

THE
JOURNAL OF
SOUTHERN
HISTORY

FEBRUARY 1992
Vol. LVIII, No. 1

Published Quarterly by the Southern Historical Association

A Struggle for Sovereignty: National Consolidation, Emancipation, and Free Labor in Texas, 1865

By NANCY COHEN-LACK

ON JUNE 7, 1865, NEARLY TWO MONTHS AFTER GENERAL ROBERT E. LEE surrendered at Appomattox, the editor of the Galveston *Weekly News* lamented the "recent astonishing changes that have taken place in our political situation." Two weeks before no man could "have dreamed that the surrender of General Lee would have been followed, in such rapid succession, by the surrender of all the armies of the Cis-Mississippi without a single effort of resistance, and also by the surrender of all the armies of the Trans-Mississippi, numbering by the muster rolls, 62,000 troops, not only without a contest, but without an enemy in arms against us, within 500 miles. The history of the world affords no parallel to this." What had brought the inconceivable—surrender—to pass? He alluded to a betrayal from within: "Two weeks ago every true Southern man felt it his duty to say and do all in his power to sustain our cause . . ." If all had lived up to this obligation, the soldiers would never have given up the resistance. His compatriots in editorial offices throughout Texas had fulfilled their duty admirably, rallying readers for a noble resistance against Yankee subjugation with confident assurances that Texans had the physical capability, if not the will.¹ A weakening of resolve, however, had been evident in all quarters. In one town, though people publicly denounced the reports of successive Confederate defeats as Yankee propaganda, they prudently refused to

¹ Galveston *Weekly News*, June 7, 1865 (despite its name, the newspaper was published in Houston) (microfilm edition, Eugene C. Barker Texas History Center, University of Texas at Austin). Examples of the editorial call for resistance can be found in most editions of the Galveston *Weekly News*, the Marshall *Texas Republican*, and the Bellville *Countryman* from the first rumors in mid-April of Lee's defeat until the confirmation of Texas's surrender (all in microfilm edition, Barker Texas History Center). The author wishes to thank Barbara J. Fields for her guidance throughout this project and her thoughtful criticism of several drafts of the manuscript. She also wishes to thank Eric Foner, Anthony E. Kaye, Marion K. Maneker, and the editor and anonymous reviewers of the *Journal of Southern History* for their helpful suggestions and comments on earlier drafts of this article.

Ms. COHEN-LACK is a doctoral candidate in the Department of History at Columbia University.

accept Confederate notes as legal tender. Texas soldiers, many of whom had witnessed the work of the Union armies east of the Mississippi, refused to lend their bodies to the resistance. In mid-May they defied their commanders, left their units, and began roaming and looting the countryside of Texas. On May 31, 1865, in the face of the mass desertion of the last Confederate army, Texas submitted to the Union's terms of unconditional surrender.²

The mass desertion of the Texas troops, however, was subject to different interpretations. While Texans on the home front despaired because the resistance had ended, Union army officers viewed the soldiers' flight as evidence that they intended to renew the battle at a later date, possibly with the aid of the French imperial army in Mexico.³ Therefore, in June 1865, national leaders dispatched the Union army to Texas to secure the fruits of victory in a territory that had escaped the devastation of the war and appeared determined to resist the consequences of defeat—the assertion of national sovereignty and the abolition of slavery. The Union army's occupation initiated a struggle in Texas among freedmen, former slaveowners, Texas Unionists, and northerners in the Union army. Each group would seek to mold the new order in accordance with its own values and interests.

Emancipation and the transition to free labor in the Western Hemisphere have been fertile areas of historical research in recent years. The two most important comprehensive histories of the process in the United States, however, give less than sufficient attention to emancipation and the first months of freedom in Texas. The conclusion that might be drawn from such benign neglect is that the history of the process in Texas is either peripheral to the central drama or can simply be assimilated into that of other regions.⁴ Though the transition period

² Diary entries, April 28, May 27, 1865, in John Q. Anderson, ed., *Brokenburn: The Journal of Kate Stone, 1861–1868* (Baton Rouge, 1955), 333, 346.

³ For the political history of Mexico during the period in which the French intervention occurred see Richard N. Sinkin, *The Mexican Reform, 1855–1876: A Study in Liberal Nation-Building* (Austin, Texas, 1979). On French intervention specifically see Jack Autrey Dabbs, *The French Army in Mexico, 1861–1867: A Study in Military Government* (The Hague, 1963).

⁴ Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* (New York and other cities, 1988); and Ira Berlin et al., eds., *Freedom: A Documentary History of Emancipation, 1861–1867*, Series I, Volume I: *The Destruction of Slavery*, and Series I, Volume III: *The Wartime Genesis of Free Labor: The Lower South* (Cambridge, Eng., and other cities, 1985, 1990). The absence of a discussion of Texas in *Reconstruction* can be attributed to the lack of monographic studies of early Reconstruction in Texas when Foner wrote the book. He did draw Texas into the picture more in the later period, for which monographic studies exist. Emancipation in Texas, occurring after the war, did not fall within the chronological bounds of the discussion of wartime emancipation in *The Destruction of Slavery*. Nevertheless, it could be argued that a broader conception of warfare would include the initial occupation of Texas. The occupation from June 1865 to January 1866 can be seen as—to use military jargon—both a mopping-up operation and a preemptive strike against the French on the Mexican border. No historian of Texas has focused closely on emancipation and the initial stage of the transition to free labor. (William L. Richter's *Overreached on All Sides: The Freedmen's Bureau Administrators in Texas, 1865–1868* is scheduled for publication by Texas A&M University Press in January 1992, after this article has

in Texas reveals many of the general features noted by historians of the other slave states, it does not therefore follow that Texas is insignificant in the larger story of the transition from slavery to freedom in the southern United States.

Indeed, the Union's success in Texas was integral to the accomplishment and completion of its overall project. Texas Confederates displayed little inclination to admit defeat, much less to submit to being reconstructed. Texas soldiers not only prolonged the war—the Union army lost a battle at Brownsville, Texas, a month after Lee's surrender at Appomattox—but also threatened to embroil the United States in an international conflict with the French Empire on the Texas-Mexican border. Given the determination of Confederate Texans to resist conquest, it is not difficult to understand Union officials' appraisal of the potential consequences of leaving Texans to their own devices. There, on the border of an outpost of the European imperial system, in a territory with vast expanses of virgin land and tremendous unexploited natural resources, four hundred thousand African Americans remained in bondage.⁵ A failure to subdue Texas at this time would have entailed, to say the least, a great source of national instability.

These unique circumstances convinced national leaders that even though the army was to be quickly mustered out and removed from most southern territory, the security of the nation required the occupation of Texas. Generals Ulysses S. Grant and Philip H. Sheridan deemed that an exaggerated display of military power would be useful in breaking Texan resistance once and for all. In ordering troops to Texas, they did not reflect on the army's participation in the creation of a free labor society, but army personnel in the field soon discovered that the question could not be ignored. They learned that the triumph of the national government, depending as it did on the reunification of the states, was inextricably linked to the freedmen's status, for those most determined to resist national authority were those who refused to

gone to press. I have not had an opportunity to review Richter's book to determine how he deals with the first months of freedom with which this article is concerned.) Recent histories of Texas either treat this period as a postscript to the era of slavery, an insignificant prelude to the era of Reconstruction—during which, it is posited, not much changed anyway—or examine only one institution involved in the conquest of Texas. See, respectively, Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821–1865* (Baton Rouge and London 1989); James M. Smallwood, *Time of Hope, Time of Despair: Black Texans During Reconstruction* (Port Washington, N. Y., and London, 1981); Campbell, *A Southern Community in Crisis: Harrison County, Texas, 1850–1880* (Austin, 1983); William L. Richter, *The Army in Texas: During Reconstruction, 1865–1870* (College Station, Texas, 1987); and Carl H. Moneyhon, *Republicanism in Reconstruction Texas* (Austin and London, 1980).

⁵ For the estimate of the number of slaves in Texas at the time of surrender see Report of William E. Strong, Inspector Genl., to Genl. Oliver O. Howard, January 1, 1866, in *House Ex Docs.*, 39 Cong., 1 Sess., No. 70: *Report of the Commissioners of the Bureau of Refugees, Freedmen, and Abandoned Lands* (Serial 1256, Washington, 1866), 312 (hereinafter cited as *Freedmen's Bureau*).

acknowledge the freedom of their former slaves. In the other former slave states, the responsibility for the implementation of a free labor system had by the summer of 1865 been assumed by the Bureau of Refugees, Freedmen, and Abandoned Lands. But in Texas, the Union army would, until January 1866, play the pivotal role in this central struggle of early Reconstruction. Forced into an unanticipated position by recalcitrant slaveholders and freedom-seeking slaves, the army performed in a manner that reveals some of the deeper currents at work in war, conquest, and reconstruction.

The Civil War had demonstrated that preserving the union and reconstituting national authority on a legitimate foundation required the emancipation of the slaves and the elimination of the Confederate state. This was a practical necessity for winning the war and an ideological one as well. The Confederacy, founded on the principles of states' rights and the constitutional inviolability of slavery, challenged the conception of sovereignty and citizenship that had ascended to power with the Republican party in 1860. The Republican party's free labor ideology linked a conception of the moral worth of free labor with a theory of republican government, according to which a nation deriving its authority from the sovereign people was inviolable. As Abraham Lincoln put it, this was a government of the people, by the people, and for the people, and it would brook no interference from any force that sought to sunder the integrity of the republican nation. The national government's task following the Civil War was to reconstruct southern society to conform to the model of the North and hence to complete the process of national consolidation. Instituting free labor in the former slave states was crucial to this reconstruction.⁶

During the war two distinct types of programs to advance the cause of free labor had emerged in different areas of the occupied South. In one, northern officials confiscated the land of Rebels, divided large plantations into smaller plots, and distributed the plots to freedmen as homesteads. In the other, army officers devised a system of year-long labor contracts whereby all freedmen were forced to remain on plantations working in staple crop production in exchange for wages; any who failed to comply were deemed vagrants and subject to corrective measures by the United States Army. Although the system of labor contracts appeared initially as a makeshift rather than as a conscious design, it nevertheless rested upon a vision of the freedmen's future status that was fundamentally at odds with the vision put forward by advocates of land redistribution. Under the system of labor contracts, freed men and women would become free wage workers with the same

rights, privileges, and opportunities that any propertyless worker in the North had. In contrast, through the breakup of plantations and the distribution of land, freedmen (and propertyless white southerners) would become independent farmers, and southern society would be remade in the image of northern communities of independent, small-scale commercial farmers.⁷

The two different models of economic reconstruction coexisted until the summer of 1865, when President Andrew Johnson effectively nullified wartime land grants to freedmen and ordered the Freedmen's Bureau to cease its land redistribution activities.⁸ Thus in the first months after the war, only the system of labor contracts remained to aid the difficult job of remaking southern society. How could northerners, who were deeply committed to the principles of the free labor system, reconcile their beliefs with the actions necessary to enforce the contract system? How were they able to extol the virtues of the voluntary relations of free labor even as they engaged in patently coercive methods to force freedmen to enter labor contracts? Furthermore, why did national authorities continue to promote the contract system well into Reconstruction instead of experimenting with a new method for easing the transition from slavery to free labor? Why did they not simply allow the market to determine the fate of ex-slaveholders and ex-slaves? These apparent failings and contradictions invite the exploration of the relationship between ideas of free contract and ideas of free labor.

The following study of Texas suggests that the labor contract, legitimated by a doctrine of free contract that was a powerful strain in the free labor ideology, served to reconcile the freedman's freedom with the national state's authority during the moment of transition between slavery and free labor. The nation's arm of enforcement, the Union army, occupied Texas in June 1865 to ensure the victory of the principles of national sovereignty and freedom. But the Union occupiers and their particular interpretation of these principles met resistance from those subjected to its rule. Former slaveholders, through their campaign to maintain personal sovereignty over their former slaves, challenged the principle that no authority could interpose itself between the citizen and his republican state. Former slaves challenged the northern representatives' assumption that freedom of contract was the same as freedom. They, like the Jeffersonian republicans, believed that freedom rested not only on self-ownership but also on the ownership of productive property that enabled the individual to remain independent of another's will. The conflicts in Texas over the issues of

⁶ Berlin et al., eds., *Destruction of Slavery*, 1-56; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York, London, and Oxford, 1970), Chap. 1; and Foner, *Reconstruction*, 164-66, 228-39, *passim*.

