

THE FREEDMEN'S BUREAU, POLITICS, AND STABILITY OPERATIONS
DURING RECONSTRUCTION IN THE SOUTH

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Military History

by

WILLIAM H. BURKS, MAJ, USAF
B.S., US Air Force Academy, Colorado Springs, CO, 1995

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Name of Candidate: William H. Burks

Thesis Title: The Freedmen's Bureau, Politics, and Stability Operations During Reconstruction in the South

Approved by:

_____, Thesis Committee Chair
Marlyn R. Pierce, M.A.

_____, Member
Terry L. Beckenbaugh, Ph.D.

_____, Member
Wilburn E. Meador, Jr., M.A.

Accepted this 12th day of June 2009 by:

_____, Director, Graduate Degree Programs
Robert F. Baumann, Ph.D.

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ABSTRACT

THE FREEDMEN'S BUREAU, POLITICS, AND STABILITY OPERATIONS
DURING RECONSTRUCTION IN THE SOUTH, by William H. Burks, 146 pages.

The United States' Civil War ended in 1865. However, the post-conflict period immediately following, known as Reconstruction, lasted another twelve years. This era provides a great case study to examine the impacts of politics on military stability operations. This paper studies the Freedmen's Bureau during its existence from 1865 to 1872. Envisioned as the lead organization for integrating former slaves into American society, the Bureau's efforts in the post-Civil War South were undermined by a hostile political situation at the national and state level and a diminishing lack of popular support throughout the entire nation to embrace radical social changes. The Bureau's operational timeframe splits into three distinct periods: conflict with President Andrew Johnson from 1865 to early 1867, revamped efforts during Congressional Reconstruction from early 1867 to the end of 1868, and a reduced operational focus (primarily education) from 1869 to 1872. The Bureau faced manning challenges and fought racism as it worked to help former slaves become self-sufficient, educated, and true citizens of the nation in which they resided. Unfortunately, hostile political conditions meant much of the civil rights work accomplished by the Bureau was subdued after its demise until the Civil Rights Movement in the 1960s.

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CHAPTER 1

INTRODUCTION

Birth of a “Peculiar Institution”

A Dutch trading ship delivered the first African slaves to America when it landed on the shores of the young Virginia colony in 1619.¹ The arrival marked the genesis of a terrible institution in the land that would become the United States. The demanding labor requirements associated with the growing of tobacco and cotton staples in the southern colonies ingrained slavery as a valid labor system to a large portion of a young nation, eventually weaving itself into the very fabric of an influential portion of southern society. A staggering two-and-a-half centuries and a deadly civil war passed before the United States officially terminated this “peculiar institution.”² The work to blot slavery’s stain from American soil proved daunting, a task made all the more difficult by drastically different visions for the way ahead from the country’s political leadership. The nation’s failure to properly resolve the many social ills and prejudices born from slavery still haunt portions of this country today.

For every difficult task, there must be a laborer. At the end of the United States’ Civil War, the Federal government had to reconcile four million former slaves to a society many of them were lukewarm to embrace.³ At the same time, the larger white population was not exactly eager to bring these former outsiders into the civic fold. Despite the fact only twenty-five percent of southern white families owned slaves, the other seventy-five percent of the population did not rush to embrace the new freedmen as equal citizens.⁴ Compromises would have to be made and prejudices would have to be countered. The Bureau of Refugees, Freedmen, and Abandoned Lands, better known as

the Freedmen's Bureau, would be the government's laborer working the hostile race relations fields in the South following the war. Its placement within the War Department and staff of Union military officers yielded a reluctant respect for its operations in the defeated South; at the same time, many whites in the South grew resentful at its very presence and purpose.⁵ Although envisioned to be the lead organization for integrating freedmen into American society, the Freedmen's Bureau's efforts to conduct stability operations with lasting effects in the post-Civil War South were limited by a hostile political situation and a society not ready to fully embrace radical social changes.

The Early Debate: A Snapshot of Slavery Politics 1776-1862

We hold these Truths to be self-evident, that *all Men are created equal*, that they are endowed by their Creator with certain unalienable rights, that among these are Life, *Liberty*, and the Pursuit of Happiness. . . .

The Declaration of Independence [emphasis added]

Questions on the role of blacks in America and the validity of slavery as an institution appeared on the national political stage as early as the American Revolution. Many opponents argued for its destruction as a plea to humanity noting the intense hypocrisy of the practice in a country founded on the famous words above from the Declaration of Independence. In 1776, Thomas Jefferson's early draft of the Declaration included a condemnation of Great Britain for essentially subjecting the colonies to slavery. He removed the reference from the final version due to intense pressure from South Carolina and other southern states. Shortly after the Revolution, at least five northern states banned the practice in their state constitutions. Jefferson and other Founding Fathers including James Madison, Alexander Hamilton, Benjamin Franklin,

and George Washington went on to advocate a future for the nation without slavery through their writings and actions though many owned them.⁶

The debate quickly surfaced again during the conventions to draft a new American Constitution. Southern delegates, concerned northern states would have superior representation in the newly proposed House of Representatives, argued slaves should count in census numbers establishing state representation levels in the national government. New Englanders contended slaves should be counted for establishing national taxes under the new government framework. Pennsylvanian James Wilson offered the infamous three-fifths compromise to resolve the situation.⁷ Critics countered if slaves were indeed to be counted as citizens then why not as citizens on equal footing with whites? On the other hand, if they were merely property, why were northern citizens not allowed to count cattle or sheep to bolster their representation in Congress?⁸ Ultimately, the framers enabled the debate to continue after a cooling off period by mandating the new Congress would be unable to prohibit the institution prior to the year 1808.⁹ Slavery survived and became an integral catalyst to the nation's growth, "producing the cotton that fueled [America's] early industrial revolution."¹⁰

As the United States expanded westward, so did the debate. The political repercussions of each new state and territory were immense. New states meant new representatives and senators in Congress. Slavery's advocates feared the balance of power could easily shift and threaten their way of life. South Carolina politician John S. Preston boldly declared in 1860, "Slavery is our king – slavery is our truth – slavery is our Divine Right."¹¹ The election of Abraham Lincoln, the nation's first Republican president, despite his failure to receive a single vote in nine Southern states showed "a

united North [finally had] the power to determine the nation's future" over Southern objections; calls for secession rang loudly from many Southern political elite.¹² South Carolina and six other states answered the call by 1 February 1861. In a mere four months, four other southern states joined the original seven forming the Confederate States of America thus dissolving the Union.¹³

Lincoln assumed the presidency on 4 March 1861 facing a national crisis unparalleled in the nation's brief history. Despite the fact that slavery was the issue quietly fueling the nation's divisiveness, emancipation was not Lincoln's highest priority at the onset of war. Restoration of the Union garnered more support for the war effort initially in the North. Lincoln hoped to keep border slave states in the Union thus showing the secessionists he was willing to reconcile and allow for their quick return with all their "property." However, as the war progressed, Confederates used slaves to support their war machine. The exodus of slaves to Federal forces entering Southern territory led Union generals to adopt the policy, established by General Benjamin F. Butler, which considered these fugitives as contraband now employed to support the Union cause. Radical Republicans and abolitionists seized the opportunity to end the government's sanction of the subjugation of blacks in America.¹⁴

By mid-1862, Lincoln sensed the Union grew more supportive of emancipation. At the same time, he sought to quiet calls in Britain for official recognition of the Confederacy. Taking advantage of the Union victory by George B. McClellan over Robert E. Lee at Antietam, near Sharpsburg, Maryland, on 17 September 1862, Lincoln warned the Confederacy he would free its slaves if Rebel armies did not lay down arms by the end of the year. When the Confederate government refused to comply, Lincoln

signed the Emancipation Proclamation on 1 January 1863 freeing the slaves in Confederate-controlled territory in the South.¹⁵ Reconstruction Era author Eric Foner noted the Proclamation thus, “transformed [the] war of armies into a conflict of societies.”¹⁶ It also created a sense of urgency into the discussion of how to integrate the freed slaves into society after the war and what type of agency would be best suited to handle such a daunting task.

“What Shall We Do With The Negro?”¹⁷

With the onset of emancipation, the divided nation struggled to answer abounding social questions in regards to the contrabands as it looked to the end of the war:

1. What role would American society hold for the freedmen?
2. Would freedmen be allowed to exercise the same rights as whites or would they be free in name only?
3. Were freedmen truly to become citizens of the Union?
4. Would freedmen inherit a different form of indentured servitude as quickly as they dropped the yoke of slavery?¹⁸

Multiple ideas existed on how to integrate properly the black population and a wide range of options were considered by political leaders. Abraham Lincoln’s position seemed to change with time and experience. Out of politics in 1849, the prospect of slavery’s expansion in the burgeoning west brought Lincoln back onto the scene. In a speech in 1854, he decried the hypocrisy of slavery in a nation founded on liberty warning it deprived America of her influence around the world. Four years later, he confirmed he did not advocate black suffrage nor support blacks holding public office in his home state of Illinois. At the time, Lincoln favored the idea of moving the black

population completely out of the country.¹⁹ He advocated that very idea in August 1862 during a meeting at the White House with five local black leaders stating, “It is better for [the two races] to be separated.”²⁰ Lincoln went so far as to pursue an agreement to relocate former slaves to an island off the coast of Haiti in December of the same year.²¹ It would take the performance of black soldiers in the Union army to make Lincoln finally see a future for the country inclusive of both races.²²

As the president grappled for a solution capable of quickly ending the war and reuniting the country, the call began to spring forth for some type of freedmen’s affairs bureau to be the policy executor. The U.S. Congress’ Select Committee on Emancipation debated the merits of a bill to create just such a bureau. Martin Kalbfleisch, Democratic representative from New York, and Anthony L. Knapp, Democratic representative from Illinois, authored the minority opinion in a report submitted to the House of Representatives in January 1864. In it, Kalbfleisch and Knapp highlighted four major concerns with the scope of the bill and the proposed bureau.

The first concern focused squarely on the scope of government debate; did Congress have the legal authority to *create* such a bureau? Critics of the bill based their argument on a strict interpretation of the Constitution. Nowhere in the country’s short history could they identify a comparable piece of legislation aimed to benefit one class of people.²³ The bill would have the government provide preferential care to freed slaves over potentially just as equally disenfranchised groups of whites. After all, there was no call for a bureau of Dutchmen’s or Irishmen’s Affairs.²⁴

The second major question facing Congress was could they legally tax citizens of one state to benefit freedmen and their families in another state.²⁵ Article I, Section 8 of

the Constitution specifically gave Congress the “Power To lay and collect Taxes . . . and provide for the common Defence and general Welfare of the United States.”²⁶ For whatever reason, Congressional leaders failed to see this provision as the authority required in the original question. Perhaps more pertinent to opponents was the view slaves learned valuable skills from their masters enabling them to earn a living in a free labor society thus making it inconceivable to tax “poor and, perhaps, less favored white men,” to fund bureau operations advancing freedmen’s causes.²⁷

The third question seemed to be more pertinent; given the powers granted to the bureau in the proposed bill, what would prevent the bureau from becoming the new “master” of the freedmen. The bill gave the proposed agency wide-ranging authority in the freedmen’s lives. Responsibilities included organizing and controlling labor, assigning lands, adjusting wages earned, collecting proceeds, and acting as judges in disputes involving the freedmen. Critics claimed the bureau would simply replace plantation masters with thinly disguised Federal troops acting in the same capacity. An additional alarming aspect to critics was related to funding; the bureau would require a large number of agents to be truly effective. Some thought the number could eventually rise as high the original number of plantation owners.²⁸

The final question dealt with the alignment of the bureau within the government. The bill placed the bureau under the War Department. Congressional minority view argued the War Department was the wrong location for the effort. Instead, as peace returned to the land, the Department of the Interior should assume the lead role unless, “this war [is to be] the permanent and normal condition of the country.”²⁹

As politicians debated the merits and legality of the bureau, precedents were being set throughout the South giving freed slaves hope for a future involving land and a sense of autonomy. In multiple locations, freedmen and their families worked their own plots of land eking out a living without the overbearing presence of a driving master. The first example took place on the South Carolina Sea Islands. The U.S. Navy's occupation of Port Royal in 1861 led to a mass migration of white inhabitants from the area; in their exodus, they abandoned some ten thousand slaves. "Northern military officers, Treasury agents, investors, and a squad of young teachers and missionaries" soon arrived to guide the former slaves on their paths to freedom.³⁰ While the new-transplanted residents quickly controlled the majority of the property on the islands, freedmen did have access to personal lots of land. In addition, they worked for the first time in a free labor arrangement to produce cotton for market while producing their own staple food crops.³¹ This arrangement existed until a presidential order in 1865 returned the land to its original owners.³²

After his capture of Vicksburg in 1863, Union Major General Ulysses S. Grant established a second example when he designated plantations in Davis Bend, Mississippi, belonging to Confederate States of America President Jefferson Davis and his brother Joseph, as a future black utopia. In 1864, the area was reserved "for the exclusive settlement of freedmen."³³ Grant's experiment proved a huge success. By the end of the war, freedmen collectively worked their own land, operated their own government including elected sheriffs and judges, and, perhaps more importantly, proved many were willing and capable of producing cotton without a master's oversight given the right environment.³⁴ With the high price of cotton resulting from the war, the "citizens" of

Davis Bend earned a profit of \$160,000 in 1865 from the two thousand cotton bales they produced.³⁵

A third precedent, and perhaps most famous, was born from Major General William T. Sherman's march to the Atlantic Ocean through Georgia. After capturing the port of Savannah, Sherman along with Secretary of War Edwin M. Stanton hosted a meeting with local black community leaders. One leader, Garrison Frazier, described for Sherman their vision of freedom: the ability "to reap the fruit[s] of our own labor" planted and worked on land the freedmen owned.³⁶ As a result, General Sherman issued Special Field Order No. 15 on 16 January 1865. The order reserved a large portion of land in coastal South Carolina and Georgia, to include the Sea Islands, for the sole settlement of freedmen families. The order authorized forty acres of land per family and went as far as giving the army permission to loan mules to requesting families. By June 1865, four hundred thousand acres of land were parceled to forty thousand freedmen.³⁷ In the heart of plantation country, Sherman's order reinforced a notion of post-war land distribution for freedmen initially established during the Sea Island experiment.

A Bureau is Born

As the spring of 1865 progressed, the Civil War traversed its final bloody battles. Congressional debate on the necessity for a bureau to oversee freedmen's affairs finally concluded sending President Lincoln the bill to establish officially the Bureau of Refugees, Freedmen, and Abandoned Lands, better known as the Freedmen's Bureau, on 3 March 1865. It was an open-ended law with little concrete direction or goals for the new organization and *no* Congressional funding. The law established the Bureau underneath the War Department, despite critics' arguments, for an extremely brief

period--one year from the conclusion of the war. Its purpose, “the supervision and management of all abandoned lands, and control of *all subjects* [emphasis added] relating to refugees and freedmen from rebel states, or from any district of the country within the territory embraced in the operations of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the President.”³⁸ The law gave the head of the Bureau substantial influence and power in the lives of refugees and freedmen with the key caveat being the President must *approve* his actions.

Arguably, the most important part of the law to black families in the South was the verbiage in Section 4 reinforcing the idea of a future involving land ownership. The Bureau commissioner had the authority within the rebel states to grant male refugees and freedmen up to 40 acres of land belonging to the Federal government from confiscation, sale, or other procurement. Again, the caveat of presidential approval was echoed in this section as well. To assist the economically challenged freedmen, annual rent for the plots was not to exceed six percent of the land’s value based on its 1860 appraisal. At the end of a three year lease, or before if financially able, the freedmen would be given the opportunity to purchase the land outright.³⁹ The lease of Bureau controlled lands was to be the main source of revenue for the new organization. Regrettably for the refugees and freedmen, President Lincoln was assassinated on 14 April 1865, a mere six weeks after signing the law. His successor, Andrew Johnson, refused to provide the presidential endorsement necessary to execute the land distribution portion of the law.

The Presidential Conundrum

Three days before his death, Lincoln delivered his final public address. He noted the complex problem lying ahead for the nation, “[Reconstruction] is fraught with great

difficulty. . . . [W]e, the loyal people, differ among ourselves as to the mode, manner, and means.”⁴⁰ Lincoln reiterated his personal stance that it was unproductive and divisive to debate whether Southern states had ever been out of the Union. The purpose of both civil and military governments in place throughout the Confederacy was to return expeditiously the states to their “proper practical relation.”⁴¹ He viewed the Southern states as prodigal sons returning home and encouraged all to do what was necessary to restore them promptly. While he did not speak of land for the freedmen, he did offer his opinion that the right to vote be granted to “very intelligent” colored men and those who served as soldiers in the Union army; Lincoln still thought it best at the time to leave that decision to the states.⁴² Using Louisiana’s new state constitution abolishing slavery as an example, he encouraged the North to readily accept Louisiana fearing the contrary would disenfranchise both black and white residents, ultimately delaying equal footing of the two races.⁴³ What is clear from his speech is Lincoln was neither radical nor conservative in his reconstruction views. His untimely death left the country without an adept conciliatory executive to mold the strategy for Reconstruction in the South.

Evidence of Abraham Lincoln’s willingness to work across political party lines in an effort to reunite the nation can be seen with his replacement of sitting Vice President Hannibal Hamlin with Andrew Johnson of Tennessee, a war Democrat, as his running mate in the 1864 election.⁴⁴ In the early stages of war, Johnson became the only U.S. senator from a Confederate state to declare loyalty to the Union and maintain his position in Washington. Lincoln rewarded him with the military governorship of his home state of Tennessee. During the war as part of Lincoln’s administration, Johnson supported emancipation and even aspired to be the “Moses” for Tennessee’s slave population.⁴⁵

Republicans hoped to spread their party's influence throughout the South after the war and Johnson was to be their biggest carrot.

The problem occurs with the fact Johnson's actions can best be summarized with the term "doublespeak." Like Lincoln, Johnson believed no state could legally secede, thus *all* were still part of the Union in his mind. Unlike Lincoln, his views of blacks did not change with the war. Johnson held clear racist views. While whites were capable of raising blacks to current white standards, he felt white society would continue to advance during the process leaving the two races equally disparate. Before the war, Johnson owned slaves and defended the practice in Congress; he voted for the Federal Slave Code for western territories in 1860.⁴⁶ In 1865, Johnson told California Senator John Conness that "he had never been opposed to slavery for the blacks, that Negroes were happiest in that condition – or a similar one – and that white men alone must manage the South."⁴⁷ At the end of the day, he honestly believed the Constitution was written by white men for the benefit of white men.

Perhaps most telling of his racial views towards the freedmen is a quote attributed to Johnson by New York *World* reporter Philip Ripley. Following a meeting at the White House with a group of black leaders led by Frederick Douglass on the merits of suffrage, Johnson derided the group saying he knew former slaves "looked down on poor whites," that abolition of slavery was not an initial aim of the war, and the best way to prevent a race war was to allow the states to determine suffrage laws per the Constitution.⁴⁸ Johnson boldly suggested emigration as a method to escape the harsh realities of life in the South, a view once held by Lincoln. Johnson was thus overheard commenting to his secretary after the meeting, "I know that d—d Douglass; he's just like any nigger, & he

would sooner cut a white man's throat than not."⁴⁹ Despite claiming to be their Moses, Johnson was determined to prevent blacks from reaching the Promised Land in America.

President Johnson's doublespeak extended from his personal beliefs to his political career as well. In the first days of his administration, many radical leaders saw Johnson more aligned with their Reconstruction goals than had been Lincoln. The day after his Presidential inauguration, he appeased many radical leaders when he expressed, "Robbery is a crime, rape is a crime; murder is a crime, and *crime* must be punished. . . . Treason must be made infamous and traitors must be impoverished."⁵⁰ To their further delight, Johnson denounced the lenient surrender terms Major General Sherman offered to Confederate troops and revoked the offer. However, Radical leaders' hopes were dashed when Johnson issued his Proclamation of Amnesty on 29 May 1865.⁵¹ The proclamation freely granted amnesty to "to all persons who have, directly or indirectly, participated in the existing rebellion" who "failed or neglected to take the benefits offered" in two previous offers of amnesty issued by Lincoln.⁵²

The proclamation carried immediate negative implications for the freedmen in two major areas. First, it restored *all* property to the pardoned individuals except for slaves. Second, though the proclamation exempted 14 categories of personnel from amnesty, it provided provisions to apply for a Presidential pardon with a promise to extend clemency liberally.⁵³ To the radical leaders' in Washington chagrin, Johnson exercised that option with many Southern elite. Critics argued the restoration of experienced former Confederate politicians was a direct attempt to counter radical efforts in Congress to elevate the status of the freedmen. The *New York Times* criticized his

actions for making “leading rebels . . . more disloyal than before.”⁵⁴ Johnson’s public battles with the Radical Republicans in Congress eventually led to his impeachment.

The Task Ahead

Into this political and social quagmire, the Freedmen’s Bureau was thrust. Its leaders and members pulled in multiple directions. Its purpose and goal was vague as charged by Congress. Its long-term future as an entity was severely limited by law. Bureau agents found two-and-a-half centuries of racism confounding their actions and endeavors throughout the South *and* North. The freedmen themselves pleaded with the Bureau not to return their lands to former slave owners, to protect their rights in court under the law, to recognize their families and marriages, and more. Assistant Commissioners who were dedicated to the freedmen’s cause would be forced from their positions because their efforts to help advance the freedmen upset powerful white men.⁵⁵

The quick return to politics of many former high ranking Confederates proved frustrating. Defiant state governments passed new Black Codes throughout the South that severely limited economic options and hampered freedom of movement for the freedmen.⁵⁶ On the national level, debates raged between the White House and Congress over the scope and purpose of Reconstruction in the South. The nation ratified three Constitutional Amendments in a short five year period (1865-1870) furthering the protection of the document to a much wider group of citizens; an astounding feat considering only two amendments were ratified in the 74 years following the approval of the Bill of Rights.

Through the next four chapters, this paper will examine the Freedmen’s Bureau’s endeavors during this tumultuous time in American history. First, this case study

examines the agency's actions and conflicts with President Andrew Johnson during its initial two years of existence. Next, the rise of Congressional Reconstruction, its impact on the Bureau, and the Bureau's impact on the political scene of the day are presented. Third, the study briefly summarizes the challenges faced and political inquiries that surrounded the Bureau as it began to reduce its scope of responsibility starting in 1869. Finally, the paper concludes with a perspective of the Bureau from a forefather of the nation's Civil Rights' Movement and analyzes the successes and failures of the Bureau as it operated in a politically turbulent period of American history.

¹Larry Schweikart and Michael Allen, *A Patriot's History of the United States* (New York: Sentinel, 2004), 19.

²Kenneth M. Stampp, *The Peculiar Institution: Slavery in the Ante-Bellum South* (New York: Alfred A. Knopf, Inc., 1956). Stampp's book examines the growth of slavery as an institution in America.

³Number of Africans and descendants in the United States as of 1860 was listed as 4,435,709. *Report of the Secretary of War, communicating, in compliance with a resolution of the Senate of the 26th of May, a copy of the preliminary report, and also of the final report of the American Freedmen's Inquiry Commission*, 38th Cong., 1st sess., 1864, S. Ex. Doc. 53, serial 1176, 52. The 1860 US Census lists 488,070 free blacks in the United States. Maryland had the largest free black population with 83,942; Virginia was second with 58,042. J.G. Randall and David Donald, *The Civil War and Reconstruction*, 2nd ed. (Lexington, Massachusetts: D.C. Heath and Company, 1969), 61.

⁴Eric Foner, *Forever Free: The Story of Emancipation and Reconstruction*, ed. Joshua Brown (New York: Vintage Books, 2005), 12.

⁵Eric Foner, *A Short History of Reconstruction, 1863-1877* (New York: Harper & Row, Publishers, 1990), 76.

⁶George Washington's will set his slaves free and set up funds to support the children of his wife's slaves. Schweikart and Allen, *Patriot's History*, 115.

⁷*Ibid.*, 114.

⁸*Ibid.*, 115.

⁹U.S. Constitution, art. 1, sec. 9.

¹⁰Foner, *Short History of Reconstruction*, 1.

¹¹Manisha Sinha, *Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: The University of North Carolina Press, 2000), 220.

¹²Foner, *Forever Free*, 33. Lincoln did not receive any votes in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Tennessee or Texas. “Result of the Presidential Election of 1860,” in *The Political History of the United States of America, During the Great Rebellion*, ed. Edward McPherson (Washington, DC: James J. Chapman, 1882), 1.

¹³“Secession Movement Developed,” in *Political History During the Great Rebellion*, 2-8.

¹⁴Foner, *Short History of Reconstruction*, 3.

¹⁵The Proclamation did *not* free the slaves in the border slave states still in the Union nor the 300,000 slaves under Union occupation in the Confederacy. Foner, *Forever Free*, 48-50.

