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**FREEDOM TO WORK, NOTHING MORE NOR LESS: THE FREEDMEN'S
BUREAU, WHITE PLANTERS, AND BLACK CONTRACT LABORERS IN
POSTWAR TENNESSEE, 1865-1868**

A Thesis

Presented for

the Master of Arts Degree

in History

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David Stanley Leventhal

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For Dad.

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ABSTRACT

This thesis explores the black labor situation in postwar Tennessee from 1865 to 1868. Using a wide array of primary sources from Tennessee, the research unveils an inherent bias in the Freedmen's Bureau's forced contract system of labor. My conclusions highlight the collusion and complacency of bureau officials and planters who confined freedpeople to agricultural labor during the initial years of African-American freedom. Whites—Northern and Southern—worked cohesively toward common goals of agricultural prosperity, law and order, and white supremacy.

The bureau's contract system was devised as an emergency measure to put idle blacks back in their "appropriate" positions as agricultural laborers, but bureau officials failed to recognize that freedpeople refusing to work on farms were not lazy and irresponsible; rather, they were discontented with former slaveholders and desperate for non-plantation work. Contracts served the needs of the planter class and the free-labor proponents of the North. The bureau restored order and productivity to Tennessee by providing ex-slaveowners with the legal means to acquire cheap and exploitable labor. Formal stipulations codified the old system of enslavement through a new medium, and bureau-approved contracts became the new figurative overseers of African-American agricultural laborers in the post-emancipation South.

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INTRODUCTION

[Liberty] does not consist in idleness. Liberty does not consist in being worthless. . . . Liberty . . . consists in the glorious privilege of work. It is for you to establish the great fact that you are fit and qualified to be free. . . . You must give evidence that you are competent for the rights that the government has guaranteed to you. . . . [L]et me impress upon you the importance . . . of applying your physical prowess to the industrial interests of the country. . . . Be patient, persevering and forbearing, and you will help to solve the problem.

- President Andrew Johnson, 10 October 1865¹

By the end of 1865 Tennessee's agricultural production had slowed to a crawl. With winter approaching, thousands of displaced freedpeople congregated in cities—homeless, jobless, eager to experience freedom, and reluctant to resume the plantation labor that had characterized their enslavement. White Tennesseans and Freedmen's Bureau officials recognized the urgent tasks set before them: to heal the crippled Southern economy and police the masses of allegedly indolent and unruly freed blacks. Chief Commissioner Oliver Otis Howard assured planters that his bureau would “do

¹ Speech to First Regiment, USCT, 10 October 1865, in LeRoy P. Graf, Ralph W. Haskins, and Paul H. Bergeron, eds., The Papers of Andrew Johnson, 16 vols. (Knoxville, TN, 1967-2000), 9: 221-23.

everything possible to quicken and direct the industry of the refugees and freedmen” and to “promote good order and prosperity” in Tennessee.²

The conservative Nashville Dispatch offered a simple solution: “All that is necessary to make the labor of the negroes useful . . . is to impress the fact upon their minds that their freedom is just like the white man’s freedom—freedom to work and earn an honest living, nothing more nor less.” But black freedom was never intended to be “just like the white man’s.” Blacks were offered a free labor system, vastly different from that of the North, in which federal officials compelled them into legally-binding contracts with former masters; those who resisted or reneged were subject to strict legal penalties under bureau-enforced vagrancy laws. The Dispatch announced this policy to whites across the state: “when [freedpeople] enter into contracts they must fulfill them . . . or . . . the law will punish them severely.”³

The bureau’s official policy on black labor was philanthropic: ostensibly, its job was to ease freedpeople’s transition from enslaved chattel to freed laborer, and to protect their rights by ensuring “fair and equitable” labor agreements with former masters. However, Tennessee’s bureau records, newspapers, and other sources suggest that the unofficial agenda was to secure black labor through the bureau’s peculiar forced-contract system that was never actually free. Blacks possessed very little power in labor negotiations, and by signing contracts they forfeited their only bargaining chip in this system: the right to quit. Once legally bound by the Freedmen’s Bureau-approved

² New York Times, 20 December 1865.

³ Nashville Dispatch, 20 September 1865.

contract, they were confined to the plantation and subjugated in much the same manner as when enslaved, to the direct benefit of white planters.⁴

Blacks recognized that the bureau posed more of a threat to them than a benefit. And they were not merely acted on by whites; they exercised a degree of agency in labor dealings. Some freedpeople expressed their suspicions by slackening their work habits or abandoning farms before the end of contracts. With this modicum of economic power, they should have been able to negotiate fairer deals with the planters; however quitting or slacking off usually resulted in sterner actions by planters and bureau officials to keep them at work. While this thesis does not lose sight of black agency, it argues that the preponderance of power lay with the federal government and the planter class, both of which were determined to restore Southern agricultural production at the expense of the welfare of freedpeople.

Southern whites cooperated with the bureau by adopting and enforcing its strict policy on idle blacks. Although whites condemned the bureau, claiming that it only corrupted freed blacks by transforming them from productive farm hands into lazy

⁴ Selected Records of the Tennessee Field Office of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872, National Archives Microfilm Publication T142 (hereafter referred to as BRFAL Field Office Records), Rolls 24, 66, 70-72, *passim*; Records of the Assistant Commissioner for the State of Tennessee, Bureau of Refugees, Freedmen, and Abandon Lands, 1865-1869, National Archives Microfilm Publication M999 (hereafter referred to as BRFAL Assistant Commissioner Records), Rolls 20-24, 34, *passim*.

vagrants, there was in fact little white resistance to the bureau's labor policy in Tennessee. Whites complained that the bureau did not sufficiently enforce its authority to order blacks back to work on farms, but at the same time they conveniently embraced bureau labor policies and promoted them through every means available. They actively used the bureau to seek and secure black labor, and contracts became a useful tool for planters to enforce their authority throughout the year. A Memphis newspaper explained it this way in the spring of 1865: "What the Freedmen's Bureau has to do is to convince the negroes that they must work or starve. . . . With wise and firm management the free labor system can be successfully inaugurated at once." This thesis reveals the inherent bias in the contract system by analyzing a sample of contracts and other bureau records from Tennessee and underscores the collusion between bureau agents and white Tennesseans who worked together toward the shared goals of ensuring agricultural stability and maintaining white supremacy.⁵

The Bureau of Refugees, Freedmen, and Abandoned Lands, or Freedmen's Bureau, was established by an act of Congress signed by President Abraham Lincoln on 3 March 1865. Its official purpose was to aid blacks during the infancy of their freedom. The Freedmen's Bureau bill read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in congress assembled, That there is hereby established in the war department to continue during the present war of rebellion, and for one year thereafter, a bureau of refugees, freedmen, and abandoned

⁵ Memphis Daily Bulletin, 28 May 1865.

lands, to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states or from any district of country within the territory embraced in the operation of the army, under such rules and regulations as may be prescribed by the head of the bureau and approved by the president.

Under the authority of the chief commissioner, Oliver Otis Howard, assistant commissioners and their staffs managed the various state bureau offices; sub-assistant commissioners directed the sub-districts; and assistant sub-assistant commissioners, field agents, and civilian and military superintendents worked at the local level. Tennessee was divided into five sub-districts with headquarters in Nashville, Memphis, Chattanooga, Pulaski, and Knoxville. The Tennessee assistant commissioner corresponded extensively with the national headquarters in Washington, as well as with the various sub-district offices, regarding the state's freedpeople.⁶

The bureau was a huge boon to freedpeople with respect to education, family reunification, and emergency provisioning. Even the renowned black historian W. E. B. Du Bois portrayed bureau agents as highly principled and egalitarian philanthropists who accomplished much good for freedpeople in the postwar South. According to Du Bois, the bureau's good efforts failed only because of resistance from Southern whites, limitations in funding, and the provisional nature of the agency. Yet, while he believed that the bureau significantly aided freedpeople when few other agencies offered help, he

⁶ Statutes at Large 90, sec. 1, pp. 507-508 (1865).

acknowledged that in the end it was more an organization designed to secure and manage black laborers than a benevolent society. My interpretation agrees with that of Du Bois. With regard to labor management, it seems clear that the bureau acted in the interests of planters and white investors rather than its purported beneficiaries, the freedpeople. There is overwhelming evidence that agents and planters shared the primary goal of restoring plantation production, and that protecting freed blacks against oppressive landowners was secondary in the eyes of the bureau.⁷

Not all bureau agents neglected their duty of protecting blacks. Some lamented the bitter racism of Southern whites and condemned the mistreatment of blacks on the farm, particularly after overseeing the contracts between planters and laborers and making sure black labor was secured. Additionally, the bureau courts were (for a time) a significant source of justice for blacks. However, I argue that while the bureau never lost sight of its moral obligations, the restoration of agricultural production took precedence over all else. Had the bureau recognized the dangers inherent in reuniting ex-slaves with former masters, it might have adjusted its labor policy to offer more protection of black interests, or even altogether declined to force blacks to enter into contracts with whites. But the bureau remained largely blinded by its commitment to Southern agricultural restoration and by its devotion to the success of the free-labor system in the South. While

⁷ W. E. B. Du Bois, Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880 (n.p., 1935; reprint, New York, 1969), 226-28, 229, 230.

some agents truly desired to help blacks, the basic thrust of bureau policy regarding labor was management and restoration.

I use Tennessee as a case study because it so nicely exemplifies the diversity of the South. The postwar South was not a homogeneous region but was instead made up of distinct sections that varied geographically, agriculturally, and demographically. Tennessee reflects this diversity: West Tennessee was the state's cotton belt, where great plantations dominated the economy and where the freedpeople comprised a higher portion of the population than elsewhere; Middle Tennessee was a region of both plantations and smaller farms that produced grain and livestock along with cotton and tobacco; East Tennessee was a land of hills and generally poorer soil where plantations and blacks were few.

Evidence of postwar contract labor is most plentiful for West and Middle Tennessee because these two regions had approximately 90 percent of the state's black population in that era. The remaining 10 percent was scattered throughout the eastern counties and generally not engaged in plantation labor. Hence this study focuses primarily on West and Middle Tennessee. Furthermore, I cite planter records primarily from West Tennessee due to the dearth of such sources from the state's other two regions.⁸

While Tennessee's records confirm most of the previous scholarship discussed below, at least one significant difference can be discerned with regard to black contract labor: a large majority of bureau-approved labor contracts drafted in Tennessee between

⁸ See Paul H. Bergeron, Paths of the Past: Tennessee, 1770-1970 (Knoxville, 1979), 43.

1865 and 1868 indicate wage earners rather than sharecroppers, while most Southern state records indicate the latter (this is further explained below). Unfortunately, there is little available evidence that can explain this difference in Tennessee's bureau-approved contracts. It might be due to a stronger influence of free-labor ideology among Tennessee's bureau agents, leading them to push harder for wage stipulation in contracts rather than crop sharing or tenant farming. Or it might have been due to a combination of more plentiful cash in Tennessee than in other Southern states and pressure from the freedpeople. It was easier to entice blacks with the promise of monthly wages because they preferred steady pay as opposed to a lump sum at the end of the season. This way freedpeople hoped to earn enough fast cash to move to more desirable locations or employers, or to exercise their newfound freedom by choosing to work only sporadically. Whites needed them to stay for the duration of the growing season in order to reap the full yield of their plantations, but if the blacks became dissatisfied they often slackened their work habits or abandoned their contracts and headed to nearby towns. This implicitly suggests that blacks exercised at least a modicum of economic power by withholding their much-needed labor; however, the scarcity of non-farm jobs, the efforts of whites to intimidate blacks, and the bureau's strict labor policy generally forced them back to the farms. Essentially, the free labor system was doomed from the start.⁹

⁹ On nineteenth-century free labor ideology, see Eric Foner, Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War (New York, 1995); Eric Foner, Politics and Ideology in the Age of the Civil War (New York, 1980); and David

Despite this difference, however, and despite Tennessee's unique Civil War and Reconstruction experience, freedpeople in the Volunteer State did not fare much differently from those in other Southern states during the postwar years. Tennessee's freed blacks encountered the same hardships as others throughout the South, even in the eastern counties where Unionist sentiment prevailed among whites. Contracts and bureau reports of outrages from eastern counties of Tennessee show that, although fewer in number than elsewhere in the state and generally not employed by planters, freedpeople there were met with the same antagonisms as those outside East Tennessee. Historians have largely confirmed that the bureau benefited white planters more than freed laborers in most, if not all, Southern states. Therefore, the benefit of a case study of Tennessee's experience lies in its confirmation of the existing scholarship, except with regard to the difference detailed in the historiographical discussion below.¹⁰

Montgomery, Beyond Equality: Labor and the Radical Republicans, 1862-1872 (New York, 1967).

¹⁰ On the Freedmen's Bureau's activities regarding labor in states other than Tennessee, see Nancy Cohen-Lack, "A Struggle for Sovereignty: National Consolidation, Emancipation, and Free Labor in Texas, 1865," Journal of Southern History 58 (1992): 57-98; Robert A., Calvert, ed., "The Freedmen and Agricultural Prosperity," Southwestern Historical Quarterly 76 (1973): 461-71; William L. Richter, "'A Dear Little Job': Second Lieutenant Hiram F. Willis, Freedmen's Bureau Agent in Southwestern Arkansas, 1866-1868," Arkansas Historical Quarterly 50 (1991): 158-200; Lee W. Formwalt, ed., "Petitioning Congress for Protection: A Black View of Reconstruction at

Until the early 1960s, historians evaluated the bureau in a general way by attempting to understand its policies and procedures throughout the entire South. George R. Bentley's History of the Freedmen's Bureau (1955) was the first comprehensive study of the bureau and includes detailed discussions of its system of contract labor. While pre-revisionist historians such as Bentley make important assertions about the general nature of the bureau, they fail to address its importance as an instrument of social and economic control at the regional and local level.¹¹

Much-needed state studies began appearing in the 1960s, including Paul David Phillips's 1966 article "White Reaction to the Freedmen's Bureau in Tennessee." While Phillips focuses primarily on white Tennesseans, he demonstrates the tendency of revisionist scholars to portray the bureau as morally virtuous. Writing at the peak of the civil rights movement, Phillips and others emphasized white resistance to black freedom during the postwar years. Phillips argues that bureau agents acted nobly but were thwarted by white belligerence; white resistance alone prevented agents from protecting blacks' interests in labor agreements. I argue that Phillips over-emphasizes white

the Local Level," Georgia Historical Quarterly 73 (1989): 305-22; Joe M. Richardson, "The Freedmen's Bureau and Negro Labor in Florida," Florida Historical Quarterly 39 (1960): 167-74; Solomon K. Smith, "The Freedmen's Bureau in Shreveport: The Struggle for Control of the Red River District," Louisiana History 41 (2000): 435-65; Julie Saville, The Work of Reconstruction: From Slave to Wage Labor in South Carolina, 1860-1870 (New York, 1994).