⁷ Berlin et al., eds., *Wartime Genesis*, 1-83; and Barbara J. Fields and Leslie S. Rowland, "Free Labor Ideology and Its Exponents in the South During the Civil War and Reconstruction," *Labor History* (forthcoming 1992).

⁸ Foner, *Reconstruction*, 159.

sovereignty and freedom, though ultimately resolved in favor of the powerful representatives of the national state, reveal the ambiguities within the northern Republicans' ideology and the limits of its conception of freedom, equality, and democracy.

In early June 1865, days after General Edmund Kirby Smith, the commander of the Trans-Mississippi army, had surrendered, General Philip H. Sheridan sent a series of communications to General Ulysses S. Grant concerning alarming conditions in Texas. Sheridan had learned that, during the surrender negotiations, the Texas soldiers under Smith's command had broken into Confederate stores of ammunition, stolen powder, destroyed the rest of the government's property, and disbanded to their homes with their small arms and ammunition. Sheridan believed that they did this to avoid surrender and parole and that many intended to flee to Mexico and join forces with the French imperial army, which supported the Austrian Archduke Maximilian—who had been named emperor of Mexico—against the republican Juaristas. Considering this information, "which is unfavorable to quiet peaceful pursuits, and to the fact that I have always believed that Maximillians advent into Mexico was a part of the rebellion," Sheridan wrote, "I will advise that a strong force be put into Texas . . ." Grant concurred and directed that "the whole state should be scoured to pick up Kirby Smith's men and the Arms carried home by them."⁹

The Texans' scorn for national authority—displayed by both the soldiers who bolted before surrender and the men at home who insisted that they had never been whipped—might not have presented great problems to the powerful Union army had it not been for the disturbing developments in Mexico. The French imperial army was massing at the Rio Grande. Confederate Texans were sending valuable property across the border—artillery, cotton, horses, and anything on wheels—to avoid turning material formerly owned by the Confederate government over to the United States government. Many Confederates themselves escaped over the border to fight with the French imperial army or to escape prosecution for participation in the Confederate rebellion. In the opinion of Sheridan, the Civil War would not be over until the United States saved Mexico—its "sister republic"—from French occupation. Sheridan declared, "It is due to the history of our country that this portion of the late rebellion should be crushed out in a manly way and with the power of a great nation as a contrast to this French subterfuge to assist in the attempt to ruin our country."¹⁰

⁹ Genl. Philip H. Sheridan to Genl. John A. Rawlins, Chief of Staff, June 4, 1865, Telegram; Genl. Ulysses S. Grant to Sheridan, June 3, 1865, Cipher, both in John Y. Simon, ed., *The Papers of Ulysses S. Grant* (18 vols. to date; Carbondale and Edwardsville, Ill., 1967-), XV, 128-129n (first quotation on p. 129n; second on p. 128).

¹⁰ Report of Major Genl. Philip H. Sheridan, *Supplemental Report of the Joint Committee on the Conduct of War, Supplemental to Senate Report #142*, 39 Cong., 1 Sess. (Serial 1242, Washington, 1866), 72-74 (first quotation on p. 73); and Genl. Philip H. Sheridan to Genl. Ulysses

The problem for the national government in Texas in June 1865 was in many ways unique. Most former Confederate states were well on the way toward instituting free labor systems and restoring civil government according to President Johnson's plan for Reconstruction. But in Texas, according to generals Sheridan and Grant, the rebellion still lived. Sheridan and Grant anticipated that the Union army would be met by armed resistance from the Texans or from the fugitive Confederates and their new French ally. To secure Texas, with armed force if necessary, was therefore the occupying army's primary task. Their instructions reflected the fundamentally military character of their mission; the Union forces were to collect the arms stolen by Confederate deserters, to intimidate the French imperialists, and to force them to turn over Confederate property in Mexican territory to the United States government. In the generals' scheme for Texas, the assertion of national sovereignty took precedence over the emancipation of the slaves and the transition to free labor.

In the middle of June, fifty-two thousand Union soldiers occupied Texas. The commanding officer of the occupying force, General Gordon Granger, established his headquarters in Galveston on June 19. Most of the soldiers continued on toward the virtually uninhabited Rio Grande Valley border region, where they would be stationed to repel a French invasion and to recover Confederate property. The remainder stayed in the most populated region of the state: the counties carved out between the Sabine, Neches, Trinity, Brazos, and Colorado rivers, which contained the majority of Texas slaves and slaveholders and had been a hotbed of Confederate patriotism. There the soldiers would oversee the dismantling of the last Confederate state government and the emancipation of four hundred thousand slaves.¹¹

On the day of his arrival Granger issued a series of orders that articulated the army's primary objectives in Texas. He declared all slaves free by the authority of the Emancipation Proclamation, dissolved the Confederate civil government, and declared illegal all acts of the Texas government passed since the ordinance of secession. He ordered all men connected with either the Confederate government or army to report to United States officers for parole and to turn over any property belonging to the Confederacy. "All persons not complying promptly with this order," he warned, "will be arrested, as prisoners of war, and sent North for imprisonment, and their property forfeited." Last, he instructed that all cotton was to be transmitted for sale through his quartermaster; no "insurrectionary States" were to be allowed free trade, and Texans had evaded the Federal cotton tax long enough.¹²

S. Grant, June 28, 1865, Telegram, and July 1, 1865, Telegram, both in Simon, ed., *Papers of Ulysses S. Grant*, XV, 163-64n, 237n (second quotation).

¹¹ Sheridan, *Supplemental Report of the Joint Committee on the Conduct of War*, 74.

¹² General Orders #3, #4, #5, June 19, 1865, were printed in Galveston *Weekly News*, June 28, 1865.

Granger's announcement of emancipation, which was followed immediately by an injunction to the freedmen to work, was hardly inspirational. Nevertheless, the slaves of Texas did not require an official edict to comprehend the liberatory mission of the advancing Union army. Four years of overhearing their masters' talk of the northern abolitionists and of receiving news from other liberated areas through their own internal grapevine had roused the slaves' hopes that the Day of Jubilee would soon be at hand. The entry of the Union army announced that it had arrived. Many slaves did not wait for the proclamation to be issued on "Juneteenth" but struck out for army posts as soon as the troops passed by their homes. Slaveowners did not graciously submit to such independent action by their laborers. When one freedman attempted to visit the United States troops, his former master pursued and shot him. The freedman died of the wound in the army's hospital. Other freedmen who successfully escaped from vengeful masters met unexpected treatment at the hands of their supposed liberators. In Galveston, the former Confederate mayor actively rounded up "runaways" with the intention of returning them to their owners. The army's provost marshal, who held police and judicial authority under military government, did not object to the mayor's policy on principle but preferred to hold the freedmen in the city jail for "safe-keeping" until his quartermaster had work for them. Freedmen who congregated in Galveston on the Sunday following the arrival of the federal troops found themselves impressed into military service the next day. They learned quickly that the Union army would not allow the celebration of freedom to interfere with standard work hours.¹³

The military commanders in Texas in the summer of 1865 defined the status of the freedmen in a way that reflected the influence of the army's earlier experience in Louisiana and the Mississippi Valley, where the contract for free labor had first been instituted. Freedom, announced Granger, "involves an absolute equality of personal rights and rights of property, between former masters and slaves, and the connection heretofore existing between them, becomes that between employer and hired labor." He instructed his officers to advise the freedmen and planters to make labor contracts for the remainder of the crop season. Both parties were to be informed that they would be required to fulfill the obligations of the contract: planters who abused freedmen could be tried by the provost marshals and fined or imprisoned, and freedmen who left their employer after entering a contract

¹³ General Order #3, *ibid.* The murderer fled the state but was arrested by a Freedmen's Bureau agent upon his return in December 1865. D. S. Doyer, Acting Asst. Surgeon, to Col. H. H. Barry, Comd. Brig., July 1, 1865, enclosed in Lt. Eugene Smith, Sub-Asst. Comm., Indianola, Texas, to Genl. E. M. Gregory, December 24, 1865, Unregistered Letters Received, Texas Assistant Commissioner, Records of the Bureau of Refugees, Freedmen, and Abandoned Lands, Record Group 105 (National Archives, Washington; hereinafter cited as RG 105), National Archives Microfilm Series M-821, roll 17; and Galveston *Weekly News*, June 21, 28, 1865.

could be forced back to work or arrested as vagrants. The two were to agree between themselves on the amount of wages. Until "permanent arrangements" could be made, the freedmen were enjoined to stay with their former masters "and thus secure the crop of the present season, and at the same time promote the interests of themselves, their employer and the commonwealth." In case some freedmen could not be persuaded that their interests would be served by remaining in the cotton fields of former slaveowners, the army would intervene to guide the wayward ones. All freedmen were required to carry passes from their employers and were warned that they would not "be supported in idleness" at army posts.¹⁴

Union army officials could coerce the labor of freedmen, and Granger could blithely persist in his definition of freedom as the obligation to work for a former slaveholder; but others were to act in a manner that would ultimately prevent freedom from becoming slavery in sheep's clothing. The most important of these were the freed men, women, and children themselves. They held a fundamentally different conception of what the content of freedom should be and took bold actions, often at risk of their lives, to fulfill their vision. Their goals were similar to those of their brethren throughout the former slave states, yet the conditions in Texas were at once more daunting and less precarious than those elsewhere. The opposition faced by the Texas freedmen in their endeavors to claim their rights as human beings and citizens in turn awakened a more activist impulse within the military, as the latter received evidence that the former slaveholders' denial of the basic rights of life, liberty, and property to the freedmen was inextricably linked to the former Confederates' defiance of national authority.

Emancipation had lifted the veil of silence imposed on African Americans by the regime of slavery. At the moment of liberation, former slaves revealed through word and deed what they believed to be the meaning of freedom. Throughout the South, newly freed men and women refused to work in staple crop production and expressed their desire to own land and farm for themselves. Their vision accorded with the orthodox republican tradition, which prized the independent yeoman above all others and conceived of such independent producers as the bulwark of republican government. It also bore resemblance to the vision of emancipated slaves throughout the slave societies of the Americas. Wherever freedmen had gained access to land, they had removed themselves from plantation agriculture and established them-

¹⁴ General Order #3, printed in Galveston *Weekly News*, June 28, 1865; Lt. Col. R. G. Laughlin, Provost Marshal General, to Col. H. Washington, E. O. Lynch, and James Sorley, Esq., June 25, 1865, vol. 55, pp. 32-33, and Maj. F. W. Emery, Asst. Adjutant Genl., to Col. John H. Kelly, 114th Ohio Volunteers, Cmdg. Post at Millican, June 28, 1865, vol. 55, pp. 28-30, both in Letters Sent, scr. 4826, Provost Marshal General, Department of Texas, Records of the United States Army Continental Commands, 1821-1920, Record Group 393 (National Archives; hereinafter cited as RG 393), pt. 1.

selves as independent peasantries. In the American South, warfare had created the conditions for former slaves to express their conception of freedom. And in areas where military operations had prompted Rebel landowners to flee, some freedmen had been able to put their ideal into practice. They had occupied the abandoned lands of their former owners and had begun to farm independently. In these cases, the freedmen claimed a right to the land they had made valuable with their labor.¹⁵

The Union army had never gotten close enough during the war to force slaveowners in Texas into flight, and thus there were no abandoned lands available on which the freedmen could settle. Indeed, much of the uncultivated land of the rich agricultural areas of Texas had been occupied during the war by refugee slaveholders from the Mississippi Valley. The absence of military operations on Texas soil was not, however, simply a lost opportunity for the freedmen. They were saved from the physical impact of the war: disease and the destruction of crops, farm equipment, and livestock. The situation in Texas in the summer of 1865 was far different from that in most southern states. Neither disease nor starvation threatened the people of Texas; the crops, both cotton and food, were abundant; and landowners, both loyal and Rebel, remained on their land looking forward to the rich harvest. The stage was set for a contest over the land and its bounty.

Ultimately the freedmen's quest for independence in an agrarian society could be achieved only through the ownership of land, but in the first glow of freedom, many exercised their liberty by simply leaving the household of their former owner. Some moved in order to reunite their families, and others left to establish themselves beyond the personal control of the former master. A Houston editor reported that "there seems to be a very general ambition among the negro women of the city to go to house-keeping for themselves, and hence they are seen frequently enquiring about houses to rent." One planter on the Brazos River reported that over two hundred of his three hundred former slaves had left in family groups within days of his announcement that they were free. Even though he assured them that he had no power to compel them to stay and promised to give a third of the crop to all who remained through the harvest, most took precaution and left him during the night without notice.¹⁶

The reaction of the military authorities to the freedmen's actions

¹⁵ For a comparative view of emancipation that explores the relation between freedmen and land see Eric Foner, *Nothing But Freedom: Emancipation and Its Legacy* (Baton Rouge and London, 1983), Chap. 1. On the freedmen's temporary acquisition of land in South Carolina see Julie Saville, "A Measure of Freedom: From Slave to Wage Laborer in South Carolina, 1860-1868" (Ph.D. dissertation, Yale University, 1986).

