

## ABSTRACT

Title of Dissertation: RECKONING WITH FREEDOM: LEGACIES OF EXCLUSION, DEHUMANIZATION, AND BLACK RESISTANCE IN THE RHETORIC OF THE FREEDMEN'S BUREAU

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Charged with facilitating the transition of former slaves from bondage to freedom, the Bureau of Refugees, Freedmen, and Abandoned Lands (known colloquially as the Freedmen's Bureau) played a crucial role in shaping the experiences of black and African Americans in the years following the Civil War. Many historians have explored the agency's administrative policies and assessed its pragmatic effectiveness within the social, political, and economic milieu of the emancipation era. However, scholars have not adequately grappled with the lasting implications of its arguments and professed efforts to support freedmen.

Therefore, this dissertation seeks to analyze and unpack the rhetorical textures of the Bureau's early discourse and, in particular, its negotiation of *freedom* as an exclusionary, rather than inclusionary, idea. By closely examining a wealth of archival documents—including letters, memos, circular announcements, receipts, congressional

proceedings, and newspaper articles—I interrogate how the Bureau extended antebellum freedom legacies to not merely explain but police the boundaries of American belonging and black inclusion. Ultimately, I contend that arguments by and about the Bureau contributed significantly to the reconstruction of a post-bellum racial order that affirmed the racist underpinnings of the social contract, further contributed to the dehumanization of former slaves, and prompted black people to resist the ongoing assault on their freedom.

This project thus provides a compelling case study that underscores how rhetorical analysis can help us better understand the ways in which seemingly progressive ideas can be used to justify exercises of power and domination. Additionally, this interpretation of the Bureau's primary role as a mechanism of supervision, rather than support, sheds light on the history of unjust practices that persist today in American race relations. Finally, this study affirms how black people have persevered in inventive and innovative ways to disrupt the pervasive discourse that seeks to destroy them.

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DEHUMANIZATION, AND BLACK RESISTANCE IN THE RHETORIC OF THE  
FREEDMEN'S BUREAU

by

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## INTRODUCTION

In 1619, a “frightening ship, a ship of mystery,” flying a Dutch flag made port at Jamestown, in the English colony of Virginia.<sup>1</sup> Nearly two and a half centuries later, a man named Oliver Otis Howard embarked on a two-month journey through the southern states on those same waters.<sup>2</sup> Howard later contemplated the symbolic magnitude of the James River in a lecture reflecting on his experiences. He attributed the river’s historical significance to that fateful seventeenth-century ship, which carried “on its broad bosom the first load of African slaves ever brought to this country.”<sup>3</sup>

Howard concluded that the river’s tides ferried even greater meaning in the wake of the Civil War. Four years of “carnage at Big Bethel, Yorktown, Williamsburg, Malvern Hill, and on numerous other fields,” he observed, was “recorded along her banks.” Howard decided that the river’s embattled history was the inevitable legacy of its infamous slave freight. The bodies that fell upon the shores of the James River and the blood that stained its waters were the river’s penance, “the terrible expiation of her sin.”<sup>4</sup>

Despite this traumatic past, Howard was optimistic that the Civil War had delivered slavery’s final absolution—freedom for black slaves. As he declared, “the blood of the oppressed patriot is certainly the seed of liberty.” When Howard reflected upon the “curse” of slavery and the fated arrival of the Dutch vessel, he concluded “that the shades of those slaves—a ghostly crew upon a ghostly vessel—may have looked upon the carnage ... and been fully satisfied.”<sup>5</sup> By Howard’s estimation, their blood had been repaid, freedom was justly restored, and the ghosts of slavery had been put to rest.