¹⁶Foner, *Short History of Reconstruction*, 3.

¹⁷Major General Oliver O. Howard as Commissioner of the Freedmen’s Bureau challenged his Assistant Commissioners to help the Federal government answer this very question. William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New York: W.W. Norton & Company, 1994), 84.

¹⁸Hans Louis TreFousse, *Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction* (Knoxville: University of Tennessee Press, 1975), 3.

¹⁹Foner, *Forever Free*, 31.

²⁰*Ibid.*, 48.

²¹*Ibid.*

²²*Ibid.*, 31.

²³Perhaps their mental paradigms prevented them from seeing the three-fifths rule written into the Constitution solely benefitted wealthy, slave-owning plantation owners by allowing them to count “property” towards Congressional representation numbers thus increasing the plantation owners’ influence in government affairs.

²⁴Select Committee on Emancipation, *Report of the Minority of the Select Committee on Emancipation, Relative to the Bill to establish a Bureau of Freedmen’s Affairs*, 38th Cong., 1st sess., 1864, H. Rep. 2, serial 1206, 1-2.

²⁵Ibid., 1.

²⁶The 16th Amendment, ratified 3 February 1913, gave Congress the power to collect income taxes regardless of the source of income and without regard to any census ultimately ending the debate.

²⁷Select Committee on Emancipation, *Report of the Minority*, 2.

²⁸Ibid., 1-4.

²⁹Ibid., 2-3.

³⁰Foner, *Short History of Reconstruction*, 24.

³¹Ibid., 25; McFeely, *Yankee Stepfather*, 45.

³²President Andrew Johnson's Proclamation of Amnesty, 29 May 1865, returned the land to pardoned owners. Andrew Johnson, "Of Amnesty, May 29, 1865," in *The Political History of the United States of America During the Period of Reconstruction*, ed. Edward McPherson (Washington, DC: Solomons & Chapman, 1875), 9-10.

³³Foner, *Short History of Reconstruction*, 27.

³⁴Foner, *Forever Free*, 61.

³⁵Foner, *Short History of Reconstruction*, 27.

³⁶Ibid., 32.

³⁷Ibid., 32.

³⁸The Statutes at Large, Treaties, and Proclamations, of the United States of America. From December, 1863 to December, 1865, Vol. XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees*, (1866): 507-508.

³⁹Statutes at Large, XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees*, (1866): 508-509.

⁴⁰John G. Nicolay and John Hay, eds., *Abraham Lincoln: Complete Works* (New York: The Century Company, 1907), 2:672.

⁴¹Ibid., 2:674.

⁴²Ibid. Speech does not address how to determine the "very intelligent."

⁴³Ibid., 2:674-675.

⁴⁴Foner, *Short History of Reconstruction*, 20; Ben C. Truman, “Mr. Lincoln’s Candidate,” *New York Times*, July 13, 1891, http://query.nytimes.com/mem/archive-free/pdf?_r=1&res=9D03E2DF143AE533A25750C1A9619C94609ED7CF (accessed 3 May 2009).

⁴⁵Foner, *Forever Free*, 78-79.

⁴⁶TreFousse, *Impeachment of a President*, 4-5.

⁴⁷*Ibid.*, 5.

⁴⁸*Ibid.*, 15.

⁴⁹Andrew Johnson as quoted in *Ibid.*

⁵⁰Andrew Johnson as quoted in *Ibid.*, 7.

⁵¹*Ibid.*, 8-9.

⁵²Andrew Johnson, “Of Amnesty, May 29, 1865,” in *Political History of the United States During Reconstruction*, 10.

⁵³*Ibid.*

⁵⁴TreFousse, *Impeachment of a President*, 11-12.

⁵⁵McFeely, *Yankee Stepfather*, 5.

⁵⁶Foner, *Short History of Reconstruction*, 93.

CHAPTER 2

THE FREEDMEN'S BUREAU AND ANDREW JOHNSON

Picking a Commissioner

Before Congress passed the act establishing the Bureau for Refugees, Freedmen, and Abandoned Lands, a bevy of organizations served the growing masses of freedmen in the South. Benevolent associations established schools to educate former slaves while multiple government agencies, including representatives from the War and Treasury Departments, organized the freed masses as best they could around Union strong points and provided land where able to allow growing of crops. Naturally, the services rendered to the needy were not uniform as war still wreaked havoc in portions of the Confederacy; the majority of relief efforts were thus confined to points along the coast and areas under the control and protection of Union armies.¹ The Congressional act set the stage for the Freedmen's Bureau to unify efforts in the care, education, and integration of the freedmen into American society.

On 9 May 1865, a full month after Lieutenant General Ulysses S. Grant accepted the surrender of the Confederate Army of Virginia's General Robert E. Lee at Appomattox Courthouse, combat operations between Union and Confederate forces continued in portions of the Deep South.² However, all was relatively quiet in Virginia as Union Army of the Tennessee commander Major General Oliver Otis (O.O.) Howard and his forces arrived in the town of Manchester on the edge of Richmond that morning. Howard and his army served with Major General William T. Sherman on the famous march through Georgia and were now headed to Washington, D.C. to participate in the celebrations concluding the Civil War. After a brief visit to Richmond, a courier handed

Howard an urgent message from General Grant ordering him to leave his army and report immediately to Secretary of War Edwin M. Stanton. Howard and Stanton met on 11 May 1865 to discuss the next major chapter in the young general's life.³

Barely had the two taken seats before Secretary Stanton presented General Howard a copy of the act President Lincoln signed a little more than two months prior to establish the Freedmen's Bureau. The Secretary relayed the War Department had been slow in executing the bill for want of identifying the proper commissioner. Stanton paid a nice compliment to General Howard by noting, "Mr. Lincoln before his death expressed a decided wish that you should have the office; but he was not willing to detail you till you could be spared from the army in the field."⁴ After considering the challenge in private, Howard returned to the Secretary's office on 12 May 1865 and accepted the commissioner's role. A clerk promptly brought in a "bushel basket heaped with letters and documents" to which Secretary Stanton exclaimed, "[H]ere's your Bureau!"⁵

Upon accepting the new position, Howard sent a copy of his orders to his now former boss, General Sherman. Sherman replied with congratulations and foreboding caution, "I cannot imagine that matters that involve the future of 4,000,000 souls could be put in more charitable and more conscientious hands. . . . I fear you have Hercules' task. God has limited the power of man [I]t is not in your power to fulfill one tenth [sic] part of the expectation of those who formed the [Freedmen's Bureau]. It is simply impracticable."⁶ Sherman's assessment was accurate.

1865: A Challenging First Year

With the substantial task ahead of him, Howard set about organizing his Bureau. It would have four major divisions in its initial year of operation. First, Howard placed

the Division of Records under the care of the Bureau's adjutant general, Colonel Joseph S. Fullerton. It had the responsibility of maintaining, tracking, and disseminating all general correspondence for the Bureau to include General Howard's circulars--directives he issued to the various assistant commissioners on topics such as "labor, quartermaster's and commissary supplies, and schools."⁷ Second, the Land Division had responsibility to manage all abandoned lands possessed by various Federal agencies resulting from the Confiscation Act of 1862 or seizure due to either the owners' voluntary absence to aid the Confederate cause or failure to pay federal taxes during the war.⁸ In total, the Freedmen's Bureau managed 856,760 acres of land in 1865. Howard entrusted oversight of this division to Major William Fowler, one of his assistant adjutants general.⁹ A Financial Affairs Division formed the third department. Finally, Howard created a Medical Division to care for the many families of refugees, freedmen, and orphans in the various camps, hospitals, and asylums throughout the former insurrectionary states.¹⁰

Each division faced a seemingly endless list of challenges. However, to keep this section of the paper focused, key enablers necessary to carry out the two main tasks per the law will be examined. The first task was broad: "control of all subjects relating to refugees and freedmen."¹¹ Proper manning and strong leadership were critical in order for the Bureau to successfully define this nebulous assignment. The second task, "the supervision and management of all abandoned lands," proved to be a particularly thorny and multifaceted project.¹² Bureau manning and land management disagreements in turn affected the third major hurdle in the first year: labor.

Leading the Freedmen's Bureau

In accepting the commissioner's role, General Howard agreed to oversee arguably the largest social experiment in the history of the country. There was no doctrine or manual for Howard to read to ensure his success. After four years, Howard reflected:

This almost unlimited authority gave me great scope and liberty of action, but at the same time it imposed upon me very perplexing and responsible duties. Legislative, judicial, and executive powers were combined in my commission, reaching all the interests of four millions of people, scattered over a vast territory, living in the midst of another people claiming to be superior, and known to be not altogether friendly. It was impossible at the onset to do more than lay down a few general principals to guide the officers assigned No one minute system of rules could have been rigidly adhered to and applied in every part of the [South].¹³

On 19 May 1865, Howard released Circular No. 2; it became known as the Bureau's "constitution" as it laid out general principles to guide future operations.¹⁴ Assistant commissioners would have substantial autonomy in executing the Bureau's business in their states. They were charged with implementing a system of paid labor, overcoming prejudice that might prevent former owners from hiring freedmen, and preventing the freedmen from falling into an idle life supported by the government rather than by their own labor. Where relief and aid were absolutely essential, the government would not replace benevolent societies in administering relief but rather assist and coordinate their varied operations.¹⁵

The act creating the Freedmen's Bureau included only twenty-one specific authorizations: a commissioner, ten assistant commissioners, and ten clerks.¹⁶ With his headquarters established "at the corner of I and Nineteenth Streets" in Washington, D.C., Howard, and the success or failure of the Freedmen's Bureau, was largely dependent on the efforts of his ten assistant commissioners spread over the former Confederacy.¹⁷ He needed men strong in character and sympathetic to the freedmen's plight. Known as the

“Christian General,” Howard sought fellow evangelical Protestants as assistant commissioners to assist in the creation of a Christian commonwealth in America inclusive of the freedmen.¹⁸ Since the law provided no funding, Secretary of War Stanton gave him approval to use any of his Army of the Tennessee officers or others he saw fit to recommend.¹⁹ Howard’s choice of assistant commissioners was a decision he contemplated seriously.

At the onset, Howard chose men he knew from his service during the war or those who came highly recommended from fellow general officers. All but one, the Reverend Thomas Conway in Louisiana, were military officers. He issued two circulars in 1865 to set the appropriate leadership team in place (see Table 1).

Table 1. Initial Assistant Commissioners - 1865		
State	Circular 6 – 13 June 1865	Circular 16 – 19 Sep 1865 <i>*changes</i>
Virginia	Col Orlando Brown	Col Orlando Brown
North Carolina	Col Eliphalet Whittlesey	Col Eliphalet Whittlesey
South Carolina	Brevet Maj Gen Rufus Saxton	Brevet Maj Gen Rufus Saxton
Georgia	Brevet Maj Gen Rufus Saxton	Brig Gen Davis Tillson * (acting: reporting to Gen Saxton)
Florida	Brevet Maj Gen Rufus Saxton	Brevet Col Thomas W. Osborn *
Alabama	Brevet Col Thomas W. Osborn	Brig Gen Wager Swayne *
Louisiana	Rev Thomas W. Conway	Rev Thomas W. Conway
Mississippi	Col Samuel Thomas	Col Samuel Thomas
Kentucky	Brig Gen Clinton B. Fisk	Brig Gen Clinton B. Fisk
Tennessee	Brig Gen Clinton B. Fisk	Brig Gen Clinton B. Fisk
Missouri	Brig Gen John W. Sprague	Brig Gen John W. Sprague
Arkansas	Brig Gen John W. Sprague	Brig Gen John W. Sprague
District of Columbia	Col John Eaton, Jr.	Not addressed in circular
Texas	Not addressed in circular	Brevet Brig Gen Edgar M. Gregory

Source: Freedmen’s Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 46, 57.

Howard's rationale for the initial Assistant Commissioners is found in his autobiography:

The head commissioner in each State, however, except Colonels Thomas and Brown, and Chaplain Conway, were personally known to me. They were men of tried courage, of high education, of well-known character, and pronounced friends of humanity. Whittlesey, a brave Christian gentleman for years on my staff in the field, had been before the war a college professor; Saxton of the old army had long been distinguished as a friend of the negroes; Wager Swayne, son of Justice Swayne, was a promising young lawyer and a Christian. He had exhibited a remarkable decision of character in the army, was a colonel in the volunteers, and lost a leg while under my command. Osborn, my chief of artillery at Gettysburg, was a quiet, unobtrusive officer of quick decision and of pure life. Samuel Thomas, very properly commended by other officers, and of excellent character, had unusual executive ability. J.W. Sprague was distinguished in the Army of the Tennessee for decided ability as a general, and meritorious conduct which he showed at all times, and for his dignity of carriage and thought; and Gregory was well reputed for the stand he always took in the army in favor of clear-cut uprightiness of conduct. He was so fearless of opposition or danger that I sent him Texas, which seemed at the time of his appointment to be the post of greatest peril.²⁰

Despite the careful selection of these men by Howard and the fact the law required their appointments to be approved by the President, one-by-one Johnson forced Howard to remove them from their position in response to real or perceived resistance to his Reconstruction goals.²¹ An analysis of Howard's annual reports to Congress shows the role of Assistant Commissioner in many states was a turbulent one (see Appendix A). By the end of 1867, North Carolina, Mississippi, Kentucky, Tennessee, Arkansas, and the District of Columbia had seen three different men fill the position; Virginia, Louisiana, and Texas had seen four. Edgar Gregory, selected for Texas due to his bravery and the toughness of the assignment, only served in the role until 30 March 1866 before being reassigned to an Inspector General billet on Howard's Washington, D.C. staff.²² Wager Swayne was the rare exception in the original list of assistant commissioners; he served in Alabama until a War Department order on 28 December 1867 had him rejoin the 45th

United States Infantry, a black regiment.²³ Most others either resigned or were shuffled to a different position within the Bureau.²⁴

In addition to turbulence in the Assistant Commissioner position, simply manning the Bureau to execute operations in each state proved difficult. The Bureau was dependent on Union Army personnel to fill its manning needs. As requirements grew, the well from which they were able to draw was rapidly drying up. The Department of War led a massive troop reduction at the end of the war; over one million volunteers were mustered out by the end of June 1866 as the Army moved towards an end strength of approximately fifty thousand personnel.²⁵ As the drawdown occurred, operations on the western frontier and the associated Indian hostilities sapped manpower assets.²⁶ Amazingly, the Freedmen's Bureau tackled its responsibilities that first year in 13 states plus the District of Columbia with a staff of only 788 officers and civilians; the number dropped twenty-two percent in 1866 to 616.²⁷ Turbulence in filling local offices with agents possessing the requisite "capacity and character" to execute the Bureau's mission generated varied results throughout the South and contributed to resentment among the white population.²⁸

The Land Dilemma

The largest source of contention between General Howard's Freedmen's Bureau and President Johnson that initial year was land. Howard undoubtedly, and correctly, believed he had authority from the law to use abandoned land for the aid of "loyal refugees and freedmen."²⁹ Unfortunately, the minor stipulation requiring the "direction of the President" created a loophole for Johnson to exploit and thwart all efforts to give freedmen, and their families, property once belonging to rebellious citizens.³⁰ It is clear

from the records, however, that Howard initially operated with the assumption he had the president's support.

The flare up between the President and Howard over land occurred rapidly as the Bureau began its operations. On 22 May 1865, a mere ten days after assignment as Commissioner, Howard released his first circular (No. 3) concerning used of abandoned land in the South by freedmen. "Disloyal owners" were trying to reclaim their land property in multiple insurrectionary states; Howard directed land being cultivated by the freedmen to remain in the freedmen's hands until the crops were harvested "unless full and just compensation be made."³¹ In addition, Howard made sure his operatives understood his perspective in holding the former owners accountable for their actions, "[T]he application for the restoration of their lands, by this class of persons, will in no case be entertained by any military authority."³² Howard was clear; loyal refugees and freedmen would take priority over former Confederates. One week later, on 29 May 1865, President Johnson issued his Proclamation of Amnesty excusing the rebel's actions and restoring all property to those meeting the requirements to gain a pardon.

Even in light of Johnson's Proclamation, General Howard still believed the law and the President supported his land policy favoring refugees and freedmen. He noted in his autobiography, "Surely the pardon of the President would not be interpreted to extend to the surrender of abandoned or confiscated property which in strict accordance with the law had been "set apart for refugees and freedmen" or was then in use for the employment and general welfare of all such persons."³³ Howard expected the Federal government to compensate the former Confederates "by money or otherwise" and view the new occupants as the lawful owners.³⁴

Howard reiterated his view of land rights with small passages in multiple circulars over the next two months and was encouraged by the actions of others in the government. On 30 May 1865, the day after Johnson issued his Proclamation, Howard released Circular No. 5 establishing his “Rules and Regulations for Assistant Commissioners;” it directed assistant commissioners to “aid refugees and freedmen in securing titles to land according to law.”³⁵ On 2 June, President Johnson ordered all abandoned lands held by various government departments to be turned over to the Bureau; the Secretary of the Treasury followed with his own directive to his agents on 27 June to transfer property.³⁶ In Circular No. 11, released 12 July, Howard noted farmers renting lands to freedmen and refugees met the intent of the Freedmen’s Bureau law to set apart land for use by the latter.³⁷ Two weeks passed before Howard drew Johnson’s full ire.

On 28 July 1865, approximately two months after Johnson’s Proclamation, Howard released Circular No. 13. The backlash it sparked surprised him. In it, Howard sanctioned the return of land *not abandoned* to the original owners while maintaining his initial protection requirements for freedmen growing crops on such land. Disagreement with Johnson came to an apex with the direction to expeditiously begin setting apart tracts of land, up to forty acres, for refugees and freedmen per the law establishing the Bureau.³⁸ Despite the leeway given the commissioner by the law to control “all subjects relating to refugees and freedmen,” Johnson still held the ultimate approval authority. Historian William S. McFeely claims Howard made it a habit to get President Johnson’s endorsement on “major set[s] of instructions” before releasing them.³⁹ The record does not support that claim. Prior to the release of Circular No. 13, Howard got Johnson’s endorsement only on Circular No. 5 establishing the rules and regulations for the assistant

commissioners; one occurrence does not constitute a habit.⁴⁰ With the direction by the President and Secretary of Treasury to turn over confiscated and abandoned lands to the Freedmen's Bureau, it is a fallacy to think that Howard expected to create a storm in Washington with the release of Circular No. 13. Howard left Washington the day after the release of the circular for a month-long vacation in Maine; the timing could not have been worse.⁴¹

Staunch advocates for the freedmen, Assistant Commissioners Reverend Conway in Louisiana and General Saxton in South Carolina quickly set about implementing the circular using the local press to notify eligible blacks how they could apply for their allotment; it was to be short-lived.⁴² President Johnson's home state of Tennessee ultimately highlighted the differences between Johnson and Howard as to the disposition of abandoned land. On 27 July 1865, one day before the release of Circular No. 13, Johnson granted Nashville Confederate B.B. Leake a pardon. Leake in turn petitioned Tennessee's Assistant Commissioner General Clinton B. Fisk for the restoration of his land. Fisk denied Leake's request; the latter then sent his aunt to the White House where she gained a personal meeting with the President. Leake's aunt left a letter with the President lamenting the fact that without his land, Leake had no financial means to support himself nor could she support the two of them. Johnson sent the letter to the Freedmen's Bureau headquarters on 16 August for additional information. In Howard's absence, Major William Fowler, head of the Land Division, wired General Fisk for a response. Fisk replied immediately that he recommended no special favors in the case and would send a full report in a few days time. Fowler coupled Fisk's response with the original letter and sent it back to the White House the same day. Dissatisfied with the

answer, Johnson returned it immediately explaining the pardon “restored . . . all . . . rights of property, except as to slaves.”⁴³ Thus, Fisk was ordered to return Leake’s property and the Bureau was directed to handle all similar cases in the same manner. Major Fowler sent a letter to the vacationing Howard on the same day noting Circular No. 13 created “some misunderstanding” between the Bureau and the White House.⁴⁴

Still incensed, President Johnson called District of Columbia’s Assistant Commissioner, Colonel John Eaton, Jr., to the White House the following day, 17 August 1865. Johnson complained about agents he viewed as “pronegro” throughout the South; also, “he wanted no bureau agents in his native territory, Unionist East Tennessee.”⁴⁵ On 19 August, Brevet Colonel Joseph S. Fullerton, one of Howard’s assistant adjutant generals at his Washington headquarters, sent an order to General Fisk “not to establish a bureau agent in East Tennessee and to investigate reports of” misconduct by agents in Pulaski; he further advised Fisk that Circular No. 13 would “not be issued.” Fullerton concluded the directive with, “By order of Major General O. O. Howard.”⁴⁶ There is no indication Howard knew of Fullerton’s directive to cease implementation of Circular No. 13 beforehand.⁴⁷

General Howard returned from his vacation to discover his “circular of instructions did not please President Johnson.”⁴⁸ To clear up all confusion, Johnson ordered Howard to draft a new order rescinding Circular No. 13 and better aligned with the former’s land policy. Howard presented the draft for Circular No. 15 to the President; Johnson, still unhappy, had it revised at the White House. Once complete, Howard issued the final version of the order on 12 September 1865.⁴⁹ Johnson used Circular No. 15 to carefully render the provision of the 3 March 1865 Freedmen’s Bureau act

regarding abandoned and confiscated land distribution to refugees and freedmen ineffective. Circular No. 15 included the Congressional definition of “abandoned land”. The President went further by clarifying what comprised confiscated property. Previously, the Bureau viewed land condemned by the U.S. government as confiscated and available for its use. Johnson now required the land had to be condemned *and sold* by the responsible US district court before its title could be considered legally transferred to the Federal government and thus available for use by the Bureau.⁵⁰ Very little confiscated land met the new criteria.⁵¹ The circular required the assistant commissioners to now gain Howard’s approval first before they issued any land under the new constraints. It also dictated pardoned individuals need only show “Evidence of a special pardon by the President, or a copy of the oath of amnesty prescribed in the President’s proclamation of May 29, 1865,” in addition to a proof of title to have their land restored.⁵² Howard urged the President to include a provision requiring land owners to provide a “small homestead” to their former slaves but Johnson refused. He did allow a small stipulation enabling freedmen to maintain possession of crops currently under cultivation.⁵³ The presidential rebuke of Circular No. 13 was abundantly clear to Howard. The Commissioner did not even include the contested order with the other circulars in his first annual report submitted to Congress in December 1865; in its place was a note stating “Circular No. 13 will not be published.”⁵⁴

President Johnson continued to undercut Howard’s guidance with respect to restoring lands under cultivation by freedmen with another case from his home state. In early September 1865, Mrs. Margaret Donelson, a widowed plantation owner from east Tennessee, petitioned the President for restoration of her entire plantation in hopes of

ridding herself of the resident refugee camp. In contradiction to guidance issued by Howard and approved by Johnson, Donelson wanted all of her land back immediately along with the crops the refugees were growing. After multiple letters to the President, Johnson sent General Fisk to investigate. Fisk reported back in early October he found the allegations to be untrue and concluded, “She . . . [was] more trouble than all the returned prodigals in Tenn.”⁵⁵ Johnson still sided with Mrs. Donelson and thus undermined all efforts by the Bureau and General Fisk in eastern Tennessee.⁵⁶ Howard sadly noted “wholesale pardons . . . completed the restoration of the remainder of our lands; all done for the advantage of the late Confederates and for the disadvantage and displacement of the freedmen.”⁵⁷ By the end of 1865, “little or no property . . . remain[ed] under control of the bureau.”⁵⁸ As land restoration progressed that first year, the Bureau’s source of revenue dwindled.