¹⁶ Galveston *Weekly News*, June 28, 1865 (quotation), July 5, 1865.

suggests that the intention to set up independently lay at the root of the freedmen's movements. At a public meeting of freedmen and planters in Brenham, an officer of the Union army explained the government's position on land and labor: "The idea some freedmen have that the government is going to give them farms and build them houses is a great mistake. The object of the government is not to feed and support able-bodied people, but to protect people in supporting themselves. It intends to give all well-behaved people an equal chance." "An equal chance"—implying equal opportunity—did not mean that former slaves confronted former owners on equal terms. For that matter, the former slaves might be puzzled as to what "an equal chance" meant, when all of the army's measures seemed designed to deprive them of the few advantages they possessed in the marketplace. The army's efforts to compel freedmen to enter labor contracts with their former owners, to impress them into military labor, to arrest "idle" freedmen as vagrants, and to require freedmen to carry passes from their employers displayed a preference for stability and production over the former slaves' freedom.¹⁷

According to the calculations of the military superintendents, unless there was a smooth transition to a new labor system, the largest cotton crop in the country in 1865 would be lost. Slaves had always cultivated the crop in Texas, and once the nation's interests had been linked to the success of the crop, Granger and his staff seemed unable to conceive of freed men and women as anything but laborers. Granger pronounced: "Idleness is sure to be productive of vice—and humanity dictates that employment be furnished these [freedmen]—while the interest of the commonwealth imperatively demands it, in order that the present crop be secured." An army commander stationed in Brenham, Washington County, explained that he appreciated the freedmen's desire to "celebrate their emancipation by a day or two of recreation." But, he continued, "even this indulgence the authorities cannot now permit. The holidays must be put off until the crops are gathered." Perhaps his sense of urgency derived from his perception of the common interests that bound his native New Hampshire to the rich lands of Texas. Opening his address to freedmen and planters, he spoke of the textile factories of his home state as "those great halls where the products of your plantations are made into fine fabrics—where the vast and intricate machinery is so wonderfully combined and arranged by the hand of genius as to obey the control of those hardly above the age of childhood . . ."¹⁸

¹⁷ Brevet Major General C. C. Andrews, Speech at Brenham, Texas, July 20, 1865, printed in *Galveston Weekly News*, July 26, 1865.

¹⁸ By Order of Maj. Genl. Granger, signed R. G. Laughlin, Lt. Col. and Pro. Mar: Genl., Dist. of Tex., Galveston, June 20, 1865, printed in *Marshall Texas Republican*, July 28, 1865; and Genl. Andrews, speech at Brenham, printed in *Galveston Weekly News*, July 26, 1865.

that connected the Texas occupation force to their center of command in New Orleans.²¹

As far as some Texans were concerned, the Confederate rebellion against national authority remained in full bloom. A Unionist living near the border of Arkansas, far from the strong arm of the military, claimed in August that "secesh" were "collecting their scattered forces for a grand battle in defense of their favorite institution—slavery." He lectured the governor that offering conciliation to the people of Texas was "like throwing pearl before swine" and cautioned that "a low and sneaking scheme" was underway to revive slavery. Committed Rebels had conspired to take the loyalty oath solely in order to gain control of the government; once in control, they would refuse to yield on slavery. "Such men care no more about an oath than a hog does about Sunday," he warned.²²

The Unionist aptly pointed out the connection between disloyalty to the United States government and resistance to emancipation. Throughout the state, but especially in the areas not yet visited by United States troops, planters continued to keep possession of their slaves through a reign of terror. Several Unionists reported on conditions close to the western frontier in Bosque County. There, a number of planters threatened to kill any of their freedmen who attempted to leave and held them all "nearly naked" without wages. Four freedmen had been purchased since late July and many beaten "unmercifully." Unionists portrayed this as the work of "influential and disloyal men" who leveled their threats not only at the freed men and women but also at the nonslaveholding white men who would hire the freedmen if they were not prevented from doing so. Similar tales that slaves were not being freed poured in to Governor Hamilton and the military authorities. According to an informant in Houston, those who "still wield the lash cruelly upon their former slaves" are "those who say they have been whipped but not conquered." Disloyalty and the rejection of the finality of emancipation were of a piece.²³

With the reorganization of the military command in August, the two main areas of Texas in which the majority of freedmen lived came under different jurisdictions. The section to the northeast and along the border of Louisiana was placed under the command of

²¹ Capt. M. McCaffrey to Col. J. C. DeGress, aide-de-camp, Provost Marshal Genl., August 23, 1865, Unregistered Letters Received, ser. 125 (first quotation); concerning the sabotage of the telegraph wire see Maj. Genl. Comdg. Jos. A. Mower to Col. R. H. Halsted, Asst. Adjutant Genl., August 21, 1865, Letters Sent, ser. 118; and General Order No. 9, General Orders Issued, ser. 126 (second quotation), all three documents in the records of the Eastern District of Texas, RG 393, pt. 3.

²² J. M. McAlpine, Linden, Cass County, to Governor Andrew J. Hamilton, [Aug. 1865], file no. M6-23, Hamilton Papers.

²³ Thomas Ford, Philip Howard, S. S. Nichols, Meridian, Bosque County, to Governor Andrew J. Hamilton, September 9, 1865, with the endorsement "to be referred to the military authorities," file no. M8-3; and D. G. Baldwin, Houston, to Governor Andrew J. Hamilton, November 7, 1865, file no. N9-8, both in Hamilton Papers.

General Edward R. S. Canby in Louisiana, and hence the army authorities in Texas had no authority over it. Most of the remaining former slaveholding counties fell within the bounds of the Eastern District of the Department of Texas, commanded by General Joseph A. Mower in Houston. In the absence of Freedmen's Bureau officials, Mower and his provost marshal general, Colonel Jacob C. DeGress, oversaw freedmen's affairs. Using the troops at their command, Mower and DeGress set about to impress upon the inhabitants of the area the irreversibility of national reunification and abolition and the virtue of the free labor system.²⁴

Mower initiated a more active enforcement of the Union's free labor policy but diverged little from his predecessors in the assumption that reconstruction required the production of staple crops, to which the freedmen posed the greatest obstacle. In mid-August he ordered Major Elijah P. Curtis, acting assistant inspector general, to investigate the conditions of the freedmen on the west bank of the Colorado River and to encourage the making of labor contracts in the area.²⁵ Curtis's report back to Mower suggested that the former slaveowners posed a greater threat to the army's mission to revive production on the basis of free labor than did the former slaves. In Matagorda and Brazoria counties, Curtis found the freedmen "quiet and peacable" and the planters resistant to emancipation and the idea of negotiating contracts with their former slaves. The planters complained that "the negro was indolent and will not work so much as he formerly did when the *lash* was applied to stimulate him. They believe no other means is sufficient to induce the negro to labour faithfully." Curtis judged this complaint to be without foundation and believed most problems could be attributed to the planters' bad faith: "The former owner in many instances does not explain to the negro his true condition in the proper spirit." Even though the planters read to their former slaves the order informing them that they were free, Curtis observed that their "conversation in the presence of the negroes evinces a desire and belief that the Proclamation of Emancipation will be set aside as an unconstitutional measure and the negro be returned to bondage." Curtis believed that "mutual distrust" would cause trouble at Christmas when the contracts for the current season were due to expire and recommended that a detachment of cavalry be stationed in the area to prevent unrest.²⁶

²⁴ Emancipation in the area under Canby's authority proceeded differently than it did in the rest of Texas. Louisiana's civil government was restored early, and the military retained few of its powers. Col. H. Seymour Hall, Sub-Asst. Commissioner to Genl. Edgar M. Gregory, December 30, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17. Mower had approximately 2,700 troops under his command. Maj. Genl. Comdg. Jos. A. Mower to Capt. J. Lovell, Asst. Adjutant Genl., Dept. of Louisiana and Texas, August 3, 1865, Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3.

²⁵ Capt. H. W. Perkins, Asst. Adjutant Genl., to Major E. P. Curtis, Asst. Actg. Insp. Genl., August 17, 1865, Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3.

²⁶ Maj. E. P. Curtis, Asst. Actg. Insp. Genl. to Capt. H. W. Perkins, Asst. Adjutant Genl.

Curtis's report—and others to the same effect—persuaded Mower that the army's success in consolidating national authority in Texas required vigorous action to guarantee the ex-slaves' new freedom. Putting pressure on his commanding officer to supply him with additional cavalry, he explained the need to protect freedmen from violence in the counties under his jurisdiction: "There is a strong disposition evinced there not to recognize the fact that the negro is free, this disposition is openly and defiantly manifested even to the declaration of the people that they will fight against their emancipation." He received the detachment of cavalry and, in the first week of September, detailed it to Liberty and surrounding counties. He instructed the officer in charge of the mission to arrest the perpetrators of outrages against freedmen and, moreover, to inform the residents that the penalty inflicted for a crime against a freed person would be "as though the crime had been committed upon a white person. In short, that the United States Government makes no distinction between them, but will give the negro all necessary protection."²⁷

Although Mower continued to instruct his soldiers to encourage contracts between the planters and freedmen, his primary efforts shifted to the protection of the freedman's person and legal rights. Northerners considered the dispensation of equal justice to all citizens to be essential to republican government. But that idea differed radically from the antebellum slave society's conception of justice in which individual slaveowners set the law and dispensed punishment to their slaves and a separate legal code ruled free persons of color. Within the limits set by national Reconstruction policy, Mower worked with General Wright and Governor Hamilton to provide freedmen with equal protection before the law.²⁸

With the inception of the contract system, a new realm of law enforcement developed; acts of physical abuse that had been integral to the regimen of slave labor were defined as crimes under the free labor system. DeGress, Mower's provost marshal general, instructed that an employer's whipping and abuse of a freed man or woman rendered the labor contract null and void and that the employer would be arrested. Planters complained that the freedmen would not work without the

compulsion of the lash. To the contrary, freedmen protested that the planters denied them compensation for their labor, treated them as slaves, and prohibited them from hiring with other employers without the permission of their former owners. In what amounted to a move away from the policies of the initial occupation, DeGress attempted simultaneously to ensure the rights of the freedmen and to maintain production. He told one planter who sought his intervention that a freedman had a right to leave his former master, take his family with him, and seek employment with other parties as long as he had not agreed to a written contract. Explaining to the planter the principle underlying the policy, DeGress wrote that it was "the intention of the Government to do all in its power, to assist planters to save their crop, but also to protect the negro in his freedom."²⁹

In the midst of the army's intensified enforcement of emancipation and the rights of freedmen in the eastern district, the head of the Freedmen's Bureau in Texas arrived in Galveston on September 6 after a long delay. General Edgar M. Gregory, the assistant commissioner, was a radical abolitionist and evangelical Christian. The commissioner of the Freedmen's Bureau, General Oliver Otis Howard, explained that he sent Gregory to Texas because he was "so fearless." Gregory's arrival technically shifted authority for the freedmen and the transition to free labor from the army to the bureau, but Gregory was not able to send agents to field offices in the countryside until October. Because Congress had not allocated funds to the bureau, Gregory had no money to pay his employees, and he had to ask Wright to detail and pay army officers to serve as bureau agents.³⁰ Gregory depended not only on army personnel but also on the military's might to back up his policies regarding the freedmen. The troops under Mower's command, stationed near bureau headquarters in Galveston, effectively became the bureau's army.

Without Mower's cooperation the Freedmen's Bureau would have been impotent, but Mower undoubtedly gave assistance for reasons that went beyond the specific goals of the bureau. The bureau's responsibility was to enforce emancipation and inaugurate the free labor system, but Mower had learned in August and September that resis-

August 24, 1865, Letters Sent by the Assistant Acting Inspector General, ser. 130, Eastern District of Texas, RG 393, pt. 3.

²⁷ Maj. Genl. Joseph A. Mower to Col. R. H. Halsted, Asst. Adjutant Genl., September 1, 1865 (first quotation); and Capt. H. W. Perkins to Capt. G. G. Trull, Comdg., 4th Mass. Battery, September 6, 1865 (second quotation), both in Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3.