¹¹ George R. Bentley, A History of the Freedmen's Bureau (Philadelphia, 1955), 49.

resistance to the bureau, and fails to adequately address planters' influence on the "free-contract-wage system of labor."¹²

In Masters Without Slaves: Southern Planters in the Civil War and Reconstruction, James L. Roark describes the bureau's system of contract labor as "in many ways not a dramatic break with slavery." In fact, he argues that planters and bureau agents agreed on the proper socioeconomic status of blacks in the South: "Occupying Northerners believed, like planters, that blacks should remain on plantations, labor diligently, and continue to be subordinate and obedient. . . . The new regulations were intended to maintain control over blacks and to stabilize plantation agriculture. . . . Union officials created a system of forced free labor." While many planters resented the bureau's authority, says Roark, others worked with agents to ensure a submissive black labor force. Roark uncovers some fascinating truths about planters' opinion of the bureau and how that might have affected its operations. This thesis confirms much of Roark's findings.¹³

Gerald David Jaynes's 1986 study of black labor emphasizes the inequities in the forced "free-contract" system. Jaynes argues that contracts rarely represented "free and equal" agreements; bureau-enforced contracts essentially re-enslaved freedpeople. He

¹² Paul David Phillips, "White Reaction to the Freedmen's Bureau in Tennessee," Tennessee Historical Quarterly 53 (1966): 53; Richardson, "Negro Labor in Florida," 167-74.

¹³ James L. Roark, Masters Without Slaves: Southern Planters in the Civil War and Reconstruction (New York, 1977), 114.

finds that freedpeople preferred wages to sharecropping, because the wage system less resembled enslavement, but most were forced to sharecrop because of planters' inability to pay cash wages. My evidence confirms much of Jaynes's findings; however, Tennessee's labor contracts—which have remained largely unexamined to this point—indicate that most freedpeople were wage-earners, not sharecroppers, during the immediate postwar years. This justifies new scholarship in Tennessee's bureau records and demonstrates the usefulness of localized studies of the bureau.¹⁴

While Robert Tracy McKenzie's 1994 book purportedly deals with Tennessee's plantation belt and upcountry during the postwar years, the reader soon finds that the research is rather unbalanced. Only part of one chapter deals with the freedpeople and Tennessee agriculture during the bureau's tenure. Furthermore, other than examining the letters of Clinton B. Fisk, McKenzie largely ignores the Freedmen's Bureau records.¹⁵

Using Jaynes's study as a starting point, I intend to provide a useful addendum to McKenzie's research, addressing the questions he left unanswered: What was the bureau's policy on black labor in Tennessee? Were labor contracts in Tennessee "fair and equitable"? What differences, if any, can be discerned among contracts drafted in Tennessee's varied regions? Were freed Tennesseans really free laborers, as the bureau insisted? What was the general attitude of white Tennesseans toward the bureau and freed

¹⁴ Gerald David Jaynes, Branches Without Roots: Genesis of the Black Working Class in the American South, 1862-1882 (New York, 1986), 71-73, 75-76, 128.

¹⁵ Robert Tracy McKenzie, One South or Many?: Plantation Belt and Upcountry in Civil War-Era Tennessee (New York, 1994), 121-49.

laborers? In what ways did Tennessee planters exploit the bureau's contract system to compel black labor? This thesis offers answers to these important yet unaddressed questions.

THE FREEDMEN'S BUREAU PERSPECTIVE ON FREE BLACK LABOR

Ostensibly the Freedmen's Bureau used labor contracts to shield freedpeople from re-enslavement; but these documents actually became legal devices to continue black subjugation after emancipation. The contract served two hidden purposes for the bureau: it trained blacks to remain subservient to planters and it confirmed freedpeople's obligation to plantation labor. Not only did the contract dictate the amount and nature of the work, the payment and provisions involved, and all other aspects of labor, but also it legally bound the laborer to a year-long subjugation at the hands of former masters, with merely the promise of compensation. The bureau insisted that freedpeople and planters needed official contracts in order to reestablish trust between them and to encourage "faithful and industrious" labor by blacks. However, as one historian has affirmed, "the contract system . . . was slavery in a modified form, enforced by the Freedmen's Bureau."¹⁶

The bureau's first order of business was to counter the rumor that ex-slaves would be granted a plot of land with which to make a fresh economic start. According to the Freedmen's Bureau Act, "the commissioner . . . shall have the authority to set apart for the use of loyal refugees and freedmen such tracts of land . . . as shall have been abandoned, or to which the United States shall have acquired title by confiscation, or sale, or otherwise. And to every male citizen, whether refugee or freedman . . . there shall be assigned not more than forty acres of such land, and the person to whom it is assigned

¹⁶ Richardson, "Negro Labor in Florida," 171.

shall be protected in the use and enjoyment of the land for the term of three years.”

President Johnson, however, forbade such land redistribution and Congress declined to enforce it. Bureau officials repeatedly warned freedpeople that rumors of land reparations were untrue. As Commissioner Howard told those in Memphis in the fall of 1865, “some of you thought the master and servant were to exchange places, that you were to have his lands parcelled out to you by the Government against which he had contended. This has been told to you . . . falsely. The Government has no lands to give.” He strongly urged Memphis freedpeople to “be sure and make agreements with the land owners. Make as good bargains as you can, and then keep them. Not to keep a contract is to be untrue, untrue in the light of man and God.”¹⁷

President Andrew Johnson himself attempted to convey the government’s approach to freedpeople’s aid in a speech to black ministers published by the Memphis Daily Bulletin: “The passing from . . . bondage to freedom, is difficult, and in this transition state some think they have nothing to do but fall back upon the government for support in order that they may be taken care of in idleness and debauchery. . . . Freedom simply means liberty to work and to enjoy the product of a man’s own toil, and how much he may put into his stomach and on his back.” Not only was the government unwilling to compensate them for years of enslaved labor, its leaders were absolutely firm in the policy of work or starve; there would be no charity.¹⁸

¹⁷ Statutes at Large 90, sec. 4, p. 508 (1865); Memphis Daily Appeal, 14 November 1865.

¹⁸ Memphis Daily Bulletin, 19 May 1865.

Bureau officials claimed that all that was necessary for freedpeople to fully realize their liberty was for them to resume plantation labor. Tennessee's bureau head, Brigadier General Clinton B. Fisk, promised freedpeople that "economy and well-directed industry" would not only gain them the respect of white Southerners but would also ensure their happiness and prosperity: "There is no obstacle which persistent work will not remove out of your way." One historian has aptly noted that Fisk "spent much of his tenure with the Freedmen's Bureau . . . encouraging blacks to remain with their former masters, and convincing them—with difficulty—that the federal government had no intention of giving them land."¹⁹

The bureau strongly promoted the Protestant work ethic: to labor industriously, practice self-denial, and most importantly, to respect contractual obligations. Commissioner Howard insisted that freed laborers uphold their ends of labor agreements: "They tell me you sometimes agree for a month and stay for but a day. That is forfeiting your character, that is lying." He warned that renegeing on contracts was "laying yourself open to just and severe punishment," and he sternly reiterated that the bureau would not support "indolent negroes"; it would strictly adhere to the policy of "work or starve." In a circular letter to all assistant and sub-assistant commissioners, Howard wrote: "The negro should understand that . . . on no account . . . should he harbor the thought that the government will support him in idleness." He declared to the blacks that, "Freedom means labor. . . . Only work, earn and save money," adding that "I hope that you will not

¹⁹ Clinton B. Fisk, Plain Counsels for Freedmen in Sixteen Brief Lectures, quoted in McKenzie, One South or Many?, 129.

depend on these Bureau men, the United States Government, but on yourselves. . . . Else you would gain your property without the training that comes from self-denial, toil and saving.” As interpreted by the bureau, Protestant virtues meant the complete submission of freedpeople to both agents and planters in labor agreements.²⁰

Howard understood that freedpeople would have little or no clout in contract negotiations when he instructed them to “make as good bargains” as they could. The bureau’s first order of business, however, was not to secure freedpeople’s welfare; it was to mold them into good, faithful hands, ensuring “good order and prosperity.” Malleability and acquiescence on the part of freedpeople were the primary objectives of the Freedmen’s Bureau and Southern planters, and this they accomplished by the end of 1865, as most blacks signed contracts rather than fend for themselves through the harsh winter months.²¹

Bureau labor policy stemmed from the deeply racist attitudes of nineteenth-century white Americans. Paternalism and racial condescension were widespread throughout the North and South at this time, even in “benevolent” organizations such as the Freedmen’s Bureau. Agents regarded labor contracts as a means to guide freedpeople to their “natural” socioeconomic status. As one historian has noted, “some representatives of Northern benevolence strongly implied or openly predicted that [freedpeople’s] ‘natural’ group situation would be at or near the bottom of society.” The bureau’s paternalist policy steered freed blacks toward their “appropriate” socioeconomic rank;

²⁰ Memphis Daily Appeal, 14 November 1865; Memphis Daily Bulletin, 28 May 1865.

²¹ New York Times, 20 December 1865.

bureau officials wanted their “children” eventually to behave appropriately without further oversight. Indeed, Congress created the bureau only as a “temporary necessity. . . . The sooner [freedpeople] shall stand alone and make their own unaided way,” stated one bureau official, “the better both for our race and theirs.” Standing unaided meant that freedpeople must willingly sign contracts and toil faithfully for whites without any compulsion. This would ensure that blacks had understood their “appropriate” status and that whites could continue to profit from cheap black labor.²²

Theoretically, the free labor system was in the best interest of freedpeople because it provided an impetus to continue their roles as farm hands. Cash wages or a vested interest in the harvest—with the hope of accumulating some wealth and moving slightly upward on the socioeconomic ladder—was the necessary motivation that could put blacks back to work. With fair treatment on the part of planters and adequate protection on the part of bureau agents, black free labor was in the best interest of all parties involved. In reality though, blacks could not count on fair treatment or protection and hence the bureau’s forced contract system resulted in the abuse of blacks and poor production for planters.

Clearly, freed Tennesseans were by no means “free laborers” in this oppressive environment. An essential component of the free labor doctrine is that laborers must possess the freedom to quit, for whatever reason, thereby using their labor as leverage in

²² Quotations from George M. Fredrickson, The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914 (Hanover, 1971), 179; On nineteenth-century paternalism, see *Ibid.*, *passim*.

negotiations. Yet the bureau dealt stiff penalties to freedpeople who violated their contracts by leaving the plantation. Even whites faced penalties for encouraging freedpeople to abandon their contractual obligations. In November 1865, for example, a Memphis man was fined twenty-three dollars for “inducing hands to leave the plaintiff’s plantation.” The bureau’s version of “free” labor was in fact a form of black bondage. Bureau agents strictly enforced their policy, encouraged contracts, and kept them inviolate often at the expense of blacks’ rights.²³

To be fair, however, it must be pointed out that the bureau sometimes intervened in favor of blacks in labor matters. With bureau assistance, some freedpeople sued employers for unpaid wages or mistreatment, and these cases were often settled to the plaintiff’s satisfaction. These instances provoked much criticism by whites. The Memphis Daily Appeal reported on two rural freedpeople who were cheated by their employers, but, after using the bureau courts, received their due. However, the newspaper also made it clear why it found these cases to be important, and it was not for the protection of freedpeople’s rights: “It is fortunate that cases of this kind are rare, and that the Freedmen’s department takes cognizance of them, or otherwise many [rural] blacks

²³ BRFAL Field Office Records, Roll 24, “Complaint Books of the Freedmen's Court in the Memphis District, July 24, 1865-November 20, 1866 (Volumes 169-172),” Welsh vs. George, 17 November 1865, Freedmen’s Bureau Online, <http://freedmensbureau.com/> (hereafter referred to as FBO), <http://freedmensbureau.com/tennessee/reports/tencourt.htm>.

would become dissatisfied with labor and be demoralized, and resort to cities to get a precarious livelihood.”²⁴

On the surface, many labor contracts reflected “fair and equitable” treatment of all parties involved. Wealthy planter John Houston Bills from West Tennessee noted in his diary in December 1866 that “very high prices are frequently paid” for reliable workers, and in the summer of 1868, he reported that a new bureau official had arrived “to adjust difficulties between the Coloured and White races, he seems inclined to do justice.”²⁵

However, in looking beyond the contracts one finds that many employers failed to uphold stipulations during the first two postwar growing seasons. The numerous cases in which freedpeople sued for withheld wages indicates that many employers felt no obligation to honor the contracts. Bureau agents were usually unwilling or unable to ameliorate the racism of embittered whites, which only intensified as whites realized they were expected to treat blacks as enfranchised citizens and free laborers. White resistance significantly hindered whatever attempts the bureau made to secure fair treatment for

²⁴ Memphis Daily Appeal, 14 June 1865.