Howard’s mission was to protect and nurture the seeds of liberty as Head Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands.<sup>6</sup>



Established in 1865 and colloquially known as the Freedmen's Bureau, this provisional agency served to facilitate the transition of emancipated slaves from bondage to freedom.<sup>7</sup> The Bureau was charged with "the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states."<sup>8</sup> This meant that the agency was authorized to provide rations, clothing, supplies, and temporary shelter to loyal refugees and emancipated slaves. Randall Miller has referred to their task as undertaking "an extraordinary crisis," due to the complex political terrain of the period.<sup>9</sup> The Bureau was caught in the crosshairs of conflict between white and black people, North and South, and Congress and the presidency. Yet, as Paul A. Cimbala argued, the Bureau drew motivation from the controversies that gave "balance and direction to [its] work."<sup>10</sup> The Bureau's agents considered themselves to be the "guardians" of emancipated slaves, charged to "protect them in their freedom."<sup>11</sup>

Howard recognized the challenges facing the Bureau but was confident about freedom's promise. Throughout his journey, he conversed with "citizens of every class," visited several state legislatures, attended Republican and Democratic gatherings, and "addressed upward of twenty public assemblages, colored, white, and mixed."<sup>12</sup> He encountered first-hand evidence of the obstacles facing the Bureau, including racial prejudice, anti-Union sentiment, and media bias.<sup>13</sup> However, he also saw signs of success in healthy farms, African American schools, and "white men and colored men sitting together in deliberative bodies." Howard observed that "overwhelming public sentiment" confirmed the Bureau's mission would slowly but surely bring progress. In the meantime, the Bureau would continue to "defend the freedom which [had] been purchased for [emancipated slaves] in blood and treasure."<sup>14</sup>

This project revisits the rhetorical work of the Bureau, contests Howard's optimism, and challenges the assumption that the Civil War had delivered freedom and quieted slavery's ghosts. I propose that the Bureau's "extraordinary crisis" was not "guiding the South's slaves from bondage to freedom."<sup>15</sup> Its primary problem was the contentious and, ultimately, unjust legacy of *freedom* itself. The ways in which freedom had been defined had long excluded black people, especially slaves, from social, economic, and political inclusion. Yet, during his southern journey, Howard quickly dismissed many expressions of doubt and anger regarding freedmen's entrance into American society as remnants of old prejudices, mere "ventilators for the hidden fires of pent-up hate."<sup>16</sup> This study confronts Howard's nonchalance and highlights how those antebellum fires forged the idea of freedom and shaped the Bureau's policies and practices in the emancipation era.

To introduce this project, I provide an overview of the scholarship and rhetorical history that ground my research. I begin by proposing a rhetorical approach to freedom as a means of extending existing scholarship about the Freedmen's Bureau.<sup>17</sup> Drawing from eighteenth and nineteenth century discourse by and about African Americans, I illustrate how a presumed natural right to freedom was clarified and constrained by commitments to republican character, formal education, "free" labor, and legal citizenship. Then, I consider this ideational history alongside antebellum racial politics, which overwhelmingly denied both the capacities and essential humanity of black people, in order to demonstrate how freedom provided a vocabulary for rationalizing the exclusion of black people from antebellum society. I ultimately propose that this legacy framed the scope and magnitude of the Bureau's rhetorical task. The emancipation era presented an

opportunity for its agents to renegotiate a cherished American idea and advocate for the unconditional embrace of black people as fully free and fully human.

### The Rhetoric of Freedom

Existing scholarship largely approaches the Freedmen's Bureau as a pragmatic, administrative task force, but Head Commissioner Howard grasped the rhetorical significance of the agency's role in the post-war moment. The Bureau was established as a response to a crisis, and Howard admitted that the agency had been tasked with a "very difficult problem to solve."<sup>18</sup> In an August 1865 speech, he explained that the purpose of the Bureau was to pursue, institute, and protect the "pledge" made by President Abraham Lincoln's Emancipation Proclamation. Howard conceded the task at hand would require "keep[ing] a steady rein," because freedmen were largely "ignorant of the rights and duties of liberty," and whether or not former slaves "would forever remain free" was still uncertain.<sup>19</sup> Within just five months of the Bureau's conception, Howard had realized that indoctrinating emancipated slaves into American society was a matter of "defining and defending freedom."<sup>20</sup> As such, Howard envisioned the Bureau's mission in rhetorical terms.

