentucky, attacked, viciously mutilated, and killed Jos. Balls, a free black man who was a “humble and inoffensive and much respected” member of his community.¹⁶² Although the attackers, who were discovered but released by local courts, never stated directly why they chose to attack such a man, it seems likely that it was connected to the fact that he was “the owner of forty acres of land.” Any sort of economic success or property ownership by blacks had the potential to result in violent reprisal from whites. Their acts, though gruesome, were simply another outward expression of the southern attempt to restore the antebellum order. In Old Town Hammock, Florida, a group of twenty-five to fifty local whites “banded together to prevent any freedmen from settling the land,” and in “unreconstructed area” of Campbellton, Florida, local white residents drove out Freedmen’s Bureau agents as they tried to enter.¹⁶³ These incidents are just a few examples of

¹⁶⁰ Ibid., 26.

¹⁶¹ Brady to Hough, 29 January 1867, in Hayden et al., *Freedom*, 195.

¹⁶² P. Bonested, “The Freedmen in Kentucky,” *National Anti-Slavery Standard* (New York), April 7, 1866.

¹⁶³ Bvt. Maj. Gen. J. G. Foster to Bvt. Maj. Gen. Hartstuff, 17 September 1866, in Hayden et al., *Freedom*, 936; Purnam to Woodruff, 28 February 1867, in Hayden et al., *Freedom*, 482.

the many uses or threats of violence, which was an important social tool of southerners, to ensure that the freedmen never turned their emancipation into independence.

To minimize their ability to resist campaigns of violence by white southerners, black were frequently prevented from possessing weapons to defend themselves. The Black Codes in Alabama passed in 1865, for instance, forbade blacks from owning or carrying “firearms of other deadly weapons.”¹⁶⁴ Local law enforcers frequently confiscated weapons from freedmen as well. The sheriff of Old Town Hammock, Florida, confiscated all firearms belonging to black residents of the town and of those blacks who were emigrating from elsewhere.¹⁶⁵ Benjamin Truman, a journalist from Rhode Island reported that, during his time in the South, “pistols, old muskets, and shotguns were taken away from [the freedmen] as such weapons would be wrested from the hands of lunatics.”¹⁶⁶ Given the prevalence of violence in the South during this period, confiscating weapons from freedmen put them at a clear disadvantage to their white southern counterparts.

Foreshadowing the Jim Crow legislation that appeared after Reconstruction formally ended in 1877, local and state governments, often run by members or at least allies of the planter aristocracy, did their part to limit the economic opportunities of the freedmen. Their participation went beyond just the “petty, unjust, and discriminating” Black Codes that put restrictions on movement, vagrancy, employment, firearms, and even property ownership.¹⁶⁷ When two of Jos.

¹⁶⁴ Alfred Avins, *The Reconstruction Amendments' Debates: The Legislative History and Contemporary Debates in Congress on the 13th, 14th, and 15th Amendments* (Richmond: Virginia Commission on Constitutional Government, 1967), 209.

¹⁶⁵ Foster to Hartstuff, 17 September 1866, in Hayden et al., *Freedom*, 936.

¹⁶⁶ Truman to Johnson, 9 April 1866, in Bergeron, *Papers*, 384.

¹⁶⁷ Truman to Johnson, 9 April 1866, in Bergeron, *Papers*, 383-7; “(1866) Mississippi Black Codes”; Foster to Hartstuff, 17 September 1866, in Hayden et al., *Freedom*, 936.

Ball's murderers were arrested by Freedmen's Bureau agents, a Kentucky judge issued a writ of *habeas corpus* and ordered the men released. He argued that, because Kentucky had never seceded, the bureau had "no legal existence" there and thus no authority to arrest anyone.¹⁶⁸ In another example, in late 1865, a bureau agent in Mississippi, after being verbally accosted by a white citizen for some time, ordered the citizen out of his office. When the man refused to go, he instructed two guards to remove him. The man subsequently went to the court and filed a charge of assault and battery against the agent, who was then arrested.¹⁶⁹ He was relatively quickly released from custody by federal authorities, but these instances reveal that the legal apparatus of the states, much like the white citizens themselves, recognized that bureau agents and federal troops were all that stood in the way of once again subjugating the black laborers of the South.

Because of their animosity to anyone who might oppose their authority, southerners usually had an unfavorable disposition toward any Union soldier, current or former, black or white. In his inspection of twenty-three cases of the "most extreme cases of cruelty," Special Inspector Bonested noted that twelve of them were against Union soldiers and three against the wives of Union soldiers.¹⁷⁰ Considering that this violence had taken place in Kentucky, which had not seceded, it stands to reason that attitudes toward federal troops in the former Confederate states were even more hostile.

Furthermore, at least some planters felt that "negro soldiers must be prevented from quartering with negro laborers." It was not just the physical presence of Union soldiers and government agents that southerners abhorred, but soldiers' likely attitudes about standing up for

¹⁶⁸ Bonested, "The Freedmen in Kentucky."

¹⁶⁹ "A Mississippi Outrage," *The Liberator* (Boston), December 8, 1865.