²⁵ John Houston Bills Diary, John Houston Bills Papers, 1843-1871, Southern Historical Collection, University of North Carolina, Chapel Hill, microfilm copy in “Records of Ante-bellum Southern Plantations from the Revolution through the Civil War,” Kenneth M. Stampp, ed., Rolls 17-18, 29 December 1866, 25 June 1868.

black laborers, and the bureau's weak commitment to black equality prevented it from taking the necessary measures to combat this resistance.²⁶

Education was perhaps the area of freedpeople's lives in which the Freedmen's Bureau was able to effect the most significant improvement. While very few labor contracts secured any time off for school-related purposes, bureau agents believed in a general way that in order for freedpeople to negotiate fair contracts with planters they would need to be able to understand contractual language and be proficient enough in arithmetic to calculate their wages or crop shares. Blacks young and old responded enthusiastically to the opportunity for learning, which was offered by bureau-supported schools and eventually by state-supported schools. Monthly reports of the Tennessee bureau's superintendent of education reveal that a considerable proportion of pupils in bureau schools were competent in reading, but less so in math. A report from March 1867 indicates that, of 666 students from Somerville (West Tennessee), Franklin (Middle Tennessee), and Chattanooga (East Tennessee), approximately 45 percent were "advanced readers," but only 31 percent were capable of basic arithmetic. Undoubtedly these figures would be much lower if black adults alone were considered. While a significant portion of freedpeople who signed contracts may have been able to comprehend their work stipulations and instructions on behavior, considerably less could formally calculate their daily income in relation to the amount of labor required of them. Essentially, whatever reading skills they had were useless when attempting to balance the

²⁶ BRFAL Field Office Records, Roll 24, "Complaint Books of the Freedmen's Court in the Memphis District, July 24, 1865-November 20, 1866 (Volumes 169-172)," *passim*.

amount and nature of the work they agreed to perform with the wages or crop share they agreed to accept as imbursement. When negotiating contracts in the bureau office, freedpeople had no lawyers or accountants whose job it was to ensure a fair and equal arrangement. Their only guidance was from bureau agents who were frequently more concerned with securing plantation labor than with protecting black rights.²⁷

²⁷ Records of the Superintendent of Education for the State of Tennessee, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870, National Archives Microfilm Publication M1000 (hereafter referred to as BRFAL Superintendent of Education Records), Roll 6, "Monthly Reports of the Superintendent of Education, October 1866-June 1870," February 1867 Report.

THE SOUTHERN WHITE PERSPECTIVE

During the fall and early winter of 1865, Tennessee whites prepared themselves for what they perceived as flocks of indigent freedpeople heading north from the Deep South. In November 1865, the Memphis Daily Appeal warned its readers that “numbers of negroes are leaving . . . Mississippi and coming to Tennessee.” In order to handle these throngs of alleged vagrants and other blacks, Tennessee’s legislature (like that of other Southern states) enacted a “black code” to regulate their activities. Ironically, the sections dealing with black labor are nearly identical to the bureau’s official policies. “Every freedman, free negro and mulatto,” read one section, “shall, on the second Monday, of January, one thousand eight hundred and sixty-six, and annually thereafter, have a lawful home or employment, and shall have written evidence thereof . . . or a written contract. . . . All contracts . . . shall be in writing and in duplicate . . . and said contracts shall be taken and held as entire contracts, and if the laborer shall quit the service of the employer before expiration of his term of service, without good cause, he shall forfeit his wages for that year, up to the time of quitting.” The code also specified that “Negro vagrants may be imprisoned and hired out to pay costs of prosecution.”²⁸

Planters were determined to perpetuate the master-slave relationship. Even after emancipation, they considered blacks as quasi-property whose mobility and work habits were to be strictly regulated. John Houston Bills referred to freedpeople possessively long after slavery’s legal abolition. To Bills, they were never simply “freedmen,” “freed

²⁸ Memphis Daily Appeal, 30 November 1865; Memphis Daily Bulletin, 13 May 1865.

laborers,” or even “negroes,” but instead “my freedmen,” “my laborers,” or “my negroes.” One Haywood County planter, James A. Rogers, urged Governor William G. Brownlow to enact legal restrictions on the mobility of freed blacks: “Freedmen should not be allowed to roam about at will, go where they please, work or let it alone as they please. A negro must have some one to manage him, and he must be required to respect and obey his employer.” The decline of respectful and obedient attitudes in their former chattel was equivalent to the decline of crop yields in the planter’s mind.²⁹

Most planters were very doubtful that the free black labor system would succeed in the South. Convinced that careful management and strict discipline were needed to make black laborers productive, they feared that this could be achieved only with the master-slave relationship: nothing but the rigorous dominance of a master could return Southern plantations to their prewar production levels. A former Confederate loyalist protested that “We are trying the experiment of free black labor, and I tell you, as one who lived for forty years in the South, it will not pay.” Even smaller landholders such as Madison County resident Robert H. Cartmell worried about the practicality of free black labor: “How it is to be . . . with regard to hiring hands,” he wrote in October 1865, “we cannot tell.” Cartmell lamented the end of slavery, not only because of the financial cost to him and other planters but also because he firmly believed that blacks had been better off as slaves: “These slaves were happy and contented. They were cared for and provided for. Their condition was infinitely better than [that of] their race any where on the globe.

²⁹ Bills Diary, passim; James A. Rogers to William G. Brownlow, 15 May 1865, quoted in McKenzie, One South or Many?, 128.

How is it now: Rapidly passing away, unhappy. . . . I am free to say that the negro so far is not benefited by the change and venture the assertion that a quarter of a century will not prove the change a good one for him.” A year after the war’s end, Cartmell concluded that “The only thing that will make a negro work well is whipping or the fear of it. . . . [T]he freedmen not as good for work as the nigger was.”³⁰

Even before the war’s end, John Houston Bills doubted the usefulness of a free black race of laborers: “My patience is Worn ‘thread bare’ with negro slaves. They are a lazy indolent race. Not one in a dozen will make a living without the lash or a certainty of it if they do not work. They all Want freedom only to Loaf and do nothing. Their idea of freedom is Exemption from Labor.” At the end of the first postwar growing season, Bills recorded in his diary the doubt and ambivalence that was likely common among Tennessee planters: “[T]he freedom given [blacks] by the war is not to them a blessing as yet. . . . [B]ut such is the verry slothful nature of most of them, I fear the result. . . . [A]s a race they will degenerate and finally become Extinct as the Indians are doing.” By early June 1867 he had declared his laborers “a trifling set of lazy devils who will never make a living without masters to make them work.” Only through some rigid form of compulsion, planters insisted, would black labor continue to be productive.³¹

³⁰ Newspaper article quoted in Bills Diary, Memoranda, 20 May 1866; Robert H.

Cartmell Diary, Robert H. Cartmell Papers, 1849-1915, microfilm copy in the Tennessee State Library and Archives, microfilm accession number 1076, 30 October, 25 November 1865, 1 January, 9 March, 10 June 1866.

³¹ Bills Diary, 30 August 1864, 31 December 1866, 15 June 1867.

To planters and other whites, free black labor was an economic hindrance and a social threat. “Look around you and see the result [of emancipation],” declared the Memphis Daily Appeal in November 1865. “Idleness and vagrancy have been the rule. Our rich and productive fields have been deserted, for the filthy garrets and sickly cellars of our towns and cities. From producers [blacks] are converted into consumers, and as the winter approaches, their only salvation from starvation and want is, ‘Federal rations, plunder and pillage.’” The newspaper offered this solution to the problem: “With an iron will and the strong hand of power, take hold of the idler and the vagrant and force him to some profitable employment. . . . Pass a militia law that will enable a militia to protect our people against insurrection.” Whites looked not only to the state government but also to the bureau to help them achieve this end.³²

Whites who had owned a large number of slaves repeatedly confronted the reluctance of black laborers to sign contracts and remain on the farm. John Houston Bills experienced numerous desertions on his plantations in West Tennessee and northern Mississippi. His slaves sensed that freedom was near even before emancipation, when federal troops began to occupy Bolivar and surrounding areas in West Tennessee during the summer of 1862. Many escaped, seeking safety in the Union lines, where they dug trenches and performed other menial labor for the army. On 30 July 1862, Bills reported that “numbers of servants [are] deserting their masters and joining the U.S. forces to work on the trenches.” The war’s end encouraged many other blacks to test their freedom by leaving the plantations and seeking other opportunities. On one occasion in August 1865,

³² Memphis Daily Appeal, 28 November 1865.

Bills noted in his diary that two of his female servants had deserted: “Beatrice and Jinney run off a strike for freedom.” Others signed contracts but then abandoned their employers after honoring their obligation for only a few weeks.³³

Even when he was able to secure workers, Bills never received what he considered an “industrious effort” from them. His diary contains innumerable claims about their languid work habits and slothful attitude toward plantation production. Bills encountered countless instances in which he found his employees merely pretending to work or blatantly refraining from work. On visiting his various farms, he often found that they had scarcely “earned the Victuals they eat. . . . The freedmen do not feel the necessity of [saving crops] and are Lazy indolent improvident Creatures.” In the summer of 1865, a Williamson County planter reported that once federal officers announced their freedom, his slaves “[became] by degrees of no use to us.” By January of 1866, John Houston Bills had lost nearly half of his former slaves, and those who remained, he wrote, were “generally lazy, insubordinate, drunk, shiftless, and useless.” Later the following year he complained that three of his employees “had made perhaps 2500 new rails, not near what one of them should have done in 5 weeks of good weather.” Again, in August 1867, Bills wrote: “My people at Cornucopia pretending to pull fodder. I visit them at 4 PM . . . all hands have pulled about as much as one should have done.” In

³³ Bills Diary, 30 July 1862, 5 August 1865, 16 June 1866, and passim.

October Bills finally reached his breaking point: “I visit Cornucopia . . . not one particle of work done, I order my people out.”³⁴

This experience was not limited to large landowners. Robert H. Cartmell, who owned considerably less land than Bills, struggled constantly to find reliable freedpeople to work it. Cartmell had serious doubts about the reliability of free black labor. In two years’ worth of diary entries, he reported numerous times that he was “at a loss for what to do” about the labor situation. Even before the war ended, Cartmell was “disgusted trying to hire a negro. . . . If it was not for our washing & milking I would rather have none.” Many of his former slaves had abandoned him, and since then he had “tried and tried to get a woman.” Cartmell found it “annoying beyond description” that many of his hired servants desired to leave him. He wrote: “Negroes are uncertain these times. They want to work, when they do condescend to work, by the day & get a big price & do as little as possible.” One of his former slaves, Jes, left without a word in June 1865: “I have not seen Jes today. Went away Saturday evening, not come up yet & will not likely again. . . . The [other] woman I have wants to leave.” A couple of days later he noted that “Jes [had] hired himself out” to another employer. Many laborers he hired quit soon afterward to go back to town. In July 1865 he wrote that, “the negro woman’s (Malinda) husband (Hiram) drove up a cart this evening & moved to town, leaving me in a nice fix.” Cartmell complained: “Have seen no chance to hire any negroes. A nuisance & pest they

³⁴ Ibid., 26 August, 3 September, 11, 30, 31 October, 27 February 1867, 6 January 1866, 30 July 1862, and passim; John S. Claybrooke to a brother, July 1865, quoted in John Cimprich, Slavery’s End in Tennessee, 1861-1865 (Tuscaloosa, AL, 1985), 120.

are at best. . . . My team and wagon stand idle. . . . Such a state of affairs and no prospect [of] getting better.” He tried to hold out for “reliable [Negroes] (if there is such a thing),” but often found that very few wanted to work for former masters.³⁵

Like Bills, Cartmell spent most of the postwar period totally dissatisfied with the work habits of his hired hands, often complaining that they did not produce half what they should:

Walked out this morning to see how much the two negro men I had at work yesterday did & found they had cut down two trees which is all they did. . . . Boy Andrew splitting rails. He seems to be pretty constantly at work, but makes rather a small average of rails. It won't do any to fuss. . . . Put the 2 [black] men to hoeing at 12. They hoed just what one good hand could have hoed. There is no end to their laziness. Takes 2 of them to do what one used to do. That is when they pretend to work at all. There is no remedy if [I] try to force them, they leave and thus it works. . . . Woman hoes a l-i-t-t-l-e in cotton after dinner, about as much in a week as one good hand would hoe in a day. . . . The Freedmen did very near nothing . . . this evening. . . . It takes a week to accomplish what ought to be done in half the time. . . . Nothing more than I expected. They are a lazy, worthless, trifling set and cannot be depended upon.

³⁵ Cartmell Diary, 2, 10 January, 3 April, 13 August, 11 September, 28 October, 31 December, 26, 28 June, 12 July 1865, and passim.

He wrote of a freedwoman he hired: “I could not keep her any longer without doing injustice to . . . [the] children & myself. She was so noisy and disagreeable, so lazy and nasty.”³⁶

To planters such as these, the labor crisis had been steadily worsening since the war years. Their hopes for stable agricultural production dwindled as growing numbers of their laborers refused to work any longer like slaves or abandoned the plantations for cities and towns to look for new opportunities. After enduring the inefficiencies of black labor for nearly two seasons, Bills declared that “My Religion is gone if it depends on Keeping my temper with free Negroes, when work should be done.” A Memphis newspaper summarized the planters’ attitude: “The transition period from slave to free labor must ever be embarrassing to industry, and deleterious to prosperity.” Planters believed it imperative “to escape the present and impending evils of an interregnum in labor, a dearth in industry, and a suspension of production,” in order to achieve at least a modicum of socioeconomic normalcy. Clearly, the free labor experiment appeared unsuccessful to Tennessee planters by the end of the first postwar growing season.³⁷

If planters worried about blacks’ ability to work industriously and earn an honest living, they were even more doubtful of freedpeople’s capacity for using wisely what little money they earned. Whites accused the freedpeople of financial irresponsibility stemming from the fact that they were unaccustomed to cash; this supposed ignorance led

³⁶ Ibid., 7 October, 3 April 1865, 9, 16 March, 27 June, 5 July, 6 August, 22 September 1866.