Accordingly, I adopt a rhetorical approach to the Bureau's work and call attention to the Bureau's persuasive, meaning-making practices. According to David Zarefsky, adopting a rhetorical perspective to the Bureau's work compels us to ask how its agents engaged in persuasive argument to pursue their mission. It also demands that we explore what was significant about their arguments in the social, political, and historical contexts in which they circulated. In order to address these questions, we must recognize that the

Bureau's rhetoric functioned instrumentally and constitutively to "forg[e] common bonds" and reinforce "the glue holding together a society."<sup>21</sup>

The Bureau's rhetoric was instrumental because its leaders worked purposefully toward specific solutions. Historically, rhetoric has been defined as the strategic use of persuasion to achieve desired ends.<sup>22</sup> In other words, rhetoric is used as an instrument to pursue specific goals or solutions in specific contexts—and the Bureau's solutions to the emancipation crisis were numerous.<sup>23</sup> Randall Miller has pointed out how Bureau agents devoted their energy to "setting up schools for freedpeople, negotiating or overseeing labor contracts, [and] arguing for blacks' rights in law."<sup>24</sup> Rhetorical practice was integral to these efforts because the Bureau faced entrenched opposition. As Howard attested, "even good men, are so imbued with a life-long prejudice, that they cannot act justly toward [former slaves]. Still others will not." In the face of such prejudice, Howard knew that he would have to argue passionately for "the gradual elevation and education of the [black] race." If the Bureau failed to defend African Americans' rights to freedom, former slaves would never "be in a position to demand the full rights of citizens, and compete with whites for a fair chance."<sup>25</sup> Defending the freedom of emancipated slaves required an instrumental and sustained effort to persuade the general public that African Americans deserved to exercise their natural rights.

The Bureau's rhetoric was also constitutive because its leaders needed to conceptualize freedom, as well as defend it. Understanding rhetoric within a constitutive framework posits that arguments call identities, ideas, and institutions into being where they did not previously exist or are being reconceived for new exigencies.<sup>26</sup> As Howard noted, the government had finally promised emancipated slaves the "fruits of their

freedom” but provided little direction or specificity about the meaning of freedom for those formerly shackled by slavery and prejudice. When Howard became Head Commissioner, he reportedly received numerous letters, documents, recommendations, and all manner of “plans from all parts of the country.”<sup>27</sup> People were wondering how the Bureau would secure the freedom of emancipated slaves. Howard’s account supports a constitutive understanding of the Bureau’s work. The meanings of freedom were contested, especially for individuals who had lived a life of bondage. The Freedmen’s Bureau consequently had to defend freedom, as it was simultaneously defining the idea for a group of individuals previously denied their rights.<sup>28</sup>

Constitutively and instrumentally, the Bureau’s mission was rhetorical: to define and defend freedom for former slaves in the era of emancipation.<sup>29</sup> Therefore, I position the idea of freedom, the “main principle” of the Bureau’s mission, at the center of my analysis.<sup>30</sup> In this section, I assert the critical potential of ideas, drawing heavily on Ernest Wraga’s ideational perspective on rhetoric. Then, I turn my attention to antebellum conversations about slaves and African Americans. I chart constructions of freedom to demonstrate how an ideational approach gives rise to a nuanced understanding of the Bureau agents’ task as rhetors. I seek to show that the Bureau inherited a rhetorical legacy marked by a troubling paradox: freedom defined as both a natural and earned right.

#### *A rhetorical approach to ideas*

This project approaches freedom as an idea constituted by rhetoric and rich in complexity and utility. This perspective is heavily indebted to Ernest Wraga who, in 1947, prompted rhetorical scholars to reorient their traditional focus from speakers to speeches.

He directed attention in particular to ideas. In “Public Address: A Study in Social and Intellectual History,” Wrage argued that public speech serves as the “vehicle for the conveyance of ideas.”<sup>31</sup> He implored scholars to attend to “ideas communicated[,] the ascertainable sources of those ideas, the historical vitality and force of the ideas, and of demonstrable refractions, modifications, or substitutions.”<sup>32</sup>

Wrage’s emphasis on ideas demands careful attention to the dynamics of speech.<sup>33</sup>