Adding insult to injury, on 9 October 1865, President Johnson ordered Howard to proceed south to the states affected by General Sherman’s Field Order No. 15 and “endeavor to effect an arrangement mutually satisfactory to the freedmen and the land-owners.”⁵⁹ Howard reached his first destination, Charleston, South Carolina, on 17 October and met with Assistant Commissioner Saxton and white land owners impacted by Sherman’s order. Deciding it best to meet with the freedmen before coming up with a final solution, Howard traveled to Edisto Island and into a packed auditorium where the freedmen had already heard of his purpose coming south. Despite the freedmen’s loud and passionate pleas, Howard explained Johnson’s order to restore land. Freedmen leaders explained to Howard under “no condition would the freedmen work for their late owners . . . under overseers;” given the situation, their preference was to rent land and

work it, not to contract for the planters. Howard finally got the group to agree to a board consisting of equal representation from the Bureau, planters, and freedmen to oversee labor contracts and settle any disputes.⁶⁰ Howard continued his tour of the South visiting nine states before returning to Washington, D.C. on 18 November.⁶¹ Multiple stops included similar meetings between Howard and the local freedmen. Upon his return to Washington, Howard pleaded with Secretary of War Stanton that Congress purchase lands to rent, and eventually sell, to the freedmen.⁶²

Johnson's land restoration policy constrained the Bureau. It was an irrelevant point to the president; he viewed the Bureau as a wartime measure not needed beyond its one year authorization as peace was now established in the country.⁶³ Johnson and Congress publicly debated this very point in 1866. For Howard, land was to be the major source of the Bureau's income; instead, his 1869 annual report to Congress shows the Bureau earned a mere \$377,405.73 in rent from the over 850,000 acres of lands and buildings under their initial purview.⁶⁴ As a result, Johnson forced Howard to seek Congressional appropriations for the Bureau. Howard requested \$11,745,050 to fund operations starting 1 July 1866; Congress gave \$6,944,450.⁶⁵

Managing Labor

With President Johnson's views on land now clear to Howard and his assistant commissioners, the third major hurdle they faced in the initial year of operation was labor. Howard and many Northerners believed in the "free labor" ideology characterized by a common desire for economic gain between manager and laborer, worker self-discipline, productivity, efficiency, and ultimately the opportunity for upward social advancement.⁶⁶ With no land of their own to earn a living, large portions of the freedmen

were encouraged, or forced depending on viewpoint, to return to their former plantations. The Bureau's job was to ensure they received fair wages and treatment from the previous "masters."⁶⁷ Bureau agents continually found themselves resolving disputes over or employer mistreatment or "shirking on the part of the negroes."⁶⁸

Howard addressed the importance of labor and his view for the future early in his actions. With the release of Circular No. 2 on 19 May 1865, he stressed the current demand for labor throughout the South and the importance of the assistant commissioners to implementing a system of paid labor while guarding against any propensity of idleness on the part of the freedmen.⁶⁹ Circular No. 5, his major directive providing rules and regulations, gave the freedmen the opportunity to "choose their own employers" while protecting them from forced labor. Agents were to hold both parties to work agreements accountable to the provisions in the contract. "[A]cts of cruelty and oppression" were specifically forbidden.⁷⁰ Circular No.11, issued 12 July 1865, prevented the establishment of fixed wage rates within districts but did encourage assistant commissioners to "have in mind minimum rates" based on the local market and the value of labor. It also encouraged written contracts between employer and laborer with wages guaranteed "by a lien on the crops or land." Agreements were to be approved by the local Bureau agent to ensure fairness and enforcement; absolutely "no substitute for slavery . . . [was to] be tolerated."⁷¹

No amount of directives simplified the labor issue and the associated complex social ills existing between former master and freedmen. While many whites claimed to be accepting of emancipation, the sight of former slaves in Union Army uniforms giving orders, with the ability to back them up, proved too much.⁷² Employers throughout the

South wrote Howard urging him to fix labor prices and force freedmen back to the plantations to work.⁷³ Newly seated state legislatures quickly passed Black Codes to hold the black workforce in check and hamper its economic opportunities. “[S]tates would enforce labor agreements and plantation discipline [and] punish those who refused to contract.”⁷⁴ Vagrancy laws became commonplace to prevent idleness on the part of freedmen; interestingly enough Colonel Eliphalet Whittlesey, Assistant Commissioner for North Carolina, reported more whites than blacks were guilty of vagrancy in his 1865 report.⁷⁵ Violence against the freedmen became commonplace in portions of the South. On 16 June 1865, President Johnson hosted a delegation of blacks from Virginia to listen to their complaints of abuse.⁷⁶ Carl Schurz, a brigadier general in the Union Army during the war and future radical Congressman, wrote Johnson on 13 August while on a tour of the South describing the scene from Atlanta:

The planters in that region, or at least the most reckless and restless spirits among them, seem to have combined to keep the negroes in their former state of subjection, and to kill those that refused to submit. While I was there, several negroes came into town with bullet- or buckshot-wounds in their bodies, giving evidence of the treatment they had received. In the very streets of Atlanta, freedmen were attacked and maltreated by whites without the least provocation, almost every day. . . . Only in a few instances the perpetrators were caught and arrested.⁷⁷

Despite violence throughout portions of the South, Howard and the Bureau submitted to the calls from planters forcing blacks into constrictive labor agreements with many former owners. The resulting “contract labor” system put in place fell far short of the “free labor” ideals. Freedmen found themselves “coerced by troops and Bureau agents if they refused to [contract], and fined or imprisoned if they struck for higher wages.”⁷⁸ Unlike workers in the North, to include the agricultural workforce, freedmen could not leave their employers if dissatisfied before the expiration of the year-long

contract. At the same time, poor white refugees were neither forced to contract for work nor vacate cities to return to rural areas and labor. Howard thought the contract system at least offered some protection to the freedmen they often could not find in the local courts. Eventually, he thought it would disappear and market forces would regulate labor as in the North. Unfortunately, the policy gave birth to new “economic and social relations [between the races], closing off some options for blacks, shifting the balance of power in favor of employers, [while] helping to stabilize the beleaguered planter class.”⁷⁹ In the long run, Howard might have aided the freedmen more by sticking to his aim of allowing them to choose their own employers.

Grant’s Inspection

With the conclusion of the war, President Johnson executed his vision of Reconstruction without opposition until the 39th Congress convened on 4 December 1865.⁸⁰ During this time, he had no shortage of individuals offering their assessment of current affairs in the South both privately in letters and publicly through newspaper reports. Radical leaders, Salmon P. Chase and Carl Schurz voluntarily toured the South hoping to help Johnson formulate his policy. To offset the radical viewpoint, Johnson sent Benjamin C. Truman and Harvey M. Watterson to present the conservative and moderate stance. However, his greatest advantage in advocating his path forward for Reconstruction lay in the hands of “the most famous man in the country, Ulysses S. Grant.”⁸¹ Once directed by Johnson, Grant reflected he might be able to influence the President on his path in “building the peace;” Grant was not yet concerned as others were about Johnson’s leniency with the former Confederacy.⁸² Grant headed south from Washington on 27 November 1865 for a short two-week trip to make his assessment.

President Johnson sent Grant's report, accompanied by his own message on the status of the former Confederate states, to the Senate on 18 December 1865. Grant described his purpose as threefold: gain a feeling of the local populace's attitude towards the Federal government; determine if the nature of military forces needed adjustment; and ascertain if forces and correlating expenses could be reduced. Grant's feeling was the majority of persons in the South "accept[ed] the present situation."⁸³ In terms of slavery, they acknowledged its final demise was "fortunate . . . for the whole country."⁸⁴ However, the war's long nature left the people in a position not quite ready to acquiesce to civil authority. Grant notes, "I did not meet any one, either those holding places under the Government or citizens of the Southern States, who think it practicable to withdraw the military from the South at present."⁸⁵ Citizens of the South were anxious to return to civil governments and were trying to meet the requirements laid out to reestablish those governments as they understood them. In terms of troops, Grant recognized the irritation to many local citizens caused by the presence of black troops; he advocated all troops stationed in the South be white. In terms of land, he corroborated other reports highlighting the freedmen's belief of gaining property from their former owners and the associated "dangers" with those beliefs.⁸⁶ Howard's primary concern lay in Grant's evaluation impacting the Freedmen's Bureau.

Grant noted his review of the Freedmen's Bureau was limited by the time available to conduct the trip. His opinion "that in some of the States its affairs have not been conducted with good judgment or economy" could not have encouraged Howard.⁸⁷ Primary to Grant's assessment was that Bureau agents were contributing to the freedmen's notion their former owners' land would be divided amongst them in some

measure. Even in light of Circular No. 15, the freedmen's hope for land did not die easily. Grant's critique noted the lack of uniformity between the Bureau districts; each Assistant Commissioner ran his state(s) "according to their individual notion."⁸⁸ To Howard's delight, Grant did advocate the necessity of the Bureau until civil law could provide and protect freedmen their rights. Agents were actively encouraging freedmen not to be idle but live "by their own industry."⁸⁹ Grant's final observation was both a blessing and a critique to the Bureau. He noted the Bureau operated as a separate agency from the Union Army in the south and as such needed its own funding. However, he thought communication between the two would improve if every Union officer in the South be considered a Bureau agent. Howard's orders would then flow through the military department commanders. Grant felt this would increase "uniformity of action [and] insure the orders [were] being carried out."⁹⁰ A final benefit to the government would be the reduced expense of civilians working for the Bureau since officers would draw only their military pay.⁹¹ Grant's unity of effort critique between the Bureau and the correlating military departments was valid.

Howard issued Circular No. 22 on 22 December 1865 in order to draw the attention of the assistant commissioners to the report. In it, he directed a thorough inspection to correct any "evils" highlighted by Grant's report. Howard made sure everyone understood the Bureau had never been made independent of the Army by any order from the War Department. Any officer acting contrarily would be tried by court-martial. All "matters of a military character [were] under the direction of the [respective] department commander."⁹² Henceforth, assistant commissioners were to attain the

department commander's approval, "when possible," before issuing their own circulars or orders.⁹³ Howard acted quickly to retain Grant as an ally.

1866: Fighting for Survival

As 1865 drew to a close, President Johnson's actions were making his views on Reconstruction clear; his three major requirements to the South were ratify the Thirteenth Amendment abolishing slavery, renounce secession, and invalidate Confederate debt.⁹⁴ Now it was time for men in Congress more sympathetic to the freedmen to act. Senator Lyman Trumbull of Illinois, sponsor of what became the Thirteenth Amendment during the previous session of Congress, took a keen interest in Bureau operations.⁹⁵ Trumbull went to Howard's office during the early days of the Congressional session in December 1865 to talk to Howard, study the freedmen's plight, and with Howard's help, craft a new Bureau bill.⁹⁶ Trumbull's proposal continued the Bureau's existence indefinitely until revoked by future Congressional action and greatly expanded Bureau operations to protect freedmen throughout the *entire* country. It also set aside up to three million acres of "unoccupied public lands" in Florida, Mississippi, Alabama, Louisiana, and Arkansas to be rented or purchased by freedmen at a rate established by Howard, gave the Commissioner the authority to purchase land to erect schools and "asylums" with funds appropriated by Congress, validated the freedmen's rights to "Sherman land" for three years from the issue of Sherman's order "unless a settlement . . . be made [between former owner and current freedmen occupant] satisfactory to the commissioner of the Freedmen's Bureau," and protected freedmen's civil rights by giving the Bureau jurisdiction over cases where gross discrimination occurred against blacks in civil courts.⁹⁷ Trumbull was alarmed at the rise of Black Codes throughout the former

Confederacy, convinced they were efforts to reinstitute slavery in every aspect but name. The Freedmen's Bureau would be his instrument to enforce the Thirteenth Amendment effective throughout the land as of 18 December 1865.⁹⁸ By large margins, the Senate and House of Representatives passed the bill to extend the Bureau on 25 January and 6 February 1866 respectively.⁹⁹

President Johnson vetoed the bill and sent it back to Congress on 19 February 1866 with a lengthy message. Johnson protested the necessity of such a bill since the original act from March 1865 had yet to expire. He was gravely concerned about the ability of the Bureau to act outside the jurisdiction of civil courts in cases it deemed necessary without the Constitutional requirement of a jury, "fixed rules of law or evidence," or an appeals process.¹⁰⁰ Using Howard's request for \$11,745,000 included in his 1865 report to Congress to fund the Bureau in 1866, Johnson estimated the Bureau proposed in the bill would require twice that amount, "more than the entire sum expended in any one year under the administration of the second Adams."¹⁰¹ Harkening back to the "no taxation without representation" battle cry, Johnson questioned Congress' authority to "shut out, in time of peace, any State from the representation to which it is entitled by the Constitution."¹⁰² He would not entertain the bill as long as Congress refused to recognize representatives and senators from states he considered reconciled. Efforts to override the veto failed.¹⁰³

Politically speaking, President Johnson also needed a reputable way to discredit the Bureau and hasten its demise. To accomplish this, he turned to two general officers sympathetic to his view. Major General James B. Steedman, the Department of Georgia commander following the war, wrote to Johnson shortly after his appointment

commending the President's stance on Reconstruction while complaining the Freedmen's Bureau caused discord between the races. Early in 1866, when rumors of the dismissal Secretary of War Stanton abounded, Steedman was on the short list as a potential replacement.¹⁰⁴ Brigadier General Joseph S. Fullerton was Johnson's other ace. Fullerton served high in the ranks of the Freedmen's Bureau as one of Howard's original adjutants general and as assistant commissioner in Louisiana on an interim basis in the fall of 1865.¹⁰⁵ Steedman and Fullerton started their inspection on 11 April 1866 accompanied by several newspaper reporters. Their unstated goal was to turn public opinion against the Bureau's operations. Steedman and Fullerton proved successful early in their inspection when they discovered improprieties in North Carolina. Assistant Commissioner Eliphalet Whittlesey came under intense scrutiny for running a cotton plantation with fellow Bureau agent Horace James, arguably a conflict of interest. James stood accused of shooting and killing a freedman trying to escape from Whittlesey's farm while serving a ditch-digging sentence he earned for stealing from James' merchant store, yet another potential conflict of interest. President Johnson eventually ordered Whittlesey's arrest along with ten other agents in North Carolina.¹⁰⁶ In response, Howard issued Circular No. 4 on 21 May 1866 forbidding agents to invest in planting despite the fact he knew of no law prohibiting it.¹⁰⁷ In the end, Howard and the Bureau survived the inspection. Johnson could only invite more trouble upon himself with Howard's dismissal. The election of 1866 and control of Congress were close at hand; "Johnson could not afford to do anything that might further increase his opponents' strength."¹⁰⁸

As Steedman and Fullerton toured the South, Thomas D. Eliot, representative from Massachusetts and chairman of the Freedmen's Committee, assumed the lead in

getting the Bureau extended.¹⁰⁹ While still expanding protection “to all loyal refugees and freedmen,” Eliot’s bill limited the Bureau’s existence to two years rather than indefinitely. Missing from the original 1865 act establishing the Bureau, this new bill gave Howard, still “under the direction of the President,” the authority to staff the Bureau properly to meet its obligations. The new bill amended, not replaced, the original act but did add clarity to the purpose of the Bureau. Four major responsibilities were outlined: (1) “enable [the freedmen] to become self-supporting citizens;” (2) protect freedmen’s civil rights where infringed upon; (3) provide aid to the *truly* destitute, not the lackadaisical; and (4) support freedmen education efforts. Lastly, the bill aimed to rectify in a small way the harm caused to freedmen negatively impacted by Johnson’s restoration policy in South Carolina and Georgia. Previously in 1863, President Lincoln allowed the sale of twenty-acre plots to black heads of families in St. Helena, South Carolina, one of South Carolina’s Sea Islands. Eliot’s bill “confirmed” the sale of the land and allowed leases executed under the same guidance to be changed into sales *if* the lease allowed for such provision; total land affected approximated fourteen thousand acres. In addition, thirty-eight thousand acres were set aside specifically for Sherman land occupants in the two states displaced by restoration to purchase twenty-acre plots at the price of \$1.50 per acre, the lone stipulation being the purchasers could not sell the land until six years after Eliot’s bill became law. The bill further countered Johnson’s restoration policy by legally preventing the transfer of land back to the original owners until the year’s crops were harvested. The bill passed the House on 29 May 1866, followed by the Senate on 26 June.¹¹⁰ In a very small measure, Eliot’s bill fulfilled a promise made by Howard to the freedmen to trust Congress to rectify the land issue.¹¹¹

Undeterred, Johnson vetoed Eliot's bill as well on 16 July 1866 referencing the same rationale as the veto accompanying Trumbull's bill. He decried the necessity of the Bureau during peacetime; he viewed it as a war-time measure. Furthermore, and quite ironically, Johnson pointed out the Civil Rights Act of 1866, established as law by Congress on 9 April 1866 over yet another Johnson veto, provided equal protection under the law; both Federal and State courts were operating under its premises throughout the South. There was no necessity for Bureau agents to intervene and reverse judgments made in said courts; agents "ignorant of the principles" guiding development and administration of the law could prove dangerous. Johnson ultimately viewed the bill, its land provisions, and the Bureau as discriminatory "class legislation."¹¹² The same day as the veto, both houses of Congress successfully voted to override it and the bill became law.¹¹³ Howard's Bureau was safe for another two years.

Enabling Freedmen Self Support

Despite the better defined purpose, the task facing General Howard and the Freedmen's Bureau remained daunting, especially given Johnson's hostility towards the organization and its existence. Johnson's restoration policy severely limited the greatest tool with which the Bureau could enable the freedmen to become self-supporting--land. In South Carolina, prominent Charlestonian William H. Trescott further politicized the debate in a complaint to President Johnson claiming "the Bureau was disregarding his [first] veto" forcing a disagreement between the Bureau and the military department over control of the Sea Islands.¹¹⁴ In the middle was Brevet Brigadier General James C. Beecher, an officer dual-hatted as a Bureau agent and a commander within the Department of South Carolina. Beecher divided the plantations into two categories: those

restored to original owners fell under the military department, those not restored belonged to the Bureau.¹¹⁵ Howard and new South Carolina Assistant Commissioner Major General Robert K. Scott disagreed with Beecher's assessment and his capability to deny the validity of many Sherman land titles when acting outside of his Bureau capacity. However, Major General Daniel E. Sickles, Department of South Carolina commander, sided with Beecher and essentially put restoration of Sea Islands under military control. Sickles further reprimanded Scott to not "countermand military orders," reminiscent of Grant's December 1865 report.¹¹⁶

Howard would have to utilize other means. As previously discussed, one method was to continue setting the conditions to allow the growth of the free-labor ideology throughout the South; proper wages would provide the opportunity for freedmen to save money and begin their climb up the social ladder. Unfortunately, it was not that simple. Howard made it clear in his 1865 circulars, the Bureau was not to fix wages but assistant commissioners were encouraged to have minimums in mind. Many planters found collaboration an effective tool to circumvent the Bureau's intentions; groups conferred to set standard low wages for a region. This "lessen[ed] the confidence of the freed people in [the planters], and increased suspicion and prejudice."¹¹⁷ Correction required concerted effort on the assistant commissioner's part; Howard's 1866 report to Congress claims some success in rectifying this obstacle. In addition, the Bureau's efforts and results validated the agency's requirement to ensure "the success of all those [engaged in] agricultural enterprises" throughout the South.¹¹⁸

One other labor problem developed when large congregations of freedmen overwhelmed the local job market.¹¹⁹ To assist, the Bureau took a proactive, and

controversial, stance in 1866 by transporting freedmen to where labor was needed. The District of Columbia and surrounding area was one such place overcrowded. The Bureau worked with benevolent societies to find refugees and freedmen employment. From 21 November 1865 to 30 September 1866, the Bureau moved 387 refugees south and 6,352 freedmen and their families north to secure jobs. Abandoned away from their old plantations by their former masters at the end of the war and subsequently unable to secure employment, the Bureau now transported many freedmen back to their past homes at the request of the assistant commissioners and planters; no mention was made of freedmen desires. Howard justified this measure as it would end the necessity of the government to provide rations for the destitute, thus reducing costs, and “place [the freedmen] in the way of permanently caring for themselves.”¹²⁰

The third key mean with which Howard hoped to enable the freedmen to become self-supporting was through the successful exploitation of the Southern Homestead Act signed into law by President Johnson on 21 June 1866. Howard issued Circular No. 7 on 2 July 1866 to ensure the assistant commissioners were aware of the act and draw their attention to special provisions benefiting the freedmen and loyal white refugees. Those able to take an oath claiming “they have not borne arms against the United States” had until 1 January 1867 to petition for eighty acres of public land in Alabama, Arkansas, Florida, Louisiana, or Mississippi for only five dollars.¹²¹ Claimants had to hold and cultivate the land for five years before the legal title would be issued in their name.¹²² In all, forty-six million acres of public land in the five states was available. The Bureau “assisted interested freedmen in finding plots, and provided them with 1-month subsistence, free transportation to their prospective tracts of land, and seeds for the initial

planting.”¹²³ One problem with the act lay in the fact planters already owned the large majority of suitable land in the South. Eric Foner notes “public land – swampy, timbered, far from transportation – was markedly inferior. . . . By 1869 only 4,000 black families had even attempted to take advantage of the act, . . . many . . . subsequently lost their land.”¹²⁴ In addition, freedmen were reluctant to leave places where employment could be found as they still needed to earn a living while clearing the land. The single month’s subsistence often proved inadequate when coupled with a lack of farming implements; conditions forced many homesteaders to neglect their crops and seek employment. In light of this, Howard later advised his agents not to encourage the freedmen to migrate to land until they were capable of providing their own subsistence for an extended period.¹²⁵ The Southern Homestead Act proved ineffective in aiding the freedmen.

Protecting Civil Rights

In his autobiography, Howard says the best evaluation for the Bureau’s work in 1866 is demonstrated by its “work before the courts that year.”¹²⁶ Both Thomas Eliot’s bill to extend the Freedmen’s Bureau and Lyman Trumbull’s Civil Rights Act of 1866 made the Bureau’s responsibility in protecting freedmen’s civil rights clear. The Civil Rights Act stipulated Bureau agents were “authorized and required” to arrest individuals who violated the Act and bring them before the courts to ensure all races enjoyed equal protection under the law. It also empowered the President to use Army and Navy personnel to implement the provisions of the Act as necessary.¹²⁷ Both pieces of legislation guaranteed the freedmen the right “to make and enforce contracts; to sue, be parties, and give evidence; to inherit, purchase, lease, sell , hold, and convey real and

personal property; and to full and equal benefit of all laws . . . as is enjoyed by white citizens.”¹²⁸

In his 1866 report, Howard noted much progress was still to be made in the judicial proceedings of the South. Many southern legislatures did not view the black man as a citizen but rather an “alien” placing many “legal disabilities” upon him; nowhere was a freedman allowed to be a juror. In accordance with the Civil Rights Act, US Army headquarters issued an order on 6 July 1866 “to arrest and hold for trial criminals, when the civil authorities failed to act.”¹²⁹ After hearing an appeal from a court case condemning a white man for an attack on a freedman, the Maryland Court of Appeals validated the constitutionality of the Civil Rights Act and confirmed freedmen could be competent witnesses. The freedmen’s court victory faced other challenges though; law enforcement officials refused to subpoena black witnesses and juries gave their testimony little credit. Alabama’s legislature passed vagrancy laws that made no distinction according to race; however in its enforcement, the distinction was clear, forcing Brigadier General Wager Swayne, the state’s Assistant Commissioner, to reestablish Bureau courts in certain areas. Louisiana’s Major General Absalom Baird reported a shortage of troops resulted in many whites exhibiting cruel behavior; he detained multiple magistrates for violating the Civil Rights Act.¹³⁰ In Mississippi, “regulators” were shooting “freedmen without provocation.”¹³¹ Still, the Bureau made concerted efforts to transfer jurisdiction of such cases to the civil courts as rapidly as possible, perhaps an effort to appease President Johnson’s objections given his vetoes of the Bureau bills and Civil Rights Act.¹³² Howard noted violence generally decreased after the labor situation stabilized through the contract system; increased trust between planters and freedmen resulted from

guaranteed availability of workers and security of pay.¹³³ The court system was far from perfect given the century old prejudices; but, the freedmen now had a way to pursue wrongs in the civil courts and some confidence the Bureau would support them where the civil courts failed.

Aiding the Destitute

Debate raged during Reconstruction about the efficacy of vagrancy laws, and whether the letter of the law was applied without regard to race. The laws, previously discussed, instituted throughout the South were a means by which state legislatures could force freedmen into labor and thus reduce “idleness.” On 15 May 1865 in his first letter as Commissioner, Howard made clear the Bureau would work to ensure former slaves’ freedom was protected; in return, the freedmen had to understand they must work if able and resist the temptation to rely primarily on government support.¹³⁴ The issuing of rations to able-bodied freedmen provided an easy source of criticism to those opposed to the Bureau. Howard and his agents worked feverishly to negate that possibility.