³⁷ Bills Diary, 30 July 1867; Memphis Daily Bulletin, 5 May 1865.

allegedly to the squandering of what little savings they could manage. Bills usually reported on the state of freedpeople at the time of settlement in December: “My people all in a frolick at Hic Valley,” he wrote in 1865. “Burning fence rails and dancing—No home for next year.” In 1867, he wrote: “Another Christmas is upon us. . . . The Town Crowded with people, principally Negroes, many of them desiring homes . . . they must suffer for want of food and raiment, they are wholly improvident and unsuited for their situation, freedom is anything but a blessing to most of them.” The following year, he had this to say: “Many Negroes in town, the poor creatures spending up the little gains they have made during the past year. . . . [A]ll trying to spend and get clear of their wages—to show how foolish they act, I know one who had killed for himself and family 1160^{lb} pork, of which he lends to another 700^{lb} which he will not get back when he wants it.” Planters’ lack of faith in freedpeople’s capacity for fiscal responsibility contributed to their general disdain for their former chattel, and their unwavering skepticism about free black labor.³⁸

If white Tennesseans were unreconciled to the freed blacks’ bargaining power and freedom of mobility in their labor pursuits, they were positively aghast at the freedpeople’s new voting rights. After the state legislature enfranchised them in early 1867, black men in Tennessee became active in politics, solidly supporting the Radical Republicans. In the second half of 1867, Bills frequently noticed that his employees had left the farm to hear Radical speeches in town. On July 16, he reported that “250 Black men [were] in town for Voting Certificates—such a Crowd is never before witnessed—

³⁸ Bills Diary, 28 December 1865, 25 December 1867, 25, 28 December 1868.

the Voting Negroes will Exceed the Whites. To what depths of humiliation are we Coming?” Later that month he attempted to “put my people to preparing a Turnip patch, but they prefer to come to town to hear radical speech.” By the end of July, nearly all of Bills’s adult male employees were registered to vote. They “listen[ed] attentively” to the Radical speakers, and Bills feared that “some are Converted.” Not only did freedpeople associate freedom with more relaxed work habits, they firmly believed that by gathering in town to hear political speeches and registering to vote they were becoming free citizens—a transition that many white Tennesseans adamantly resisted.³⁹

Tennessee whites were convinced that freed blacks were not only undisciplined and insubordinate, but potentially dangerous. Countless newspaper editorials warned readers of the indolent blacks who would not only remain idle but likely turn into thieves, rioters, thugs, and rapists of white women. Nearly every day, newspapers ran stories accusing “freed negroes” of crimes against innocent whites. The Memphis Daily Appeal reported that a group of freedmen on a West Tennessee plantation had “entered into a contract to work the plantation for one half the proceeds, but when the crop came to be gathered, they hauled it off to their quarters and took possession of the whole.” When confronted by the authorities, these surly laborers declared that “they did not want any d—d white man telling them what to do; there was no freedom in that.” Whether the stories were true or not, publicizing them was clearly intended to propagate racist notions that freedpeople were naturally inclined to criminality and thus needed to be controlled. The Cleveland Banner in East Tennessee warned that “The present status of the negro is .

³⁹ Ibid., 16, 29, 25 July 1867.

. . . but one step from bloodshed, rapine, robbery and riot. . . .Where will this state of things end? It is the cropping out of another war—a war of races—that will be a short and bloody one.” Another editorial implored the government to “pass a militia law that will . . . protect our people against insurrection.”⁴⁰

White labor seemed, to some Tennesseans, a viable alternative to black. Newspaper editorials throughout the postwar years urged white workers and immigrants to provide labor for Tennessee planters. The Nashville Dispatch explained that “if the freedmen of the South could be made . . . reliable in . . . agricultural pursuits, there would be a sufficient laboring force to meet the requirements of planters. It is the fear that this cannot be done that induces the planters to seek white labor.” Another editorial guaranteed prospective white farmhands that “free labor . . . will be profitable for many years to come.” Another attempted to inspire white Tennesseans to labor for themselves and stop relying on blacks: “digging in the honest, truthful earth . . . will teach [white men] patience, justice and courage; and they will find . . . that they are as rich without the forced, languid labor of their stupid negroes as they could be with it.” The Cleveland Banner also implored the North to send white laborers, claiming that “White labor can be most profitabl[y] employed in the Southern portion of the United States. . . . Negroes are rapidly disappearing, and in a few years will cease to be accounted of. Now is the time for foreign immigration.” During the 1867 harvest, Bills noted that “It has been a most favorable year to gather in Crops, and Except where Negro labor is used, people are nearly done.” This implies that by 1867, at least some planters were able to find white

⁴⁰ Memphis Daily Appeal, 26, 28 November 1865; Cleveland Banner, 9 January 1868.

labor and put it to efficient use. But most could not: “I have made no arrangements as regards labour for another year,” wrote Robert Cartmell in December 1865. “Have seen no opportunity for so doing. White labor is scarce. One must depend upon negroes and a poor dependence it is.” Most planters, like Cartmell, would have welcomed white laborers but few were able to secure them.⁴¹

White Southerners felt entitled to the labor that they once received for free; they resented having to promise wages or a shared interest in the crop, and most expected the bureau’s policy to “manage” black labor for them. In September 1865, the Nashville Dispatch enthusiastically anticipated that the bureau was “about to inaugurate a strict discipline over [freedpeople], and compel them to work. . . . Even if it requires military force. . . . The rule of work or starve will be rigidly enforced.” Some even perceived the bureau as the primary source for securing black laborers and exploited bureau policy to their advantage. They considered the local bureau office as little more than an agency to find farmhands; to them, it was essentially an employment office—a role that the bureau obligingly assumed.⁴²

Moreover, employers successfully petitioned bureau agents for help in encouraging blacks to accept their terms—fair or unfair. An 1867 letter from a Tennessee planter to his local bureau office (published in a Nashville newspaper) demonstrates the immense demand for black labor and freedpeople’s resistance to plantation work: “There

⁴¹ Nashville Dispatch, 20, 1, 3 September 1865; Cleveland Banner, 21 October 1865; Bills Diary, 28 October 1867; Cartmell Diary, 31 December 1865.

⁴² Nashville Dispatch, 1 September 1865.

are many colored men who refuse to take employment beyond the city. I know one planter . . . who wants fifty men. [Bureau agents] will please notify the colored laborers that they will have to seek employment and take it where they can get it; and that under no circumstances will they receive assistance from this Bureau when they are offered and refuse employment elsewhere.” This planter actually demanded that his local bureau official coerce black laborers, and the bureau fully complied. Directly following this letter the newspaper published the bureau’s new policy: “No supplies will be issued to the destitute . . . under any circumstances. [Whites] will notify the colored people, and urge them to provide for the worthy destitute people who cannot work for a living.” Once again the bureau demonstrated its stern approach to freedpeople, which directly benefited the landowners.⁴³

White Tennesseans rarely tolerated anything less than the bureau’s wholehearted cooperation in compelling freedpeople to work. Even though the bureau was fully exercising its authority in order to deliver black laborers to planters, the Memphis Daily Appeal complained that agents placed too much emphasis on protecting freedpeople’s rights and not enough on ensuring—by whatever means necessary—that workers upheld their end of labor contracts. According to Southern whites, guardianship of freedpeople’s rights was an unnecessary imposition: the only “right” or “privilege” blacks possessed was the right to labor. Most whites, Northern and Southern, failed to recognize that by refusing to do grueling plantation labor for repressive and resentful ex-masters, blacks were expressing their newfound freedom. Both the bureau and Southern whites, however,

⁴³ Nashville Daily Press and Times, 9 August 1867.

were more concerned with securing farmhands, continuing plantation production, and ensuring white prosperity than protecting blacks' newfound "freedom." Restoring black labor was essential to sustaining Tennessee's economy, and whites saw it as the bureau's job to get freedpeople back to work under their control.⁴⁴

⁴⁴ Memphis Daily Appeal, 25 November 1865.

THE BLACK PERSPECTIVE

After the poor agricultural yields of the 1865 season, the bureau stepped in to put idle blacks back to work. From the perspective of freedpeople, the bureau posed a threat of re-enslavement. During and immediately after the war, many formerly-enslaved persons left their ex-masters' plantations. They associated plantation labor with cruelty and oppression, and wanted to separate themselves from oppressive white landowners, thus embracing true freedom. However, while freedom to blacks may have meant leaving plantations, to the bureau and the planter class, "freedom mean[t] labor."⁴⁵

Freedpeople fled to towns not necessarily because they hated their employer or the work he required of them, but because they wanted to experience a life beyond that they had known as enslaved agricultural laborers. What the bureau perceived as herds of lazy, disorderly blacks congregating in and around Memphis, Nashville, Chattanooga, and other towns were actually desperate families, eager to find any sort of job away from the country and their former owners. Blacks were reluctant to reunite with planters, and rightfully so. As he prepared to hire freed laborers for the 1867 growing season, John Houston Bills reported that "The Negroes are verry stiff about engaging to work on farms." In addition to his problems with Beatrice and Jinney, Bills complained about difficulties with others: "Jack is too lazy to work for himself and is seen loafing about town all day." Robert Cartmell protested that "four million negroes [are] made free by the late civil war. I would suppose something over 3 million of them [are] now on hand. It

⁴⁵ Ibid., 14 November 1865.

would seem an easy business to get one at any time and so it is in town. They would rather live in town for nothing than in the country for pretty good wages. . . . This makes it a difficult matter to produce them in the country.”⁴⁶

Cities offered blacks a modicum of refuge from former slaveholders, but some black leaders, such as the editor of one of the few black-owned and operated newspapers in the country, the Nashville Colored Tennessean, strongly encouraged freedpeople to return to the country where work was available. One article stated that “there is a great scarcity of labor for the plantations.” Another warned that, “There is no likelihood that there will be . . . employment for laboring men in [cities] during the coming winter. The city is overrun with this class now. . . . Manual labor is in greater demand through the country than anywhere else. . . . The large number of freedmen . . . in the cities and towns of the South, must move to the country, where they can find employment, or there is every reason to suppose that they will suffer severely. . . . You can always make a living in the country.” The article concluded by putting the matter quite bluntly: “Go to the country and live; stay in the cities and die.”⁴⁷

Editorials and advertisements in the Colored Tennessean even advised that unemployed blacks should go to the local bureau office for employment arrangements: “For further information in regard to . . . finding employment, we refer all interested to Chaplain John Lawrence,” the local bureau superintendent in Chattanooga. A notice in

⁴⁶ Bills Diary, 31 December 1866, 5 August 1865; Cartmell Diary, 7 October 1865, 6 August 1866.

⁴⁷ Nashville Colored Tennessean, 24 March 1866, 14 October 1865.

the fall of 1865 read, “Freedmen or Refugees seeking employment will please call at the [bureau] office . . . where their names and residence will be registered, and employment obtained for them. Persons wishing to hire laborers are requested to make applications.” “Homes For Freedmen,” announced an advertisement in the Colored Tennessean. “The Following number of persons can be supplied with comfortable homes by applying to Freedmen’s Court: . . . 100 Able Bodied Men. 25 Able Bodied Women. Also a Few Families.” This black-owned newspaper was certainly concerned with the well-being of blacks, but it insisted that in order for Southern blacks to earn the respect of the nation they would have to work. By rejecting plantation labor, however, freedpeople were not rejecting the idea of work; instead, they were tasting their freedom, expressing their need for autonomy, and protesting against abusive employers and undesirable working conditions.⁴⁸

Freedpeople were also averse to signing contracts because a majority of them believed that the government intended to allocate confiscated or abandoned lands to them as compensation for a life of enslavement. Through 1865 and beyond, rumors of such reparations were rampant in the black community. Wiley Childress, a former enslaved person from Nashville, recalled that “‘fore Freedum de slaves wuz promused forty acres ob land w’en freed but none eber got hit, en I ‘year’d ob no one gittin’ any money.” Patsy Hyde from Nashville also remembered being told she was to receive land and livestock:

⁴⁸ Ibid., 14, 7 October 1865, 24 March 1866.

“De slaves wuz tole dey would git forty ak’rs ob groun’ en a mule w’en dey wuz freed but de nebber got hit. W’en we wuz free we wuz tuned out widout a thing.”⁴⁹

Robert Cartmell reported in his diary the general tendency among blacks to wait until the end of 1865 to sign contracts due to rumors of land reparations: “Negroes all talk pretty much the same way, are not inclined to make any contracts until after Christmas. They seem to expect something to take place about that time, a [division] of lands or something of the kind.” Cartmell worried that unfulfilled expectations would provoke black violence and white counter-violence: “[Freedpeople’s condition] rapidly passing away, unhappy, looking forward to a state of affairs never to be realized, a division of lands, something great to be done for them by the Government. This way go on until insurrection breaks forth. Then a war of races and the work of extermination [of the blacks].” He preferred that his children stay away from home on Christmas Eve because of this imminent “negro rebellion”: “Some apprehension & may be well founded in many localities have been felt of a negro insurrection.” Cartmell’s fears were proven unfounded when, after no land was awarded, no insurrection occurred.⁵⁰

The Nashville Colored Tennessean attempted to counter the false rumor of land reparations in hope of convincing blacks that the plantation was the best place for them: “The idea seems to prevail with some of the freedmen that the government is going to give them all farms. Now, there is no evidence at present that the government is going to

⁴⁹ George P. Rawick, ed., The American Slave: A Composite Autobiography, 41 vols. (Westport, CN, 1972-1979), 15: 9, 33.