He argued that ideas are dynamic “formulations of thought.” Their construction depends on the “configurations of language” that craft them in situated moments of rhetorical practice. Discourse, therefore, cannot be simply mined for an objective, pre-formed idea. Rather, we must approach rhetorical texts as “bod[ies] of intricate tissues, of differentiated yet related thought” in order to explore how an idea is (re)constituted. Moreover, in order to appreciate an idea’s “nuances of meaning,” we must pay attention to a constellation of texts. Wrage is careful to point out that ideas can be expressed in “a mosaic of documents,” including “constitutions and laws, literature and song, scientific treatises and folklore, in lectures, sermons, and speeches.”<sup>34</sup> He thus invited scholars to resist privileging “monumental works,” because the full “marketplace” of ideas is populated by both great thinkers and everyday conversationalists.<sup>35</sup> Simply put, ideas are not “entities which enjoy independent existence.”<sup>36</sup> Ideas are messy, and they are not neatly nor consistently defined.

Wrage also emphasized that ideas circulate beyond specific historical moments and, in the process, “attain history.” Attending to bodies of discourse, rather than single texts, is of paramount importance because an idea’s meaning is “widely scattered” and

(re)defined over time. Wrage consequently placed more importance on discursive histories than isolated moments of utterance. Quoting Merle Curti, Wrage recognized that each expression of an idea is “touched... in a more or less casual fashion” by countless expressions that came before. As such, the expression of an idea in any singular moment is the dynamic invention of prior iterations, by elite, institutional, and vernacular voices.<sup>37</sup>

Consequently, the reward for critically engaging with ideas is a deeper, more nuanced understanding of rhetoric’s instrumental and ideological “force in history.”<sup>38</sup> Wrage argued that humans express ideas to accomplish goals and clarify relationships with one another and, in the process, demonstrated an appreciation for traditional approaches to rhetoric as reliant on a speaker’s agency to achieve instrumental ends. Rhetorical agents wield ideas as “instrument[s] of utility,” making strategic choices to “promote social conflict[,] contribute to resolution of differences,” and “injec[t] ideas into the public consciousness.”<sup>39</sup> At the same time, Wrage’s emphasis on discursive history invites us to consider how ideas form legacies and vocabularies that can transcend individual speakers and their strategic choices.<sup>40</sup> As humans articulate ideas they construct rationales to explain “overt act[s] of human behavior” and “promote [men’s] interests and justify their activities.”<sup>41</sup> If ideas can serve as “guides, warrants, reasons, and excuses for behavior and belief,” they can exert an ideological “control over consciousness, the *a priori* influence that learned predispositions hold over human agents.”<sup>42</sup> Simply, an ideational approach to rhetoric demands attention to both speaker-centered paradigms of rhetorical analysis as well as ideologically-centered paradigms that negotiate power and morality.

An ideational approach accordingly provides an opportunity to extend existing scholarship about the Bureau and its role in the emancipation era. By examining how the agency grappled with notions of freedom, we can move beyond its logistical struggles to better understand its ideological complexities and constraints. First, we must appreciate how the Bureau's attempts to articulate freedom clashed with prevailing ideologies in what Wrage refers to as the "popular mind."<sup>43</sup> Indeed, some histories of the Bureau do recognize that the Bureau's radical message was decisively undermined and rendered ineffectual by racism and sectionalism.<sup>44</sup> This interpretation privileges the power dynamics of the post-war era and reminds us to understand the ways in which the Bureau was, in some measure, constrained by ideology. Second, we must also recognize how the agency's mission contributed to vocabularies that "promote[d] and displace[d] power."<sup>45</sup> As the Bureau articulated an idea of freedom for emancipated slaves, it "shaped... sociopolitical relations" in the emancipation era.<sup>46</sup> Therefore, we must investigate how its agents' rhetoric was "amplified, reworked, redirected, and deployed to produce concentrated collective action or change."<sup>47</sup>

This project hereafter proceeds with an understanding of the Freedmen's Bureau as a rhetorical agent, presented with an opportunity to (re)constitute freedom and argue for a post-war community that would embrace the unconditional belonging of both white and black Americans. To better understand the complexities of this rhetorical task, I tack back and forth between the arguments of white and black speakers grappling with competing views over slavery and freedom in the antebellum years. Freedom was a popular and hotly contested topic in this body of nineteenth-century discourse. These conversations were most often grounded, first and foremost, in the notion of freedom as



an *a priori* truth, universal to all humans. Yet, the idea was also expressed in a variety of different ways that restricted the meanings of freedom allowed in the emancipation era. My tracing therefore begins with speakers' arguments for understanding freedom as a foundational, natural right. Then, I show how the idea was expressed through a constellation of constraints and conditions that transformed freedom into an earned right. In accordance with an ideational approach, I conclude that this paradox was integral to freedom's discursive legacy and complicated the Bureau's mission in the emancipation era.