²⁸ For specific cases see Capt. H. W. Perkins to Lt. Col. Kennicott, Comdg., 37th Ills. Vol. I at Columbus, September 5, 1865, Letters Sent, ser. 118; By Order of Maj. Genl. Comdg. Jos. A. Mower, Ofc. of the Provost Marshal Genl., August 19, 1865, Letters Sent by the Provost Marshal General, ser. 131; and Col. J. C. DeGress, Provost Marshal Genl., to Capt. Gallio Fairman, Provost Marshal, Richmond, September 13 and September 21, 1865, both in Letters Sent by the Provost Marshal General, ser. 131, all in Eastern District of Texas, RG 393, pt. 3.

²⁹ Col. J. C. DeGress, Provost Marshal Genl., to Provost Marshal, Columbia, August 31, 1865, Letters Sent by the Provost Marshal General, ser. 131. DeGress was asked to report on his activities as provost marshal general after he became aide-de-camp. His report is in Col. J. C. DeGress, aide-de-camp, U. S. Vols., to Lt. A. K. Taylor, Actg. Asst. Adjutant Genl., January 10, 1866, Unregistered Letters Received, ser. 125. For DeGress's letter to the planter see Col. J. C. DeGress, Provost Marshal Genl., to Mr. Jasper Mann, Huntsville, September 14, 1865, Letters Sent by the Provost Marshal General, ser. 131, all four documents in Eastern District of Texas, RG 393, pt. 3.

³⁰ William S. McFeely, *Yankee Stepfather: General O. O. Howard and the Freedmen* (New Haven and London, 1968), 68 (quotation); and Genl. Edgar M. Gregory to Genl. O. O. Howard, September 21, 1865, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1.

tance to emancipation often bordered on rebellion against national authority, and it was the army's duty to suppress resistance. Separately and together, generals Mower and Gregory intensified the national government's involvement in the affairs of freedmen, planters, and Confederates. In late September, as freedmen gathered the cotton crop and planters sent it to market, the former slaveholding counties between the Neches and Colorado rivers became the locus of activity in the reordering of labor and property relations and in the consolidation of national sovereignty in Texas.

The utopian quality of the Union's mission to remake the South in the image of the free labor North was rarely expressed more evocatively than by Gregory. Several months after he began work in the state, he responded to complaints about freedmen with a peroration on the glories of free labor. He insisted that the freedman would work but that planters must change their old habits:

The spirit that has made the great states of the Northwest must be at work in Texas . . . Treat your laborers with liberality and on a basis of Justice. Give them a chance to secure themselves from fraud and inequality before the laws. Trammel the[m] not with any attempts at serfdom under a new form, and permitt them to run without a load the race of life.

Then your locality will settle down into its abnormal state of Peace. The Gulf between the two races will be bridged over by a vital sympathy, and your labor unite with your capital and become productive force.³¹

Gregory promised that a faithful adherence to the provisions of labor contracts would bring stability and prosperity to Texas. The labor contract would serve as the bridge between slavery and a free and peaceful society, where labor and capital would live in harmony and prosperity and animosity between the races would dissolve once the two acknowledged their mutual interests. White and black, capital and labor, each received an equal chance in the race of life, and all citizens were equal before the law of the republican state.

Gregory's particular articulation of the free labor ideology was at once visionary and contradictory. He offered to the freedmen free contract, in lieu of freedom, and equal opportunity, in lieu of equality, but insisted that they continue to work on the plantations. Although he would have preferred an immediate redistribution of land in order to remake Texas in the image of the small-scale commercial farming communities of the Midwest, which he admired, he was prepared to settle for the labor contract. Doing so did not mean violating fundamental principles, since the contract incorporated two of the Republicans' cardinal principles—free labor and equality before the law—and allowed production to continue. The so-called voluntary

³¹ Genl. Edgar M. Gregory to Benj. G. Harris, esq., and Foreman, Grand Jury, Panola County, January 20, 1866, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1, frames 0080-82.

contract institutionalized the obligations of employees to work and employers to treat their workers fairly and established the freedom of the contracting individuals and their equality before the law. The authority to enforce the contract lay solely with the state. It thereby eliminated the personal dominion of the slaveholder over other individuals and, at the same time, provided the state with a lever to ensure production where the contracting parties had not yet imbibed the discipline of the marketplace.³²

In the fall of 1865 Gregory devoted most of his energy to reorganizing production in Texas upon the foundation of the labor contract. To do this, he had first to put an end to slavery and brutality against the freedmen. In his first charge to the eight Freedmen's Bureau sub-assistant commissioners for Texas, he told them to read and distribute the Emancipation Proclamation to the population—much of which had defied or was ignorant of the order freeing the slaves—and gave them the power to adjudicate all cases involving black people "when civil officers by reason of the old codes fail to do them impartial justice." From freedom followed labor. Freedmen were to be enjoined to work and to enter "voluntary contracts with employers" that would be binding on both parties. Make the freedmen understand, Gregory wrote, that "they are perfectly free to contract to work where and for whom they please and at the same time that a life of idleness will not be encouraged or allowed." He underscored that the freedmen's only option was to work for property owners. Rumors had been circulating throughout the South that the government would give the freedmen land around Christmas, and Gregory instructed his staff to contradict these rumors because they were false. Planters were to be made to accept that the "day of the lash and corporeal punishment is past and must give way to law and moral power, . . . slavery is dead, . . . adverse to the spirit of the times, and the decrees of a free people."³³

The contracts that Gregory instituted differed little from earlier ones. The main departure was to incorporate stronger mechanisms for the state—that is, the bureau—to enforce the contract. The new form of contract, distributed by the bureau in Washington and elaborated on by

³² Other proponents of the free labor ideology, or the free labor system as it was known to contemporaries, disputed the optimistic assessment that equal opportunity and free contract constituted the essence of freedom. Industrial workers in the North had begun to articulate a conception of "wage-slavery" that argued that the increasingly permanent nature of wage work enslaved the working class and undermined the American republic. In 1865 advocates of this idea were in the minority numerically and politically, and it would require the pressure of Reconstruction and a worldwide depression to force the collapse of the free labor ideology under the weight of its internal contradictions. In 1865 most northerners still accepted the legitimacy of hired free labor, which they believed consisted of voluntary acts by free individuals. See David Montgomery, *Beyond Equality: Labor and the Radical Republicans, 1862-1872* (New York, 1967; rpt. ed., Chicago, 1981), 237-49, *passim*.

³³ Circular No. 1, Headquarters Bureau R. F. and A. L., State of Texas, October 12, 1865. Issuances and Rosters of Bureau Personnel and Special Orders Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 19.

Gregory, scrupulously adhered to the principle that the two parties were equal and voluntarily chose to enter the agreement; at the same time, it placed a bludgeon in the hands of justice. After specifying the terms of employment, such as compensation, hours, and the length of time the contract was to last, Gregory explained the punishments that would be imposed for violations. The strongest restriction on the employer gave the employee a first lien on the crop and forbade the employer to move more than half of the crop from his premises until an agent of the Freedmen's Bureau certified that the laborers had been compensated. In addition, the employer was liable for damages if he defrauded his employees and could be arrested by the bureau if he used corporal punishment against a freed person. The restrictions on the employee were mostly directed toward keeping him at work. A freedman under contract who left his employer without "just cause" forfeited the wages due him for past work. More onerously, he could be arrested as a vagrant if he was absent for more than one day at a time or more than five days in a month. Gregory explained that this provision was necessary, for "many persons have not yet learned the binding force of a contract and that 'Freedom' does not mean living without labor."³⁴

The free labor system in its incarnation as free contract was resisted and transmuted by the different classes in Texas. Freedmen, who had the most at stake in the experiment to define the shape of freedom, considered the labor contract a form of bondage and appeared frustrated at the inefficiency of legal remedies to protect their personal safety. The compulsory elements inherent in the doctrines of contractual equality and impartial justice can be seen in the case of Philip Holbert, a pre-emancipation freeman who struggled to wrest his family from slavery only to find them effectively bound by the free labor system implemented by the Union occupiers. In October he wrote to Governor Hamilton about his efforts since emancipation in June to gain freedom for his wife and six children. Holbert was particularly incensed by the physical abuse meted out to several of his children: in one case his daughter's employer had whipped her around the head and chopped off her hair for not sweeping the yard properly. He protested to the provost marshal, who in turn forbade the employer from whipping the young woman but informed Holbert that he could not remove his daughter because she had agreed to a contract. Holbert noted that the whipping had stopped and that he understood he faced an obstacle greater than physical violence: "none of my children are of age and they got them to go into a written contract which I told them not to do" When the employers of his children learned that he had interceded with the military authorities, he explained, it "set them all down on me." He fled in fear of his life and went to live with his wife at her

³⁴ Circular Letter No. 33, Headquarters Bureau R. F. and A. L., State of Texas, October 17, 1865, Letters Sent, Texas Assistant Commissioner. RG 105, microfilm M-821, roll 1, frame 0035.

place of employment. (His wife and one child had been sold away from the rest of the family during the war.) The former slaveholder who employed Holbert's wife took offense at his presence and forced him to leave. Still determined to reunite his family, Holbert hired two soldiers to accompany him on his mission. Their superior officer intervened, however, and once again Holbert was told (only after paying the soldiers) that his wife and the two children with her would have to remain with the employer with whom they had contracted. After these attempts to reunite his family proved futile, Holbert beseeched the governor: "I am eighty five, I have been at liberty for the last fifteen years, I want that for my wife. . . . I wish you would please help me a little I don't know what to do my wife wants to get a way from their very bad."³⁵ In effect, he asked the governor to countermand the labor contracts.

Holbert's problem was not that his family remained slaves but that the transition to free labor had occurred before the transition to freedom. All of his family had agreed to written contracts before he could prevent them from doing so. Philip Holbert experienced the contract as a form of bondage, and, effectively, it was for his family. The indirect coercion of the contract controlled their labor more efficiently than physical coercion that no longer had the color of legality. To Holbert, the result was hardly different. His advanced age and tendency to protest made him an undesirable presence in the view of his family's employers, and the military's way of enforcing the labor contract gave the employer precedence over the husband and father. The military defined justice as fair wages for free labor but failed to perceive that the requirements of free labor might directly contravene a freedman's ambition to reconstitute the family. In Philip Holbert's case, the sanctity of contract overawed the sanctity of family.

Holbert's situation was surely not unique; under slavery it had been common for husbands to live apart from their families, and after emancipation the army encouraged freed men and women to remain under contract to their former owners. Holbert may have found some relief in mid-October, when the Freedmen's Bureau agent arrived in Brenham, where Holbert lived. Sub-Assistant Commissioner B. J. Arnold reported to Gregory that the contracts made in Brenham before his arrival were "extortionate upon the Freedmen." But Arnold's choice of words—"extortionate"—reveals his primary concern with fair wages as the measure of the advance of free labor. Throughout the first season of freedom, bureau officials had difficulty reconciling their goal for the labor system with their goal of assisting freed men and women in the reconstruction of sundered families. These northern agents failed to

³⁵ Although Holbert described himself as free since 1850, he signed his letter: "(from a freed man) Philip, Holbert." Holbert to Governor Andrew J. Hamilton, October 14, 1865, file no. N3-29, Hamilton Papers.

recognize that the conflict between the freedman's control over his family life and their system of labor contracts was not incidental but structural to this type of free labor system. Gregory, for instance, intervened when he believed that employers were manipulating family relations to garner laborers or to defraud their former employees. A plantation owner who had written to Gregory requesting that the bureau enforce a settlement he had reached with a freedman received in response an order that he appear for an investigation, "as there is evidence which we have to admit which tends to show that Anthony Hall [the freedman] made the settlement you speak of as a means of getting his wife and his property away from your plantation."³⁶ Yet Gregory and his officers also conducted mass meetings in which hundreds of freed men and women contracted at one time, with no attention paid as to whether all family members were present. A freed man or woman may have been able to gain personal access and empathy from a bureau official who could bend the rules, but with fewer than ten bureau officials in the entire state, only a small number of freedmen benefited from this method of redress.

The labor contract seemed to the freedmen to replicate bondage not only in its disregard for family life but also in its requirement that they work for another person. To freedmen, freedom meant being independent of another's will, and the only guarantee of independence was ownership of productive property, namely land. Bureau agents, who arrived in the countryside during the last weeks of the 1865 harvest, discovered that few contracts had been made in the preceding months and that freedmen intended to resist entering contracts for 1866. Arnold reported that, at first, "none would agree to make contracts for next year until 'Christmas time' as they had been told by designing persons that they would not be allowed to own property of any description or to work land for a portion of the crop. They had also an idea through some source or other that a division of property would take place at that time."³⁷ The rumors Gregory had warned about were widespread among the freedmen. They believed that the government that had freed them would divide up the estates of slaveowners, distribute the land and equipment to the people who had produced the wealth of the country, and thus give them real freedom.