⁵⁰ Cartmell Diary, 30 October, 25 November, 24 December 1865.

do anything of the kind. . . . Don't wait for the government, or anybody else, to do anything for you, but branch out on your own responsibility, and you will soon find yourselves independent of the aid of Uncle Sam or any of his relations." By urging blacks back to the country, this rather conservative black organ once again demonstrated that its primary aim was to get freed laborers back to work.⁵¹

Not all freedpeople attempted to leave the plantation, however. Many feared fending for themselves and thus remained on their former masters' land. Indeed, many who escaped found themselves returning once they realized the limited opportunities available. Andy Odell stayed with his master "a good w'ile atter freedom." He "plowed, hoed, cut wood," and did all the other plantation tasks he had done during his enslavement. Rachel Gaines recalled that her former master paid her "\$35.00 a yeah (en keep) en hit wuz gib me eve'y Christmus mawning. . . . Gib me all de clothes en uthuh things I needed." Former enslaved Tennessean John Moore gave this account: "After freedom de slaves wuz 'lowed ter stay on de plantation en 'lowed ter farm en gib half dey made." Here, Moore was referring to a sharecropping arrangement that may have been made under bureau supervision. He continued, "After slavery I useter wuk fer fifty cents en git a peck ob meal, three pounds ob bacon, en a quart ob syrup which would las' a week." This willingness on the part of some freedpeople to stay with their former masters was sometimes a direct result of the bureau's efforts, but often it resulted from their somber realization that their survival depended on resuming plantation labor for former masters. By October 1865, Cartmell learned that many of the local former slaves who had

⁵¹ Nashville Colored Tennessean, 14 October 1865.

left for Memphis earlier in the year were returning to Jackson: “A no. of the darkies are coming home. . . . Can’t pay house rent in Memphis.” Beatrice and Jinney returned to Bills’s farm less than a week after their “strike for freedom.” Beatrice “sullenly” resumed her plantation responsibilities, but Bills refused to rehire Jinney.⁵²

In other instances, freedpeople’s return to work was perhaps the direct result of intimidation by planters and other whites: “De Ku Klux Klan’s plan wuz ter whup all . . . cul’ed people dat didn’t stay at home en support dere families but would run ’roun en live a bad life.” This “bad life” was likely the disobedience, “idleness,” and “negligence” that Commissioner Howard spoke of in his speech to the freedpeople in Memphis. Among the bureau’s chief concerns was to instill in blacks a strong sense of obligation to the planter class and agricultural labor. White Tennesseans clearly benefited from the efforts of the bureau to secure contracts legally binding laborers to the land, and the Ku Klux Klan’s intimidation tactics aided both the bureau and planters in this respect. A particularly ruthless Tennessee planter, Amos Black, went a step further than mere intimidation by shooting one of his former slaves who challenged his authority after the war. He then cautioned his other freedpeople: “You have been fooled with the d—d Yankee lies till you thought you were free, and you got so you could not obey your master: There is no

⁵² Rawick, American Slave, 15: 60, 17, 47; Cartmell Diary, 27 October 1865; Bills Diary, 8 August 1865.

law against killing niggers & I will kill every d—d one I have, if they do not obey me and work just as they did before the war.”⁵³

However, blacks never intended to work as slaves like they had before the war. Practically all bureau contracts noted that the laborer agreed to work “industriously.” If “industrious work” was interpreted by planters as an effort that achieved production equal to prewar harvests, they were likely often disappointed. Freed laborers were frequently disinclined to toil “faithfully and industriously” for employers and former masters who had so often swindled and maltreated them. Additionally, freedpeople continued to test the limits of their freedom by slackening their work habits, only laboring as hard as they were forced to by landowners and overseers.⁵⁴

Some freedpeople were tricked into remaining on their ex-master’s plantation well after emancipation. Freedman Robert Falls from Knoxville recounted his experience at the end of the war: “Everybody left . . . but me and my brother and another fellow. Old Marster fooled us to believe we was duty-bound to stay with him till we was all twenty-one. Soon [my brother] say he aint going to stay there. And he left. In about a year . . . he come back and he told me I didn’t have to work for old Goforth, I was free, sure enough free. [A]nd I went with him and he got me a job railroading.” A few blacks were lucky enough to get such non-plantation work—usually service or public-works jobs in cities—

⁵³ Rawick, American Slave, 15: 47; affidavit of Joe Black, 18 July 1865, quoted in Cimprich, Slavery’s End in Tennessee, 120.

⁵⁴ BRFAL Field Office Records, Rolls 24, 66, 70-72, passim.

but these opportunities were rarely available. Most freedpeople holding out for non-plantation jobs found themselves unemployed and homeless in Tennessee cities.⁵⁵

While white planters and newspapers decried the utter failure of the free labor experiment in the postwar South, blacks extolled its virtues. The Nashville Colored Tennessean ran weekly articles boosting the free labor ideal: “Accounts from the country concerning the free-labor system are quite flattering,” boasted an editorial of March 1866, “[its] good results . . . are already apparent to all. . . . In many towns in the South you cannot find a single colored idler, all being at work.” The editor then went on to assert that “planters and employers generally, are daily becoming better satisfied with the new order of things, and . . . could not be induced to exchange free labor for slave labor.” A majority of the evidence indicates, however, that this statement was mere wishful thinking; in fact, planters and other employers yearned for the bonded black labor of the antebellum years.⁵⁶

The Colored Tennessean also attempted to counter whites’ assertions that freedpeople were naturally lethargic and lacked sufficient industry in their work habits by reversing the argument and accusing white laborers. It was not black laborers who remained idle and consumed government relief funds during the postwar years, but white: “The whites invariably sit down forlorn, languid, and helpless; while the blacks, by their tinkering, manage in various ways to hammer out a living. . . . Great [as] has been the cry concerning the idleness and worthlessness of the blacks, they have eaten far less of the

⁵⁵ Rawick, American Slave, 15: 15.

⁵⁶ Nashville Colored Tennessean, 24 March 1866.

bread of charity than the whites.” This reveals that there were at least two sides to the debate over the worth of free black labor. A similar report attempted to justify blacks’ purported laziness by attributing that characteristic to human nature, while at the same time promoting blacks’ potential for equality: “So are you lazy; so is every mortal born of woman. It is a fundamental characteristic of the natural heart. . . . The actual enjoyment of methodological industry is ‘second’ nature, an acquisition and not a native instinct. Human beings do not make this acquisition except under the stimulus and pressure of adequate motives.—Such motives could never be developed in a state of slavery. Neither could they be developed under milder forms of oppression.”⁵⁷

These “milder forms of oppression” that the editor mentioned were the mistreatment and fraud experienced by blacks during the postwar years. Clearly blacks wanted to work and earn a living, so long as they could expect fair treatment and decent wages. Once the bureau made it clear that no land would be given away and stepped in with a contract system that claimed to protect black interests in labor negotiations, a majority of blacks signed contracts in the hope of receiving fair and equitable treatment from the former slaveholders.

⁵⁷ Ibid., 14 October 1865.

TENNESSEE LABOR CONTRACTS, 1865-1868

Contracts in Tennessee's Freedmen's Bureau records reflect the bureau's stern policies on black labor. However, before moving on to analyze the contracts, a word on methodology is appropriate. This study analyzes a sample consisting of 378 contracts primarily from three Tennessee counties, each in many ways geographically, agriculturally, and demographically characteristic of its respective region: Shelby County (including Memphis), representing West Tennessee; Robertson County (north of Nashville), representing Middle Tennessee; and Hamilton County (including Chattanooga), representing East Tennessee. Contracts from substitute counties have been used where the number of contracts available from these three counties is insufficient; contracts from Tipton, Hardeman, and Dyer, for example, substitute for Shelby in 1867, while contracts from Wilson substitute for Robertson in 1867. Although the substitute counties may differ somewhat from the original, each is for the most part geographically, agriculturally, and demographically reflective of its respective region.

Using a sample is necessitated by the huge number of contracts recorded. I have used a systematic sampling method to ensure (with a high degree of probability) that the sample reflects the whole from which it is drawn. I examined every other legible contract from Robertson County for the 1866 growing season. There is an unusually high number of contracts from Shelby County for that season; therefore, I used every third contract. Only thirteen contracts are recorded for Hamilton County for the entirety of the bureau's tenure; therefore, I used all existing legible contracts. The small number of contracts drafted during 1867 necessitated using all legible contracts from each sample county for

that year. There was a significant decline in the number of existing contracts drafted after 1867, as most freed laborers either made informal oral agreements with their employers or simply remained on the plantation from year to year without officially renewing or redrafting contracts via the bureau. Therefore, this thesis uses contracts from the 1866 and 1867 growing seasons only.⁵⁸

There are essentially two types of contracts in Tennessee's bureau records: hand-written contracts drafted by employers or bureau agents and pre-printed contracts created by the bureau, containing space for employers to write in laborers' names, ages, wages, and any additional hand-written stipulations. All were legally binding documents, and the stipulations were expected to be upheld by all parties under threat of legal punishment. For the purposes of this study, it was necessary to use pre-printed contracts almost exclusively because many of the hand-written "indentures of labor" were poorly preserved and are illegible. More importantly, however, hand-written contracts do not generally contain data comparable to those in the pre-printed ones. Hence, with the exception of a few hand-written contracts, the analysis herein is based entirely on pre-printed contracts.

The pre-printed sections of bureau-approved labor contracts differ only slightly by county and year; the language is fundamentally consistent. A typical Tennessee contract reads thus:

⁵⁸ BRFAL Assistant Commissioner Records, Rolls 20-24, 34, *passim*; BRFAL Field Office Records, Rolls 24, 66, 70-72, *passim*.

Know all Men by These Presents, That [employer], of the County of [county], State of [Tennessee], held and firmly bound to the United States of America in the sum of [amount] Dollars, for the payment of which [I] bind [myself], Heirs, Executors and Administrators, firmly, by all these presents, in this Contract: That [I am] to furnish the persons whose names are subjoined, (freed laborers,) Quarters, Fuel, substantial and healthy Rations, and all necessary medical Attendance and Supplies in case of sickness, and the amount set opposite their respective names per month, during the continuation of this Contract—the laborers to be paid in full before the final disposal of the crop which is to be raised by them on [my] plantation, in the County of [county], State of [Tennessee]. . . . This Contract to commence with this date and close with the year [year].

Employers were required to post a monetary bond at the initial drafting of each contract, which they forfeited if they failed to uphold their end of the agreement. If the employer refused responsibility for a particular pre-printed stipulation, it could be voided by marking through the print. However, instead of marking through them, employers generally hand-wrote “no Dr. bills,” for example, or “[freed laborer] feeds, clothes, and pays Dr. bills for himself and his family.” Hand-written stipulations negated pre-printed ones: if an employer penned “no rations” on a contract, for example, this took precedence over the pre-printed section stipulating “substantial and healthy rations.” The pre-printed

section provided for a monthly distribution of wages, but employers almost always penned the desired frequency of distribution.⁵⁹

Contrary to Gerald David Jaynes's findings, only 12 percent of Tennessee contracts stipulated a share of the crop as compensation, while 81 percent stipulated some form of regular wages and 7 percent stipulated subsistence, room, and board. Of the regular wage-earners, 56 percent were to be paid annually, or at the completion of the contracted work; 40 percent were to be paid monthly (however, in these cases, it was frequently understood that wages were actually payable at the completion of the harvest); and 4 percent were to be paid in part monthly with the balance at the end of the contract. All contracts were one year in duration unless otherwise stipulated. Typically the employer wrote "contract to commence this day and close with the end of the year." Contracts stipulating an annual payment at the end of the year were to be fulfilled on Christmas Day. Employers were expected to uphold all pre-printed conditions in contracts containing no hand-written stipulations, but evidence in the bureau court records and complaint books suggests they did not.⁶⁰

Tennessee labor contracts frequently reflect the authoritarian attitudes of bureau agents and employers. For example, a Shelby County contract between a planter and twelve laborers insists that "the laborers bind themselves to render faithful services and

⁵⁹ BRFAL Assistant Commissioner Records, Rolls 20-24, 34, passim; BRFAL Field Office Records, Rolls 24, 66, 70-72, passim.

⁶⁰ BRFAL Assistant Commissioner Records, Rolls 20-24, 34, passim; BRFAL Field Office Records, Rolls 24, 66, 70-72, passim.

prompt and cheerful obedience to any and all reasonable requirements of their employers, and to refrain from all annoyances. . . . doing the duties and liabilities of hired servants or laborers.” A contract from Dyer County stipulates that the laborer was to be “governed by [the employer’s] rules and regulations” for the duration of the year. Several note that “quiet and good order is promised” by the laborers. Freedwoman Louisa Byars agreed to be “subject to the controls” of her employer, doing any “reasonable and lawful” work on the land; and a sharecropping married couple from Shelby County promised to be “respectful and obedient” to their employer. The rhetoric in these examples is typical of most addenda to pre-printed contracts from all regions of Tennessee.⁶¹

The frequently ambiguous language in bureau-approved contracts put freedpeople in a vulnerable position. Often it was left to the employer to determine how long and hard the laborers should work. The differing interpretations of that language by planters and laborers resulted in much confusion. Some legal language, on the other hand, was not slippery in meaning, but rather too absolute to be variably interpreted. A freedwoman

⁶¹ BRFAL Field Office Records, Roll 71, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby County,” Shelby County contracts, 30 December 1865, 21 January 1866, undefined date between 30 December 1865 and 1 January 1866; BRFAL Assistant Commissioner Records, Roll 20, “Indentures of Apprenticeship Dec. 1865-Feb. 1868, Contracts: Jan. 1, 1865-Jan. 1, 1868,” apprenticeship at Dyersburg, TN, 30 December 1865, Dyer County contract, 29 December 1865, FBO, <http://freedmensbureau.com/tennessee/contracts/misccontracts2.htm>; Rolls 20-24, passim.

from Robertson County, for example, promised to “be on hand anytime she is called for.” Anthony Hall from Wilson County agreed to be “subject to all just orders and commands” of his employer.⁶²

Tennessee contracts reflected the gender roles and family organization that prevailed in postwar Tennessee. While in some cases families were to be paid on an individual basis, in most cases families’ wages were to be paid exclusively to the oldest male or head of the family. Wages depended on the laborer’s sex, age, and physical ability. Contractual language was nearly always directed to the man or men in a family, except when freedwomen were indicated, which was seldom. In family contracts, only the man was required to make his mark, regardless of his family’s size. A typical married freedwoman was referred to as “the wife of said laborer,” and was hired as a house servant to cook, clean, wash, iron, milk cows, and perform other domestic chores. Contracts indicate that freedwomen were promised monthly or yearly pay as often as freedmen, but the amount was always lower than men’s.⁶³

⁶² BRFAL Field Office Records, Roll 70, “Labor Contracts Received by the Office of the Assistant Commissioner: Robertson-Shelby Counties,” Robertson County contract, 1 January 1866, Roll 72, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby-Wilson Counties and States Other Than Tennessee,” Wilson County contract, 7 February 1867.