#### *Foundations of freedom in nineteenth-century America*

In order to fully understand the Bureau's rhetorical practices, I begin with what historian Howard Zinn has referred to as "the great manifesto of freedom of the American Revolution."<sup>48</sup> Nearly a century before the Bureau was established, colonists rebelled against English rule. They justified their actions by appealing to an ideal of freedom—a natural right that endowed humans with the right to liberty and self-governance.<sup>49</sup>

This articulation of freedom as a natural right animated America's arguments for revolution. In 1764, the British parliament imposed a New Colonial Policy, accompanied by a series of tariffs, on its American colonies. The next year, in the first intercolonial meeting in over a decade, the Stamp Act Congress called for a boycott of English goods. The colonists defended their actions as the reasonable protection of their "most essential rights and liberties."<sup>50</sup> They framed British rule as a violation of their "inherent" rights as "natural born subjects," and responded with a vehement call for the "freedom of a people."<sup>51</sup> Simply put, America's founding revolution was justified by and predicated on

the notion that all humans are born free, and have a natural right to exercise such freedom in self-governance.<sup>52</sup>

This freedom ideal continued to justify arguments of rebellion and protest in the years leading up to America's formal declaration of independence. In a 1767 series of "letters from a farmer in Pennsylvania," John Dickinson argued that colonists possess an inherent right to be "free," even when involved in a co-dependent relationship with their mother country. He insisted that parliament's actions were particularly "pernicious to freedom," because they rendered colonists' natural right to liberty "*vox et praeterea nihil*. A sound and nothing else."<sup>53</sup> Later, in a 1774 oration commemorating the Boston Massacre, John Hancock affirmed that freedom was a unifying ideal, the "one common cause" motivating Americans in rebellion against British rule.<sup>54</sup> Together, these arguments upheld freedom as a natural right that transcended the realities of English government, trade laws, and tariffs. As Thomas Paine famously attested in 1776, the colonies were united as "thirteen clocks ticking as one," in pursuit of the "natural rights of all mankind."<sup>55</sup> Paine concluded, "the sun never shined on a cause of greater worth."<sup>56</sup>

By 1776, these conversations crystallized in arguably one of the most recognizable passages in the history of American public discourse. In the preamble to the Declaration of Independence, the framers proclaimed, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness."<sup>57</sup> With these words, America formally declared a commitment to a universal, human right to "be free and independent."<sup>58</sup>

However, Americans were quick to scrutinize these ideal articulations of freedom. Many Americans questioned the extent to which freedom applied to all Americans beyond propertied white men of means. More specifically, some challenged the extent to which freedom applied to slaves living in America. Among them was John Wesley, an Anglican cleric later-turned abolitionist. In *Thoughts On Slavery*, published in 1774, Wesley upheld freedom as a natural right. He said, “Freedom is unquestionably the birth right of all mankind.” With its universality unequivocally established, he argued that any effort to “keep [humans] in a state of slavery is a constant violation of that right.” In short, America was failing to live up to the foundational promises on which it was envisioned. Wesley implored everyday citizens, rather than governments or legislators, to recognize the wicked injustices of slavery. The urgency of abolition was rooted in his belief that “there cannot be in nature” or “not in all history, an influence in which every right of man is more flagrantly violated.” With these words, Wesley recognized the fraudulent tenets of American freedom. Until slavery was abolished, Wesley and others reasoned, the natural right of freedom would not be universal for “every child of man” or “every partaker of human nature.”<sup>59</sup>

Other abolitionists blazed similar rhetorical trails. David Walker, a legally free black man, penned his infamous *Appeal* in 1829, in which he articulated freedom as a divine right afforded to all humans, all “inhabitants of the earth.” Walker contended, however, that slavery continued to assail that right. He asked, “Can our condition be any worse? Can it be more mean and abject?... Can they get us any lower?” No, he argued, because slavery had committed the greatest sin of all—denying African Americans their freedom and, with it, their humanity. Walker made the case for blacks as human, saying,