³⁶ Lt. B. J. Arnold, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, October 20, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17; and Genl. Edgar M. Gregory to Judge Chambers, October 27, 1865, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1, frame 0042.

³⁷ S. J. W. Mintzer, Surgeon-in-Chief, to Genl. Edgar M. Gregory, December 1, 1865, Received and Returned Reports Relating to Rations, Lands, and Bureau Personnel, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 29; Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, December 1, 1865; and Lt. B. J. Arnold, Sub-Asst. Commissioner, Brenham, to Lt. Chauncey C. Morse, Actg. Asst. Adjutant Genl., October 28, 1865 (quotation), both in Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

Freedmen's Bureau agents and army officials were not necessarily unsympathetic to the freedmen's desires. They faced several problems, however, when they tried to create a free labor system in Texas. President Johnson's actions had nullified programs for land redistribution. Therefore, if freedmen were ever to become landowners, they would have to earn the money to buy land by selling the only thing that they owned when freed—their capacity to labor. The greater obstacle to the freedmen's independence, however, was contained within the conception of free labor and of southern society that was held by most northerners who worked in Texas. Their idea that the legal freedom to enter voluntarily into relations constituted the totality of freedom was contradictory and ambiguous. Whereas freedmen thought of independence as the essence of freedom, northerners who valued both freedom and independence did not conceive of them as synonymous. Self-ownership was the essence of freedom, and free men strove for but did not necessarily achieve independence. The words of DeGress, a man who took his mission to aid the freedmen seriously and showed few illusions on most occasions, expose the tension characteristic in the thinking of those northerners most sympathetic to the freedmen. (DeGress served concurrently as both provost marshal general and an official of the bureau in October and November.) In early November, DeGress informed Gregory that he thought they should encourage planters to rent land to freedmen, for it would give all freedmen an incentive "to work for a home and independence." But DeGress saw no obstacle to independence in the labor contract; the industrious and talented individual deserved to become an independent proprietor, and the contract simply facilitated a system that provided opportunity to such capable individuals. Indeed, freedom and independence were so far divorced from each other in his thinking that he thought it irrational of freedmen to resist contracting with their former owners, for, he insisted, "it does not affect their freedom one iota to hire with or work for their former owners."³⁸ DeGress never considered that diminishing freedom to free contract at the inception of free labor might preserve inequities that would foreclose the freedmen's prospects for independence in the future.

Other imperatives, in addition to the labor contract, issued from the logic of free contract. Central to free contract were the principles that all individuals were equal before the impartial justice of the state, and that the state's role was to adjudicate impartially conflicts between free—that is, contracting—individuals. Congressional legislation gave

³⁸ Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, November 3, 1865, Received and Returned Reports Relating to Rations, Lands, and Bureau Personnel, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 29; and Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, December 1, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

the bureau—as opposed to civil authorities in the states—primary responsibility in supervising property and labor relations involving freedmen. Texas bureau agents, who arrived in the countryside during the harvest of 1865, were inundated with complaints from freedmen and planters regarding relations of employment. Freed men and women commonly reported that they had been defrauded of their wages, and the bureau responded by seizing cotton until the owner paid his laborers or by ordering the employer to report to a bureau official to answer charges. Impartial justice, however, did not always redound to the freedmen's benefit. If the bureau determined that a contract was fair, a freedman could be fined, ordered back to work, or arrested for violating the contract's terms.³⁹

Nevertheless, in a society previously organized upon racial slavery, the concept of civic equality was revolutionary. The bureau's challenge to antebellum laws that denied black persons the right to own property illustrates the consequences of applying this principle conscientiously. Under antebellum Texas law, neither slaves nor free persons of color could own property outright but only through a white person who held the property in trust. Staking out new ground, bureau officials actively sought to establish the proprietary rights of black people, which had not existed during slavery. Betsey Webster, a free woman of color defrauded by her trustee of seven lots of land in Galveston, gained an ally in General Gregory, who vigorously pursued her case in an effort to either restore her land or gain payment for the lots. Kemp Williams, a freedman, experienced similar problems with property in New Orleans. Gregory sent Williams there with a letter in hand to the assistant commissioner of Louisiana asking him to help Williams, "who has the reputation of being a good, industrious citizen," in collecting his claim.⁴⁰

The role of the bureau was not only to enforce the contractual rights that organized labor and property relations in the free labor system but also to ensure the adoption of the principle of equality before the law

³⁹ Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, December 1, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17. For several examples of intervention in labor disputes see Genl. Edgar M. Gregory to Col. J. C. DeGress, Provost Marshal Genl., October 2, 1865; and Lt. Chauncey C. Morse, Actg. Asst. Adjutant Genl., to Mrs. Huig [?], By order of Genl. Edgar M. Gregory, October 7, 1865, both in Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1; and Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Mr. John D. Imboden, November 3, 1865, Received and Returned Reports Relating to Rations, Lands, and Bureau Personnel, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 29.

⁴⁰ Genl. Edgar M. Gregory to Col. Waters, October 25, 1865; Genl. Edgar M. Gregory to Capt. of *Arizona Steamer*, October 25, 1865; Lt. Chauncey C. Morse, Actg. Asst. Adjutant Genl., to Mrs. E. J. Hardin, Columbus, Georgia, September 19, 1865; Genl. Edgar M. Gregory to Mrs. Harding, November 6, 1865, Telegram; and Genl. Edgar M. Gregory to Brig. Genl. J. S. Fullerton, Assistant Commissioner Louisiana B.R.F.A.L., November 7, 1865, all in Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1. For Webster's trustee's defense see Petition of John Corbett, Galveston, December 7, 1865, file no. N15-34, Hamilton Papers.

by the civilian administrators of Texas government. Equality before the law was not a mere abstraction to the freed men, women, and children; their fundamental rights would ultimately have to be ensured and protected in the courts of the state. Civil courts established by Governor Hamilton reopened in the fall of 1865, but deeply embedded customs, beliefs, and practices hindered equal justice. Few Anglo-Texans, regardless of their political affiliation, could conceive of a color-blind law. A justice of the peace in Columbus, who had been appointed by Hamilton, was thoroughly mystified when the provost marshal ordered a stay of execution of punishment in a case in which four freedmen had been found guilty of stealing four mules and sentenced to fifteen lashes each. The freedmen had been tried under the antebellum laws for free persons of color, and the court officer, who could not imagine a single code applicable to all persons, did "not know what objection is made to the Jurisdiction unless it be that Freedmen shall not be subject to the Jurisdiction of the Civil Courts." The chief justice of Bell County queried Hamilton on such fundamental matters as the right of freedmen to testify, to sue, and to enter complaints for injury. He leaned toward the judgment that the freedman's rights lay "dormant until legislative action is had upon said rights." This was generous compared to the more common view. Judge J. B. Williamson argued on the precedent of the antebellum laws for free persons of color that "negro testimony" would not be allowed, for the restriction "rests, certainly in part, on his mental and moral incapacity." The prejudice in the courts affected freedmen on the most basic level of daily life: one county clerk refused to give a marriage license to a freedman because he did not want to set an example.⁴¹

Although President Johnson, during the summer and autumn of 1865, was pressuring bureau officials to return the jurisdiction of cases involving freedmen to the civil courts, United States officials in Texas had greater leeway than most to exert control over the legal system. Texas remained under provisional government, and Governor Hamilton encouraged the military to supersede the authority of the civil courts. After following several test cases and determining that they failed to provide impartial justice and legal protection for freedmen, Gregory—working within Commissioner Howard's guidelines—instructed his officers to take jurisdiction of all cases involving freedmen "when civil officers by reason of old codes fail to do them impartial justice."⁴² In

⁴¹ William B. Dewees [?], Justice of the Peace, Columbus, Colorado County, to Governor Andrew J. Hamilton, September 4, 1865, file no. M7-34; Hiram Christian, Chief Justice, Bell County, to Governor Andrew J. Hamilton, October 21, 1865, file no. N5-9, both in Hamilton Papers; "Charge of Judge J. B. Williamson to the Gentlemen of the Grand Jury," *Marshall Texas Republican*, September 29, 1865; and B. F. McFarland, Clerk of County Court, Henderson, Rusk County, to Governor Andrew J. Hamilton, December 1, 1865, file no. N15-4, Hamilton Papers.

⁴² Governor Andrew J. Hamilton to Maj. Genl. H. G. Wright, September 27, 1865, file no. M12-11, Hamilton Papers; and Circular No. 1, Headquarters, Bureau R. F. and A. L., State of Texas, October 12, 1865, with encl. Circ. No. 5, By Order of Commissioner O. O. Howard, May

practice, this gave bureau agents and army personnel license to intervene in any such case. The bureau's activities in this area ranged from retrieving stolen household belongings to arresting and trying murderers. On the more serious cases, the bureau often worked with the army, and a detachment of cavalry would ride into the countryside to arrest the accused and bring them back to Galveston to appear for trial before Gregory.⁴³

The efforts of the bureau and the army to enforce legal equality did more than protect the freedmen's physical safety and their right to own property: it established them as citizens of the nation. Long before the Fourteenth Amendment was debated in the chambers of Congress, northerners in Texas responsible for the transition from slavery to freedom treated and thought of freedmen as citizens. DeGress wrote to Gregory of his disgust with the violence against freedmen and with the courts' refusal to heed their testimony. "Is there a crime greater than the whipping or the hunting of an American citizen with Bloodhounds," he asked. Another bureau agent, George C. Abbott, described how he had come to the conclusion that the freedmen ought to be accorded the privileges of citizens. After studying the Emancipation Proclamation and other instructions from the bureau, he "assumed the ground that the Black men were Free American Citizens, and determined that no amount of ignorance, Rage, or wretchedness should ever bias me to decide unfairly in favor of sleek and well-fed Ex-Rebels who for four years past have been amusing themselves by hunting down and hanging Americans, whose only crime was loyalty to the Government which protected them when they were too weak to protect themselves." Both Abbott and DeGress conceived of American citizenship as the badge of equality and the powerful national government as a beneficent guardian of freedom, democracy, and morality.⁴⁴

Former slaveowners, who benefited from the bureau's method of contract labor, fiercely resisted the principles upon which it was founded—the equality of all individuals before the law and their freedom to enter relations voluntarily. The northerners' definition of freedom and citizenship denied planters a free hand to rule their

subordinates, and the contract provided a means for the Union occupiers to attack the ex-slaveholders' arrogation of power. In short, it was designed not only to control the labor of the freedman but also to force former slaveholders to submit to the discipline and virtues of the free labor system. Planters, however, had other designs, to which they attempted to bend the contract—and its enforcers.

By the fall, planters had realized that if they were to gain control over the freedmen, civil government would have to be restored and the northern occupiers banished from the state. And if the planters were to be allowed civil government, they would have to accept the finality of emancipation. The abolition of slavery, however, eliminated the legal and much of the ideological basis for the subordination of African Americans. A new foundation was required, and former slaveholders and their publicists among editors and preachers increasingly invoked racial arguments to justify their right to rule. Nevertheless, they knew that invocations of racial hierarchy would not be sufficient to control the labor of the freedmen. "How to Manage the Negro," as the title of a virulently racist article phrased it, seemed to be the topic of the season among planters. Recognize his freedom, then compel him to labor was their solution. In their designs for a new system of compulsory labor, they looked to the northerners' model of contracts and vagrancy laws, but in adopting their conquerors' form, they drained it of its already diluted substance of legal equality and free contract.⁴⁵

Thomas E. Blackshear, a planter from Navasota, put forward a typical formula for a new system of compulsion. The first order of business was to clear the path for the rule of "gentlemen" planters by restoring civil government, removing federal troops, reorganizing the state militia, and abolishing the Freedmen's Bureau. Then establish a new "bureau . . . under the management of an intelligent practical planter, who knows the character of the negro, his wants, and his capacity to labor . . ." Blackshear paid lip service to the principles of justice and freedom but interpreted justice as a personal matter between the planter and his charges and closely circumscribed freedom with numerous restrictions. To ensure the employer's control over his laborer, Blackshear recommended that the state legislature pass restrictive measures (after the departure of northern interlopers): the measures included the employer's right to "inflict such punishment . . . as may be necessary to insure" the freedman's labor; his right to pursue and capture an employee "deemed a 'runaway' "; and the virtual sale into a year-long bondage of any freedman deemed a vagrant. The remainder of Blackshear's recommendations detailed harsh punishments against "any white person" who enticed freedmen to leave one employer to work for another and against those who fraternized with freedmen

30, 1865, War Dept., Issuances and Rosters of Bureau Personnel and Special Orders Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 19.