⁶³ *Ibid.*, Roll 71, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby County,” Shelby County contracts, 30 January 1866, 25 January 1866, 3 January 1866; Rawick, *American Slave*, passim.

Very few contractual differences can be identified across Tennessee's distinctive geographic regions. Shelby County contracts indicate a slightly larger proportion of sharecroppers than those of Robertson or Hamilton counties in 1866, but the majority of freed laborers across the state that year worked for some form of wages. In Hamilton County, where the bureau drafted very few contracts due to the scarcity of large plantations and freed laborers, only one in three contracts stipulated a sharecropping arrangement.

A few contracts from Hamilton County indicate non-plantation jobs, such as work in saw mills, blacksmith shops, and carpentry. One Hamilton County contract indicates a total of thirty laborers: five boys, aged from twelve to fifteen, were to be paid six dollars per month; and twenty-five brick-makers, all males, aged from seventeen to thirty-nine, were to be paid twelve dollars per month. Further, not all contracts indicated a full year's worth of labor; at least a few were for short durations. For example, another from Hamilton County was for only two month's worth of carpentry labor: "Samuel Davis (colored) agrees to plaster 2 houses . . . to be plastered in good style. . . . [employer] agrees to furnish all material necessary for the completion of the work. . . . \$300, one half payable at completion of the first house, the balance payable at the end of the contract and completion of the second house." Thus, it seems that bureau officials did not always put black laborers back on the plantations, but these are only a few contracts compared to the many that stipulated agricultural labor, and they represent a minority of contracts even in areas with more industry and fewer plantations, such as Chattanooga. This may imply that the types of job opportunities varied among regions; however, a few West and Middle Tennessee contracts likewise call for work "in the blacksmith shop," or "in the

Saw Mill.” Regardless of the type of work, the compensation was almost always a wage disbursement; clearly, the bureau strongly encouraged a wage labor system throughout Tennessee.⁶⁴

While Jaynes found that laborers preferred the wage system, I argue that agents and planters enforced the wage system against the best interests of freedpeople. Many historians have described the bureau as an instrument of the free labor society of the North, and agents were eager to show the superiority of that system to the supposedly backward and barbaric methods of the Old South. Since “wage labor” and “free labor” were often synonymous during the nineteenth century, stipulating wages from the start was essential to this goal. The bureau was determined to create a class of free black laborers, and as long as wages were required, it would appear that freedpeople had become legitimate participants in the free labor system, regardless of whether employers actually paid them. Agents were optimistic that they had helped to effect a smooth transition. In many cases, however, when payday arrived the employer was unwilling or

⁶⁴ BRFAL Field Office Records, Roll 66, “Labor Contracts Received by the Office of the Assistant Commissioner: Dyer-Hamilton Counties,” Hamilton County contracts, 17 June 1866, 9 October 1865, Roll 70, “Labor Contracts Received by the Office of the Assistant Commissioner: Robertson-Shelby Counties,” Robertson County contract, 29 March 1867, Roll 71, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby County,” Shelby County contracts, 22 January 1866, 13 January 1866, Rolls 24, 66, 70-72, *passim*; BRFAL Assistant Commissioner Records, Rolls 20-24, 34, *passim*.

unable to pay his workers, and then the blacks did not receive what their contracts supposedly secured them.⁶⁵

The bureau's official policy was to allow natural market forces to determine wages, and therefore Commissioner Howard did not set a fixed wage throughout the South. Instead, he left it to assistant and sub-assistant commissioners to determine wages based on local supply and demand. As a result, planters were left with generous leeway to stipulate unfair wages. Wages throughout Tennessee ranged from twenty-six to three hundred dollars per year for able-bodied males, and from twelve to one hundred twenty dollars per year for able-bodied females; these amounts varied depending in part on whether other forms of compensation were agreed on, such as a garden for personal use or a share of the crop. Children's wages amounted to practically nothing; many worked for mere sustenance. One contract provided only \$162 per year for a family of four. Another indicates that freedman Jacob Ellis, age thirty-one, along with his wife, age twenty-seven, and two children, ages six and four, were to be given one hundred dollars for the year, "and Jacob pays all Dr. bills." Additionally, employers frequently voided many of the basic provisions that pre-printed contracts indicated. Contracts indicating a relatively high pay rate usually stipulated that the laborers were responsible for room and

⁶⁵ Kenneth M. Stampp, The Era of Reconstruction, 1865-1877 (New York, 1965), 131-35; BRFAL Assistant Commissioner Records, Rolls 20-24, 34, passim; BRFAL Field Office Records, Rolls 24, 66, 70-72, passim.

board, farm implements, medical care, etc. Indeed, some laborers were fortunate to receive anything above subsistence.⁶⁶

There were exceptions to the rule, however. Some of the wealthiest landholders offered generous compensation during the immediate postwar years. Compared to the majority of Tennessee planters, John Houston Bills offered his laborers more money and sufficient benefits between 1865 and 1868. In addition to offering the same basic subsistence that had been given to them as enslaved farmhands (rations, clothing, shelter, and medical care), for the year 1866 he hired Angelina as a cook and housekeeper at \$6 per month, and Isom as a farmhand at \$12 per month. They were also given “a patch of 1 acre” to produce what they could for themselves. Bills noted in his diary that these agreements had been approved by the bureau.⁶⁷

For the year 1867, Bills decided to attempt a sharecropping payment method with some of his workers whereby he provided only “the Team, Land and feed for team till the Crop is Made.” The laborers were fed from the crop at the end of the season, but were responsible for clothing themselves and paying their own doctor bills. The harvest was then divided equally between Bills and the laborers at the end of the contract. This was a comparatively generous form of compensation known as employing “on halves.” As

⁶⁶ BRFAL Field Office Records, Roll 70, “Labor Contracts Received by the Office of the Assistant Commissioner: Robertson-Shelby Counties,” Robertson County contract, 21 December 1865, Rolls 24, 66, 70-72, *passim*; BRFAL Assistant Commissioner Records, Rolls 20-24, 34, *passim*.

⁶⁷ Bills Diary, 25 December 1865.

shown in the contractual analysis below, most sharecropping arrangements provided the laborers only one third of the crop at best, and laborers were typically responsible for feeding themselves.⁶⁸

Bills also hired numerous freedpeople to work for wages in 1867. Angelina's wages increased to \$8 per month, but a male farmhand named Charley was paid the standard \$12 per month. A hopeful Bills wrote in his diary on New Year's Day 1867: "My Coloured people go to work freely and I think those about my town house will perhaps do for the large pay I am to give them . . . about \$450—with rations and good houses to live in, with wood and many Comforts."⁶⁹

Bills's financial situation, however, was uncharacteristic of most Tennessee planters. Only the most prosperous landowners could afford to offer such wages, and Bills was among the fortunate few who had diversified his investments before the war. His wartime losses, while significant, were not devastating. Even after losing nearly fifty slaves—a very expensive loss—Bills was able to hire new workers to keep his numerous plantations financially afloat. Most Tennessee planters, however, struggled merely to feed themselves and their families in the postwar years, and were not at all concerned with offering decent compensation to their workers.

Those unable or unwilling to offer such compensation were sometimes left for months without hands. Robert H. Cartmell, for example, struggled throughout the postwar years to find and keep laborers on his farm. He frequently found that, once hired,

⁶⁸ Ibid., 31 December 1866.

⁶⁹ Ibid., 1 January 1867.

freedpeople became dissatisfied with their situation, stayed only until the first payday, and then quit to search for a better opportunity. Others, Cartmell found, desired the company of their fellow freedpeople and hence preferred to work on large plantations with many black laborers: “If a man wants 2 or 3 [freedpersons], the negro prefers to be where there is a crowd of them. Hence some are able to employ 20 or 30 or 50 hands & has less difficulty in getting them than others to get 4 or 5.” This also illustrates that blacks had a degree of leverage in labor negotiations; however, planters held the ultimate authority with the help of the black code and the bureau’s strict policy.⁷⁰

In the second postwar growing season, Cartmell resorted to a sharecropping arrangement with his employees: “The negro man Abram, I am to give every Saturday a mule & plow & as much ground as he can cultivate. If I pay them by the month or any other way, they are apt to leave at any time. Not likely this way. . . . They prefer to work this way and I think it more likely they will remain having something of the kind as an inducement.” Cartmell realized that by giving his employees a reason to stay on and work—a vested interest in the land and the harvest—they were more likely to fulfill their contractual obligations. Wage labor was attractive to freedpeople only in the sense that, once they received a little pay, they could freely move on to another job where perhaps more of their friends and family worked. Freedom of mobility was important to ex-slaves after emancipation, and the wage labor system, while disadvantageous in some respects,

⁷⁰ Cartmell Diary, 25 December 1865, 1 January 1866.

provided a modicum of liberty, at least when planters paid on a monthly basis and lived up to the contracts. This was very seldom, however, as shown below.⁷¹

Between 1865 and 1868, a small proportion of freed blacks in Tennessee labored for little more than what they had received as slaves: rations, fuel, clothing, quarters, and medical care. Thirty contracts stipulated no additional compensation beyond room and board. Many of these involved displaced children or single mothers who had no other means of providing for their children, but a few such contracts involved entire families. In addition to rations, fuel, and quarters, Lewis Chambers, age seven, was to be given “3 suits of clothes and 2 pairs of shoes” for his year of faithful work. Elizabeth Farmer, twenty-four, and her small child Isaac were offered only food, clothes, and doctoring to toil on the land through the hot summer months. Eleven-year-old Hannah Washington contracted for clothes and doctoring, and a freedwoman from Shelby County agreed to labor with her child “under the entire supervision” of her employer for nothing above sustenance. One contract merely stated, “she is clothed.” In a rare case, a family of four, ages thirty-four, thirteen, ten, and eight, were merely “f[o]unded” (i.e., provided with food) by the employer, in addition to receiving medical care and clothing. Some planters found that the most desperate and destitute freedpeople were the most exploitable, because they were willing to work for so little. Cartmell observed in his diary, “I believe the poorest, leanest, lankest, hungry looking ones are the best.”⁷²

⁷¹ Ibid., 31 March, 18 May 1866.

⁷² BRFAL Assistant Commissioner Records, Rolls 20-24, 34, passim; BRFAL Field Office Records, Roll 70, “Labor Contracts Received by the Office of the Assistant

Rations were rarely spelled out in detail, but most reports indicate that freed laborers received barely enough to survive, and employees were often malnourished. The Nashville Colored Tennessean protested that in many instances, “the ration . . . was insufficient for laborers, being only one pound of bacon, three mackerel, and a peck of meal to each able-bodied man, a little less for the women, and nothing at all for the children.” Planter diaries suggest that laborers were often given little more than salted pork and corn meal. Fruits, vegetables, and other essential foods were frequently absent from freed laborers’ diets, or at least from that portion of it that the employer was required to provide.⁷³

Despite the bureau’s self-professed obligation to provide education for freedpeople, none of the examined contracts stipulated time off for school. In fact, of the entire contract sample, only three stipulated time off for any reason—usually one Saturday afternoon per month, except when work was “absolutely necessary,” as during the harvest. This time off could have been used for schooling for children and adults; however, there is little to suggest that it was. Of course, it was understood by whites and blacks alike that Sundays were days of rest, but sometimes even that understanding was not honored. One freedwoman, earning only thirty-six dollars per year as a house servant, got “every other Sabbath day to herself for her own time.” The isolated cases of a less-

Commissioner: Robertson-Shelby Counties,” Robertson County contract, 27 November 1865, 6 November 1865, 4 November 1865, 25 November 1865, 18 December 1865, Rolls 24, 66, 70-72, passim; Cartmell Diary, 4 September 1865.

⁷³ Nashville Colored Tennessean, 14 October 1865.

than-six-day week are negligible compared to the large number of laborers who toiled hard for poor compensation and no stipulated time off besides Sundays.⁷⁴

Tennessee contracts from 1865 to 1868 clearly reveal an increase over time in stipulations protecting planters' interests at the expense of laborers. Beginning in late 1866, for instance, most employers no longer offered medical attendance in case of sickness; pre-printed sections were either amended to require that only "slight sickness" would be treated, or the clause was altogether removed from the document. In early 1867, the bureau began using a new pre-printed contract that had no medical-care clause. Few freed laborers could count on employer-provided health care after 1866, and few ever received it at all. As early as September 1865, Cartmell noted that "Doctor's charges are too high now. A few days sickness now would absorb a year's work." Additionally, beginning in 1867, many employers introduced a "lost-time clause," which protected them from any work lost due to sickness or idleness; lost time was always to be repaid at the laborer's expense. A contract for four unrelated male workers, ages between nineteen and twenty-three, stated, "all time lost by sickness to be deducted." As early as January 1866, employers used a similar "freeloader clause." In one case a group of three families

⁷⁴ BRFAL Field Office Records, Roll 72, "Labor Contracts Received by the Office of the Assistant Commissioner: Shelby-Wilson Counties and States other than Tennessee," Wilson County contracts, 1, 8 January 1867.

agreed “to do any work that may be assigned . . . to work proportionally and to provide a hand in our stead if sick or idle.”⁷⁵

Employers became even more demanding in West Tennessee during the 1867 growing season, when they frequently forbade their laborers to quit. The aforementioned contract for four unrelated male workers insisted that the workers “are not to leave.” Tipton County employers also began accounting for rations, farm implements, and any other supplies or provisions that they loaned to workers. This was likely a convenient way for them to avoid a large settlement at the end of the contract.⁷⁶

Frequently contracts indicated that laborers’ transportation costs were to be deducted from the final settlement. One required “the railroad fare from Chattanooga to the plantation to be deducted from wages at end of year.” The bureau often arranged transportation for “destitute refugees” to any location where demand for labor was high. Tennessee’s bureau records indicate several instances of freedpeople from Nashville being transported to all corners of the state for the purpose of signing contracts with

⁷⁵ Cartmell Diary, 4 September 1865; BRFAL Field Office Records, Roll 72, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby-Wilson Counties and States other than Tennessee,” Shelby County contract, 8 March 1867, Roll 71, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby County,” Shelby County contracts, 10 March 1866, 21 January 1866.