Early on Howard issued directives addressing proper guidelines with which to issue rations to refugees and freedmen. On 20 June 1865, Howard released Circular No. 8 adopting the standard Army ration as the accepted ration for issue to both refugees and freedmen. Rations were issued for “short periods of time, not exceeding seven days,” with recipients getting only the portion of ration they truly needed.¹³⁵ In his 1866 report, Howard noted rations were issued in compliance with Circular No. 8 guidance. Bureau agents were to hold local authorities responsible for the care of their destitute in order to relieve the Federal government of the expense. Regrettably, some states failed to act on behalf of old and sick freedmen that should have fallen under the care of a hospital or

other agency. At the same time, planters complained about freedmen being “fed in idleness” and refusing to work when most needed to affect a proper crop harvest.¹³⁶ South Carolina refused to care for its destitute forcing the Bureau to provide clothing and food to prevent “starvation and death . . . in numerous cases.”¹³⁷ To resolve the issue, Howard issued Circular No. 10 on 22 Aug 1866 directing the issue of rations to cease after 1 October 1866 except to the sick in hospitals and orphan asylums. Assistant commissioners were to notify their respective states to be prepared to assume the responsibility for those in need who did not meet the hospital or asylum criteria.¹³⁸

In reality, destitute people, both white and black, needed aid and many states were not in a position to help. On 17 April 1866, Congress authorized \$25,000 specifically for destitute relief in the District of Columbia.¹³⁹ From June 1865 to September 1866, the Bureau distributed over 13.4 million rations to the destitute throughout the South; the average number of rations issued per day was 29,819.¹⁴⁰ Crop failures in Alabama, Virginia, and South Carolina forced Howard to continue to provide assistance in spite of the guidance provided in Circular No. 10. To counter the potential political naysayers, Howard directed all requests for assistance go through the states’ civil governments to ensure the Federal government could not be accused of feeding able bodied persons engaged in idleness.¹⁴¹

Despite the Bureau’s best efforts, solvent citizens found a way to abuse the system. “[I]ndolent and shameless beggars of both races took the places of persons more worthy of charity.”¹⁴² In predominantly rural areas, those in dire need that lived great distances from the Bureau agent’s office found themselves disadvantaged; a second order effect from the Bureau’s limited manning. Others fabricated deaths of husbands or

sought pity for children they did not have in order to get their “due” from the Bureau. Putting the aid in hands of civil governments to distribute presented challenges as well; sly politicians used the aid to garner votes. To limit the abuse, the Bureau in Louisiana and South Carolina began issuing planters the rations to distribute to their workers. This allowed planters to aid the workers in need, the workers were then capable of producing a crop, and the planters could reimburse the Bureau the cost of the rations at year’s end from the crop’s profits.¹⁴³ In Florida, the Bureau provided aid only to freedmen “occupying and cultivating at least ten acres of land,” meaning sharecroppers were the predominant group.¹⁴⁴

Freedmen’s Bureau historian George Bentley notes the aid program ultimately had a negative impact in building the freedmen’s “permanent economic security.”¹⁴⁵ The Bureau’s relief program was tied closely to its labor policy and thereby coerced the freedmen into contracts as previously discussed. Continual emphasis to minimize ration distributions meant freedmen had to work and options in the agrarian South were limited. That said, the Bureau’s relief was vital to those unable to work “in a time when local communities probably could not have given much aid.”¹⁴⁶

Supporting Education

Even before the end of the Civil War, northern aid societies sent teachers south to start the process of making contraband literate. Howard noted in his 1865 report opposition to the schools by Southern white citizens because “the teachers [were] fostering social equality.”¹⁴⁷ Nonetheless, 575 schools were active in twelve states plus the District of Columbia with a total number of 70,179 freedmen students.¹⁴⁸ Thomas Eliot’s Freedmen’s Bureau bill gave Howard the authority to provide school buildings

and security to associations willing to fund teachers at no cost to the government.

Howard also gained Congressional approval to “seize, hold, use, lease, or sell” former Confederate government buildings still in possession of the Federal government to fund freedmen education efforts; any remaining funds would revert to the appropriate state in the future upon the Bureau’s disbandment *if* they provided for their citizens’ education without regard to color.¹⁴⁹

The status of schools was a bright spot for Howard in his 1866 report. Each assistant commissioner had his own superintendent of education to oversee the school effort. The number of organized schools climbed to 975 with a student population of 90,778. Howard claimed the student population rose to an estimated 150,000 if night, private, and Sunday schools were included. Freedmen were so enthusiastic about education, many schools continued in operation through the hot months when white schools normally adjourned. Furthermore, freedmen in Georgia funded eighteen of the twenty-one schools in operation over the summer. Howard noted the freedmen’s eagerness changed the sentiment of the more intelligent white population to agree to the need for universal education. Their one stipulation being teachers from the North were to no longer come south, a requirement that left Howard suspicious. Despite successes, Howard believed the majority of whites did not approve of elevating the freedmen’s status leading them to bitterly, sometimes violently, oppose the Bureau’s school efforts.¹⁵⁰

Freedmen’s education would continue to be an area of success for the Bureau. In 1866, Congress gave the Bureau \$500,000 for the rent and repair of schools. Demand for school buildings, ones built from the ground up as school buildings, grew. The desire for

actual schools was to prevent the circumstances associated with the various non-school buildings eventually reverting back to their original use. Funding restrictions in regards to the rent and repair of schools required ingenuity. Assistant commissioners and their education superintendents encouraged the freedmen and benevolent societies to procure land and begin to erect buildings as best they could; the Bureau would then come in and “repair” the school.¹⁵¹ This ingenuity helped solidify the basis for freedmen education in the South and throughout the nation. By the end of its existence in 1872, the Freedmen’s Bureau school initiatives affected only one-tenth of the black school age children. While seemingly small, it cemented the notion of black education in the minds of both races in the South.¹⁵² Rightfully, Howard was proud of the Bureau’s work in this area.

¹*Freedmen’s Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 2.*

²*Ibid.*, 2; Foner, *Short History of Reconstruction*, 33.

³General Howard was a mere 34 years old at the time of the meeting. Oliver Otis Howard, *Autobiography of Oliver Otis Howard, Major General United States Army*, vol. 2 (New York: The Baker & Taylor Company, 1908), 206-208.

⁴Howard, *Autobiography*, 207.

⁵*Ibid.*, 208.

⁶Major General William T. Sherman as quoted in *Ibid.*, 209-210.

⁷*Ibid.*, 216-219

⁸*Ibid.*, 219; Foner, *Short History of Reconstruction*, 23-24; *Freedmen’s Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 3.*

⁹*Freedmen’s Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 3, 6.*

¹⁰Howard, *Autobiography*, 219.

¹¹Statutes at Large, XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees* (1866): 507.

¹²*Ibid.*, 507.

¹³*Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 499.

¹⁴W.E. Burghardt Du Bois, "The Freedmen's Bureau," *Atlantic Monthly* 87 (March 1901): 358. <http://etext.lib.virginia.edu/etcbin/toccer-new2?id=DubFree.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=1&division=div1> (accessed 3 May 2009).

¹⁵*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 44.

¹⁶Statutes at Large, XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees* (1866): 508

¹⁷Howard, *Autobiography*, 212.

¹⁸McFeely, *Yankee Stepfather*, 72.

¹⁹Howard, *Autobiography*, 208; Statutes at Large, XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees* (1866): 508.

²⁰Howard, *Autobiography*, 217-218.

²¹McFeely, *Yankee Stepfather*, 68-69.

²²The numbers of Assistant Commissioners quoted is based solely on names given in Howard's annual reports to Congress. Appendix A shows some states experienced even higher turnover than Howard reported to Congress. *Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 24-32; *Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 732-750; *Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 657-691.

²³Walter L. Fleming, *Civil War and Reconstruction in Alabama* (New York: The Columbia University Press, 1905), 492.

²⁴McFeely, *Yankee Stepfather*, 68-69.

²⁵*Report of the Secretary of War, in two volumes. Vol. 1*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 1, pt. 3, serial 1249, 1; *Annual Report of the Secretary of War*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 1.

²⁶*Ibid.*, 6.

²⁷*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 38; *Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 753. General Howard did not include Bureau manning statistics in every report to Congress. In addition, reports containing manning numbers were not described in a consistent manner. The peak Bureau manning numbers are somewhat difficult to discern. Eric Foner notes "the Bureau employed, at its peak, no more than 900 agents in the entire South" but does not give a timeframe for that number. In his autobiography, General Howard describes a force "upward of 2000 officers, agents, and other employees" shortly after the Bureau's creation. Foner, *Short History of Reconstruction*, 65; Howard, *Autobiography*, 217.

²⁸Du Bois, "The Freedmen's Bureau," *Atlantic Monthly*, 361.

²⁹Statutes at Large, XIII, *An Act to establish a Bureau for the Relief of Freedmen and Refugees* (1866): 508.

³⁰*Ibid.*

³¹*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 44.

³²*Ibid.*

³³Howard, *Autobiography*, 234.

³⁴*Ibid.*, 235.

³⁵*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 46.

³⁶Howard, *Autobiography*, 230-231.

³⁷*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 49.*

³⁸Howard, *Autobiography*, 234.

³⁹McFeely, *Yankee Stepfather*, 105.

⁴⁰*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 46.*

⁴¹McFeely, *Yankee Stepfather*, 106.

⁴²*Ibid.*, 112.

⁴³Samuel L. Taggart, Freedmen's Bureau Assistant Adjutant General, as quoted in *Ibid.*, 114.

⁴⁴*Ibid.*, 112-115.

⁴⁵*Ibid.*, 115.

⁴⁶Joseph S. Fullerton as quoted in *Ibid.*, 115-116.

⁴⁷*Ibid.*, 116.

⁴⁸Howard, *Autobiography*, 235.

⁴⁹*Ibid.*

⁵⁰*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 56.*

⁵¹Howard, *Autobiography*, 236-7.

⁵²*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 56-57.*

⁵³Howard, *Autobiography*, 235-6.

⁵⁴*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 50.*

⁵⁵General Clinton B. Fisk as quoted in McFeely, *Yankee Stepfather*, 119.

⁵⁶*Ibid.*, 118-119.

⁵⁷Howard, *Autobiography*, 237.

⁵⁸*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 5.

⁵⁹*Ibid.*, 6.

⁶⁰Howard, *Autobiography*, 238-9.

⁶¹*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 32.

⁶²McFeely, *Yankee Stepfather*, 163, 180-184; Howard, *Autobiography*, 241.

⁶³Randall and Donald, *The Civil War and Reconstruction*, 577.

⁶⁴*Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 523.

⁶⁵*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 37. Funding for the Bureau was included in the Army's 1866 appropriation bill. *Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 714-715.

⁶⁶Foner, *Short History of Reconstruction*, 70.

⁶⁷Foner, *Forever Free*, 98.

⁶⁸Foner, *Short History of Reconstruction*, 71.

⁶⁹*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 44.

⁷⁰*Ibid.*, 45.

⁷¹*Ibid.*, 49.

⁷²Brooks D. Simpson, Leroy P. Graf, and John Muldowny, eds., *Advice After Appomattox: Letters to Andrew Johnson, 1865-1866 (Special Volume no.1 of the Papers of Andrew Johnson)* (Knoxville: University of Tennessee Press, 1987), 42.

⁷³*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 12.*

⁷⁴Foner, *Short History of Reconstruction*, 93.

⁷⁵*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 25.*

⁷⁶Simpson, Graf, Muldowny, *Advice After Appomattox*, 47n.

⁷⁷Carl Schurz as quoted in *Ibid.*, 90.

⁷⁸Foner, *Short History of Reconstruction*, 75.

⁷⁹*Ibid.*, 75-76.

⁸⁰The second session of the 38th Congress adjourned 3 March 1865, the same day Lincoln signed the act establishing the Freedmen's Bureau. Office of the Clerk, "House History: Session Dates of Congress, 20th to 39th Congresses (December 3, 1827 to March 3, 1867)," U.S. House of Representatives, http://clerk.house.gov/art_history/house_history/Session_Dates/20to39.html (accessed 3 May 2009).

⁸¹Simpson, Graf, Muldowny, *Advice After Appomattox*, xii.

⁸²Brooks D. Simpson, *Let Us Have Peace: Ulysses S. Grant and the Politics of War & Reconstruction, 1861-1868* (Chapel Hill: The University of North Carolina Press, 1991), 117.

⁸³Ulysses S. Grant, "Accompanying Report of General Grant," in *Political History of the United States During Reconstruction*, 67.

⁸⁴*Ibid.*

⁸⁵*Ibid.*

⁸⁶*Ibid.*, 67-68.

⁸⁷*Ibid.*, 68.

⁸⁸*Ibid.*

⁸⁹*Ibid.*

⁹⁰*Ibid.*

⁹¹*Ibid.*

⁹²*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 755.

⁹³*Ibid.*, 755.

⁹⁴Foner, *Short History of Reconstruction*, 90.

⁹⁵McFeely, *Yankee Stepfather*, 199.

⁹⁶Howard, *Autobiography*, 280.

⁹⁷“Copy of the Bill Vetoed,” in *Political History of the United States During Reconstruction*, 72-74.

⁹⁸McFeely, *Yankee Stepfather*, 204-205.

⁹⁹“Copy of the Bill Vetoed,” in *Political History of the United States During Reconstruction*, 74.

¹⁰⁰Andrew Johnson, “Veto of the Freedmen’s Bureau Bill, February 19, 1866,” in *Political History of the United States During Reconstruction*, 69.

¹⁰¹*Ibid.*, 70.

¹⁰²*Ibid.*, 71.

¹⁰³Trumbull’s bill failed to gather two-thirds requirement in the Senate by two votes. “Copy of the Bill Vetoed,” in *Political History of the United States During Reconstruction*, 74.

¹⁰⁴George R. Bentley, *A History of the Freedmen’s Bureau* (Philadelphia: University of Pennsylvania, 1955), 126.

¹⁰⁵*Freedmen’s Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 29.

¹⁰⁶Whittlesey was found guilty of “conduct to the prejudice of good order and military discipline” yet only reprimanded and reassigned to Howard’s staff in Washington due to his previous record. Bentley, *A History of the Freedmen’s Bureau*, 126-128, 132.

¹⁰⁷*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 759.

- ¹⁰⁸Bentley, *A History of the Freedmen's Bureau*, 133.
- ¹⁰⁹Howard, *Autobiography*, 282.
- ¹¹⁰"Copy of the Vetoed Bill," in *Political History of the United States During Reconstruction*, 150-151.
- ¹¹¹McFeely, *Yankee Stepfather*, 143.
- ¹¹²Andrew Johnson, "Veto of the Second Freedmen's Bureau Bill, July 16, 1866," in *Political History of the United States During Reconstruction*, 147-149.
- ¹¹³"Copy of the Vetoed Bill," in *Political History of the United States During Reconstruction*, 151.
- ¹¹⁴Bentley, *A History of the Freedmen's Bureau*, 123.
- ¹¹⁵Robert R. Singleton, "James C. Beecher and the Freedmen's Bureau," *Mississippi Quarterly* 53, no. 1 (1999): before endnote 66, <http://lumen.cgscarl.com/login?url=http://search.ebscohost.com/login.aspx?direct=true&db=ahl&AN=A000490697.01&site=ehost-live> (accessed 4 May 2009).
- ¹¹⁶Sickles as quoted in Bentley, *A History of the Freedmen's Bureau*, 123.
- ¹¹⁷*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 706.
- ¹¹⁸*Ibid.*, 706-707.
- ¹¹⁹*Ibid.*, 706.
- ¹²⁰*Ibid.*, 710.
- ¹²¹Howard did not include Alabama in Circular No. 7; other sources show it was included in the Act. *Ibid.*, 763.
- ¹²²*Ibid.*
- ¹²³U.S. National Archives and Records Administration, "M1901: Records of the Field Offices for the State of Arkansas, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872," 6, <http://www.archives.gov/research/microfilm/m1901.pdf> (accessed 4 May 2009).
- ¹²⁴Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, Publishers, 1989), 246.
- ¹²⁵Bentley, *A History of the Freedmen's Bureau*, 145.

¹²⁶Howard, *Autobiography*, 285.

¹²⁷“Copy of the Bill Vetoed,” in *Political History of the United States During Reconstruction*, 78-80.

¹²⁸*Ibid.*, 78.

¹²⁹*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 718.

¹³⁰Howard, *Autobiography*, 285-287.

¹³¹*Ibid.*, 288.

¹³²*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 718.

¹³³Howard, *Autobiography*, 292.

¹³⁴*Ibid.*, 212-213.; Foner, *Short History of Reconstruction*, 68.

¹³⁵*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 47.

¹³⁶*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 712.

¹³⁷*Ibid.*, 737.

¹³⁸*Ibid.*, 767.

¹³⁹*Ibid.*, 730-31.

¹⁴⁰*Ibid.*, 713.

¹⁴¹*Ibid.*, 712.

¹⁴²Bentley, *A History of the Freedmen's Bureau*, 142.

¹⁴³*Ibid.*, 142-143.

¹⁴⁴*Ibid.*, 144.

¹⁴⁵*Ibid.*

¹⁴⁶Ibid.

¹⁴⁷*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 13.*

¹⁴⁸The Assistant Commissioner in Florida did not report any schools. Ibid., 38.

¹⁴⁹“Copy of the Vetoed Bill,” in *Political History of the United States During Reconstruction*, 150.

¹⁵⁰*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 716-717.*

¹⁵¹Bentley, *A History of the Freedmen's Bureau*, 172.

¹⁵²Ibid., 183-184.

CHAPTER 3

CONGRESS TAKES OVER RECONSTRUCTION

1867-1868: “Stable” Operations

Thomas Eliot’s 1866 Freedmen’s Bureau Bill gave Howard a definite two-year window to operate. The set time allowed the commissioner a modicum of stability within the organization to prosecute the tasks identified in the Congressional amendment to the original 1865 bill. Eliot’s bill also demonstrated the Bureau had influential political allies with the power to counter Executive Branch opposition. Even with political support, the operational environment and tasks before the Bureau remained as hostile and challenging as ever.

The two-year period allowed multiple support tasks within the Bureau to continue at a steady pace. The Bureau’s Land Division finished the restoration efforts directed by Andrew Johnson in his Amnesty Proclamation and clear guidance to Howard. In his second annual report to Congress in November 1866, Howard noted the Bureau successfully restored sixty-eight percent of the acreage it possessed to former owners, with another 272,231 acres to return.¹ By the time of his 14 October 1868 report to Congress, the remaining acreage on the Bureau’s books was cut in half. The 139,634 acres still outstanding at the time of the report were either restored by the end of the year or dropped completely from the Bureau’s purview.² Transportation efforts to relocate freedmen and refugees to locales where employment could be found also continued. Relocation numbers spiked substantially between October 1866 and September 1867 with a total of 16,931 freedmen and 778 refugees moved.³ The ever-present necessity to control costs meant the following twelve months saw a corresponding reversal with only

3,962 freedmen and 541 refugees relocated.⁴ Unfortunately for Howard, land restoration and transportation were the least of his challenges.

Continued Crop Challenges

Crops did not make a solid rebound throughout the South after the failure in 1866. As a result, Howard found it “impracticable to dispense entirely with the issue of commissary supplies.”⁵ Further crop failures and low seed yield often left planters unable, or unwilling, to pay the freedmen with whom they contracted. In turn, freedmen were incapable of paying the debts on provisions accrued over the year to support family requirements. Despite strict adherence to the restrictions on those eligible for aid, the Bureau issued an average of 11,659 rations per day between September 1866 and August 1867; citizens in South Carolina and Virginia received the bulk.⁶ Howard and the Bureau also came to the aid of a class of citizens normally outside their normal jurisdiction in 1867. A joint resolution by the House and Senate on 30 March 1867 allowed the Secretary of War, via the Freedmen’s Bureau, to distribute food “to any and all classes of destitute.”⁷ While it did not set aside any set amount of funding, the resolution enabled the Bureau to use its current appropriations as necessary to affect aid appropriately. This was significant for a couple of reasons. First, there was no loyalty stipulation to receive aid under the resolution; widows and orphans of Confederate soldiers as well as white farmers away from major freedmen population centers were qualified and received help. Second, the resolution allowed politicians to deflect criticisms at home by demonstrating the Bureau benefitted both white and black races. Relief continued into 1868; the average number of daily rations issued climbed to 16,804, a forty-four percent increase over the previous year yet still significantly smaller than the 1866 peak daily average of

29,819 rations. This was due primarily to efforts by Bureau agents to limit relief to the truly disadvantaged.⁸

Medical Assistance

Also in the aid category, the Medical Division of the Freedmen's Bureau is worthy of discussion. Again, the Bureau came to the aid of both white refugees and freedmen. Hampered by limited funding in its initial year of operation, the department relied predominantly on the Surgeon General of the Army to provide surgeons for posting to the various districts throughout the South. By the end of October 1865, the department operated forty-two hospitals and twenty-four camps with a respectable 9,500-bed capacity.⁹ The reported impact of established medical facilities was dramatic in the months immediately following the war's conclusion. "Without any medical aid whatever, [freedmen were] dying at the rate of thirty per cent," compared to less than four percent in areas with adequate medical services.¹⁰ One year later, the Bureau directed forty-six hospitals along with forty-seven dispensaries and outdoor stations-- "posts where medical officers are stationed to visit the sick at their homes."¹¹ The total number of dispensaries and outdoor stations stayed relatively constant through 1867 and into 1868.¹² Like other departments within the Bureau, the Medical Division felt the pressure to minimize costs. Between 1 July 1866 and 30 June 1867, the division spent an estimated \$301,800 to fund physician contracts, medical attendants, and procure supplies. The average cost to treat a patient during that period was less than three dollars - \$2.73. The division's focus for the following year was to reduce costs by either shutting down the hospital system or cutting it deeply.¹³ The Bureau cut it deeply; slashing the number of hospitals it managed by fifty-six percent, leaving only twenty-one on the books at the

end of June 1868.¹⁴ Dispensaries were less expensive to operate than hospitals and, in the chief medical officer's opinion, more in line with ongoing efforts to make the freedmen self sufficient.¹⁵ Table 2 shows the dramatic effect the Medical Division made in the overall mortality rate for refugees and freedmen in its four years of operation in a fiscally constrained environment.

Annual Report	Medical Period Covered	Peak # Medical Officers	Peak # Contracted Physicians	Peak # Medical Attendants	Number Refugees Treated	Refugee Mortality Rate (%)	Number Freedmen Treated	Freedmen Mortality Rate (%)
1865	Up to 10/30/65	18	83	357	2,551	8.90	45,898	12.65
1866	10/1/65 – 8/31/66	35	196	213	5,794	2.97	160,737	4.61
1867	9/1/66 – 8/31/67	23	155	526	8,853	2.21	135,296	3.43
1868	7/1/67 – 6/30/68	11	136	745	7,489	1.98	151,660	2.54

Source: Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 20-21; Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 720-721; Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 632-633; Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1024-1025.

Cholera, yellow fever, and smallpox outbreaks garnered special attention in the 1867 and 1868 annual reports to Congress. The Bureau's medical officers labored intensely to limit the diseases' blight. Table 3 summarizes reported cases for each among the freedmen. The chief medical officer credited his division's ongoing efforts to

improve sanitary conditions and vaccinate the freedmen with the dramatic reduction in the reported cases of cholera and smallpox.¹⁶

Table 3. Freedmen Vaccination and Disease Mortality Rates (1867-1868)							
Annual Report	Number Vaccinations	Cholera		Smallpox		Yellow Fever	
		Cases	Mortality Rate (%)	Cases	Mortality Rate (%)	Cases	Mortality Rate (%)
1867	4,975	1,050	43.24	1,810	9.67	No data provided	
1868*	4,563	251	59.76	256	8.98	492	6.10

*Annual report timeframes indicate some cholera, smallpox, and vaccination numbers were likely reported in both years.

Source: Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867. H. Ex. Doc. 1, pt 2.1, serial 1324, 635-636; Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868. H. Ex. Doc. 1, pt 3.1, serial 1367, 1026.

One final item of interest appears in the 1867 report regarding orphanages. The Bureau was successful during the year consolidating and aligning some orphanages under the medical departments attached to various hospitals. This reduced overhead expense associated with manning. The chief medical officer proposed a plan, previously in effect in certain parts of the country prior to the Bureau’s establishment, where freedmen would voluntarily support orphanage operations thus enabling further cost reductions. “It is for the negroes themselves to undertake to provide for their own sick and helpless ones by a system of regular (say weekly or monthly) contributions.”¹⁷ The Bureau and the “donors” would fund different aspects of the orphanage operations based on agreement: food, clothing, buildings, medical care, etc.¹⁸ The “regular contributions” concept highlighted in the suggestion supports a “separate but equal” notion of taxation and

representation before the law that would remain commonplace until the civil rights' movement of the 1960s.

Fighting Legal Discriminations

President Lincoln's Emancipation Proclamation in 1863, the ratification of the Thirteenth Amendment to the Constitution in 1865, and Lyman Trumbull's Civil Rights Act of 1866 collectively ended slavery while establishing legal protections for the freedmen, in theory at least. Reality proved much different. This paper previously addressed how misguided vagrancy laws and Black Codes were used to subject many blacks to a "near slavery" status in multiple locations throughout the South.

Apprenticeship laws were also common and put an especially tough burden on the freedmen youth. They empowered judges to place black orphans in the "care" of white employers with preference usually given to former owners. There was no requirement for pay or parental consent.¹⁹ In addition, some judges still considered the Dred Scott decision, stating blacks were not citizens of the United States, as the law of the land.²⁰

The Bureau was vital in rectifying this injustice before the courts.