⁴³ For cases of petty theft see Genl. Edgar M. Gregory to Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., Eastern District, October 16, 1865, and Lt. Chauncey C. Morse, Actg. Asst. Adjutant Genl., to Mr. Thompson, November 4, 1865, both in Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1. For coordination with the army see Capt. Luke O'Reilly, Acting Asst. Adjutant Genl., to Maj. R. Kennicott, November 18, 1865, Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3. The bureau did not begin keeping detailed records on crimes against freedmen until later in 1866; therefore, the evidence on the nature and disposition of the cases is fragmentary.

⁴⁴ Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, December 1, 1865; and George C. Abbott, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, October 31, 1865, both in Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

⁴⁵ Galveston Weekly News, November 22, 1865.

whom they did not employ. These were evidently designed to confront an unnamed menace—the white man who had not been a slaveholder who might attempt to compete with the “gentlemen” planters.⁴⁶

Although many like Blackshear talked of ridding the state of the despised Freedmen’s Bureau and complained that the bureau’s contract and vagrancy laws were not strong enough to make the freedmen labor, this did not prevent such men from attempting to enlist the agents of the bureau in their campaign to maintain the old means of compulsion. In most cases, the bureau agents would not succumb to the planters’ designs. In a report of an incident of this sort to Gregory, Abbott wrote that a planter “came to me modestly requesting that I would go and *threaten* certain of his freedmen with ‘Bucking.’ I looked at the vermin a moment and then politely informed him that the officers of the United States were not commissioned to act as ‘Nigger Drivers,’ and informed him further, if he dared to even lay a finger on a Freedman in this District that I would hold him accountable to me for it.”⁴⁷ Most planters never had to worry about such interference, for with only eight bureau officers in the entire state, they rarely if ever saw one. Where the Union army or the Freedmen’s Bureau had not penetrated, ex-slaveholders did not bother with intellectual niceties or the appearance of free labor. They simply formed combinations to keep freedmen enslaved.

Not all Anglo-Texans, however, cherished the old system of the slaveholders’ domination. A Unionist lawyer in Houston wrote to Governor Hamilton: “It may be set down for true that the sensible men of the country who have always worked . . . are more than satisfied with the results of the war, and accept the peace with the extirpation of slavery with hearty joy. But there is another breed of men and women who hate everything that savors of labor, and look down in undisguised contempt upon all who work.” Other Unionists reported to Hamilton that the planters’ combinations were directed as much against their own attempts to hire freedmen as against the freedmen themselves. These men, who had evidently been nonslaveholders, welcomed the contract system, which provided the freedman’s labor to any person willing to pay for its use. Their only regret was that the system was not more efficient, and they suggested to the governor that more United States troops were necessary to protect freedmen and Unionists in the countryside.⁴⁸

⁴⁶ Letter from Navasota from Thomas E. Blackshear, *ibid.* For evidence of violence deployed by planters’ combinations see [name illegible], Capt. C. O. Det. 12th Ills. Cav., Headquarters, Homer, Tex., to Genl. H. W. Perkins, November 7, 1865, Unregistered Letters Received, ser. 125, Eastern District of Texas, RG 393, pt. 3.

⁴⁷ George C. Abbott, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, October 25, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

⁴⁸ D. G. Baldwin to Governor Andrew J. Hamilton, November 7, 1865, file no. N9-8; Thomas

Hamilton’s conception of the meaning of emancipation and free labor reflected the aspirations of the white Unionists and nonslaveholders of Texas. In a long letter to General Wright detailing the complaints he had received from Unionists throughout the state, he wrote that planters manifested an “inhuman spirit to the Negro” in preventing him from selling his labor to those who would pay wages:

This is a wrong to every Citizen, who is thus deprived of the privilege of hiring: as well as to the freedman—and will result in injury to the community at large—for it requires but little reflection to determine that the more generally the freedmen are diffused among the white population of the State, the better it will be for both—But unprotected, neither the freedman, or the white man, who was never a slave owner, can act for his interests. The only wise and just policy—that of securing to the freedman the full value of his labor, will not only be defeated by such combinations, if permitted, but his freedom proclaimed before the world, will be to him a bitter mockery.

Hamilton expressed his belief that the right to choose one’s employer and one’s employee was the sine qua non of freedom and that nonslaveholding white “Citizens” were the greatest victims of the former slaveowners’ attempts to thwart the free labor market. Hamilton was a white southern Unionist, and, not surprisingly, concepts of race and class blended indistinguishably in his thinking. Black people, absent from Hamilton’s category of citizens, were to be the natural working class, and “diffusing” them through the population would spread the wealth produced by their labor to the “worthy citizens” of the state. Historically, most northerners had advocated free labor on the principle that it provided opportunity for all to rise through merit and hard work. Indeed, it was on this point that much antislavery sentiment had been marshaled. The transplanted ideology grew in different soil in the South, where more rigid class distinctions, containing caste prescriptions for the subordinate class, prevailed. Like some northerners who were reinterpreting the free labor tradition to fit their experience of an advancing capitalist order, Hamilton advocated equal treatment before the law for black people but never perceived that freedom might entail the opportunity to rise above the status of hired manual laborers. Mobility was available only to white people, who, as in the days of slavery, rose by acquiring the rights to the labor of a black person. No doubt freedmen would have found Hamilton’s notion of freedom as “securing the full value” of one’s labor through wages to be a bitter mockery.⁴⁹

In the fall of 1865 the different classes in Texas struggled over the meaning of freedom and the shape of the new social order. Ultimately,

Ford, Philip Howard, S. S. Nichols, Meridian, Bosque County, September 6, 1865, file no. M8-3; and S. I. Richardson, [September 1865], Van Zandt County, file no. M12-45, all in Hamilton Papers.

⁴⁹ Governor Andrew J. Hamilton to Genl. Horatio G. Wright, September 27, 1865, copy, file no. M12-11, Hamilton Papers.

all were forced to adapt to the Union representatives' practice and conception of free labor. The free labor system that northerners inaugurated in the South required former slaves to sign a yearly contract with an employer, whereby the freedman would work for wages and additional compensation. The contract specified the rights and obligations of the employee and the employer and established their equality before the law. Northern agents in Texas believed that the system made ex-slaves free wage laborers and ex-slaveowners employers; they viewed the contract as a temporary and politically feasible measure to train southerners in the working of the free labor system. Commissioner Howard was not thoroughly satisfied with the system of labor contracts because it had the "tendency to check individuality" among the freedmen, but he believed that time and the inevitable breakup of the large estates would obviate the necessity for applying contracts universally.⁵⁰

Although some historians have argued that the postemancipation labor contract revived slavery in another guise, a labor contract is not necessarily incompatible with free wage labor, in which a contract between two theoretically equal individuals is always implicit and often explicit.⁵¹ The character of the postemancipation labor contract and northerners' methods of enforcing it indicate that generalized free wage labor relations were new, not that they were absent. Despite prevailing assumptions concerning the free marketplace, state compulsion is always present in market relations. The methods and intensity vary historically by period, by stage of development, and by region. In the transition to capitalist relations, when market relations must displace existing productive relations that often conflict with the dictates of capitalist production, the state has historically enacted measures to compel people to obey and respond to the presumably ironclad laws of the marketplace. Vagrancy laws have been among the most common methods of compulsion, taxation might be considered one of the most ingenious, and year-long labor contracts that deny the wage worker the right to move freely between employers have not been unknown.⁵²

⁵⁰ *House Ex. Docs.*, 39 Cong., 1 Sess., No. 11: *Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands* (Serial 1255, Washington, 1865), 13 (hereinafter cited as *Report of the Commissioner*).

⁵¹ For the seminal statement of the contract as evidence of unfree, and hence noncapitalist, relations of production see Jonathan M. Wiener, *Social Origins of the New South: Alabama, 1860-1885* (Baton Rouge and London, 1978), chaps. 1 and 2. For a related argument concerning the consequences of emancipation in Texas see Campbell, *Southern Community in Crisis*.

⁵² This section has been influenced by the historical literature on the transition to capitalism, especially those works that address the "making of the working class." See for example Rodney Hilton, ed., *The Transition from Feudalism to Capitalism* (London, 1976); and E. P. Thompson, *The Making of the English Working Class* (New York, 1966). For the transition from slavery, specifically, to capitalist free labor see Barbara J. Fields, "The Nineteenth-Century American South: History and Theory," *Plantation Society in the Americas*, II (April 1983), 7-27; and Fields, "The Advent of Capitalist Agriculture: The New South in a Bourgeois World," in Thavolia

Were the extramarket compulsions of the labor contract and vagrancy laws necessary to force freedmen back into the cotton fields or would economic compulsion—namely, hunger—have sufficed? In Texas, few freedmen owned land that would have enabled them to produce their own subsistence independently. Once the potential for a distribution of land was eliminated, it became clear that freedmen would have to hire themselves to property owners in order to earn their subsistence. But that did not guarantee that a freedman would work full time for wages. It would have been possible for a freedman to work for a few days out of a week to earn enough cash to survive, leaving the remainder of the week to raise his own provisions. But cotton, the state's primary resource, required more regular attention than any recently freed person cared to devote to its maintenance after emancipation. The methods of state coercion in the new free labor system were aimed at the problem of work discipline. The contract imposed fines on occasional absentees and laid stricter penalties on chronically absent workers deemed to be vagrants. Written labor contracts introduced the principles of voluntary contract and the legal equality of employee and employer that were crucial to the legitimation of wage labor as a type of free labor. Vagrancy laws buttressed the relation where respect for the sanctity of contract and enlightened self-interest failed to teach wage laborers the proper lesson of regular work discipline.

Why did the representatives of free labor work so hard to keep freed men and women in the position of manual laborers? Did they assume that people of African-American descent were destined to be a permanent working class because of the color of their skin? Although these northerners' racial ideologies both reflected and influenced the way they approached their activity in a society formerly organized upon the labor of Negro slaves, the evidence suggests that consideration for other wartime goals weighed more heavily in the outcome. The army went to Texas to intimidate recalcitrant Rebels and the French imperialists in Mexico, not primarily to free the slaves. When they turned their attention to the freed people, they did not think only about race. From the initial occupation of Texas, national officials manifested interest in the survival of the cotton crop: "Do all you can to encourage the Shipment of Cotton from Louisiana and Texas," General Grant instructed General Sheridan.⁵³ For years Republicans had lauded the

Glymph and John J. Kushma, eds., *Essays on the Postbellum Southern Economy* (College Station, Texas, 1985), 73-94. Virtually all postemancipation societies in the Americas instituted vagrancy laws and other forms of restrictions on former slaves to keep them working in plantation agriculture. See Foner, *Nothing But Freedom*, Chap. 1. For another example of year-long labor contracts see Jonathan Prude, *The Coming of Industrial Order: Town and Factory Life in Rural Massachusetts, 1810-1860* (Cambridge, Eng., and New York, 1983), Chap. 5.

⁵³ Grant to Sheridan, May 28, 1865, Telegram, in Simon, ed., *Papers of Ulysses S. Grant*, XV, 104n.

free labor system as the engine of national prosperity. More immediately, revenues from cotton would help pay off the monstrous national debt, and the bales of cotton would keep the textile looms of New England spinning. Although the most radical Republicans hoped for the demise of the plantation system and Congress broached the idea of distributing land to freedmen, it was not likely that either would occur. Gregory, who favored landownership by the freedmen, nevertheless observed: "For years to come the crops of Texas must be raised by the black man. He has done this from the beginning. He is here on the spot and will if well treated remain."⁵⁴ Conservatism was the better guarantor of stability in staple crop production.⁵⁵

The army had enforced its version of free labor so quickly after emancipation that freedmen and former slaveowners had had little opportunity to shape the new order. But a chance for a revision of the postemancipation settlement appeared in November after the crop had been gathered. All verbal and written contracts effectively expired with the completion of the harvest. The question arose, what would replace the labor contract? The matter was settled as far as the Freedmen's Bureau and army were concerned—freedmen and planters were to agree to a new year-long contract for 1866. Nonetheless, freedmen and planters sensed that the future of the plantation regime was still up for grabs, and each maneuvered to take advantage of the situation. Freedmen, anticipating a distribution of land, resisted entering contracts. Planters, drawing on their well-developed political savvy, attempted to put their ideas for a new system of bound labor into practice. Bureau agents and army officers found themselves embroiled in a conflict that had been created by their victory in the war but carried the consequences far beyond anything they desired.⁵⁶

⁵⁴ Genl. Edgar M. Gregory to Benjamin G. Harris, esq., and Foreman, Grand Jury, Panola County, January 20, 1866, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1, frames 0080-82.