⁷⁶ BRFAL Field Office Records, Roll 72, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby-Wilson Counties and States other than Tennessee,” Shelby County contract, 8 March 1867.

employers desperate for labor. One “indigent” freedman, W. H. Stillwell, was shipped hundreds of miles from Humboldt in West Tennessee to Chattanooga in the extreme southeast corner of the state.⁷⁷

Generally, contracts in the Tennessee bureau records reflect a bias against the interests of freedpeople. Agents claimed to offer protection, but the evidence suggests that the bureau was more willing to ensure that planters had cheap and dependable workers than to protect freedpeople’s rights. Contracts also echoed the slave labor system in some respects, requiring that workers be obedient and industrious under threat of punishment. With the exception of offering some cash or share payment—and many workers did not get even that—contract labor was hardly distinguishable from slave labor. With regard to labor, the Freedmen’s Bureau was more an adversary than a guardian of freed blacks during the postwar years, to the direct benefit of Tennessee planters. After the bureau reunited freedpeople with former slaveholders, it offered the blacks little protection; freed laborers were in many ways left to the mercy of the planter class, and they unfortunately received very little.

⁷⁷ Ibid., Tipton County contract, 8 January 1867; BRFAL Assistant Commissioner Records, Roll 34, “Transportation Reports,” FBO, <http://freedmensbureau.com/tennessee/reports/transpo1.htm>, <http://freedmensbureau.com/tennessee/reports/transpo2.htm>.

LABOR UNDER THE CONTRACT SYSTEM

Since the bureau's chief concern was to force freed laborers to work for ex-masters, little consideration was given to the situation blacks would face once back on the farm. Planters were concerned only with obtaining obedient and industrious employees, and many enjoyed considerable freedom in manipulating and abusing their hired hands. The scarcity of ready cash in the South after the war ensured that many freedpeople would not receive their pay, and the insufficient protection offered by the bureau gave planters plenty of leeway to cheat their employees. The evidence suggests that some bureau agents lamented the unfortunate circumstances blacks faced, but they were unable or unwilling to improve the situation. When agents encountered cases of gross abuse or fraud by employers, they generally punished the offenders and required reparations to black victims, but the chances that agents could prevent these occurrences were slim to none. The bureau courts were a significant aid to mistreated freedpeople, but their abolition in early 1866 left blacks with no source of justice. Local courts dominated by racist white officials and jurors were useless to blacks, and black testimony was disregarded by whites. This was the harsh reality that bureau agents strongly encouraged freedpeople toward.

Once the labor was secured, employers frequently reneged on contracts and withheld wages, sometimes maliciously, sometimes because they simply could not afford to pay regular wages. The Southern economy had suffered the strains of war for four long years, and the resulting dearth of cash and credit put planters and freedpeople in a precarious situation. In Memphis, one newspaper warned that no major cotton

transactions had taken place because “the buyers [were] more numerous than the sellers.”⁷⁸

However, the crippled economy was not solely to blame. Because the bureau promoted wage labor in this unstable situation, and because federal troops had frequently plundered Southern farms and plantations leaving their owners with extremely limited resources, blacks often eked out only the barest subsistence in return for their work as laborers. Andrew Moss, a former slave from Knoxville, remembered the desperate struggle for survival: “Most specially after de surrender. . . . We was glad to eat ash-cakes and drink parched corn and rye ‘stead o coffee. I’ve seed my grandmother go to de smoke house, and scrape up de dirt whar de meat had drapped, and take it to de house fer seasonin. You see,” he explained, “both armies fed off’n de white folks, and de cleaned out dey barns and cellars and smoke houses when dey come.” Attesting to the sluggish economy in Middle Tennessee after the war, Ellis Ken Kannon recalled that “our white people wuzzent able ter gib us anything. Eve’ythin’ dey had wuz tuk durin’ de wah.” John Houston Bills noted how desperate the freedpeople’s situation was after three years of “freedom”: “Free Negroes look badly, few of them well clad or shod.”⁷⁹

The planters themselves were in many cases broke, or nearly so. They were willing to promise wages up front, but many struggled just to feed their families and laborers; certainly they could not afford to pay cash on a regular basis. Robert H.

⁷⁸ Memphis Daily Appeal, 26 November 1865; Nashville Dispatch, 6, 8 September 1865; Brownlow’s Knoxville Whig, 28 February 1866.

⁷⁹ Rawick, American Slave, 15: 49, 37; Bills Diary, 29 December 1867.

Cartmell wrote in his diary: “My situation is almost intolerable. May even get worse. . . . I must wait & look on & by hard work barely feed & clothe myself & children. . . . It is hard after loosing so much to have to loose so much on what is left.” Furthermore, planters who entered the war as creditors were usually left unable to recover their loans: “No way to sue,” Cartmell lamented in 1865, “no courts yet organized & even then doubtful what if any thing can be made.” In addition to losing more than half of the value of his money and land after the war, Cartmell was forced to give up on nine-tenths of the debts owed him. In September 1865 he complained, “It is next to impossible to get men to settle their debts. Some would pay but can’t, other[s] can and won’t. . . . It is best to ever be even with all men and keep so. ‘Owe no man any thing.’ is a good, very good practical lesson.”⁸⁰

Another problem was that sound currency was in very short supply after the war. Confederate money was of course altogether worthless, and often Southern state and bank currency was of limited value. Tennessee newspapers ran advertisements throughout the postwar years for banks offering to pay only twenty-five cents on the dollar for bank notes that were “steadily declining” after the war. “I am at a stand still,” Cartmell complained in the summer of 1865, “nothing that I can convert into money & not a dollar in U.S. money. . . . The fact is there is little or no money in the country, that is U.S. money. Banks of Tennessee is 20 cents in the dollar, Union about 60 cents,

⁸⁰ Cartmell Diary, 6, 16 August, 24 June, 16, 25 December, 25 September 1865.

Planters 55. I don't suppose any could be sold here at these figures. . . . [A]nd the tendency is downward, downward. I have been at a loss to know what to do."⁸¹

Many smaller landholders such as Cartmell considered selling their land because there was little hope of turning a profit in the postwar agricultural economy. Land values plummeted after the war. "My land is about all I have left," Cartmell wrote. "Can do nothing with that now." He realized that he could not "[sell] without a ruinous sacrifice. Don't suppose I could get \$5.00 per acre for my land." In his desperation he sought a new livelihood outside of plantation production. By the end of 1866 he and a few neighbors had purchased a saw mill in the hope of once again turning a profit. "It is useless for me to hold and pay taxes on 750 acres of land, work only a few acres of it, wear myself out to hold the land," he wrote. "I hope to turn my attention some other way this year, so as not to depend entirely on digging in the ground and uncertain negro labour for support."⁸²

Regardless of contract clauses, planters seldom paid wages until after the harvest had been sold due to the lack of cash, and they sometimes found ways to avoid payment even then. Bureau agents often lamented that laborers were vulnerable to fraud on plantations, but more often than not they failed to protect blacks. Many employers took every opportunity to cheat their laborers, both during and after the contracted work. S. H. Melcher, bureau superintendent at LaGrange in West Tennessee, reported in December 1865 that "the outrage most frequently occurring is the refusal of the employer to settle with the Freedmen for their last years' work, or taking advantage of them and securing a

⁸¹ Ibid., 24 June, 1, 16 August 1865.

⁸² Ibid., 24 June, 23 July 1865, 3 February 1866.

settlement before witnesses for a mere trifle.” Whites sometimes retaliated against freedpeople who tried to get their contracts enforced. “Edmund McNeil, a freedman was arrested and put in jail in Bolivar,” wrote Melcher, “and hired to a man in Miss. because he went to Supt. at Bolivar to learn about his contract.”⁸³

A few planters committed even more outrageous violations of freedpeople’s rights. Melcher observed that “in many cases the children of colored persons which are able to work have been taken and bound out, leaving the younger and more helpless to be cared for by their parents.” Such binding out of black children was permitted under a state law enacted after the war. Cases in which freed blacks were forced to forfeit family unity indicate the degree to which they were once again subjected to former slaveowners. This tragic postwar reality was directly facilitated by the bureau, ostensibly the official guardian of formerly enslaved people.⁸⁴

Bureau officials had but limited power to prevent the abuse of laborers after the contracts had been approved. The complaint books of the Freedmen’s Court in Tennessee document hundreds of instances of violence committed against freed laborers by bitter employers in episodes that are sadly reminiscent of enslavement. Daniel Phillips accused his employer of attacking and threatening to kill him: “[He] said to me that I hurt his

⁸³ BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots and Murders, Jan. 15, 1866-Aug. 12, 1868,” report from S. H. Melcher, superintendent at Lagrange, TN, 18 December 1865, FBO, <http://freedmensbureau.com/tennessee/outrages/tennoutrages1.htm>.

⁸⁴ Ibid.

Mule which I denied. He went & got his gun, he then whipped me first with a green limb, he then sent by servant Dom to Mr. Wright for a waggon whip, he then held the gun in his right hand and whipped me with his left, saying if I moved he would blow a hole through me, I think he hit me a hundred licks in all.” After contracting with Andrew B. Payne in August of 1865, laborer Sam Neal feared for his daughter’s virtue: “Payne hired myself and family 10 altogether to work for the season, he has made several base attempts on my daughter.” Many freed laborers lived in fear of threats such as these on a daily basis.⁸⁵

Employers commonly resorted to whipping and other acts of brutality as punishment throughout the postwar years. It was reported in 1867 that one employer, Wm. Jones, “did tie up a colored boy and give him 500 lashes. . . . [T]he boy not dead but badly whipped & the criminal gone to parts unknown.” The Nashville Colored Tennessean reported that “A Justice of the Peace in Macon county . . . had a negro whipped thirty lashes on his bare back . . . on the charge of stealing a pig; and the negro’s poor old mother was stripped and flogged for partaking of the aforesaid pig.” Another cruel employer, Isaac Rucker, attacked freedman Bee Whitney’s wife when she was nine months pregnant. Whitney complained that his employer “beat my wife in the head side

⁸⁵ BRFAL Field Office Records, Roll 24, “Complaint Books of the Freedmen's Court in the Memphis District, July 24, 1865-November 20, 1866 (Volumes 169-172),” Phillips vs. Harrison, 29 July 1865, FBO, <http://freedmensbureau.com/tennessee/reports/tencourt.htm>, Welsh vs. George, 17 November 1865.

& body with a piece of board, the last blow knocked her down. This was 6 days before she had a child—He threatened to shoot us if we did not leave, we left.” A Nashville newspaper reported that “many [planters] thrust [freedwomen] out . . . with great violence, threatening them with flogging and even with shooting . . . and in some cases those inflictions were actually suffered.” One East Tennessee newspaper opined that “the present status of the negro is even worse than under the old slave regime. Then he had a guardian who sometimes oppressed him . . . but who nevertheless provided for his bodily welfare.” After emancipation, former slaveowners had little invested in black laborers. Workers were more likely to be physically abused when they were not considered valuable property to planters. The bureau’s strict policy on forced-contract labor in many cases directly facilitated this situation, and agents could do little to prevent such abuses.⁸⁶

Moreover, despite contract clauses promising wages, a share of the crop, or mere subsistence, many employers felt fully entitled to exploit and openly cheat black laborers out of their just compensation; most were not even remotely intimidated by the bureau. Wealthy planters such as John Houston Bills sometimes served as a justice of the peace for the county. Often Bills spent entire days trying cases “where negroes sue their

⁸⁶ BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots, and Murders,” report from agent John Seage, superintendent at Murfreesboro, to Lt. J.T. Alden, 17 January 1866, FBO, <http://freedmensbureau.com/tennessee/outrages/murfbororept.htm>; Nashville Colored Tennessean, 14 October 1865; Nashville Daily Union and American, 1 August 1865; Cleveland Banner, 9 January 1868.