Two Bureau attorneys from Maryland, Henry Stockbridge and Nathan M. Pusey, challenged the state's apprenticeship law before the Federal Circuit court as the result of a habeas corpus petition filed on 20 September 1867. The presiding judge just so happened to be U.S. Supreme Court Chief Justice Salmon P. Chase performing circuit court duties. Stockbridge and Pusey represented Ms. Elizabeth Turner against her former owner, now current trade master, Philemon T. Hambleton. In a bizarre twist, Stockbridge also represented Hambleton because the latter refused to hire a lawyer.²¹ Hambleton's main argument "was that Turner had been apprenticed prior to the passage of the

Thirteenth Amendment and the Civil Rights Act of 1866 and that the Civil Rights Act should not apply retroactively.”²² Stockbridge countered with multiple points. First, the Thirteenth Amendment was “self-executing” and Ms. Turner was currently being subjected to involuntary servitude prohibited by the first section of said amendment. Second, the purpose of the Civil Rights Act was to correct “existing wrongs, not merely prospective ones.”²³ Third, Maryland’s law treated freedmen children differently than white children. Hambleton had no legal requirement to advance Ms. Turner’s education efforts in reading, writing, and arithmetic contrary to the law’s mandate for white apprentices, a violation of the Civil Rights Act.²⁴

Chief Justice Chase concurred with Stockbridge’s arguments and rendered his decision via five brief statements. First, the Thirteenth Amendment “establishe[d] freedom as the constitutional right of all persons in the United States;” involuntary servitude was permitted only as a punishment for crime.²⁵ Second, since Ms. Turner was not convicted of a crime, her situation was involuntary servitude. Third, Maryland’s apprenticeship laws treated freedmen and white children differently violating the first section of the Civil Rights Act that guaranteed “full and equal benefit of all laws” regardless of race. Fourth, the second section of the Thirteenth Amendment gave Congress the power to enforce it via appropriate legislation; therefore, the Civil Rights Act was constitutional and had retroactive power. Fifth, “Colored persons equally with white persons are citizens of the United States.”²⁶ Turner’s case enabled Bureau lawyers to successfully set the legal precedent to overturn unequal apprenticeship laws while getting the nation’s top judge to unequivocally declare that freedmen were legal citizens

of the nation. It was a great victory but implementing its effects across the South would take time.²⁷

Advancing Schools

As mentioned earlier, the educational efforts of the Bureau were of primary concern to General Howard. The Bureau's Education Division was the sole branch earnestly trying to expand its operations as the others sought to contract.²⁸ "The freedmen . . . must have intelligence and cultivation, or they will be a power for evil rather than for good."²⁹ To advance this cause, Howard issued Circular No. 5 on 20 February 1867 ordering agents to visit the schools within their purview. His goal was to improve the collaboration between the Bureau and the local teachers in an effort to "ascertain what more can be done."³⁰ Specifically, Howard wanted to know where schools did not exist, the size of the target student population (children between the ages of six and twenty-one), and obstacles preventing new school growth. The Bureau's efforts in 1867 pushed its educational reach out of the cities and into "the remotest counties of each State lately in rebellion."³¹

Howard's interests went beyond mere elementary level educational efforts. The Bureau tracked and supported traditional day and night schools as well as Sabbath (Sunday) schools and industrial schools. The Education Division asked teachers to monitor a host of descriptors to gauge the freedmen's advance and support for learning. Categories included enrollment, average attendance, age, and numbers of students engaged in reading, writing, arithmetic, and geography classes. Meanwhile, industrial schools focused on developing the female labor pool and taught skills advantageous primarily in the textile industry. To bolster this broad and noble effort, the Bureau

provided 428 school buildings and transported 975 teachers in the first six months of 1867. The freedmen sustained, in whole or partially, an astonishing 1,056 schools and owned 391 schools outright. Further proof of the freedmen's desire to elevate their educational status was found in the fact 28,068 students collectively paid an average of \$14,555 per month in tuition during the same six-month period. The Education Division supplemented the freedmen's efforts with expenditures of \$220,833 supporting 3,675 "schools of all kinds" to educate a total student population of 236,521 in the first half of the 1867 calendar year.³²

Howard's 1868 annual report noted continued progress by the Education Division in spite of multiple challenges. Deadly race riots in New Orleans and in Memphis in the fall of 1867, open and hostile opposition to freedmen schools in portions of the South, concerns over yellow fever, and a disappointing cotton crop all negatively impacted the freedmen psyche and those supporting them. However, over one-thousand schools still operated over the summer months from July to September; the main limitation was finding teachers acclimated to the hot and humid environment. Another distraction during the year proved to be politics. Freedmen were finally given the right to vote via the Congressional Reconstruction Acts passed in 1867. One accompanying task resulting from the Acts was the approval of new state constitutions in the former insurrectionary states. The Education Division was most pleased the new constitutions, voted on by the freedmen, were including provisions for permanent universal education. The southern states had not yet decided on a final public education system but the Bureau was confident all would have some form of organization open to all races. In terms of sheer numbers, the Education Division saw a small 9.5 percent increase in the overall number

of schools to 4,026. The reported student population grew to 241,819, a disappointing increase of slightly less than 5,300. One remarkable increase for year was educational funding. The Bureau spent \$942,524 for the year ending 1 July 1868 with another estimated \$1,060,000 contributed by benevolent societies and the freedmen.³³

Even with the discussed growth in the educational system in the South, Howard recognized the Bureau, and the states, still had much work to do in this field. Based on 1860 census data showing 1,664,600 school age black children in the states under the Bureau's influence, the combined efforts of the Education Division and benevolent societies in 1868 reached only about 14.5 percent of the target student population. That percentage drops if one assumes that a portion of those counted in the day, night, and industrial school numbers were also counted as Sunday school attendants. Even if the number of students tracked by the Bureau in 1868 was doubled to account for freed children studying outside of the monitored schools, it was still less than 500,000 total students. To drive the point home, Howard noted in his annual report the freedmen school age population in the South needed an additional "23,292 schools of 50 pupils each;" it was a remarkable number considering the Bureau only managed slightly more than four thousand schools after three-and-a-half years of operation.³⁴ Despite the great need for additional schools, the Education division's efforts demonstrated to the public that freedmen were quite capable of learning. Howard summarized the results best, "We are no longer obliged to argue 'ability to learn' on the part of the negro race."³⁵

General Howard wanted the developing public education system to benefit all races of citizens in the nation. He proposed moving the Education Division in its entirety from the Bureau to the newly formed national Department of Education.³⁶ Included in

the transfer would be all school buildings currently under the Bureau's care. Once the states were operating school systems open to all races, the buildings would transfer a second time to the respective state or benevolent society if the society had originally procured the land for the school building and continued to support its operation.³⁷ In addition, the Bureau came to the aid of universities and colleges; Howard wanted to turn over the appropriate buildings to their trustees provided they "never exclude[d] any person on account of race or color."³⁸

End in Sight?

General Howard's 1867 annual report to Congress highlighted numerous civil rights violations and legal discriminations in all ten former insurrectionary states plus the District of Columbia, West Virginia, Maryland, Kentucky, and Tennessee. Each state account described the extreme challenges facing the freedmen in their journey to overcome bias and gain equal citizenship.³⁹ Perhaps the most shocking portion to read is Howard's personal recommendation "to discontinue the relief afforded by the Freedmen's Bureau, if possible, when the term of the bureau shall expire," on 16 July 1868 as set by Thomas Eliot's Bureau extension bill.⁴⁰ Given the entirety of the trials facing the freedmen as presented in the report, how could Howard conclude the Bureau would complete its mission in a mere eight-and-a-half months? The Bureau demonstrated success in protecting the civil rights of freedmen in individual cases before the courts, issued millions of rations across the South to prevent destitute starvation in both races, and made steady progress in developing a system to raise the freedmen to a higher educational plane. However, Johnson's refusal to distribute seized land, crop failures, and contract disputes were limiting many freedmen from becoming truly self-

sufficient, a key task assigned to the Bureau in Thomas Eliot's bill. It is hard to believe that nebulous assignment, along with efforts to correct the continued civil rights challenges facing the freedmen, could be rectified by July 1868.

To potentially bewildered Congressmen, Howard explained his recommendation was based on an optimistic view that Reconstruction efforts in the South would be complete by July 1868. Congressional action in 1867 gave freedmen "all the rights of citizenship" and officially put the U.S. Army in charge of Reconstruction.⁴¹ It is important to remember since its inception, the Bureau was almost completely dependent on the Army for manning. Now, the onus of protecting freedmen's rights and justly enforcing laws fell squarely on the Army's shoulders; Congress made the minimally-manned Bureau a redundant organization in this area. Howard saw the lone major obstacle as "the ignorance of those who have not yet been reached by the influences of education. This ignorance will be remedied gradually by the States establishing and setting in operation thorough systems of common schools."⁴² Howard still sought to influence the education piece by recommending the Bureau's work focus primarily on that field.

During 1867, the political environment experienced a great deal of turmoil in Washington, D.C., and subsequently throughout the South. Dramatic new legislation had widespread countering effects to President Andrew Johnson's vision for Reconstruction. The new approach, now led by Congress, promised to create a nation of equal citizens before the law negating the need for the Bureau to many citizens. A brief examination of the political scene is required to understand the context within which Howard was able to derive his optimistic recommendation.

Changing Political Dynamics

The Congressional election of 1866 did not go well for Andrew Johnson. In an effort to increase support for his Reconstruction plan, Johnson campaigned for and supported the creation of a fundamentally conservative political party to oppose radical efforts within the Legislative Branch. The centerpiece of the movement was the National Union Convention in Philadelphia in August 1866. The convention hoped to remind voters “the war had ended with the authority of the Federal government vindicated;” after all, the original purpose of the conflict, as defined by Congress, had been to preserve the Union without impairing states’ rights.⁴³ To bolster the effort, Johnson went on a two-and-a-half week campaign stint through multiple Northern states. Unfortunately, crowds jeered the President on more than one occasion causing Johnson to respond in an un- Presidential and caustic manner.⁴⁴ During a speech in Cleveland, the crowd encouraged Johnson to execute former Confederate President Jefferson Davis; he replied Radical leaders Thaddeus Stevens and Wendell Phillips deserved the same.⁴⁵ Republicans countered adeptly that Johnson and his supporters sought to put control of the Federal government into the hands of rebels and their sympathizers. At the polls, voters chose the Republican Party and gave them more than a two-thirds majority in each legislative house, ample power to override any Presidential veto.⁴⁶

Eric Foner notes that perhaps “[m]ore than anything else, the election [was] a referendum on the Fourteenth Amendment.”⁴⁷ Passed by Congress on 13 June 1866 and sent to the states for ratification, the amendment declared the former slaves were citizens (more than a year before Chief Justice Chase’s court decision in Maryland), threatened to reduce Congressional representation in states that limited male suffrage for those over the

age of twenty-one in a discriminatory manner, prevented former officials who had taken an oath supporting the Constitution and subsequently supported the rebellion from holding elected office unless pardoned by Congress (limiting Johnson's pardon authority), and invalidated Confederate debt.⁴⁸ All ten major insurrectionary states plus the three border states of Maryland, Delaware, and Kentucky soundly rejected the measure.⁴⁹ If the 1866 election results proved shocking to the South, the fact that nine of the ten insurrectionary states rejected the Fourteenth Amendment *after* the November election angered many conservative and moderate Republicans driving them to side more and more with the Radical party leadership.⁵⁰ Hans Trefousse notes, "rarely in the history of unsuccessful rebellions has the defeated faction been treated so leniently. Not one highly placed Confederate official was executed."⁵¹ Given Southern attitudes, many moderate Republicans saw the necessity of providing "protection to freedmen and loyalists in the South [while enabling] the freedmen to become full-fledged citizens."⁵² United against Johnson and alarmed by a seemingly unrepentant attitude in the South, the Republicans moved forward to wrest Reconstruction from the President.

Before yielding to the newly elected 40th Congress, the second session of the 39th Congress passed a few key pieces of legislation. First, it passed an act changing the actual convening dates of the Legislative Branch. Article I, Section 4 of the Constitution directs Congress will meet the first Monday of December unless amended by law. That would have given Johnson sole control of the government again once they adjourned per the schedule on 3 March 1867. The new act put the 40th Congress actively in place on 4 March 1867, the day after its predecessor adjourned.⁵³ This served as a check on the Executive Branch while determining re-entry requirements into Congress for the South.

The second key piece was the Army Appropriation Bill signed by Johnson on 2 March 1867. The bill dictated all orders from the President or Secretary of War relating to military operations go through the General of the Army, Lieutenant General Grant at the time. Furthermore, the General of the Army had to remain at his headquarters post in Washington, D.C. unless the Senate approved reassignment or other duty elsewhere. Johnson criticized the bill for infringing upon his function as Commander-in-Chief but nevertheless felt “constrained” to sign it.⁵⁴ Republicans viewed Reconstruction more and more as a military matter and needed access to Grant while limiting the president’s influence.⁵⁵

The final coup d’état was the Reconstruction Act of the 39th Congress passed over Johnson’s veto on 2 March 1867. The Act was a source of consternation to the political elite in the South. First, it blatantly refused to recognize the ten insurrectionary state governments developed under Johnson. Second, it split the ten states into five military districts under the command of a general officer. The duties of the military were to protect all persons and their rights to property, “suppress insurrection, disorder, and violence,” and ensure offenders were punished through the civil courts or military tribunals as necessary.⁵⁶ In essence, Congress made the military district commanders superior to Johnson’s state governments.⁵⁷ Howard and the Bureau proved influential in this extension of martial law by supplying General Grant, Secretary of War Stanton, and numerous Radical leaders multiple reports of atrocities in the South that were going unpunished in the civil courts.⁵⁸ As a result, the Act sought to limit egregious and disparate court penalties against the freedmen by requiring presidential approval for the death penalty. In order for the ten states to gain reentry into the Union and restore their

proper standing in Congress, the Act dictated each state must draft a new constitution via a convention with delegates elected from, and by, the resident male population over twenty-one years of age without regard to race. The new constitution must guarantee voting rights to male freedmen over twenty-one and be approved by a majority in a state-wide vote before being submitted to Congress for review. Finally, state legislatures formed under the new constitutions had to ratify the Fourteenth Amendment before Congress would seat representatives and consider Reconstruction in the state complete.⁵⁹

The one major flaw in the Reconstruction Act was that it failed to push the Southern states into action. Southern governments and politicians soon realized they could refuse to reorganize per the Act, keep their governments as established under Johnson's plan, and choose to live under military rule. Congress responded with a second act on 23 March 1867 directing military commanders to begin registering voters, scheduling delegate elections, organizing constitutional conventions, and moving forward on the process to create new state constitutions. Johnson vetoed the bill, as he had the first, declaring the Southern states had legitimate governments and it remained up to the states to determine voter eligibility; as with the first act, Congress overrode the veto the same day.⁶⁰ The Bureau would take an active role as this process moved forward.

Bureau's Influence on Southern Politics

As Bureau agents worked with the five military district commanders executing the tasks to build new governments per the Reconstruction Acts of 1867, Howard ordered them "not to mingle personally in the political contest[s] . . . nor to become partisans by accepting nominations to civil office."⁶¹ The reality was much different. The Union League of America, formed in 1862 to garner support for the Union war effort, became

the main political organization among freedmen voters and, with the aid of the Bureau, led the majority of freedmen to the Republican Party.⁶² As early as October 1865, the Bureau agreed to distribute Union League literature in the South; however, it was after the Reconstruction Acts of March 1867 their combined efforts grew more visible and thus more criticized by opponents.⁶³

Original Louisiana Assistant Commissioner, Reverend Thomas W. Conway, embarked on a tour of the South the month following the Acts at the request of the Union League national president. While no longer employed in an official capacity with the Bureau, Conway stayed in constant contact with Howard as he traveled the South. Howard provided Conway an introductory letter to present to local Bureau agents during his trip imploring them to assist Conway in his cause. In return, Howard sought information on any substandard Bureau agents Conway encountered along his journey. Conway relayed to Howard that Bureau officers were an immense help to the Union League in Virginia, North Carolina, and Alabama. He also reported to the Union League president detailed praise for the League from Bureau assistant commissioners in Virginia, Alabama, and Louisiana. Delighted to hear this, the League president published Conway's report in a Radical newspaper opening the Bureau to further criticism from antagonists.⁶⁴

Perhaps even more influential among the freedmen was John Mercer Langston, a mixed-race abolitionist born in 1829 to a white plantation owner and a mother of native-American and African descent.⁶⁵ Howard appointed Langston as the Bureau's Inspector of Schools in the spring of 1867. Langston visited the South one month after Conway, presumably to gain a firsthand account of the Bureau's educational efforts. After the

Cincinnati Gazette characterized his trip as one of many “Republicans Speakers Going South,” Howard warned Republican Party officials of the potential damage to the Bureau and Langston if he engaged in speeches advocating the Republican Party while on duty.⁶⁶ Yet additional headlines continued to present Langston as a Republican speaker. It is likely that Langston gave off-duty speeches educating the freedmen on their new responsibilities as voters and encouraged them to vote for Republican candidates. In January 1868, Conway wrote to Howard from Louisiana’s constitutional convention stating he and Langston had helped guide the uneducated delegates. Howard sent a note back to Conway urging him to attend Alabama’s constitutional convention as well remarking he sent orders to Langston to conduct an “inspection” of the state during the appropriate timeframe.⁶⁷

Reasons for encouraging the freedmen to lean to the Republican Party were plentiful. Georgia and Mississippi both tried unsuccessfully to challenge the constitutionality of the Reconstruction Acts and retain their governments as established under President Johnson. When asked by the five military district commanders for clarification in implementing the provisions of the acts affecting new state constitutions, Johnson and Attorney General Henry Stanberry drafted guidance that sought to exploit loopholes in the legislation, thus weakening its final impact. Tension grew between Johnson and the War Department over who had ultimate authority in the South. General Grant believed the administration could offer its interpretation of the law as an opinion, but the district commanders were the ultimate authorities. Johnson distrusted Secretary of War Stanton and sought to replace him with Grant. Johnson hoped the action would tarnish the Republican Party’s view of the general as a potential presidential candidate

while garnering support for himself from the Democratic Party as its Presidential nominee in the 1868 election.⁶⁸

Meanwhile in Florida, Assistant Commissioner John T. Sprague allowed agents William J. Purnam and Marcellus L. Stearns to serve as delegates at the state's constitutional convention in early 1868. In addition to basic freedmen registration and voter training duties, Purnam and other Florida agents took care to remind public meetings of freedmen of their plight under slavery and the Republican Party's role in ending that condition. Purnam's goal was to awaken Unionist sentiment within the state so it could combine with the rising power accompanying black suffrage to permanently end the "present dominant and insolent disloyalty."⁶⁹ Through the Bureau agents' efforts and discussions, Purnam felt they had garnered near unanimous support for the Republican Party amongst the freedmen.⁷⁰

There were other indicators top Bureau officials were working for Republican victories. In a June 1867 letter, Virginia's Assistant Commissioner Orlando Brown advised Howard that "we" could elect a Republican ticket by a twenty thousand vote majority in the state.⁷¹ Presidential supporters in Virginia warned Andrew Johnson of the Bureau's likelihood of swinging the entire freedmen vote to the Republicans.⁷² Brown's agents in Virginia distributed Union League literature advising the freedmen of their duty to vote. Part of that duty was to unite as an electorate in order to put loyal Unionist men in charge of the government. After the Bureau issued orders cautioning against overt political activity, Brown encouraged the semblance of political neutrality in public while privately encouraging his agents "not to relax their efforts" according to a letter sent to Howard in late November 1867.⁷³ In April and May 1868, Howard approved Brown's

requests for additional agents to ensure proper candidates were nominated and elected to the state's constitutional convention.⁷⁴

At the same time, assistant commissioners relocated Democratic agents to limit their impact. Brown moved the one "Copperhead" agent he knew of to a locale where his influence on the freedmen was minimized. When he discovered agents were advising the freedmen to vote for their former owners, Louisiana's assistant commissioner relayed to Howard that he fired the two "most prominent" ones. "One . . . was discharged for misappropriating rations, the other for selling clothing sent to him for distribution to the poor."⁷⁵ The charges may have been true, but the main reason appears to be their political leanings. Even Howard participated in the relocation program. While he said he did not want to control the agent's political leanings, Howard advised the agent in Mobile, Alabama to expect reassignment in order to isolate him from the freedmen's compassion in the area, if it had not naturally occurred already. Despite public orders to remain, and public claims to be, politically neutral, Howard and the Bureau apparently enforced those rules on agents sympathetic to the Democrats while viewing "political work in favor of the Republicans . . . as part of the proper instructing of Negroes."⁷⁶

Throughout 1866 and 1867, Howard worked with Republican legislators to craft bills protecting the former slaves in their newfound freedom. The election of 1866 was a dramatic victory for the Republican Party. Congress's aggressive actions in 1867 promised to put the necessary legal protections on the books to guarantee freedmen suffrage and equality before the law. In addition, freedmen could now rely on the full weight of the U.S. Army for enforcement. Discreetly aligned with the Union League, the Bureau worked to permanently deliver the freedmen vote to the Republican Party and end

any Southern Democratic dreams of reemergence in power. In light of these political developments, it is easier to see how Howard could envision a greatly diminished role for the Bureau starting in the summer of 1868.

Johnson Responds

While contemporary students may wonder about President Johnson's goals and beliefs, he was politically savvy for his day. Twice in the summer of 1867, Johnson sought to break up the Bureau without raising the ire of Radical opponents. His public goal was to put a freedman in charge of the Bureau. He offered Howard's position as Commissioner first to Frederick Douglass, "probably the most widely known Negro in America. A former fugitive slave . . . [Douglass] was a favorite of the Radicals."⁷⁷ After Douglass refused, Johnson offered the position to John M. Langston, Howard's Inspector of Schools. Langston sought the advice of General Grant, who endorsed Howard. Langston refused the position himself.⁷⁸ Both Douglass and Langston were wary of Johnson's motives. Despite being advocates for freedmen, Johnson suspected many of the Bureau's officers and agents harbored some prejudice and would not serve under a black commissioner, fracturing the organization from within.⁷⁹

Unable to replace Howard, Johnson focused on Radical assistant commissioners and district commanders. In Alabama, he dismissed the last of the original assistant commissioners, Major General Wager Swayne, on 14 January 1868 after Democratic complaints of "electioneering" during the state's referendum on the new constitution; one freedmen newspaper claimed Swayne's removal cost the Republican Party twenty thousand votes.⁸⁰ Swayne's replacement, Brigadier General Julius Hayden, served only until 31 March 1868 before being replaced himself by Brigadier General Oliver L.