⁵⁵ For an indication of some of the political and economic calculations concerning cotton and the national debt see "Report . . . on Cotton as a Source of National Revenue," in *House Ex. Docs.*, 39 Cong., 1 Sess., No. 34: *Revenue System of the United States* (Serial 1255, Washington, 1866), 74-86. The report recommended a new excise tax on cotton that would raise a projected \$40 million in government revenue. The United States Revenue Commission, which issued the report, was headed by David A. Wells and based its determination primarily on testimony (printed as an appendix) from Edward Atkinson of Boston and other northeastern textile manufacturers and merchants. It began work in June 1865 and submitted its report to the Committee of Ways and Means on January 29, 1866.

⁵⁶ There is some inconsistency in the evidence concerning the expiration of the 1865 contracts. Some documents indicate that contracts expired after the crop was harvested, others that contracts remained in force until the end of the calendar year. The exact moment of expiration is probably not, however, of crucial importance. Even if most written contracts expired in the last week of December, little work needed to be done between the end of the harvest (between late October and early November) and the beginning of the new planting season (in January). Furthermore, as evidence below will demonstrate, few written contracts had been made during 1865, and thus by the standards of the army and the bureau there was no legal way to force freedmen to work. For all intents and purposes, the freedmen's obligations to their employers ceased with the completion of the harvest.

In early November, from the heart of the planting district came rumors of a "Negro insurrection" that was to take place at Christmastime. Similar rumors were circulating throughout the South at the time, but the insurrectionary scare in Texas arose amid conditions unique to the state: it was still heavily occupied by the United States Army, civil government had not yet been restored, and the process of creating a free labor system had only just begun. The first rumor of insurrection came from forty-three "citizens" of Liberty County. In a petition to Governor Hamilton, they wrote "that from time to time circumstances have transpired, tending strongly to show that the negroes in this section are meditating a resort to force to secure a division of the property of their late Masters and others. Mutterings of discontent at receiving their freedom without at the same time having given to them the property necessary to make freedom enjoyable, have at length assumed the shape of open avowals of their right to a distribution of the property of the country." The freedmen wanted land. To that end they had refused to contract for the next year, and, at the proper moment, they planned to "seize the plantations, provisions, and stock, and set up for themselves."⁵⁷

For all their tendentiousness, the petitioners landed on a partial truth. The freed men and women of Texas wanted land, and the bureau and army had found it difficult to make them enter labor contracts with employers, especially former slaveowners. The acquisition of land and the signing of a contract were inextricably linked as antithetical destinies in the minds of the freedmen: the contract hurled them back into bondage; land provided a foundation for liberty and independence. But the accuracy of the petitioners' predictions ended there. According to one cavalry officer who toured the countryside in October and November, "the pernicious and unfounded rumors afloat among the negro population" did not concern insurrection but land. "In some Counties or Neighborhoods they believe that at or soon after Christmas the property of their late Masters will be divided amongst them, and in some instances I found the plantations staked off into lots, in pursuance of this idea; others flatter themselves that Gov^l will give them, each, forty (40) acres of land, a mule and seed and provision for one year." Conversely, the freedmen's fears revealed their perception of the consequences of hiring to work for an employer. The officer discovered that in some cases "the negroes labor under the impression that if they hire out or make a contract before Christmas, for next year that they will be held in bondage for another thirty (30) years." In either case, the freedmen displayed an understanding that the contract was

⁵⁷ Memorial of the citizens of Liberty County as to the dangers of the freedmen creating a disturbance about Christmastime, to Governor Andrew J. Hamilton, November 6 [?], 1865, file no. N14-1, Hamilton Papers. Several similar petitions remain in Hamilton's papers, and others are printed in the various newspapers referred to in this article. This one appears to be the earliest comment on the threat of an insurrection in Texas.

inimical to their interest in becoming independent proprietors. If they refused to enter a contract for the following year they would be awarded their freedom dues—the means for independence—by the government; if they agreed to enter a contract, they consented to their own bondage.⁵⁸

The freedmen's resistance to the labor contract stood at loggerheads with the bureau's method of installing the free labor system using the contract as a lever. Commissioner Howard's directives to agents throughout the South—to "disabuse the minds of the freedmen" that a division of land would take place—reflected that he understood the potential conflict. What he seems not to have perceived, however, was that the rumors circulated by white southerners of an impending Negro insurrection were likewise related to the issue of land. As early as September 6 Howard alerted Gregory that he had received numerous reports of a threatened Negro insurrection. Though he did not "credit half the stories" he had heard, Howard authorized the assistant commissioner to secure an order from the department commander, General Wright, to patrol the countryside whenever he deemed necessary to "allay apprehensions." It does not appear that Howard or other bureau officials recognized the connection between the two types of rumors. They were different interpretations of the same phenomenon: an approaching general strike by the freedmen.⁵⁹

In November, shortly before Anglo-Texans raised the first alarms of an insurrection, the leading officers of the bureau in Texas began a tour of the area under their authority in order to evaluate the progress of the free labor system. Their primary goals were to settle wage disputes remaining from the first four months of free labor and to make new contracts for 1866. During their tour they learned of the rumors of an insurrection and were able to evaluate the credibility of the reports. Gregory, DeGress, William E. Strong, the inspector general of the bureau, and S. J. W. Mintzer, the surgeon-in-chief of the Texas bureau, each accompanied by a small detachment of cavalry, fanned out through the countryside, often to places not yet visited by the army or bureau agents. At small villages along the way freedmen and planters gathered to hear these northern emissaries preach the rights and responsibilities of both parties and correct the false impression that land would be distributed at the end of the year. The speeches were followed by the making of contracts and then by religious exercises. Strong encouraged freedmen to make contracts, to work hard, and to accumulate their

wages in order to purchase land and farm equipment such as "any white person had." Gregory, as usual, conceived of his supervision of contract-making in broader terms: "My present labors are directed to the uniting of labor and capital. If I succeed in inducing the freedmen to settle down and enter into contract with the planters, this is accomplished, labor is applied to capital, future want and its attending trains of evils will be driven from our midst and the freedmen will become a happy, prosperous, and educated race of people."⁶⁰

The other officers gave testimony that Gregory's vision was perhaps unrealistic. Strong could barely disguise his fury over the state of affairs in Texas and his contempt for Rebel planters who continued to flout the authority of the United States government and abuse the freedmen. On the subject of production, he wryly exposed the hypocrisy of planters about the idleness of freedmen when not forced to work by the lash. Noting that the entire cotton crop had been gathered by December 1, he remarked: "Most assuredly no white man in Texas had anything to do with gathering the crops, except perhaps to look on and give orders. Who did the work? The freedmen, I am well convinced, had something to do with it . . ." In many areas freedmen were still being held as slaves, and, in the places where contracts had been made, most had been defrauded of their wages. The obstacles to the free labor system, according to Strong, were erected by planters. He observed that "seven out of every ten who have paid wages to the freed people, in the vicinity of Houston, have done so over the point of the bayonet in the office of the provost marshal general, rather than go to jail." Only the vigilance of officials of the bureau and the army prevented the revival of absolute slavery.⁶¹

To Strong, the threat of an insurrection by the freedmen was a hoax. Former slaveowners were the only ones resorting to violence. In the isolated, rural interior, Strong asserted, they "seem to take every opportunity to vent their rage and hatred upon the blacks. [Freedmen] are frequently beaten unmercifully, and shot down like wild beasts, without any provocation, followed with hounds, and maltreated in every possible way." The same disaffected planters manifested "the most intense hatred" for any representative of the United States government: they walked the streets in their old uniforms, fully armed with knives, seven-shooters, and double-barreled shotguns, and talked within earshot of Strong of their desire to fight the United States again. Strong recommended to Howard, and ultimately to Congress, that more troops

⁵⁸ Edward Mann, 1st Lt., Co. "I," 12th Ills. Cav., Camp 12th, Houston, to Maj. Genl. Comdg. Jos. A. Mower, November 27, 1865, Unregistered Letters Received, ser. 125, Eastern District of Texas, RG 393, pt. 3.

⁵⁹ Report of the Commissioner, 12-13; and Genl. O. O. Howard to Genl. Edgar M. Gregory, September 6, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

⁶⁰ Report of William E. Strong, Inspector Genl., to Genl. Oliver O. Howard, January 1, 1866, *Freedmen's Bureau*, 308; and Genl. Edgar M. Gregory to Maj. Genl. O. O. Howard, December 9, 1865, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1, frames 0057-60.

⁶¹ Report of Strong to Howard, January 1, 1866, in *Freedmen's Bureau*, 310 (first quotation), 312 (second quotation).

were needed to administer "a few wholesome lessons" to "the natives" of Texas. He hinted that a replication of General William T. Sherman's march through South Carolina might be an appropriate pedagogical method.⁶²

While officers of the bureau conducted their investigation through the countryside, other parties were setting new forces in motion. The agents of the bureau were having notable success in bringing freedmen under contract once they informed the freedmen that they would not receive land. But the resources of the bureau and army combined were not equal to the task of supervising the labor of up to four hundred thousand freedmen. The men of the bureau were not the only ones concerned with the threat to production posed by the freedmen's reluctance to hire their labor to the former slaveowners. A planter's prosperity depended on his ability to compel a laborer to work his fields, and the planter's conception of the proper relationship between himself and his employee did not necessarily match the bureau's definition of free contract and equal justice.

During the very weeks when bureau officers were touring interior regions of Texas, planters whom Strong deemed threats to the representatives of the national government were capturing the ear of Governor Hamilton, their former enemy. The planters—the Liberty County petitioners and others—warned Hamilton of a widespread plot by freedmen to rise up at Christmastime and demanded that he authorize them to raise civilian militia companies in order to combat the insurrectionists. Most, however, feared only the freedmen's refusal to work. One planter from Brazoria confessed that he never believed in the existence of "negro insurrections" and that the greatest problem was that the majority of the freed men and women planned to "change homes" at Christmas. He denounced Freedmen's Bureau agents as "strangers to our people" who were "odious in the planting section." He further hinted to Hamilton that the governor's future hinged on his assistance in securing the planting interest's control over its own "domestic relations." In other words, he demanded control over the police power of the state in exchange for loyalty to Hamilton's government. Planters, in effect, were asking the governor to bestow legitimacy on their extralegal organizations, which had been terrorizing freedmen and Unionists since the army arrived.⁶³

Hamilton could no longer ignore threats from planters who had once driven him from the state because national politics impinged on him at that moment. President Johnson had long been anxious for Hamilton to call a convention to amend Texas's constitution and thus enable civil government to be restored in the state. The provisional governor had

⁶² *Ibid.*, 310 (first quotation), 311 (other quotations).

⁶³ A. P. McCormick, Brazoria, to Governor Andrew J. Hamilton, November 13, 1865, file no. N10-15, Hamilton Papers.

resisted this move; not only was there abundant evidence that the rebellion had not been crushed but Hamilton had not yet created a large enough constituency to keep himself, and other Unionists who had never collaborated with the Confederacy, in power. On November 15, unable to put the president's demands off any longer, Hamilton announced that an election for delegates to a constitutional convention would take place on January 8, 1866. Three days after this proclamation he moved to appease those who claimed that freedmen were plotting an insurrection, despite evidence that the rumors had been fabricated by those most interested in reestablishing their personal rule over their erstwhile slaves. In perhaps the most significant move by this powerless political figurehead and upon questionable legal grounds, Hamilton proceeded to authorize the "citizens" of Texas—that is, everyone except the African Americans of the state—to raise civilian militias. The militias were to act as police forces under the civil authorities and in conjunction with the military, and officers of the United States Army were requested to aid civil authorities in "suppressing lawlessness and protecting the lives and property of citizens." The only structural check on these private police forces came from their subordination to Hamilton's appointed civil officers, a distinctly ineffectual lot of functionaries.⁶⁴

It is unclear whether Governor Hamilton consulted with military authorities before he decided to raise the militia.⁶⁵ Whatever the case, General Mower considered it unwise to allow this auxiliary army to operate alone. On December 7 he dispatched the Twelfth Illinois Cavalry on an expedition, with instructions to prevent any disturbances or insurrection among freedmen and to arrest any persons who had shot freedmen. He ordered the troops to avoid collision with the militia so long as they acted in accordance with the civil authorities appointed by Governor Hamilton. Mower explained to General Wright, his commanding officer, that he did not intend to interfere with the Freedmen's Bureau but that he thought it necessary to warn freedmen of the consequences of an insurrection.⁶⁶

⁶⁴ Although the records concerning the issuance of the proclamation are incomplete, a letter of November 13 in Hamilton's papers allows J. W. McGoughin of El Paso to raise a company of "home guards," under the authority of legislation enacted February 7, 1861. See Governor Andrew J. Hamilton to J. W. McGoughin, November 13, 1865. Since Texas joined the Confederacy on February 1, 1861, it would appear that the act should have been considered null and void with the rest of Confederate Texas's statutes. Hamilton expressed his consternation about holding the convention when affairs were still unsettled in the state in Governor Andrew J. Hamilton to President Andrew Johnson, November 24, 1865. These letters and the proclamations of November 15 and 18, 1865, can be found in Hamilton's Executive Letter Book #281, Hamilton Papers.