“we are men, notwithstanding our improminent noses and woolly heads, and believe that we feel for our fathers, mothers, wives, and children, as well as the whites do for theirs.”<sup>60</sup> By doing so, he relied on the presumption that freedom and humanity were inseparable. If he could persuade his audiences that blacks were human, he could rationalize his position that blacks, like whites, deserved freedom.<sup>61</sup>

These examples demonstrate the extent to which eighteenth and nineteenth-century rhetors, both black and white, drew on the discursive threads of revolution-era freedom rhetoric. They maintained that freedom was a natural right, and that the government was duty-bound to recognize and protect that right for slaves and African Americans. Though the revolutionary ideal was established in America predominantly by white voices, historian Winthrop B. Jordan has recognized that, in the abstract, “freedom wore a cap which fitted the negro and white man alike.”<sup>62</sup> From this foundational premise, countless rhetors launched argumentative assaults against the realities of slavery. Lerone Bennett Jr. attributes the enduring struggle of black America to eighteenth-century discourse and, specifically, the “revolutionary seeds” of natural rights arguments.<sup>63</sup> He claimed, “the Declaration of Independence enclosed the white colonists in a net of their own making and made black freedom an inevitable corollary of white freedom.”<sup>64</sup> The ongoing evolution of freedom rhetoric, particularly as it pertained to arguments by and about African Americans, relied on expressions of natural rights espoused in the nation’s founding.

However, this natural rights conception and its accompanying critiques were confronted head-on in 1861, with the commencement of the Civil War. For some, the war was a decisive fight for freedom.<sup>65</sup> In 1862, Frederick Douglass declared, “Slavery stands

confessed as the grand cause of the war... No other interest, commercial, manufacturing, or political, could have wrought such a social earthquake among us.”<sup>66</sup> The only acceptable outcome of the war was the abolition of slavery, which would finally allow “rational, law abiding Liberty [to] fill the whole land with peace, joy, and permanent safety.”<sup>67</sup> For Douglass, and many other abolitionists, the Civil War was a battle for the recognition and restoration of natural freedom for millions of African Americans.

When President Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring millions of slaves to be “forever free,” the contested meanings of freedom were brought to the fore of public debate.<sup>68</sup> As Ira Berlin et al. have argued, “the war for Union had indeed become a war for liberty,” but the rhetorical battle had hardly begun.<sup>69</sup> Two days after Lincoln’s historic announcement, an editorial in the *New York World* lambasted its merit. In addition to pointing out the pragmatic military parameters of the order, the editorial insisted that the proclamation promised only “dormant” freedom: “if free at all, [slaves] are not actually but only legally free.” The editor stressed the inadequacy and, perhaps, practical irrelevancy of the natural rights argument: “Mr. Lincoln’s paper proclamation is of no more force than the imprescriptable title to freedom born with every human being who has courage and vigor of character to assert it.”<sup>70</sup> With these words, the editor cast doubt on the idea of freedom as a natural right, implying that such arguments were inconsequential when applied to emancipated slaves.

Ultimately, reducing freedom to its conception of natural rights overlooks the myriad ways in which freedom was challenged and constituted throughout the eighteenth and nineteenth centuries. The ideal certainly proved central to countless arguments circulating in American discourse. However, freedom had also been rhetorically linked to

other ideas and behaviors besides an inherent right to human existence and self-governance.

*Rhetorical moves from natural rights to earned rights*

Antebellum discourse clarified that freedom was not free for everyone; it was reserved as a privilege for those who could demonstrate ideal characteristics and behaviors. Throughout the eighteenth and nineteenth centuries, rhetors specifically contested blacks' capacity to fulfill these expectations.<sup>71</sup> In arguments by and about African Americans—both free and enslaved—the rhetoric of freedom converged in four primary nodes: upholding republican character, achieving formal education, contributing to a productive labor force, and exercising legal citizenship.<sup>72</sup> These prerequisites shifted the conversation from natural rights to earned rights, validating the inherent freedom of only those who could prove that they deserved it.