Shepherd.⁸¹ In Maryland, Major General Edgar M. Gregory, the original assistant commissioner in Texas, drew the ire of prominent Democrat Montgomery Blair. Blair blasted Gregory in a letter, co-written by a former Union general officer, to Johnson claiming that no other ten men in the state achieved half the “dirty work” or harm to the conservative cause.⁸² General Horace Brooks soon replaced Gregory. In Louisiana, Johnson relieved Major General Joseph A. Mower on 4 December 1867 replacing him with Major General Robert C. Buchanan a month later.⁸³ As Howard lost assistant commissioners, General Grant was losing the battle with Johnson over military district commanders. Johnson fired two in August 1867 in an attempt to limit radical efforts in Reconstruction. Winfield S. Hancock replaced Philip H. Sheridan in command of the Fifth Military District covering Texas and Louisiana followed shortly thereafter by Edward R.S. Canby’s replacement of Daniel E. Sickles in command of the Second Military District covering the Carolinas.⁸⁴

For the Bureau, Generals Julius Hayden and Robert Buchanan proved small victories for Johnson as he continued to lose a larger political war. Hayden is credited with preventing Alabama Republicans from getting a majority of registered voters to vote for the state’s new constitution, a requirement under the Congressional Reconstruction Acts, therefore effectively defeating it.⁸⁵ Alarmed at the tactic, the Radical-controlled Congress passed its fourth Reconstruction Act on 11 March 1868. This new bill lessened the requirement for new state constitutions to a majority of voters participating in the election and reduced residency requirements for voters to ten days prior to the election in the applicable district.⁸⁶ In Louisiana, Buchanan reversed the Bureau’s political practices by ordering neutrality, again, but essentially looked the other way when the involvement

helped Democrats. Thomas Conway lamented to Howard in a letter that the Bureau in Louisiana now fell under Copperhead control.⁸⁷ However, Bureau agents still leaned heavily to and advocated for the Republican Party; one glaring example is the election and inauguration of Major General Robert K. Scott, South Carolina's assistant commissioner, as Republican Governor while still head of the Bureau in the state.⁸⁸ By June 1868, seven of the former Confederate states completed Congressional requirements to regain legislative representation. The states elected twelve Senators and thirty, out of thirty-two total, Representatives from the Republican Party to represent them in Washington, D.C.⁸⁹ The Bureau's political efforts appeared to empower a national legislature to keep Southern aristocracy in check, and potentially maintain a favorable view of the freedmen's plight. Regrettably, those same political efforts led the Bureau "into questionable activities" and created an environment so hostile, many Southerners refused to recognize its benefits to both races.⁹⁰

To Extend the Bureau or Not

Despite Howard's recommendations to discontinue the Bureau except for educational and bounty efforts as of 18 July 1868, some in Congress were not yet convinced. On 11 December 1867, just over a month after his annual report to Congress containing his recommendation, "Howard . . . ordered that all officers and agents in Maryland, Kentucky, West Virginia, and Tennessee, except school superintendents, be discharged from the Bureau."⁹¹ The order sparked alarm among Congressmen, agents, and the freedmen themselves. Howard eventually revoked the order citing judicial infractions against the freedmen and closing of their schools in locations where the Bureau was withdrawn.⁹²

Thomas Eliot, author of the bill to extend to the Bureau to 1868, sought the public's opinion on the necessity of continuing the Bureau. Responses naturally fell into two camps. On one side, Eliot got an overwhelming response from Bureau agents, freedmen's aid societies, and radical press favoring its continuance. The general consensus was the Bureau must remain in place until the States were fully reconstructed and their governments functioning properly. Even Alabama's Assistant Commissioner General Shepherd, replacement for "radical" Wager Swayne, advised he did not see how the Bureau could be done away with before the Presidential election in November 1868. The other side, expressed by conservative Southern and Northern Democratic papers, claimed the only reason to extend Bureau was to guarantee the freedmen vote for General Grant, now running for President on the Republican ticket. Conservative Republicans were starting to question the validity of the Bureau at this time as well. They worried about it being a "partisan machine," its legal necessity within properly reconstructed states, and its cost to the Federal government. In the end, Radical leaders saw benefit in having the Bureau and were able to pass a new bill on 6 July 1868 to continue its operation through 16 July 1869, one additional year.⁹³

The new bill required the Secretary of War to re-establish the Bureau in locales where it had been disbanded if he thought the safety of freedmen required it. To gain conservative support, the Secretary of War was required to disband the Bureau, except for the educational division, in any state restored to the Union and "duly represented in the Congress" unless in his and the Commissioner's opinion, the Bureau was still necessary.⁹⁴ The bill allowed Howard to use remaining Bureau funds to advance freedmen education efforts and maintain "officers of the veteran reserve corps, or of the

volunteer service,” despite orders mustering them out to ensure proper operations continued.⁹⁵ Finally, the bill authorized Howard to sell school buildings constructed by the Bureau to the many “associations, corporate bodies, or trustees” using them if they agreed to continue their use for the original purpose.⁹⁶

While the bill to extend the Bureau was debated and finalized, more political turmoil was taking place in Washington, D.C. President Johnson survived efforts by Radical leaders to impeach him primarily over the dismissal of Secretary of War Stanton, unlawful without Senate approval according to the Tenure of Office Act.⁹⁷ “Johnson’s acquittal . . . weakened the Radicals’ position within the party.”⁹⁸ At the same time, seven states were already complete with the Reconstruction process with representatives recognized by Congress. Johnson’s new Secretary of War, former General John M. Schofield, surmised this limited the Bureau’s operations. In addition, rumors circulated again of Johnson’s desire to replace Howard as Commissioner, or worse, replace large numbers of agents with ones sympathetic to him. General Orlando Brown, Virginia’s assistant commissioner, worried openly not a single Southern state could be carried for Grant if Johnson was successful.⁹⁹

Republican leaders rushed a second bill through Congress less than a month after the law extended the Bureau into 1869 and passed it over Johnson’s veto on 25 July 1868.¹⁰⁰ The new law kept Howard as Commissioner indefinitely. Should the position become vacant due to death or resignation, the Senate had to confirm any new Presidential appointee. Furthermore, it ceded ground to the more conservative portions of the Republican Party by directing Howard cease all operations, except for the educational division and payment of bounties, on 1 January 1869 unless the state was not

“restored to its former political relations” and recognized by Congress with the seating of appropriate representation.¹⁰¹

The Republican Party continued the success of the 1866 campaign with the election of Ulysses S. Grant as the 18th President in November 1868. The Democrats nominated Horatio Seymour, not Johnson, as their candidate and based their platform on “roll[ing] back Reconstruction.”¹⁰² Republicans carried 26 of the 34 states. One vital indicator of the influence of the Bureau in his election lay in the popular vote numbers. “Grant’s popular majority was only 309,584, and he probably received the votes of 450,000 Negroes.”¹⁰³ Without the freedmen, and the Bureau’s subtle but direct influence on their politics, Grant and the Republican Party could have easily lost the 1868 election.

The combined expansion and solidification of the Republican Party’s power base, favorable legislative and court actions, and assumption of military rule by the U.S. Army in the South enabled Howard to comfortably draw down the Bureau and maintain a positive outlook for the freedmen in the future. He knew things were not perfect in the South, but his Christian faith and recent experiences created a very optimistic vision. Hindsight would say Howard was too optimistic.

¹*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 708.

²*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1016-1017.

³*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 623.

⁴*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1020.*

⁵*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 639.*

⁶*Ibid.*, 639-640.

⁷*Ibid.*, 643.

⁸Bentley, *A History of the Freedmen's Bureau*, 140-141.

⁹*Freedmen's Bureau. Message from the President of the United States, transmitting Report of the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 39th Cong., 1st sess., 1865, H. Ex. Doc. 11, serial 1255, 19-20.*

¹⁰*Ibid.*, 21.

¹¹*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 720. Outdoor station definition taken from Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 633.*

¹²*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 633.; Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1025.*

¹³*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 638.*

¹⁴*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1025.*

¹⁵*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 628.*

¹⁶*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1026.*

¹⁷*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 628.*

¹⁸*Ibid.*, 628-629.

¹⁹Foner, *Short History of Reconstruction*, 94.

²⁰*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 659.*

²¹One speculation is that Hambleton was Turner's father and thus not enthusiastic about pursuing the case. Charles Olmsted, "In Re Turner (1867)," *Maryland Legal History Publications* (January 18, 2005): 14n, http://digitalcommons.law.umaryland.edu/mlh_pubs/3/ (accessed 23 March 2009).

²²*Ibid.*, 16.

²³*Ibid.*

²⁴*Ibid.*, 16-17.

²⁵*Ibid.*, 17.

²⁶*Ibid.* Congress passed the Fourteenth Amendment clearly defining citizenship on 13 June 1866. However, it was not ratified until 9 July 1868 and thus not law at the time of Turner's case. "14th Constitutional Amendment," in *Political History of the United States During Reconstruction*, 191.

²⁷One example – Kentucky's Court of Appeals declared the 1866 Civil Rights Act unconstitutional on 5 June 1867. *Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 689.*

²⁸Howard, *Autobiography*, 333.

²⁹*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 650.*

³⁰*Ibid.*, 651.

³¹Ibid.

³²There is a discrepancy in the total number of schools and students listed in the annual report between the summary table on page 652 and the supporting descriptive paragraphs. The totals listed in this report are derived from the descriptive paragraphs and align with comparisons made in the 1868 annual report. Ibid., 650-653.

³³*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1028-1030.*

³⁴Ibid., 1031.

³⁵Ibid.

³⁶*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 691.* Today's Department of Education traces its founding back to 1867 when it was created to assist the "States establish effective school systems." U.S. Department of Education, *Overview: The Federal Role in Education* [on-line]; available from [http://www.ed.gov/about/overview /fed/role.html?src=ln](http://www.ed.gov/about/overview/fed/role.html?src=ln); Internet; accessed 24 March 2009.

³⁷*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 692.*

³⁸Ibid.; *Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1059.*

³⁹*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 657-691.*

⁴⁰Howard proposed the Bureau's purpose shrink dramatically to focus solely on education efforts and settlement of back pay and bounty claims to black soldiers. Ibid., 691.

⁴¹Ibid., 692.

⁴²Ibid.

⁴³Randall and Donald, *The Civil War and Reconstruction*, 589-590.

- ⁴⁴Ibid., 589.
- ⁴⁵Foner, *Short History of Reconstruction*, 118.
- ⁴⁶Randall and Donald, *The Civil War and Reconstruction*, 590-591.
- ⁴⁷Foner, *Short History of Reconstruction*, 118.
- ⁴⁸“14th Constitutional Amendment,” in *Political History of the United States During Reconstruction*, 191; Randall and Donald, *The Civil War and Reconstruction*, 584.
- ⁴⁹“Votes of State Legislatures on the Fourteenth Constitutional Amendment” in *Political History of the United States During Reconstruction*, 194.
- ⁵⁰Ibid.; Foner, *Short History of Reconstruction*, 119.
- ⁵¹Hans Louis Trefousse, *The Radical Republicans: Lincoln’s Vanguard for Racial Justice* (New York: Alfred A. Knopf, 1969), 341.
- ⁵²Ibid., 340.
- ⁵³The Constitutionality of this act was never successfully challenged; however, Johnson’s attorney general did question the legality based on the power granted the President in Article II, Section 3 to convene both houses in special circumstances. Randall and Donald, *The Civil War and Reconstruction*, 593.
- ⁵⁴Andrew Johnson, “Message Accompanying the Approval of the Army Appropriation Bill, March 2, 1867,” in *Political History of the United States During Reconstruction*, 178.
- ⁵⁵Randall and Donald, *The Civil War and Reconstruction*, 593.
- ⁵⁶“Reconstruction Act of Thirty-Ninth Congress,” in *Political History of the United States During Reconstruction*, 191.
- ⁵⁷Randall and Donald, *The Civil War and Reconstruction*, 595.
- ⁵⁸Bentley, *A History of the Freedmen’s Bureau*, 165.
- ⁵⁹“Reconstruction Act of Thirty-Ninth Congress,” in *Political History of the United States During Reconstruction*, 192.
- ⁶⁰Randall and Donald, *The Civil War and Reconstruction*, 597.
- ⁶¹*Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary*

of War, *October 14, 1868*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1036.

⁶²Bentley, *A History of the Freedmen's Bureau*, 186; Randall and Donald, *The Civil War and Reconstruction*, 682; Foner, *Forever Free*, 130-131.

⁶³Bentley, *A History of the Freedmen's Bureau*, 187.

⁶⁴*Ibid.*, 187-188.

⁶⁵Electronic Oberlin Group, *John Mercer Langston (1829-1897)* [on-line]; available from <http://www.oberlin.edu/external/EOG/OYTT-images/JMLangston.html>; Internet; accessed 26 March 2009.

⁶⁶Newspaper headline as quoted in Bentley, *A History of the Freedmen's Bureau*, 188.

⁶⁷*Ibid.*, 188-189.

⁶⁸Simpson, *Let Us Have Peace*, 177-190.

⁶⁹William J. Purnam as quoted in Bentley, *A History of the Freedmen's Bureau*, 191.

⁷⁰*Ibid.*, 191.

⁷¹*Ibid.*, 189.

⁷²*Ibid.*, 193.

⁷³*Ibid.*

⁷⁴*Ibid.*

⁷⁵*Ibid.*, 194.

⁷⁶*Ibid.*, 194-195.

⁷⁷*Ibid.*, 196.

⁷⁸Simpson, *Let Us Have Peace*, 302 (n38).

⁷⁹Bentley, *A History of the Freedmen's Bureau*, 196.

⁸⁰*Ibid.*, 196-197; *Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1045.

⁸¹Shepherd was replaced by *Lieutenant Colonel* Edwin Beecher a mere four-and-a-half months later on 18 August 1868. *Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1045.

⁸²Bentley, *A History of the Freedmen's Bureau*, 197.

⁸³*Ibid.*, 196-197; *Report of the Secretary of War. Part I. Report of Major General O. O. Howard, Commissioner of Bureau of Refugees, Freedmen, and Abandoned Lands, to the Secretary of War, October 14, 1868*, 40th Cong., 3d sess., 1868, H. Ex. Doc. 1, pt 3.1, serial 1367, 1049. In mid-August 1867, Johnson replaced the commander of the Fifth Military District, Major General Philip H. Sheridan, over General Grant's objections. Sheridan, considered to be a Radical, led the Army's Reconstruction efforts in Texas and Louisiana. Simpson, *Let Us Have Peace*, 188-193.

⁸⁴Simpson, *Let Us Have Peace*, 193-198.

⁸⁵Bentley, *A History of the Freedmen's Bureau*, 197. About 70,000 voted in favor of the new Alabama constitution on 4 February 1868, less than half of the total number of 167,000 registered voters. Randall and Donald, *The Civil War and Reconstruction*, 600.

⁸⁶“Act of March 11, 1868,” in *Political History of the United States During Reconstruction*, 336-337. The third Reconstruction Act can be found at “Act of July 19, 1867,” in *Political History of the United States During Reconstruction*, 335-336.

⁸⁷Bentley, *A History of the Freedmen's Bureau*, 197.

⁸⁸*Ibid.*, 198.

⁸⁹*Ibid.*, 199.

⁹⁰Du Bois, “The Freedmen's Bureau,” *Atlantic Monthly*, 364.

⁹¹Bentley, *A History of the Freedmen's Bureau*, 200.

⁹²*Ibid.*, 200.

⁹³*Ibid.*, 200-201.

⁹⁴*Ibid.*, 201; “To Continue the Bureau for the Relief of Freedmen and Refugees,” in *Political History of the United States During Reconstruction*, 349.

⁹⁵“To Continue the Bureau for the Relief of Freedmen and Refugees,” in *Political History of the United States During Reconstruction*, 349.

⁹⁶*Ibid.*

⁹⁷Randall and Donald, *The Civil War and Reconstruction*, 607; Foner, *Short History of Reconstruction*, 143; “Copy of the Bill Vetoed,” in *Political History of the United States During Reconstruction*, 176.

⁹⁸Foner, *Short History of Reconstruction*, 144.

⁹⁹Bentley, *A History of the Freedmen’s Bureau*, 202.

¹⁰⁰*Ibid.*, 202.

¹⁰¹“A Bill relating to the Freedmen’s Bureau and Providing for its Discontinuance,” in *Political History of the United States During Reconstruction*, 378.

¹⁰²Jerome Mushkat, *Fernando Wood* (Kent OH: Kent State University Press, 1990), 174.

¹⁰³Bentley, *A History of the Freedmen’s Bureau*, 202.

CHAPTER 4

1869-1872: A DIMINISHED FOCUS

Reduced Operational Footprint

Per his wishes as stated in the Bureau's 1867 annual report to Congress and in compliance with the 25 July 1868 bill to narrow operations, General Howard's focus for the Freedmen's Bureau starting in January 1869 was primarily payment of bounties to former black Union soldiers and furthering the education advances of the freedmen.¹ As the associated responsibilities diminished; so did the assets available to Howard to effectively accomplish the given tasks. The Bureau's manning plunged quickly, over ninety percent in two years. In his 1869 report, Howard detailed manning cuts that reduced the 901 officers, agents, and clerks employed in 1868 down to 158 in 1869. He warned against further manpower reductions without associated cuts in responsibility.² Despite the warning, manning fell further, down to 87 by October 1870, with no accompanying drop in duties.³

Limited manning had widespread impact. Brigadier General George W. Balloch, the Bureau's Chief Disbursing Officer, noted the reduction in agents following 1868 made the payment of bounties, "especially in remote districts, very arduous."⁴ Resulting complaints about delay in bounty payments became common. "In many cases such delay [was] caused by the failure of attorneys [hired by the freedmen to file the required certificates] to furnish the necessary evidence to the Treasury Department."⁵ Also, stipulations put in place by law extended the time needed to distribute payments. Congress designed the law detailing payment of bounties to protect the freedmen from extortion by unscrupulous lawyers, or other agents, they might seek out to help gain the

back pay they were owed by the government. Once the claims were verified as legitimate, the law required the Treasury Department to make all checks for bounties payable to the Commissioner of the Freedmen's Bureau. The Bureau, in turn, deducted the appropriate legal fee for the aiding attorney and delivered the remainder in cash to the claimant upon proper identification.⁶ Unfortunately for the claimants, as the Bureau shrank in manpower and funding, it became "impossible to employ a sufficient number of agents to discover and identify the claimants, now scattered over the whole country."⁷ In spite of the delays, the Bureau processed certificates for "pay, bounty, and prize money" valued in excess of \$8.4 million by 31 August 1871; a commendable amount given the timeframe was slightly less than four-and-a-half years since Congress passed the respective law.⁸

Funding limitations eventually constrained the Bureau's efforts to aid freedmen's education initiatives. Unsuccessful in his initial bid to move the Education Division to the Department of Education and without additional appropriations, Howard watched the Bureau's ability to support freedmen schools evaporate within two years. In the first six months of 1869 and 1870, the Bureau spent \$966,231 on school construction, repairs, and rental; that figure was accompanied by another estimated \$1,115,000 contributed by benevolent societies and the freedmen themselves.⁹ By July 1870, all school funds available to the Bureau were exhausted. Without the ability to give "material aid," Howard could no longer ask for teachers' reports from the field detailing the status of freedmen students.¹⁰ Concurrently, lack of funding caused Howard "to discharge all the superintendents of education in the several States, and to close their offices;" even his general superintendent of education at his Washington, D.C. headquarters resigned.¹¹

Howard made another plea to move this work to the national Bureau of Education where Congress would hopefully provide additional appropriations and a reinvigorated push for a robust national education system.¹² The recommendation was accompanied by a warning. No Southern state was fully prepared to implement its own free public education system and, without government aid, many benevolent societies would soon cease their support. As the Bureau closed its Education Division, it lamented:

With sorrow we anticipate, if the reports of the superintendents can be relied on the closing of hundreds of these school buildings, and sending thousands of children, who beg for continued instruction, to the streets, or, what is far worse, to squalid houses, to grow up, not as props and pillars of society, but its pests. Even what has been done, and well done, will, we fear, prove but half done if unfinished.¹³

A pure lack of funding caused the most successful division of the Bureau to cease to exist. The freedmen, aid societies, and Southern states were on their own to continue tilling the education field; the Bureau planted the seeds but its work was done.¹⁴

The First Inquiry

Even as size and scope of the Bureau shrank in 1869, it still represented the face of Reconstruction and Radical efforts in the South to many northern Democrats. These individuals despised the Bureau's ability to conduct military tribunals in the South as the states underwent the Reconstruction process. Howard and the Bureau were "symbol[s] of federal interference in state sovereignty leading toward black equality."¹⁵ Fernando Wood, Representative from New York and former New York City mayor, became the group's spokesman and attacked Howard personally from the House of Representative's floor on at least two occasions, once in 1868 and again in 1870. As the House debated a bill considering the transfer of \$600,000 from the Freedmen's Bureau to the Bureau of

Education in March 1870, Wood commented Howard abused his position by using the Bureau's funds to make himself rich. The *Congressional Globe* published the comment and Howard promptly wrote Wood inviting a close inspection of the Bureau's transactions to prove his innocence.¹⁶ Wood took Howard's letter to the House floor, had the clerk read it to the assembly, and then demanded an inquiry into fifteen separate charges against Howard that Wood claimed would prove unethical conduct and dereliction of duty.¹⁷ The inquiry was given to the Committee on Education and Labor to investigate. The hearings started shortly thereafter, lasted approximately seven weeks, and concluded with a lengthy published report on 13 July 1870 exonerating Howard on all fifteen charges. The board of ten hearing the case acquitted Howard by a vote of eight to two, straight along party lines.¹⁸ Despite the loss, Wood successfully placed himself "in the center of the political spotlight" in an effort to build his credentials as a national politician; Howard and the Bureau merely served as the stepping stones.¹⁹

The significance of the investigation to this thesis is it shows the unparalleled authority given to Howard to advance educational efforts. Wood's first charge against Howard was he used Bureau appropriations to procure land for and fund Howard University, along with its associated hospital, without legal authority.²⁰ The Second Comptroller of the Treasury testified to the contrary. "There was *nothing* whatever, under any of [the Bureau] acts, that put any limit on the discretion of the Commissioner, except [one related to distribution of food aid], and one in regard to the sale of school houses, which says that he shall account for the money to the Treasurer (emphasis added)."²¹ The inquiry board validated the Bureau's financial support of Howard University because "one of the very purposes of the bureau was to educate freedmen."²²

Even with the unrestricted authority, Howard gained the Secretary of War's approval, in turn advised by the Judge Advocate General, before transferring school buildings under the Bureau's control to the various associations and trustees as he sought to start closing operations.²³ The Bureau's support of freedmen education involved many bold initiatives. Wood's charges against Howard allowed Congress, at least the controlling Republican Party, to validate and commend those efforts.

Final Investigation

On 7 March 1872, Howard headed west to New Mexico and Arizona at the request of the Secretary of Interior Columbus Delano to negotiate a continued peace with a growingly hostile Apache Indian nation led by Chief Cochise.²⁴ Shortly after his departure, the Bureau went bankrupt. Secretary of War William W. Belknap ordered Eliphalet Whittlesey, acting commissioner in Howard's absence, to discharge the Bureau's bounty agents on 15 March.²⁵ Political support for the Bureau's continuance waned. Congress agreed to formally close the Bureau in an appropriation act passed on 10 June; all remaining work in relation to payment of bounty to black soldiers would be under the immediate charge of the Secretary of War.²⁶ On 30 June 1872, the Bureau ceased existence as a separate entity within the War Department and Whittlesey began the task of transferring the documents from the Bureau's office at Howard University to the War Department. Howard, not opposed to the closing of the Bureau yet hoping to oversee the turnover, did not return to Washington, D.C. until October.²⁷

The transfer of files between the Bureau and the War Department did not go smoothly.²⁸ Over the next year-and-a-half, Secretary Belknap and his assistant adjutant general, Thomas M. Vincent, combed through the Bureau's bounty payment records

investigating discrepancies previously discovered and attributed to the Bureau's former chief disbursing officer, General George Balloch. Belknap discussed the situation with the Attorney General to determine if Howard was responsible for reimbursing the Federal government in the case of misappropriated funds; the Attorney General said Howard was pecuniarily liable for his subordinates' improper actions. Belknap eventually referred the case to the House of Representatives charging Howard with fraud. The charge centered on Balloch's purchase of and accounting for \$200,000 in U.S. registered bonds and \$50,000 in U.S. coupon bonds with bounty money the Bureau was holding as it worked to identify the proper recipients. When Belknap first learned of the bond purchase, Balloch held the coupon bonds in his personal safety deposit box. When questioned, Balloch explained the interest from the bonds allowed the Bureau to rectify payments made erroneously to fraudulent persons professing to represent valid claimants and provide the Bureau with additional funding as its financial resources constricted; the mere fact some were kept in his own safety deposit box ensured easier access for clipping of coupons. Belknap forced Howard to relieve Balloch in October 1871, shortly after the initial discovery of the bond transaction. Both Balloch and Howard believed the transactions were legal based on a discussion with Treasury Department lawyers and the purpose of the fund from which the bonds were purchased.²⁹

To prove his innocence, Howard waived the statute of limitations preventing his court martial for the alleged wrongdoing. Congress created a special court of inquiry to investigate the charges and President Grant appointed General William T. Sherman, Howard's old boss, as court president.³⁰ To Howard's advantage, two former assistant commissioners were also on the board of seven.³¹ The charges given to the board for

investigation was that Howard failed to emplace proper rules governing the payment of bounties resulting in great loss to the government, Howard was responsible for fraud committed by subordinates, he misused public funds, and he “transferred confused and incomplete records.”³² The board concluded its investigation on 9 May 1874 after forty-two sessions and found Howard “not guilty” of violating “any law of Congress [or] regulation of the army.”³³ Furthermore, the board found the Treasury Department’s accounting officers were satisfied with the reconciliation of accounts and they were the highest authority in the land for the matter in question. Since the bond investments were made with the advice and consent of the Second Comptroller of the Treasury, the board refused to attach any blame to Howard. The board did recognize some erroneous payments were made but the adjustment of those errors belonged now to the Bureau’s successor to resolve and “that General Oliver O. Howard did his whole duty, and believes that he deserves well of his country.”³⁴ President Grant approved the board’s results and signed their findings on 2 July 1874.³⁵ With Grant’s signature, the work of the Freedmen’s Bureau as led by Howard was complete.

Tracking the Bureau’s Finances

To critics, the cost of the Bureau was always an extravagance. As Howard closed down large portions of Bureau operations at the start of 1869, he had Balloch prepare a financial report documenting the complete record of Bureau funding and expenditures. The financial analysis accomplished multiple things. First, it highlighted a lack of “attention to detail” by the financial officers of the Bureau, opening the door for critics of the organization to question accounting practices. Second, it provided a complete record of Congressional appropriations and the Bureau’s efforts to raise funds outside of

Congress for operations. Finally, by tracking the financial sections of the annual reports, it allowed the nation to openly see where and how the Bureau spent money to support the over four million freedmen and refugees it was charged to govern.