¹⁷⁰ *Ibid.*

their own rights and asserting themselves. The “negro laborers” were expected to be docile, and interaction in close quarters with soldiers would, according to such planters, be a corrupting influence on them. However misguided, this view was born of the misconceptions that had protected the institution of slavery for so long. Contrary to southern beliefs, the freedmen knew when it was in their best interest to go along, but when they were given the opportunity to strike out on their own and pursue their own goals and interests, many of them were eager, with or without the influence of black soldiers.

A great deal of the violence inflicted upon the freedmen came at the hands of the yeoman and the non-landowning white southerners, and not the planter class. Agricultural land was a symbol of economic freedom and a tool for political power, so blacks acquiring it were an affront to those white people who had very little or none of their own. Because this class of individuals had no large estates of their own which were in need of cultivation, and because they did not want blacks on equal footing in already crowded non-agricultural labor markets, they tended to chase blacks away rather than intimidate them into staying. In their letter to two freedmen in Kentucky, the “two black injions” warned that, even though they “do not wish to interfere with those that are at work for their former masters,” they would no longer tolerate their presence, so they had “better get ready to emigrate north of the Ohio river pretty soon, for go [they] must.”¹⁷¹ What the freedmen had done to push these men to disregard their wish to not interfere is unclear, but what is clear is their intent to drive the freedmen away. The black injions do say, however, that because “the young black Smith . . . is not a tiller of the soil,” he may remain “with his master if he will behave himself.” Their grievance, then, most likely had

¹⁷¹ Injions to Abraham and Perry, in Hayden et al., *Freedom*, 965.

something to do with possession of the soil, which the freedmen were either renting or perhaps making arrangements to buy from their former master.

The violence was just one of the many, sometimes inventive, ways that planters responded to the threat to their economic domination of the South. According to Dan Carter, “in important ways,” the actions of the planters “represented the most constructive and creative response white southerners were able to make to their defeat and to the revolution of emancipation.”¹⁷² The various forms of coercion used on black laborers allowed the planter aristocracy to create something that closely resembled the antebellum land monopoly in spite of the attempted interference of the Freedmen’s Bureau and the national government. Had the government been able to secure land for the freedmen, however, things might have turned out quite differently, and Malcolm X might not have, one hundred years later, declared that it was time for a new black land revolution in America.

After President Johnson’s amnesty program was implemented, the Southern Homestead Act was the last and best hope for many freedmen of little means to acquire the property necessary to protect their independence. In 1878, two years after the act had been repealed, many of the sentiments and cries for land that had prompted it in the first place were still being expressed, although generally ignored.¹⁷³ Blacks entered a total of 6,500 homestead claims, but only 1,000 of those resulted in the issuance of property certificates.¹⁷⁴ By the time the act was repealed in 1876, fewer than 5 percent of the roughly four million freedmen living in the South had acquired their own land.¹⁷⁵ Probably only a very small percentage of those had acquired

¹⁷² Carter, *When the War*, 5.

¹⁷³ I. C. Wears, "Labor. II. Mr. Editor," *Christian Recorder* (Philadelphia), June 6, 1878.

¹⁷⁴ Oubre, *Forty Acres and Mule*, 188.

¹⁷⁵ *Ibid.*, 195.

cotton-producing lands that would provide black laborers with economic alternatives to working for planters. Only three million of the forty-nine million acres originally offered by the homestead act had been claimed by freedmen. Accordingly, while that land was a great boon for those one thousand families with successful claims, it was insufficient to effect the land revolution that was necessary to protect the freedmen in the South as a class, and many of those in the most desperate need of homesteads were denied them. According to Michael Lanza, the Southern Homestead Act “provided nothing to those who had nothing,” and the other measures to help freedmen secure land provided even less.¹⁷⁶

The planters, for their part, enshrined the spirit, if not the effect, of the overturned Black Codes in the laws and public regulations that defined the Jim Crow era following Reconstruction. When the government ended the Freedmen’s Bureau in 1872 and removed the final federal troops as a part of the Compromise of 1877, planters had already devised the system they would use to capture the majority of the production value of the freedmen’s labor.¹⁷⁷ Many of the fair arrangements and contracts and a great deal of the tolerable treatment that had been enforced only by the bureau’s presence faded after it was dissolved. What limited advancements toward economic independence the freed people had made during the early years of Reconstruction were quickly undermined by the renewed efforts of the planter aristocracy.

Although the treatment of blacks in the South, especially after Reconstruction, was justified by racialist ideas, southern landed whites carried out the subjugation of black laborers for economic and political reasons as well. Because planters could not conceive of a system of free black labor—and because the other labor sources they had entreated to replace the freedmen

¹⁷⁶ Lanza, *Agrarianism and Reconstruction*, 87.

¹⁷⁷ “End of the Great Benevolent Institution of the War,” *New York Times*, June 29, 1872.

had failed to do so—they were intent on preventing the freedmen’s economic liberation that would come with property ownership. They set about in every way they could conceive to make sure that the freedmen were subservient to their economic and political will. The freedmen tried earnestly to resist these efforts by seeking out the best wages and acquiring homesteads, but because the homestead policy was fatally flawed, the freedmen were unable to resist the efforts of the white southerners to reestablish the planter land monopoly.

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