⁶⁵ At least one of Hamilton's letter books no longer exists. In the above-cited letter to President Johnson, Hamilton mentions the raising of the civilian militias but does not refer to any coordination with the military authorities on the matter.

⁶⁶ Capt. Luke O'Reilly, Acting Asst. Adjutant Genl., to Capt. J. F. Wallace, C. O. Det. 12th Ills. Cav., and to Lt. Jos. A. Addington, C. O. Det. 12th Ills. Cav., December 7, 1865; Maj. Genl. Comdg. Jos. A. Mower to Col. C. H. Whittlesey, Asst. Adjutant Genl. (to Maj. Genl. Wright),

Mower presented the operation somewhat differently to the officer commanding the expedition. He suspected that reports of insurrection were a ruse concocted by those harboring ill feelings toward freedmen, and he instructed the officers involved in the expedition to meet with Unionists in the countryside and to try to discover the truth of the matter. Mower impressed upon the officers that the purposes of the occupation were to enforce emancipation, to encourage freedmen to make labor contracts, and to prevent planters from usurping the national government's authority over citizens. Until proper relations could be established, it was incumbent upon the delegates of national power to protect the freedman "in his rights" and to insure that he "perform his duties and fulfill his obligations." The cavalry toured the state throughout December, protecting against an uprising and overseeing the signing of labor contracts.⁶⁷

Was there, in fact, any threat of a Christmas insurrection by freedmen? There is no evidence left by a freed person indicating an intention to participate in one, and most reports that circulated the rumor discounted its likelihood. This does not mean that freedmen passively submitted to the various designs to compel their labor. Rather, their actions in the last months of 1865 tended toward what might be called a general strike. The bureau agent in Columbus described his experience in November: "When I first came here labor was rampant and capital was just about as bad. The negroes had all left their homes, and were refusing to make contracts for the new year with any person. They were waiting for a division of property." Freed men and women universally resisted entering into a contract for 1866: many hoped to receive land at Christmastime, some simply held out for higher wages or new employers, and others went so far as to stake out plots of land on their former masters' plantations. They held a potent force in their hands. By refusing to negotiate contracts during November and December or to plow the fields in January, they could prevent the crop from being planted in time. It was improbable that planters could withstand another loss of this magnitude. They had already seen most

December 9, 1865; all in Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3. It is similarly unclear what kind of coordination existed between Mower and the Freedmen's Bureau. It is likely that Mower acted upon DeGress's report of his tour through the countryside with Inspector General Strong. Although DeGress held a position in the bureau, he had remained provost marshal general of the Eastern District at Mower's office in Houston until the provost marshal office was closed in mid-November. In January 1866 he returned to regular army duty as the aide-de-camp of the United States Volunteers. The evidence suggests that Mower and DeGress worked together closely throughout DeGress's service in the bureau. DeGress shared Strong's sentiments on the state of affairs in Texas and probably his belief that a stronger military presence would be a salutary influence on unreconstructed Rebels. For DeGress's report of his tour with Strong see Col. J. C. DeGress, Provost Marshal Genl., Supt. B.R.F.A.L., to Genl. Edgar M. Gregory, November 30, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

⁶⁷ Maj. Genl. Comdg. Jos. A. Mower to Lt. Col. H. B. Dox, December 7, 1865, Letters Sent, ser. 118, Eastern District of Texas, RG 393, pt. 3.

of their assets wiped away through emancipation and the repudiation of the Confederate war debt.⁶⁸

Freedmen's Bureau and army expeditions through the countryside in November and December effectively eliminated the freedmen's one source of power—control over the dispensation of their labor. Mintzer congratulated Gregory on the Freedmen's Bureau "victory" in December. "The largest and most intelligent planters whom I have conversed with say that if it had not been for your direct and earnest appeals, they would not have planted this year." Gregory's earnest appeals consisted of a speech on free labor, prosperity, and religion followed by the signing of contracts, all in the presence of a military guard. In November alone he performed the ritual with as many as twenty-five thousand planters and freedmen. One cavalry officer observed that whatever was told to freedmen "by a person in U. S. Uniform was implicitly believed and generally acted on." Strong had observed that the bayonet had a grand effect on planters around Houston. It had no less effect on freedmen, who, informed by armed soldiers of the United States Army that they would not receive land from the government and therefore must sign contracts, learned their lessons quickly. Gregory, Mintzer, even Strong rejoiced that the cotton crop of Texas would be tremendous, bring great prosperity to the state and the nation, and vindicate the experiment in free labor. They did not reflect on the fact that the free market had little influence over the shape of labor relations in the last weeks of 1865. Freedmen, who had intuitively grasped that they held enormous power in the marketplace, learned that the market was not the ultimate arbiter of their destiny. The state had guns, and they would be deployed to preserve the cotton economy.⁶⁹

The freedmen, however, were not the only objects of the military operation in December. Mower sensed that the planters' civilian militias posed a challenge to national authority. Governor Hamilton had sanctioned a police force that effectively created a shadow government founded on the principle that some individuals were subject to the personal will of other individuals and that government was a clique of these personal sovereigns. The Civil War was still too fresh in Union officers' minds to allow for such an easy abdication to home rule. Much ground would be crossed before such heresy could be contem-

⁶⁸ Lt. J. T. Raper, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, November 29, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

⁶⁹ Report of Dr. I. J. W. Mintzer [sic], Surgeon-in-Chief, Texas Bureau of Refugees, Freedmen, and Abandoned Lands, to Genl. E. M. Gregory, January 31, 1866, in *Freedmen's Bureau*, 308 (first quotation); Report of William E. Strong to Genl. O. O. Howard, *ibid.*, 309, 312; Edward Mann, 1st Lt., Co. "I," 12th Ills. Cav., Camp 12th, Houston, to Maj. Genl. Comdg. Jos. A. Mower, November 27, 1865, Unregistered Letters Received, ser. 125, Eastern District of Texas, RG 393, pt. 3; and Genl. Edgar M. Gregory to Genl. O. O. Howard, December 9, 1865, Letters Sent, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 1, frames 0057-60.

plated. Mower dispatched his cavalry through the countryside not only to ensure that freedmen would conform to the new order but also to oversee the barely rehabilitated Confederates.

By January the army and the bureau had brought under contract most planters and freedmen who were within reach of the occupied areas, and freed men and women were plowing fields for the cottonseed. But this was neither a total defeat for freedmen nor a total victory for planters. Once forced to make contracts, freed men and women had been able to take advantage of planters' dependence on their labor to negotiate more favorable arrangements. In the vicinity of Austin, many freedmen had rented land from their former owners, and the remainder had contracted to work for shares of the crop. The agent there reported that planters thought that freedmen would work harder under the share system, and freedmen thought that "if they could make money out of the soil for their masters during Slavery, that they can make something for themselves now." In other areas freedmen chose to work for new employers for lower wages rather than stay with their former masters. Planters, forced to compete with former nonslaveholders for the labor of freedmen, had to offer up to one-half of the crop to their workers to entice them to stay.⁷⁰

For a brief moment in January, it appeared to the free labor disciples in Texas that their optimistic forecasts had been fulfilled. More labor had been performed in January under the free labor system than ever before, Gregory claimed. He saw "the concord between the labor and the capital of the State growing more complete" and felt confident that the remaining problems would disappear once Texans became enlightened to the moral truths brought by the Union occupiers. Gregory predicted that "when the people of Texas become familiarized with the idea of law as an irresistible power to which all must bow, and which throws just the same amount of protection over the meanest black as the proudest white, the first great step will have been taken in the direction of a permanent peace."⁷¹

Unfortunately, some Texans were having a difficult time submitting to such an abstract power. In regions where the army had not ventured, anarchy and terror reigned. Although the Civil War was long over, the

⁷⁰ Lt. O. H. Swingley, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, November 25, 1865, Received and Returned Reports Relating to Rations, Lands, and Bureau Personnel, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 29; Lt. O. H. Swingley, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, December 8, 1865 (quotation); and Lt. J. T. Raper, Sub-Asst. Commissioner, to Genl. Edgar M. Gregory, November 29, 1865, both in Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17; and Report of Dr. I. J. W. Mintzer [sic], to Genl. E. M. Gregory, January 31, 1866, in *Freedmen's Bureau*, 307.

⁷¹ Report of Genl. Edgar M. Gregory, Assistant Commissioner, Texas Bureau of Refugees, Freedmen, and Abandoned Lands, to Genl. O. O. Howard, January 31, 1866, in *Freedmen's Bureau*, 305 (first quotation), 306 (second quotation).

Union army in Texas was still struggling to reclaim territory for the national government. The sheriff in the town of Crockett reported that gangs of men "road the streets in defiance of all Federal Authority . . . damning the Yankees for *everything*." General Mower dispatched the cavalry to the many parts of the country that were "infested" with "lawless persons" who murdered and abused freedmen and tried to "prevent them from working a living in the country." A bureau agent in northeast Texas recommended that the only way to "tranquilize the country" would be for General Wright to send "one good regiment of colored cavalry," entirely suspend the action of the civil authority, and strictly enforce martial law. The work of the war, establishing the supremacy of the national government and abolishing slavery, was still to be done in many areas.⁷²

Nevertheless, the settlements reached among freedmen, planters, and northern officials during the first six months of freedom and national rule in Texas exerted a powerful influence over the future development of free labor. Although northerners who participated in the creation of a free labor system in Texas considered themselves to be the advance guard of freedom, none fully comprehended the freedmen's standpoint nor the depths of the freedmen's antagonism to the form that freedom was taking. Northerners who believed free contract and equal opportunity to be the essence of freedom saw no contradiction in restoring staple crop production on the basis of the labor contract. The contract helped to usher in national sovereignty and to preserve order during a difficult transition. It also introduced the principles upon which citizenship in the liberal democratic state rested: self-ownership and individual equality. Freedmen gauged differently the relationship between freedom, equality, and citizenship. They understood freedom to be a state of independence sustained by the ownership of productive property, and they regarded such independence as the foundation of equal citizenship. More research needs to be done on how African Americans of the Old South molded a political consciousness by transmuting Jeffersonian republicanism. It is not difficult to see, however, the logic of their republican position and its relevance at the moment of liberation. They lived in an agricultural society where access to land determined whether one could remain independent of another's will. They lived in a region of the republic

⁷² Sheriff Jos. A. Wright, Crockett, Houston County, to Maj. Genl. Comdg. Jos. A. Mower, January 31, 1866, Unregistered Letters Received, ser. 125; Maj. Genl. Comdg. Jos. A. Mower to Genl. Horatio G. Wright, January 10, 1866, ser. 125; Lt. A. K. Taylor, Actg. Asst. Adjutant Genl., to Capt. J. J. DeLacey, C. O. Co. "D," 12th Regiment Ills. V. V. Cav., January 20, 1866, both in Letters Sent, ser. 118, all three documents in Eastern District of Texas, RG 393, pt. 3; and Col. H. Seymour Hall, Sub-Asst. Commissioner, Marshall, to Genl. Edgar M. Gregory, December 26, 1865, Unregistered Letters Received, Texas Assistant Commissioner, RG 105, microfilm M-821, roll 17.

where property holders exercised political power and so-called dependents—slaves and women—were excluded from the body politic because of their alleged incapacity to sustain themselves independently. Texas freedmen who staked out plots of land on the old slave plantation, appropriated the ex-master's mules, or petitioned northern agents to protect their rights were doing more than making a bid for personal autonomy; they were staking a claim to full citizenship in the American republic. They perceived that if they arose from bondage without the material resources to defend themselves against the new form of dominion enthroned by free labor, they would lose the opportunity to wrest freedom, independence, and equal citizenship as they understood them from the Union's grant of legal equality and free contract.