The Bureau managed and reported on three separate “pots” of money. The first pot was Congressional appropriations, self explanatory. Unlike today, appropriations not fully spent during the fiscal year could be carried forward. This had positive and negative implications. First, a positive, it allowed the Bureau to plan expenditures for the matters it deemed most important to meet operational requirements. Efforts to control costs in less vital areas meant more financial aid to critical requirements without the worry of money disappearing at the end of the fiscal year; it allowed the Bureau to forecast and spend wisely. Second, a negative, it prevented regular debate in Congress on the merits of the Bureau’s mission. With prior funding available, there was no requirement to annually validate the Bureau’s work to the nation with additional monies. Congress gave the Bureau two major appropriations: approximately \$6.9 million for the year starting 1 July 1866 and another \$3.8 million for the years 1867 and 1868 (See Appendix B).³⁶ The second pot of money was the Refugees and Freedmen’s Fund; this fund grew out of the Bureau’s need to track “miscellaneous sources [of income] from which the . . . expenses . . . were paid previous to July 1, 1866.”³⁷ The final pot was the School Fund, sourced from the authorization in Thomas Eliot’s 1866 Bureau extension bill “to seize, hold, lease or sell” buildings belonging to the former Confederate States and use the proceeds for education.³⁸

If Howard and Balloch wondered how their accounting practices could be questioned, they needed to look no further than the Bureau’s own financial summaries. In

the 1869 annual report to Congress, Balloch lists Congressional appropriations totaling \$11,099,750 with total expenditures from the same fund as \$9,380,324.84. However, independent analysis of Balloch's itemized list of expenses shows his summary is understated by \$26,430. If the reader assumes Balloch's reported total sum of expenditures is correct, and thus one or more itemized subcategory incorrect, then \$27,000 is unaccounted for to achieve the remaining appropriation balance of \$1,692,425.16 at the end of August 1869. The author's calculation of reported expenses yields a substantially smaller \$570 in unaccounted Congressional appropriation funds based on the itemized expenses. If critics wanted a more damaging discrepancy, the Refugees and Freedmen's Fund in the same report fails to list itemized expenses totaling \$641,810 in order to attain Balloch's stated fund expense summary (see Appendix C, Table 6).³⁹ Unfortunately, these seemingly poor accounting practices continued in future reports. The 1870 financial report shows itemized expenses from Congressional appropriations totaling \$1,535,747.91. Since no further Congressional appropriations were listed, the remaining balance on hand should have been \$156,677.25 based on the balance available at the end of August 1869. However, Balloch reports the remaining balance as \$182,561.66; the author cannot find another appropriation to cover the \$25,884.41 discrepancy (See Appendix B, Table 5 and Appendix C, Table 6).⁴⁰ The 1871 annual report fails to account for \$3,171.04 in Congressional appropriation expenditures.⁴¹ The author's analysis of total Bureau funding and expenses, based on financial summaries in the annual reports, is found in Appendix B and C respectively. As of 30 June 1872, when Secretary of War Belknap assumed responsibilities for operations, the author calculates the Bureau spent \$13,359,065.58 on operations over its approximate

seven years of existence, not including bounty payments made to black former Union soldiers.⁴² The Bureau returned \$11.17 to the Treasury Department when it closed its doors.⁴³ The author's calculated discrepancy in Bureau bookkeeping, while unfortunate, is extremely small in context, accounting for less than 0.2 percent of total expenditures.

The financial analysis reveals challenges and successes the Bureau experienced as it sought to raise operating funds in a financially constrained environment. Secretary of War Edwin Stanton's 22 November 1865 report states Congressional appropriations given to the War Department by the 38th Congress totaled over \$516 million.⁴⁴ Funding dropped rapidly after war; by the early 1870s, the War Department's annual expenditures hovered around \$35 million with estimates for future appropriations along the same line.⁴⁵ The numbers reflect efforts to control costs within the War Department. The fact the Bureau's budget was approximately \$13 million for seven years is either outstanding or ludicrous given the scope of its responsibility. The Bureau was able to generate limited monies to support operations outside of Congressional appropriations (see Appendix B, Table 5). The Refugee and Freedmen's Fund was the main source of revenue outside of appropriations generating approximately fourteen percent of the Bureau's total receipts. The largest source within the category was the Freedmen's Fund "embrac[ing] money received from sales of confederate [sic] property, (before the creation of the school fund,) fines, contracts, marriage certificates, &c."⁴⁶ The School Fund generated a limited \$97,000 from the sale of Confederate property; every dollar supported freedmen's education efforts (see Appendices B and C).

Perhaps most important in studying the Bureau's financial affairs is examining where the money went. The author calculates the Bureau invested over \$3.7 million into

efforts supporting education, fully twenty-eight percent of its total outlays. This seed money was crucial to the success of many budding schools. In his autobiography, Howard briefly described the aid given to twenty-six separate schools, colleges, and universities that were still in existence at the dawn of the twentieth century.⁴⁷ Furthermore, schools capable of educating teachers grew from seventy at the end of the Bureau's educational oversight to "128 [colleges and universities] and 131 public high schools" in 1904 thanks to the start provided by the Bureau.⁴⁸ The second greatest expense, \$2.4 million, was the invaluable aid in the form of rations from commissary supplies given to both white and black families suffering from crop failures or sheer destitution. To critics who charged the Bureau encouraged "pauperism" and "idleness," Howard pointed out that of the four million persons under the Bureau's care, "only one in about two hundred has been an object of public charity; and nearly all who have received aid have been persons who . . . would be objects of charity in any State and at any time."⁴⁹ The medical department and all its work with hospitals and fighting diseases cost the Bureau a miniscule \$1.1 million; yet as the paper shows, their work proved vital in reducing mortality rates in areas where they were able to extend their influence. Labor is always expensive; the Bureau was no exception. Agent, clerk, and employee salaries totaled \$2.2 million, accounting for approximately seventeen percent of total expenses. By examining the expenditure report, one is able to determine the areas where the Bureau was most successful--education, relief aid, and medical care--were also the areas they were able to invest significant funds.

Was the expense worth it? The answer must be yes. The committee investigating the charges levied against General Howard by Fernando Wood in 1870 reported praise

from two international observers. Frenchman M. Hippeau reported to his country's minister of instruction how the Bureau's educational efforts reflected great honor upon the entire country. In his observation of the schools, he could tell no difference between freedmen and white students in academic competence. European orator, Castellar, also noted with admiration how the United States turned four million "beasts" into men, challenging those who advocated the superiority of a monarchy over a republic. The investigating committee, at least the Republican majority, concluded that "[n]o thirteen millions of dollars were ever more wisely spent."⁵⁰

The investigations into Howard demonstrated the widely disparate political views on the necessity of the Bureau and Congressional Reconstruction. The second and third order ramifications of guilty verdicts were immense and likely influenced the Congressional committee and Army board hearing charges. The Bureau was the face of Reconstruction and all its successes, to its proponents, and failures, to its critics. A guilty verdict would serve as the foundation for critics to end, or reverse, Congressional and Army efforts in the South. Furthermore, the Reconstruction Acts put Grant, as General of the Army, and the military district commanders in charge of the process. Censuring Howard and the Bureau would produce indirect condemnation of the President and the Army while giving Reconstruction opponents the political clout to erase the work accomplished by many of the legislators and officers comprising the investigatory boards.

As the Bureau died its political death in 1872, the Radical movement that for so long supported the Bureau, and vice versa, was declining. Congress slowly began its shift from Reconstruction to economic issues as early as 1869; the death of Thaddeus Stevens removed an influential leader in the radical movement.⁵¹ Economic depression

lay on the horizon, sparked in part by Northern Pacific Railroad's financial problems in 1873.⁵² Voters rebuked the controlling Republican Party in the 1874 elections and gave the Democrats a sixty-seat majority in the House of Representatives. The free labor ideology, so long espoused by many in the North, was now replaced by sentiment more in line with the South's old ruling class view of labor, society, and governance.⁵³

Democratic victories of 1874 signaled a national retreat from Reconstruction policies to some Southerners. In Mississippi, intimidation of freedmen voters and politicians put Democrats back into power at the state level leading the one surviving Republican Congressman, John R. Lynch, to wonder if the "war was fought in vain."⁵⁴ Politics impacted every aspect of the Freedmen's Bureau; shifting national political priorities at the end of Reconstruction would hold in check many of the Bureau's gains, especially civil rights protection, over the long term.

¹*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 691; "A Bill relating to the Freedmen's Bureau and Providing for its Discontinuance," in *Political History of the United States During Reconstruction*, 378.

²*Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 497-8.

³*Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 313.

⁴George W. Balloch as quoted in *Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 523.

⁵*Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 452.

⁶The Statutes at Large, Treaties, and Proclamations of the United States of America. From December 1867, to March 1869. Vol. XV, *A Resolution in Reference to the Collection and Payment of Moneys due Colored Soldiers, Sailors, and Marines, or their Heirs* (1869): 26.

⁷*Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 452.

⁸*Ibid.*

⁹*Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 518; *Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 324.

¹⁰*Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 451.

¹¹*Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 317.

¹²*Ibid.*

¹³*Ibid.*, 322-323.

¹⁴Foner, *Short History of Reconstruction*, 65.

¹⁵Mushkat, *Fernando Wood*, 170.

¹⁶*Ibid.*, 171, 186; *Charges Against General Howard*, 41st Cong., 2d sess., 1870, H. Rpt. 121, serial 1438, 1; Howard, *Autobiography*, 436.

¹⁷Mushkat, *Fernando Wood*, 186; *Charges Against General Howard*, 41st Cong., 2d sess., 1870, H. Rpt. 121, serial 1438, 1-3; Howard, *Autobiography*, 436.

¹⁸Mushkat, *Fernando Wood*, 186; Howard, *Autobiography*, 437; The majority and minority opinion, signed by the corresponding Representatives, of the fifteen charges can be read in *Charges Against General Howard*, 41st Cong., 2d sess., 1870, H. Rpt. 121, serial 1438, 7-55.

¹⁹Mushkat, *Fernando Wood*, 186.

²⁰*Charges Against General Howard*, 41st Cong., 2d sess., 1870, H. Rpt. 121, serial 1438, 2.

²¹Ibid., 7.

²²Ibid., 8.

²³Ibid., 9-10.

²⁴Howard, *Autobiography*, 445-446; Bentley, *A History of the Freedmen's Bureau*, 212.

²⁵Bentley, *A History of the Freedmen's Bureau*, 212.

²⁶The Statutes at Large and Proclamations of the United States of America, from March 1871 to March 1873, Vol. XVII, *Bureau of Refugees, Freedmen, and Abandoned Lands* (1873): 366; *Report of the Secretary of War*, 42d Cong., 3d sess., 1872, H. Ex. Doc. 1, pt 2, serial 1558, 4.

²⁷Howard, *Autobiography*, 447-448; Bentley, *A History of the Freedmen's Bureau*, 212.

²⁸Howard, *Autobiography*, 448-449.

²⁹Bentley, *A History of the Freedmen's Bureau*, 212-213; General George W. Balloch. *Letter from the Secretary of War, in answer to a resolution of the House of December 18, 1871, in relation to the suspension or muster-out of General George W. Balloch*, 42d Cong., 2d sess., 1872, H. Ex. Doc. 51, pt 1, serial 1510, 1-4.

³⁰Howard, *Autobiography*, 450.

³¹Bentley, *A History of the Freedmen's Bureau*, 213.

³²Howard, *Autobiography*, 450-451.

³³Ibid., 451.

³⁴Ibid., 451-452.

³⁵Ibid., 452.

³⁶*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 715; *Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 655.

³⁷*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 713.

³⁸*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 655.

³⁹Balloch reports the sum of expenditures from Congressional appropriations as \$9,325,324.84. However, calculating the expenses listed yields the sum as \$9,351,754.84. Balloch's Refugee and Freedmen's Fund expense total is \$1,787,029.97; however, itemized expenses add to \$1,145,219.97. *Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 524.

⁴⁰*Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 325.

⁴¹*Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 453.

⁴²The \$25,884.41 appropriation error shows up in the comparison of total expenditures to receipts. Total calculated expenditures (\$13,359,065.58) minus receipts (\$13,333,192.34) yields a discrepancy of \$25,873.24. Add in the \$11.17 returned to the Treasury Department and the total is the above stated error.

⁴³*Condition of Affairs of the Freedmen's Bureau*, 42d Cong., 3d sess., 1873, H. Ex. Doc. 109, serial 1566, 22.

⁴⁴*Report of the Secretary of War, in two volumes. Vol. 1*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 1, pt. 3, serial 1249, 1.

⁴⁵*Report of the Secretary of War*, 42d Cong., 3d sess., 1872, H. Ex. Doc. 1, pt 2, serial 1558, 1.

⁴⁶*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 654.

⁴⁷Howard, *Autobiography*, 402-414.

⁴⁸*Ibid.*, 415.

⁴⁹*Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c.*, 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 502; Howard, *Autobiography*, 365.

⁵⁰*Charges Against General Howard*, 41st Cong., 2d sess., 1870, H. Rpt. 121, serial 1438, 6, 20-23.

⁵¹Mushkat, *Fernando Wood*, 178; Foner, *Short History of Reconstruction*, 146-147.

⁵²Foner, *Short History of Reconstruction*, 217.

⁵³*Ibid.*, 221-222.

⁵⁴John R. Lynch as quoted in *Ibid.*, 235-237.

CHAPTER 5

ANALYSIS

W.E.B. Du Bois: A Minority Perspective

The focus of the Bureau of Refugees, Freedmen, and Abandoned lands was of course the freedmen. No paper studying its operations would be complete without presenting some view of the black perspective on the successes and failures of the Bureau. Given the contentious nature of the work before the Bureau, it is certain judgments differ; it is well beyond the scope of this thesis to present an extensive analysis of various opinions. Instead, the author will assume William Edward Burghardt (W.E.B.) Du Bois is qualified to present the critical analysis of the Bureau from the freedmen's perspective. Born in 1868, Du Bois was never a slave but his experiences gave him insight into the era. He received an undergraduate degree from Nashville's Fisk University in 1888; Du Bois taught in African-American schools in the surrounding rural area during the summers. In 1895, Du Bois earned his doctorate from Harvard University with his dissertation, *The Suppression of the African Slave Trade to the United States of America, 1638-1870*. In 1935, Du Bois published his study of the role of blacks during Reconstruction in the seminal book, *Black Reconstruction in America, 1860-1880*.¹

Du Bois penned his analysis of the Bureau in 1901 for *The Atlantic Monthly*. It was a timely article; one in which he proclaimed "[t]he problem of the twentieth century is the problem of the color line" to open and close his article.² He eloquently noted the incredibly vast challenge facing the Bureau when Congress passed the initial law:

Here, at a stroke of the pen, was erected a government of millions of men, -- and not ordinary men, either, but black men emasculated by a peculiarly complete system of slavery, centuries old; and now, suddenly, violently, they come into a

new birthright, at a time of war and passion, in the midst of the stricken, embittered population of their former masters.³

Du Bois argues the new pseudo-government of the Bureau controlled the unreconstructed governments of the South, a perception made more realistic to Southerners as the various military department commanders were realigned to also become assistant commissioners. Reinforcing that view was the ability of the Bureau to make, implement, and interpret laws, collect taxes, penalize crime, and use military force as needed. The task would have been difficult in perfect conditions; add the strife and hate resulting from war and the conclusion must be the Bureau “was in large part foredoomed to failure.”⁴

Despite the seemingly insurmountable challenges, Du Bois saw four primary areas where the Bureau was successful. First, even though the contract labor system was imperfect, the labor efforts of the Bureau were “successful beyond the dreams of thoughtful men.”⁵ The second and “greatest success” of the Bureau was naturally education, both in creating schools for the freedmen and forming the basis for today’s public educational system open to all classes of citizens. The fact many Southerners opposed educating the freedman was understandable to Du Bois; widespread education would always have revolutionary implications as learned men grew better at expressing their dissatisfaction with society’s injustices. Yet from the Bureau came Howard University in Washington, D.C., Fisk University in Tennessee, Hampton University in Virginia, and Atlanta University in Georgia. Freedmen education was well worth the investment of \$6 million by the Bureau.⁶ Third, the bounty work of the Bureau, while beleaguered with fraud, nonetheless put over \$8 million into the hands of the freedmen. It gave the freedmen needed capital necessary to purchase land, however limited, and pursue other ventures. Despite the challenges and apparent shortcomings of distributing

bounty payments, highlighted by the inquiries into the Bureau's financial and accounting actions during its final years, Du Bois deduced "some [of the bounty money], at least, was well spent."⁷

Finally, the most challenging aspect and least successful endeavor were the Bureau's courts. This was due, in part, to the extreme social change experienced by southern society and the rapidity with which it occurred. Southern citizens witnessed both ex-masters "seized . . . imprisoned, and punished" with little courtesy from the occupying army officers while "former slaves were intimidated, beaten, raped, and butchered by angry and revengeful men."⁸ The judicial system as a whole was skewed; Bureau courts existed to punish whites while civil courts tended to turn a blind eye to laws maintaining many tenants of slavery simply disguised under different terms. However, Du Bois challenges the notion the Freedmen's Bureau should be damned for every wrong allowed and mistake made; those criticisms were "neither sensible nor just."⁹ The animosity causing the very discrimination the Bureau courts sought to reverse existed "long before Oliver Howard was born."¹⁰ In Du Bois' assessment, without the Bureau courts reprisals against the freedmen would have been worse than they were and local governments would likely have "reenslaved" the freedman. The concept behind the courts, equal representation from all parties involved, was sound. However, the work of the Bureau "and the character of its personnel" naturally tilted its impartiality "in favor of the black litigants, and led without doubt to much injustice and annoyance."¹¹

Just as Du Bois saw successes in the Bureau, he recognized three shortcomings as well. His first critique stems from an almost impossible task; the "Bureau failed to establish good will between ex-masters and freedmen."¹² This critique is hard to fathom;

Howard and the Bureau would indeed have earned long-lasting notoriety if they were able overcome 250 years of prejudice in only seven years of operation. Du Bois second shortcoming for the Bureau dealt with the fact the Bureau failed to make significant numbers of the freedmen landowners; Du Bois' criticism should be leveled more at the political leaders than the constrained Bureau. Johnson's Amnesty Proclamation removed the immediate resources available to the Bureau to make the freedmen landowners. In light of this, Howard advocated Congress purchase land to rent, and eventually sell, to the freedmen.¹³ Initiatives like the Southern Homestead Act set aside land generally not conducive to farming.¹⁴ In addition, a financially constrained Bureau did not have the resources available to offer substantial amounts of aid to the freedmen to garner all the farming implements necessary for success, nor does the evidence reviewed suggest the Bureau even considered that a requirement. In spite of these challenges, freedmen were able to procure land and owned approximately 350,000 acres in Georgia by 1874.¹⁵ Du Bois' final critique was the Bureau failed "to guard its work wholly from paternalistic methods that discouraged self-reliance."¹⁶ Howard's description of Bureau operations in his autobiography has a fatherly tone to it. That outlook is best surmised by Howard's prioritized list of freedmen's needs: religion, education, land, and a home.¹⁷

The failures of the Bureau were a byproduct of both external and internal forces. The sheer magnitude and nature of the work made the Bureau's mission difficult. Du Bois argues opposition to the Bureau's purpose resulted in a "national neglect" of the freedmen and their plight.¹⁸ Despite Howard's efforts to put the proper personnel in place, "bad local agents" tarnished the Bureau's image and hampered its efforts throughout the South.¹⁹

If the shortcomings of the Bureau testify against its necessity to critics, then there was only one alternative--suffrage. Yet many refused to consider freedmen suffrage as a viable option:

Not a single Southern legislature stood ready to admit a Negro, under any conditions, to the polls; not a single Southern legislature believed free Negro labor was possible without a system of restrictions that took all its freedom away; there was scarcely a white man in the South who did not honestly regard emancipation as a crime, and its practical nullification as a duty.²⁰

Because Howard considered the Bureau's work temporary in nature, the key to solving major challenges ahead of the freedmen lay in the power of the ballot.²¹ With the Fourteenth Amendment to the Constitution, Congress threatened to reduce representation to states limiting male suffrage for reasons beyond "participation in rebellion, or other crime." That effort to coerce states into legalizing black suffrage failed. As a result, Congress passed the Fifteenth Amendment in order to prevent states from limiting the right to vote based on "race, color, or previous condition of servitude" on 27 February 1869; it was ratified on 3 February 1870 and became law.²² With the Fifteenth Amendment in place, "the Freedmen's Bureau died."²³

To Du Bois, the Bureau closed before its mission was complete. Its legacy became the "heavy heritage of [his] generation . . . [and] despite compromise, struggle, war, and struggle, the Negro [was] not free."²⁴ At the time of his writing, some remote locales still restricted blacks to the plantations where they were born. Rural farmers suffered under "economic slavery" with no way out except by death or jail while Southern cities subjugated blacks to a caste society "with restricted rights and privileges."²⁵ Courts refused to treat them equally. The product of these conditions was "lawlessness and crime. That [was] the large legacy of the Freedmen's Bureau, the work

it did not do because it could not.”²⁶ Du Bois refused to lay the blame for the period’s failings solely at the feet of the Bureau and rightfully so; the political environment following the Civil War contributed significantly to the continued problems facing the freedmen and their children.

The Bureau’s Lessons Learned

In his article, “Military History: Is It Still Practicable?” Jay Luvaas describes certain dangers inherent in using historical events to demonstrate the principles found in current doctrine. Two identified hazards are applicable for this study of the Freedmen’s Bureau. First, Luvaas warns against using history “to illustrate accepted [modern] principles.” This practice distorts the search for truth and prevents the discovery of valid lessons learned; students must therefore guard against filtering events through biased lens to confirm what they already think is true. Second, individuals must fight “the natural tendency to let doctrine sit in judgment of historical events.”²⁷ For these reasons, it is imperative to analyze the Bureau in the context of the operational environment, inclusive of the political dynamics, within which it operated. Since there was no manual in 1865 to guide Howard and the Bureau, this study will *not* use current Army stability operations doctrine, Field Manual 3-07, as a checklist to evaluate Bureau operations.

Given the political turmoil that surrounded the Bureau and constant opposition posed by President Johnson, the first question that must be answered is was the Bureau necessary? Critics said no. Walter Fleming writes in 1905 the “idea [of the Bureau] was insulting to southern white people;” it insinuated a hostile relationship existed between the races that could only be quelled “by establishing a system of espionage” to suppress the southern white population. Fleming argues the white population was indeed grateful

to the freedmen for their “conduct during the war” but “[t]he Bureau made it impossible for this feeling to find expression in acts.”²⁸ In light of the evidence, Fleming’s claim seems incredibly inaccurate to the modern Reconstruction student.

Throughout the South, there was ample opportunity for action by a supposedly grateful white population, yet inaction was the norm. As detailed earlier, Carl Schurz wrote President Johnson from Atlanta in August 1865 detailing heinous crimes committed openly and frequently against freedmen with little threat of accountability against the perpetrators by local law enforcement.²⁹ Had the release that same month of Howard’s controversial Circular No. 13 detailing abandoned land distribution procedures to the freedmen been so offensive it suddenly turned two affable races against each other? The answer is, of course, no. While there were certainly southern citizens outraged by the crimes, time and time again their governments failed to protect the freedmen, create any effective deterrence to crime against them, or punish the perpetrators committing those crimes. A grateful white population in a majority status would certainly act to correct those atrocities on its own, but it did not. The quickest way to get rid of the Bureau in the South was to provide equal protection before the law. However, southern courts consistently refused to allow black jurors, subpoena black witnesses, pay heed to black testimony when witnesses were called, and enforce laws equally for convicted criminals regardless of race.³⁰ In addition, states refused or were unable to care for sick, infirm, and elderly freedmen without families despite repeated pleas by the Bureau. Here were cases where an amicable population had the opportunity to care for individuals who spent their entire life on a plantation and, as a result, had no earnings to live on in their

old age but did not act.³¹ Examining the inaction of the friendly population, the conclusion must be the Bureau was necessary.

The next question that arises is did the Bureau successfully accomplish the mission it was created to perform? It is in this arena where the hotly contested political debates of the period must be included. First, the basic name of the organization must be examined--the Bureau of Refugees (generally associated with destitute whites), Freedmen, and Abandoned Lands. Whether intentional or not, the name reflects the racial priorities common to the era. Also, while the educational efforts of the Bureau proved lasting, it was not the Bureau of Refugees, Freedmen, and Education. The legislators who finally agreed on the nebulous bill to create the Bureau recognized the importance of the abandoned lands and included it in the organization's title.³²

Abandoned land distribution was the only well defined task in the original Bureau bill. Land reform, therefore, should have been integral to the Bureau's operations in the South.

While the original bill gave the Commissioner widespread freedom of action and the authority to take the initiative, it included a key check to the Commissioner's power by requiring presidential approval of rules and regulations. Legislators could not have foreseen Lincoln's assassination when they sent the bill forward for his signature. To his credit, Lincoln had shown he was willing to compromise and adapt his stance on subjects based on new information. Johnson, however, proved unwilling to change his views and exploited the presidential approval loophole in the Bureau bill to kill any hope of immediate land ownership to freedmen throughout the South despite the precedent set in Port Royal, South Carolina, Davis Bend, Mississippi, and by Major General Sherman along the South Carolina and Georgia low country coast. In effect, Johnson's amnesty

proclamation in May 1865 put into place a “reverse” land reform process that stripped freedmen of lands previously given to them by government agencies.