Employers for last years work.” One freedman from Middle Tennessee complained, “when I began to gather the crop (I was to have the 1/3) [my employer] drove me and my family off and would not give us a bit of anything to eat and said he did not care a dam for the Bureau.” Freed laborer Sam Neal feared for his life when it came time to collect his pay: “[My employer] . . . has ordered me off without pay or share of the crop & because I did not go he got his pistol & threatened to shoot me—he got Miles Ferguson to beat me & the both together beat me badly.” Threats such as these likely intimidated many blacks to the point of acquiescing to unfair contractual stipulations and outright fraud by employers.⁸⁷

Deception was also a useful strategy for whites when payday finally came. Freedwoman Jane Turner claimed that her employer “has driven me off and beat me & owed me 20 dollars but keeps it back to pay for a Doctors bill 2 years ago.” In a similarly devious ploy, a contract from Robertson County stipulated that each of two families were to receive one third of the crop, while the employer got one half. Unfortunately for the laborers nobody noticed the mathematical slip; it was likely adjusted at harvest time to the planter’s advantage. A contract from Shelby County stipulated that “Jim [the laborer] agrees to pay interest on all money advanced at the rate of 10 percent per annum.” This interest applied to farming implements, feed for stock, and provisions for the family

⁸⁷ Bills Diary, 25 March 1867; BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots and Murders, Jan. 15, 1866-Aug. 12, 1868,” report from agent John Seage, superintendent at Murfreesboro, to Lt. J.T. Alden, 17 January 1866, FBO, <http://freedmensbureau.com/tennessee/outrages/murfbororept.htm>.

advanced by the employer; by the end of the season, Jim may actually have been in debt. A Memphis newspaper reported that “wealthy landholders, who have lost nothing by the war but their negroes, may combine . . . to get the services of the negro as an employee, to the end that he may be brought in debt to them at the end of every year, and thus they may get his labor with less responsibility and compensation than when he was a slave.” A report from the Nashville Colored Tennessean stated that, at the end of a year-long contract, a family of freed laborers were told by their employer that “they were entitled to no pay, but, on the contrary, were owing him. They had received only their board from the [employer], and were twenty-five hundred dollars in debt!”⁸⁸

As part of the black code enacted by the Tennessee legislature, the testimony of blacks against white violators was ruled inadmissible in county courts, which left freedpeople in a vulnerable position. When they attempted to demand their pay in courts whites retaliated violently. The Memphis Daily Bulletin reported an outrageous atrocity

⁸⁸ BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots and Murders, Jan. 15, 1866-Aug. 12, 1868,” report from agent John Seage, superintendent at Murfreesboro, to Lt. J.T. Alden, 17 January 1866, FBO, <http://freedmensbureau.com/tennessee/outrages/murfbororept.htm>; BRFAL Field Office Records, Roll 70, “Labor Contracts Received by the Office of the Assistant Commissioner: Robertson-Shelby Counties,” Robertson County contract, 21 November 1865, Roll 71, “Labor Contracts Received by the Office of the Assistant Commissioner: Shelby County,” Shelby County contract, 8 January 1866; Memphis Daily Bulletin, 30 May 1865; Nashville Colored Tennessean, 14 October 1865.

committed by unknown whites against a freedman, and acknowledged the lack of justice for blacks in the local courts. “A colored man came into the city yesterday to complain that, having declared his rights as a freeman, and his determination to have pay for his work if he continued to labor, he was seized and had the sinews of his legs cut, and part of his toes cut off. Of course as he cannot testify in the State courts against a white man, he can there obtain no redress.”⁸⁹

The bureau established courts to deal with freedpeople’s complaints, ranging from withheld wages to rape and murder, but they were mostly ineffective due to white resistance and plaintiffs’ failure to appear. When accused in the bureau court, some employers simply fled the county. One group of freedpeople in Chattanooga said “they worked all the year for P. Goodin & last week he called in the due bill he gave us & paid us 20 per cent & promised to meet us all at the Bureau to pay the balance—he left in the Cars yesterday & has cheated us all.” The bureau also used its courts to enforce vagrancy laws and to compel blacks to sign contracts. In some cases, black prostitutes in cities were charged with vagrancy and sentenced to work for planters in the country.⁹⁰

⁸⁹ Memphis Daily Bulletin, 17 June 1865.

⁹⁰ BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots and Murders, Jan. 15, 1866-Aug. 12, 1868,” report from agent John Seage, superintendent at Murfreesboro, to Lt. J.T. Alden, 17 January 1866, FBO, <http://freedmensbureau.com/tennessee/outrages/murfbororept.htm>; Memphis Daily Appeal, 28 November 1865.

The courts were much criticized by Tennessee planters, but the bureau kept them operational since blacks were not permitted to sue or even testify in the county courts. This changed on 26 May 1866, when Governor William G. Brownlow signed into law a legislative bill defining the rights of “Persons of Color.” This act granted freedpeople the right to “make and enforce contracts, to sue and be sued, to be parties and give evidence, . . . [and] to have full and equal benefits of all laws and proceedings for the security of persons and estate,” and furthermore decreed that blacks would not “be subject to any other or different punishment, pains, or penalty, for the commission of any act or offense, than such as are prescribed for white persons.” Once this bill passed, Assistant Commissioner Fisk issued Circular No. 11, abolishing the bureau courts. Thereafter, contracts between black laborers and planters had considerably less force, and agents drafted considerably fewer contracts. Freedpeople then had to seek justice in county courts, where lily-white juries frequently found against them.⁹¹

Policemen, judges, and juries were usually prejudiced toward blacks. By the end of 1865, the proportion of Tennessee penitentiary prisoners who were black—2 percent before the war—had grown to a whopping 33 percent. As one historian has written, “Court fines and incarceration had replaced the slaveholder’s whip as the legal means of physically controlling blacks.” This trend is reflected in John Houston Bills’s diary in July 1867, when he wrote that the local circuit court had “Convicted 7 to the penitentiary,

⁹¹ Acts of Tennessee, 34 General Assembly, Adjourned Sess., 1865-66, 65; Paul David Phillips, “A History of the Freedmen’s Bureau in Tennessee,” (Ph.D. diss., Vanderbilt University, 1964), 160-61; Phillips, “White Reaction to the Freedmen’s Bureau,” 53.

5 colored and 2 white Men.” Reporting on a murder, bureau sub-assistant commissioner James M. Johnson explained in 1868 that four white men “killed Henry Hunt (colored) near Mouse Creek, McMinn Co., Tenn. The murderers were arrested, tried by jury and although it was in proof positive that one of their number killed him the jury acquitted them.”⁹²

Being white put some violators above the law in disputes with freedpeople. Some planters held such strong influence in local affairs that county authorities were unwilling to make an arrest. In Madison County, according to a bureau agent, freedman Bill Tice was “shot and severely wounded while at work on Mrs. Johnson's plantation in Madison County. . . . The civil authorities are powerless to make any arrest in this case.” M. H. Church, bureau superintendent at Chattanooga, reported that “the freedmen cannot get anything like their rights under the laws. They are imprisoned on frivolous charges unsupported by reliable testimony, although allowed to testify their evidence amounts to nothing against a white man.” Cases such as these were common throughout Tennessee during the postwar years. Juries were disinclined to convict a fellow white citizen when accused by a black, regardless of the evidence.⁹³

⁹² Cimprich, Slavery's End in Tennessee, 128; Bills Diary, 2 July 1867; BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots, and Murders,” report from James M. Johnson to Bvt. Maj. Genl. W. T. Carlin, Chattanooga, TN, 5 August 1868, FBO, <http://freedmensbureau.com/tennessee/outrages/chatoutrages.htm>.

⁹³ BRFAL Assistant Commissioner Records, Roll 34, “Reports of Outrages, Riots, and Murders,” report from Thos. J. Palmer to assistant commissioner, FBO,

In spite of the prevailing attitudes, a few Southern whites recognized the obvious solution to the problem of getting reliable labor from freedpeople. In August 1865, the editor of the Radical Republican newspaper Brownlow's Knoxville Whig offered a solution: "[Southern planters] must cease to remember the negro as a slave and regard him as a free laborer, having just the same claims that a free white laborer had upon them in the past." This would be a difficult realization for many white Southerners to achieve; indeed, most would not accept this truth for many years. "What is it but a continuation of slavery in another form to deny a man the right to work except upon the written recommendation of his former master?" the Whig editor insightfully asked in January 1866. "If he is to be limited to such sphere of labor as his former master chooses to designate, is he not practically enslaved, even worse than when his body could be sold?" This was a worthwhile question that, unfortunately for freedpeople, few planters were willing to ponder. Another writer lamented that "there is and must continue to be mutual distrust between old masters who never paid wages and a working class which never received wages," but, the commentator continued optimistically, "let this distrust be done away with by fair dealing, and we do not doubt that harmony will be established." He went on to declare that planters who "paid down the wages as soon as earned . . . had no difficulty whatever in conducting [the] plantation."⁹⁴

<http://freedmensbureau.com/tennessee/outrages/outrage31499.htm>, report from M.H.

Church, superintendent at Chattanooga, TN, 6 November 1866, FBO,

<http://freedmensbureau.com/tennessee/outrages/chatrept.htm>.

⁹⁴ Brownlow's Knoxville Whig, 1 August 1865, 10 January 1866.

Indeed, labor agreements did not always end badly for freedpeople, and those who could count on fair and equitable treatment generally worked honestly and diligently for their employers. The Nashville Union and American wrote of a planter who contracted “twelve hands, six men, and six women,” who were to get “one-fourth of the net proceeds of the crops.” The laborers “[had] a full understanding of their interest in the said crops.” The harvest was reportedly the most successful in years, and “not a single difficulty has occurred among [the laborers] since they have agreed to work.” This contract was signed in February 1865, and resulted in satisfaction to all parties involved. “Thus is the whole labor problem solved,” the Dispatch declared, “Deal justly, give the freedmen interest in their work, and there will be no trouble.” This writer even suggested a solution to planters’ racism: “it is probably best to ‘peg away’ at the old slaveholders, till they conclude to deal justly. . . . It is nothing but sheer ugliness on their part that causes all the trouble and inflicts all the distress on the freedmen.” A Freedmen’s Bureau circular letter published in a Memphis newspaper that year stated the matter simply: “The country needs [freedpeople’s] industry. [Freedpeople] need the pay. Simple good faith and justice . . . will speedily renew prosperity. The facts connected with free labor are sufficient to assure all, when once known.” Yet what the bureau seemed to ignore was that it would take much more than idealistic words to change the minds of racist, embittered planters. “Good faith and justice” remained scarce qualities among Tennessee planters. Deep-seated racial assumptions and oppressive behavior patterns were not easily changed. Antagonism toward blacks ran deep in the blood of the planter class, and it would take more than a few optimistic editorials for employers to come around. Most whites simply rejected the idea of treating black laborers as equal to white laborers. Freed or enslaved,

blacks were considered second-class citizens, a “pariah class,” predestined to remain subservient even after emancipation.⁹⁵

⁹⁵ Nashville Union and American, 1 September 1865; Memphis Daily Bulletin, 23 May 1865; For an interpretive synthesis of race relations during the postwar and Reconstruction periods, see Robert J. Norrell, The House I Live in: Race in the American Century (New York, 2005), 1-42.

CONCLUSION

Such bias was not limited to white Southerners; bureau agents adopted paternalist roles and fervently urged freedpeople to carry on farm production whatever the conditions of their labor. Their protection of black rights during the first years after emancipation was limited at best, but the bureau's oversight of black laborers and promotion of agricultural production were actually quite effective, to the direct benefit of the planter class. Some agents never lost sight of their obligation to protect blacks, but it was usually secondary to their duty of labor restoration. Ideally, the bureau wanted to protect blacks, but it realized the impracticality of this end and hence overlooked it. Blacks, the bureau decided, should only work and hope for the best. Clinton B. Fisk succinctly summed up the organization's official approach to freedmen's aid in a letter to one of his superintendents: "There is no preventive for suffering among the freedmen . . . except in industry. Let them work."⁹⁶

The bureau's contract labor system was an emergency measure to get black laborers back to work while purporting to protect their interests. In reality, contracts were a device used to allocate laborers, train blacks for their "appropriate" socioeconomic roles, and return the South in many respects to its prewar working order. Both pre-printed and hand-written stipulations essentially codified the old system of forced labor through a new means, and contracts became the new, emblematic "overseers" of freed laborers.

⁹⁶ Clinton B. Fisk to John M. Shultz, 15 December 1865, quoted in Cimprich, Slavery's End in Tennessee, 127.

They ensured landowners that black labor would be available, and that this labor supply would be sustained throughout the first two postwar growing seasons. Contracts constituted an uneasy compromise between two incompatible systems of labor: free and unfree. Ironically, the bureau boasted the “freeness” of its forced-contract system; but it was really just a partial expression of the free labor ideal, lacking key components necessary to safeguard workers. Freedpeople were by no means part of a “free labor” system in postwar Tennessee. At best, this was neo-slavery, in which freed blacks were legally compelled by federal authority to remain on the land.

Blacks used what little degree of influence they possessed to secure a better situation. Had they been offered a free-labor system like that of the North, they perhaps would have become equal players in negotiating for their labor. But the overwhelming power of vagrancy laws, the black code, white supremacist vigilantes, a biased justice system, planter economic clout, and bureau compulsion prevented them from truly realizing their freedom.

Tennessee planters not only accepted the bureau’s policy on black labor, they cunningly operated within its boundaries to secure workers and ensure stable farm production, while at the same time abusing and deceiving employees. They promoted racist notions of naturally lethargic, indigent, and even iniquitous freedpeople, and blatantly mistreated and manipulated workers. These strategies, coupled with bureau agents’ conciliatory attitudes towards planters and paternalistic policy on black labor, severely hindered black socioeconomic progress during the postwar period. Indeed, white policies would remain a serious hindrance to African Americans’ realization of freedom until the civil rights movement of the 1960s.

In 1963, with the hindsight provided by a century-long struggle for equality, renowned black leader Martin Luther King, Jr., sadly observed: “With the ending of physical slavery after the Civil War, new devices were found to ‘keep the Negro in his place.’ It would take volumes to describe these methods. . . . Yet one of the revelations during the past few years is the fact that . . . race prejudice and discrimination do not wear only Southern labels. The subtle, psychological technique of the North has approached in its ugliness and victimization of the Negro the outright terror and open brutality of the South.” This thesis offers a small contribution to King’s imagined volumes and adds to our understanding of the mechanisms implemented by whites—Northern as well as Southern—to subjugate African Americans well into the twentieth century.⁹⁷

⁹⁷ Martin Luther King Jr., Why We Can’t Wait (n.p., 1963; reprint, New York, 2000), 14, 18.

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A concise version of the preceding essay, entitled “Freedom to Want, Freedom to Work: White Policy on Black Labor in Post-War Tennessee, 1865-1867,” was presented at the Center for the Study of the American South, New Perspectives on the Black South Symposium, at the University of North Carolina, Chapel Hill, on 23 February 2007. A thorough presentation of this research was delivered at the Tennessee Conference of Historians, held on 15 September 2007 at Union University, in Jackson, Tennessee.

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