Land reform critics will point to due process protections afforded in the Fifth Amendment and thus claim the initiative was unconstitutional. Yet, the Bureau gained possession of these lands not by action of their own, but through the laws put in place by Congress; due process was given. Undoubtedly, the initiative would create controversy. However, the best time to implement the policy, when it was most feasible politically, was immediately following the cessation of hostilities before a resistive political will in the South could be effectively revived. In addition, the Bureau’s control of 850,000 acres meant that only slightly more than twenty-one thousand freedmen families would benefit if the forty-acre plot remained the standard. Despite its relatively small overall impact, Johnson stood to gain considerable political clout by simply giving priority of claims to the approximately 110,000 surviving freedmen that served or were still serving in the Union Army at the conclusion of the war.³³ Even with this small land reform initiative, the new landowners would likely still have been dependent upon the local white populace for the procurement of all the tools necessary in an agrarian society. It was a wasted opportunity to create a true sense of equality and benefit loyal freedmen citizens who actively participated in support of the Union. If due process was still a concern, a financial reimbursement to the original owner was politically feasible immediately following cessation of hostilities. Johnson likely could have garnered support from moderate and conservative politicians, spread his political base, and then in turn to sold the property at cost, or with low-interest loans, to the freedmen.

Besides land, the other major mission areas for the Bureau were supporting education efforts, aiding the destitute, protecting civil rights, and enabling freedmen self-support. While the Bureau's educational reach only touched approximately one in ten of the target age range while in operation, the long-term results clearly demonstrate success in this area. While there were some who took advantage of the system, the Bureau also proved effective in aiding the destitute, both white and black. As previously discussed, the states inability to provide and enforce equal judicial proceeding forced the Bureau to create its own court system. The Bureau's legal efforts were instrumental in fighting black codes, holding racist vagrancy laws in check, and overturning apprenticeship laws essentially enslaving freedmen children without parental consent.

By far, the largest charge facing the Bureau was to assist the freedmen in becoming self sufficient; there were successes and failures. Land reform, previously discussed, hampered efforts in this arena. Bureau manning, specifically continuity at the state and local level, was atrocious. Johnson clearly did not approve of the Bureau's existence beyond its initial year's authorization. Unable to discredit Howard and the Bureau at the national level, Johnson politicized the assistant commissioner positions by reassigning those with views contrary to his on Reconstruction, just as he did with the military district commanders. Influential citizens in favor of Johnson's Reconstruction plan sought to delay actions in hopes of gaining an agent more sympathetic to their viewpoint. Since Howard gave the assistant commissioners a great deal of autonomy early on in the operation, each change in leadership at the state level brought about a new interpretation of policy. The numerous and changing perspectives undoubtedly proved frustrating to local citizens. As operations progressed beyond 1869 and the focus shifted

to education and payment of bounties, a pure lack of manning hampered the process for both the Bureau and the claimants, directly leading to inefficiencies and contributing to accusations of impropriety. This slowed the distribution of funds vital to improving the standing of many freedmen families.

The one area where Howard and Bureau truly have responsibility and bear the brunt of criticism is with labor. As Du Bois pointed out, the Bureau was successful in getting the labor force back into the field to revive the southern agricultural economy. However, if the Bureau wanted equality for the freedmen and to encourage labor practices found in the North, the “contract labor” system implemented fell short. The yearly contracts required of freedmen to labor on plantations had no counterpart in the North among factory workers or in the South among poor whites. Howard’s initial guidance to the assistant commissioners directing freedom for the former slaves to choose their employers was the better initiative to institute a “free labor” ideology in the South.

The political situation following the Civil War was extremely dynamic. It was only natural the Freedmen’s Bureau, the face of Reconstruction to many in the South, would be caught in the middle as it worked to integrate the former slaves into American society. Despite its naysayers, the Bureau was necessary and critical to the freedmen during its operations from 1865 to 1872.

¹National Association for the Advancement of Colored People, “W.E.B. Du Bois,” <http://naacp.org/about/history/dubois/index.htm> (accessed 8 May 2009).

²Du Bois, W.E.B., “The Freedmen’s Bureau,” *Atlantic Monthly*, 354, 365.

³*Ibid.*, 357.

⁴*Ibid.*, 359-360.

⁵Ibid., 361.

⁶Du Bois's education funding figure differs from the author's. Du Bois does not provide any explanation of how the \$6 million figure is determined. While the two figures differ, it remains true education was *the* major expenditure for the Bureau. Ibid.

⁷Ibid., 362.

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Ibid., 363.

¹³ Howard, *Autobiography*, 241.

¹⁴ Foner, *Reconstruction: America's Unfinished Revolution*, 246.

¹⁵ Du Bois, W.E.B., "The Freedmen's Bureau," *Atlantic Monthly*, 361.

¹⁶Ibid., 363.

¹⁷ Howard, *Autobiography*, 368.

¹⁸ Du Bois, W.E.B., "The Freedmen's Bureau," *Atlantic Monthly*, 363.

¹⁹Ibid.

²⁰Ibid., 364.

²¹ Howard, *Autobiography*, 226; Du Bois, "The Freedmen's Bureau," *Atlantic Monthly*, 364.

²² Statutes at Large, Vol. XV, *A Resolution proposing an Amendment to the Constitution of the United States* (1869): 346.

²³ Du Bois, "The Freedmen's Bureau," *Atlantic Monthly*, 364.

²⁴Ibid.

²⁵Ibid.

²⁶Ibid., 364-365.

²⁷Jay Luvaas, "Military History: Is It Still Practicable?" *Parameters* 25, (Summer 1995): 87-88. <http://www.carlisle.army.mil/usawc/parameters/1995/luvaas.pdf> (accessed 5 May 2009)

²⁸Fleming, *Civil War and Reconstruction in Alabama*, 469.

²⁹Simpson, Graf, Muldowny, *Advice After Appomattox*, 90.

³⁰*Annual Report of the Secretary of War. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 39th Cong., 2d sess., 1866, H. Ex. Doc. 1, pt 3, serial 1285, 718, 725, 733, 738, 743.

³¹*Report of the Secretary of War. Part I. Report of the Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands*, 40th Cong., 2d sess., 1867, H. Ex. Doc. 1, pt 2.1, serial 1324, 636; *Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc.*, 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 452; Howard, *Autobiography*, 357-358, 364-365.

³²McFeely, *Yankee Stepfather*, 91.

³³*Report of the Secretary of War, in two volumes. Vol. 1*, 39th Cong., 1st sess., 1865, H. Ex. Doc. 1, pt. 3, serial 1249, 29.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

The social situation in the United States at the end of the American Civil War was a tense one; this thesis focused specifically on the South. After 250 years of class subjugation, the United States liberated the African slave population from the literal bonds that tied it to the plantation and treated men, women, and children as mere property. The nation handed the victorious army the intimidating challenge to integrate and protect the rights of this newly unshackled group into a civilization where racial and class seclusion was the norm. Activist political leaders longing for this day wanted and expected the process to occur quickly. Political opponents, entrenched in what was considered more conservative ideology, did not believe the freedmen were ready, or capable, to be equal citizens and sought to slow or stop the process completely. Thus, political leaders viewed the Freedmen's Bureau as either absolutely critical or a gross overreach of government authority and a waste of tax dollars.

Department of the Army's Field Manual 3-07 describes the use various stability mechanisms in order to achieve a "lasting, stable peace."¹ The American Civil War is one demonstration of how forces can achieve a stable peace yet still leave simmering discord and conflict under the surface. Reconciliation of warring factions is the current buzzword and considered a vital aspect of modern stability operations. This case study reveals that long-seeded racial views and animosity are not likely to be overcome in short periods of time. After 250 years of slavery, the Bureau's seven years of operation was woefully insufficient in resolving racial tension. Another century, and a second hotly-debated Civil Rights Movement, passed before the two races even came close to the goals

established by the Radical political leaders in Congress during Reconstruction.

Politicians and military leaders today should see this experience from the American past as an indicator that even in the absence of open conflict between disparate races or cultures, persistence and time (decades not years) are likely required to achieve a true lasting peace where both cultures recognize the value and importance of the other.

One of the major aspects of the Bureau, and its role in implementing the Civil Rights Act of 1866, was an attempt to establish an *equal enforcement* of the rule of law. The South operated under viable and functioning governments that were capable of drafting equitable legislation without regard to race. The problem came from the contrasting enforcement of those laws within the judicial system. While the creation of a governing system with an equitable legislative approach to all classes of citizens is vital, just enforcement is the true measure of success in evaluating the rule of law.

The last major hurdle the Freedmen's Bureau was never able to overcome was the ability to establish itself as a legitimate organization in the eyes of a majority of the southern white population. The Bureau did some outstanding work in relieving suffering for both the white and black races in the South. It was instrumental in getting the workforce back into place to revive the southern economy. When crop failures occurred and farmers could not afford to pay their workforce, the Bureau came in with aid to prevent widespread starvation. In spite of all it did, the actions of a few corrupt agents left an overall resentment and disdain for the Bureau among major portions of the populace. Because the Bureau failed to establish its legitimacy with the majority white populace, its actions and efforts to integrate the freedmen into society were summarily dismissed after its dissolution by Congress.

Recommendations

The preparation of this thesis was extremely enlightening. It only scratches the surface in an attempt to examine, primarily, national politics and Bureau operations. Several books exist on the individual southern states' experiences in Reconstruction and offer opportunity for future study. The impact of Johnson's restoration policy and the resulting long-term landholding implications for the freedmen in South Carolina would be one recommended area. Access to land is an extremely sensitive issue in multiple conflict areas around the world today; an in-depth study of the Bureau in South Carolina focused on land could provide practical insights. Also, the Bureau in Louisiana and Texas, and subsequently the Fifth Military District, was intensely political in nature. A focused case study on this region would provide insight into the impacts on local commanders and the populace when major multiple major policy changes occur.

¹Department of the Army, *Field Manual 3-07: Stability Operations* (Washington, DC: Government Printing Office, 2008), 4-7.

APPENDIX A

FREEDMEN'S BUREAU ASSISTANT COMMISSIONERS

Table 4. Assistant Commissioners		
State:	Name:	Date Assigned:
Alabama	Wager Swayne	26 Jul 1865
	Julius Hayden	14 Jan 1868
	Oliver L. Shepherd	31 Mar 1868
	Thomas H. Ruger	13 Aug 1868
	Edwin Beecher	18 Aug 1868
Arkansas	John W. Sprague	10 Jun 1865
	Edward O.C. Ord	26 Oct 1866
	Charles H. Smith	2 Apr 1867
Delaware	Minimal Bureau activity in state, at times under purview of Maryland's or District of Columbia's assistant commissioner	
District of Columbia	John Eaton, Jr.	13 Jun 1865
	Joseph S. Fullerton	4 Dec 1865
	Charles H. Howard	7 Feb 1866
Florida	Rufus Saxton	13 Jun 1865
	Thomas W. Osborn	13 Sep 1865
	John G. Foster	11 Jun 1866
	John T. Sprague	5 Dec 1866
	George W. Gile	1 Nov 1868
Georgia	Rufus Saxton	10 Jun 1865
	Davis Tillson	22 Sep 1865
	Caleb C. Sibley	14 Jan 1867
	John R. Lewis	16 Oct 1868
Kentucky	Clinton B. Fisk	26 Jun 1865
	Jeff C. Davis	13 Jun 1866
	Sidney Burbank	1 Mar 1867
	Benjamin P. Runkle	7 Jan 1869
Louisiana	Thomas W. Conway	18 May 1865
	Joseph S. Fullerton	16 Oct 1865
	Absalom Baird	11 Nov 1865
	Philip H. Sheridan	7 Sep 1866
	Joseph A. Mower	6 Nov 1866
	William H. Wood	4 Dec 1867
	Robert C. Buchanan	2 Jan 1868
	Edward Hatch	15 Aug 1868

Maryland	George J. Stannard	30 Mar 1866
	Robert Chandler	1 Jul 1866
	Francis Fessenden	20 Jul 1866
	Edgar M. Gregory	1 Sep 1866
	Horace Brooks	1 Feb 1868
Mississippi	Samuel Thomas	20 Jun 1865
	Thomas J. Wood	24 Apr 1866
	Alvan C. Gillem	31 Jan 1867
Missouri	John W. Sprague	10 Jun 1865
	Bureau withdrawn from the state somewhere between 19 Sep 1865 and 18 Dec 1865.	
North Carolina	Eliphalet Whittlesey	1 Jul 1865
	Thomas H. Ruger	16 May 1866
	John C. Robinson	20 Jun 1866
	James V. Bomford	1 Dec 1866
	Nelson A. Miles	21 Apr 1867
	Jacob F. Chur	15 Oct 1868
South Carolina	Rufus Saxton	10 Jun 1865
	Robert K. Scott	20 Jan 1866
	John R. Edie	11 Aug 1868
Tennessee	Clinton B. Fisk	26 Jun 1865
	John R. Lewis	18 Sep 1866
	William P. Carlin	25 Jan 1867
	James Thompson	31 Oct 1868
Texas	Edgar M. Gregory	21 Sep 1865
	Joseph B. Kiddoo	2 Apr 1866
	Charles Griffin	24 Jan 1867
	Joseph J. Reynolds	21 Sep 1867
	Edward R.S. Canby	18 Jan 1869
	Joseph J. Reynolds	8 Apr 1869
Virginia	Orlando Brown	13 Jun 1865
	Alfred H. Terry	22 May 1866
	John M. Schofield	15 Aug 1866
	Orlando Brown	20 Mar 1867
West Virginia	Minimal Bureau activity in state, at times under purview of Maryland's assistant commissioner	

Source: George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia: University of Pennsylvania, 1955), 215-216.

APPENDIX B

SUMMARY OF BUREAU FUNDING

Table 5. Bureau Receipts						
CONGRESSIONAL APPROPRIATIONS						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Appropriation for 1866	\$6,944,450.00				\$6,944,450.00	
Appropriation for 1867 & 1868	\$3,836,300.00				\$3,836,300.00	
Bounty Expenses	\$214,000.00		\$87,5000.00		\$301,500.00	
Hospital / Medical Dept	\$50,000.00		\$78,000.00		\$128,000.00	
Destitute of Washington, D.C.	\$25,000.00				\$25,000.00	
Destitute of Washington, D.C.	\$15,000.00				\$15,000.00	
Destitute of Washington, D.C.	\$15,000.00				\$15,000.00	
Operating Costs			\$127,000.00		\$127,000.00	
Public Property – Office Furniture Sale				\$1,592.83	\$1,592.83	
Payment for Patients Treated – Washington, D.C.				\$7218.10	\$7218.10	
Balance on Hand (From Appendix C)	N/A	\$1,692,425.16	\$182,561.66*	\$112,798.24		
TOTAL:	\$11,099,750.00	\$1,692,425.16	\$475,061.66	\$121,609.17	\$11,401,060.93	

* The author calculates that a discrepancy exists in the 1870 annual report to Congress. General Balloch, Chief Disbursing Officer, lists expenses from the Appropriation Fund that add to the TOTAL found in Table 6. However, he reports no new appropriation for the year into the fund. The author calculates the remaining balance at 31 August 1870 should be \$156,677.25, as depicted in Table 6, based on the expenses given subtracted from the starting funds available. However, Balloch reports funds remaining as \$182,561.66, a discrepancy of \$25,884.41. The discrepancy continues to be reported in the 1871 annual report to Congress. The author can find no additional appropriation to account for the difference.

REFUGEE & FREEDMEN'S FUND						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Freedmen's Fund	\$971,844.58	\$455.23		\$10,400.84	\$982,700.65	
Clothing for Destitution	\$10,354.70				\$10,354.70	
Government Farms	\$193,295.50				\$193,295.50	
Rent of Buildings	\$109,101.63				\$109,101.63	
Rent of Land	\$286,304.10				\$286,304.10	
Quartermaster's Dept	\$12,200.00				\$12,200.00	

Table 5. Bureau Receipts (cont.)						
REFUGEE & FREEDMEN'S FUND (cont.)						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Conscript Fund	\$13,369.06				\$13,369.06	
Schools	\$98,940.68				\$98,940.68	
Subsistence Stores (Refunded to planters)	\$1,203.96	\$1,969.50			\$3,173.46	
Office Furniture Auction	\$125,107.13	\$16,351.73	1,211.68		\$142,670.54	
Balance on Hand (From Appendix C)	N/A	\$16,961.37	\$2,430.79	\$0.00		
TOTAL:	\$1,803,991.34	\$35,737.83	\$4,336.50	\$10,400.84	\$1,835,074.35	
SCHOOL FUND						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
School Fund	\$61,654.06	\$18,248.00	\$5,780.00	\$11,375.00	\$97,057.06	
Balance on Hand (From Appendix C)	N/A	\$6,980.77	\$15,154.17	\$0.00		
TOTAL:	\$61,654.06	\$25,228.77	\$20,934.17	\$11,375.00	\$97,057.06	
TOTAL FUNDS AVAILABLE						
Congressional Appropriations	\$11,099,750.00	\$1,692,425.16	\$475,061.66	\$121,609.17	\$11,401,060.93	
Refugee & Freedmen's Fund	\$1,803,991.34	\$35,737.83	\$4,336.50	\$10,400.84	\$1,835,074.35	
School Fund	\$61,654.06	\$25,228.77	\$20,934.17	\$11,375.00	\$97,057.06	
TOTAL AVAILABLE:	\$12,965,395.40	\$1,753,391.76	\$500,332.33	\$143,385.01	\$13,333,192.34	

Source: *Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c., 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 523-524; Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc., 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 324-325; Report of the Secretary of War. Volume I. Report of the Commissioner Bureau Refugees, Freedmen, Etc., 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 453-454; Condition of Affairs of the Freedmen's Bureau, 42d Cong., 3d sess., 1873, H. Ex. Doc. 109, serial 1566, 22-23.*

APPENDIX C

SUMMARY OF BUREAU EXPENSES

Table 6. Bureau Expenditures						
CONGRESSIONAL APPROPRIATIONS						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Agent Salaries	\$928,158.05	\$65,809.34	\$23,886.08		\$1,017,853.47	
Clerk Salaries	\$1,012,520.63	\$91,805.37	\$21,923.64		\$1,126,249.64	
Stationary & Printing	\$146,175.43	\$20,939.54	\$7,126.59	\$2,027.35	\$176,268.91	
Quarters & Fuel	\$420,312.98	\$34,490.79	\$9,624.30	\$3,411.12	\$467,839.19	
Clothing Distribution	\$254,319.43				\$254,319.43	
Commissary Stores	\$2,265,301.26	\$45,239.16	\$42,456.40		\$2,352,996.82	
Medical Dept	\$987,614.50	\$112,511.37	\$29,979.24	\$63,024.11	\$1,193,129.22	
Transportation: Officers & Agents	\$327,627.53	\$46,591.14	\$11,085.51	\$5,853.63	\$391,157.81	
Transportation : Freedmen	\$210,556.88	\$3,329.48			\$213,886.36	
Transportation: Stores	\$166,552.69	\$3,644.49			\$170,197.18	
Forage	\$134,264.00	\$7,736.19			\$142,000.19	
Superintendent of Schools	\$76,780.21	\$30,319.12	\$1,100.00		\$108,199.33	
Schools, Asylums, Etc	\$1,869,845.08	\$903,191.53	\$112,527.26		\$2,885,563.87	
Telegraphing & Postage	\$72,078.92	\$5,694.96	\$674.64	\$575.34	\$79,023.96	
Internal Revenue	\$4,981.55	\$32,738.79			\$37,720.34	
Southern Relief	\$408,344.21				\$408,344.21	
Transfer to Agriculture Dept	\$50,000.00				\$50,000.00	
Bounty Collection & Payment	\$17,321.49	\$131,706.64	\$98,708.72	\$46,706.45	\$794,443.30	
Destitute in Washington, D.C.	\$25,000.00				\$25,000.00	
Destitute in Washington, D.C.	\$15,000.00				\$15,000.00	
Destitute in Washington, D.C.	\$15,000.00				\$15,000.00	

Table 6. Bureau Expenditures (cont.)						
CONGRESSIONAL APPROPRIATIONS (cont.)						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
<i>Unaccounted for Expenses*</i>	\$570.00		\$3,171.04		\$3,740.94	
TOTAL:	\$9,407,324.84	\$1,535,747.91	\$362,263.42	\$121,598.00	\$11,426,934.17	
Balance on Hand (To Appendix B.)	\$1,692,425.16	\$156,677.25**	\$112,798.24	\$11.17		
* The 1869 annual report to Congress reports the Bureau's cumulative expenses to 31 August 1869. The author was unable to get the expenses given to equal the TOTAL listed in the official report. <i>Unaccounted for Expenses</i> shows the amount missing from the report based on the author's calculations.						
** See Appendix B, Table 5. General George Balloch reports funds remaining as \$182,561.66. That figure does not match the author's calculation based on funds available and expenses reported.						
REFUGEE & FREEDMEN'S FUND						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Freedmen's Fund	\$26,773.57				\$26,773.57	
Clothing Distribution	\$98,665.37				\$98,665.37	
Government Farms	\$53,888.14				\$53,888.14	
Rent of Buildings	\$65,098.36				\$65,098.36	
Rent of Land	\$37,186.52				\$37,186.52	
Quartermaster's Dept	\$181.49				\$181.49	
Conscript Fund	\$8,179.38				\$8,179.38	
Schools	\$594,175.07	\$33,268.64	\$4,336.50	\$10,400.84	\$642,181.05	
Transportation	\$26,016.47				\$26,016.47	
Household Furniture	\$2,094.90				\$2,094.90	
Employee Salaries	\$70,877.25				\$70,877.25	
Repairs of Buildings	\$21,475.93				\$21,475.93	
Contingent Expenditures	\$130,627.01				\$130,627.01	

Table 6. Bureau Expenditures (cont.)						
REFUGEE & FREEDMEN'S FUND (cont.)						
Purpose	1/1/65 – 8/31/69	9/1/69 – 8/31/70	9/1/70 – 8/31/71	9/1/71 – 6/30/72	TOTAL:	
Internal Revenue	\$9,980.51				\$9,980.51	
Incidental Expenses		\$38.40			\$38.40	
<i>Unaccounted for Expenses*</i>					<i>\$641,810.00</i>	
TOTAL:	\$1,787,029.97	\$33,307.04	\$4,336.50	\$10,400.84	\$1,835,074.35	
Balance on Hand (To Appendix B.)	\$16,961.37	\$2,430.79	\$0.00	\$0.00		
SCHOOL FUND						
School Fund	\$54,673.29	\$10,074.60	\$20,934.17	\$11,375.00	\$97,057.06	
Balance on Hand (To Appendix B.)	\$6,980.77	\$15,154.17	\$0.00	\$0.00		
TOTAL EXPENDITURES						
TOTAL EXPENDITURES**	\$11,249,028.10	\$1,579,129.55	\$387,534.09	\$143,373.84	\$13,359,065.58	
TOTAL BALANCE ON HAND	\$1,716,367.30	\$174,262.21	\$112,798.24	\$11.17***		

* The 1869 annual report to Congress reports the Bureau's cumulative expenses to 31 August 1869. The author was unable to get the expenses given to equal the TOTAL listed in the official report. *Unaccounted for Expenses* shows the amount missing from the report based on the author's calculations.

** A discrepancy of \$25,873.24 exists between Total Receipts (Appendix B, Table 5.) and Total Expenditures. This is equal to the Balloch discrepancy highlighted in tTable 5. minus the \$11.17 returned to the Treasury Department.

*** Returned to the Treasury Department.

Source: Report of the Secretary of War. Report of the Commissioner Bureau Refugees, Freedmen, &c., 41st Cong., 2d sess., 1869, H. Ex. Doc. 1, pt 2, serial 1412, 523-524; Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc., 41st Cong., 3d sess., 1870, H. Ex. Doc. 1, pt 2, serial 1446, 324-325; Report of the Secretary of War. Volume 1. Report of the Commissioner Bureau Refugees, Freedmen, Etc., 42d Cong., 2d sess., 1871, H. Ex. Doc. 1, pt 2, serial 1503, 453-454; Condition of Affairs of the Freedmen's Bureau, 42d Cong., 3d sess., 1873, H. Ex. Doc. 109, serial 1566, 22-23.

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Mr. Marlyn R. Pierce
Department of Military History
USACGSC
100 Stimson Ave.
Fort Leavenworth, KS 66027-2301

Dr. Terry L. Beckenbaugh
Department of Military History
USACGSC
100 Stimson Ave.
Fort Leavenworth, KS 66027-2301

Mr. Wilburn E. Meador, Jr
Department of Military History
USACGSC
100 Stimson Ave.
Fort Leavenworth, KS 66027-2301