*Republican character.* A major caveat to freedom's natural rights was the presumption that only certain Americans were capable of exercising it. Rogers M. Smith has argued that this clarification undergirds the various—and, often competing—philosophies that animate American political discourse: a fundamental belief that “a certain group is a distinctive and especially ‘worthy’ people” with the capacity to justly govern others.<sup>73</sup> So, while all humans might be inherently free, only those with extraordinary abilities and characteristics have the wisdom to understand freedom's accompanying privileges and responsibilities. Antebellum American discourse articulated a strict code of republican character as the bedrock of a free and prosperous nation. When brought into conversation with presumed differences between whites and blacks,

standards of republican character questioned the legitimacy of black people's claims to their own natural rights.

Emancipated slaves had to earn their entrance into a society firmly rooted, after years of constitutional uncertainty, in "the principles of republican freedom."<sup>74</sup> After overthrowing British rule, America was gripped by contentious debate, as different leaders and parties offered opposing views on the best way to govern the new nation while simultaneously fulfilling its revolutionary promise of freedom. When Thomas Jefferson assumed the presidency and delivered his inaugural address in 1801, he responded to the "venomous civil discord" with what Stephen Howard Browne referred to as "a veritable manifesto of the Republican creed."<sup>75</sup> In his speech, Jefferson exalted a comprehensive slate of standard practices and principles, including: "common efforts for the common good," national unity of "one heart and one mind," and reverence for "honesty, truth, temperance, gratitude, and the love of man." For Jefferson, an individual and collective commitment to these ideals transcended discord and bound the nation as a true republic of "fellow-citizens, resulting not from birth, but from [their] actions and their sense of them." In other words, instead of birthright, behaviors and beliefs determined belonging in American society. Jefferson identified republicanism, not humans' inherent rights, as having "form[ed] the bright constellation" guiding American society on "the road... to peace, liberty, and safety." A natural right to freedom might be a given, Jefferson reasoned, but "freedom of religion; freedom of the press; and freedom of person" could be pursued only with the strength and assertion of republican character.<sup>76</sup>

Jefferson's rhetoric clarified freedom by installing republican character as a prerequisite. In order for the nation to flourish and blossom as free, its citizenry had to conduct themselves with morality, reason, humility, and a selfless concern for the brotherhood of man.<sup>77</sup> It was not enough to simply have been born free; one must also behave in a manner befitting freedom. Primary discourse demonstrates that this allegiance to republican principles was a major constraint for African Americans' attainment of freedom, because of the presumption that black people lacked the proper character for citizenship and, by extension, the essential qualities of humanness.

In a 1789 message, titled "To the Public," Benjamin Franklin raised doubts about whether emancipated slaves were capable of the "luminous and benign spirit of liberty." Franklin argued that their humanity had been essentially broken because slavery rendered African Americans "unhappy," "fetter[ed] his intellectual faculties, and impair[ed] the social affections of his heart." Franklin portrayed African Americans as non-human characters, more "like mere machine[s]" tilling the fields.<sup>78</sup> Jefferson echoed his concerns in the infamous *Notes on the State of Virginia* from 1781. Describing America's slaves to his friends in Europe, Jefferson attributed the illusion of their bravery and "adventuresome" demeanor to a "want of forethought, which prevents them from seeing danger."<sup>79</sup> He deemed them "in reason much inferior... in imagination they are dull, tasteless, and anomalous."<sup>80</sup> And, in terms of emotional capacity, Jefferson noted that African Americans' afflictions were "less felt, and sooner forgotten with them."<sup>81</sup> Decades of abolition fervor did little to suppress this criticism. An 1862 editorial from the *Atlanta Southern Confederacy* summarized, succinctly, "the negro... has not enough of intelligence with high moral development, to leave him among us without absolute



control.”<sup>82</sup> With this judgment, the editors swiftly affirmed the character deficiencies of African Americans. Presuming African Americans to be without reason, emotion, and morality, whites pronounced their character generally unfit for freedom.

Even African Americans who were born legally free were not exempt from these standards. In his study of African American oratory in anti-slavery societies, Robert C. Dick argued that the mere opportunity to publicly advocate for abolition was predicated on black orators’ ability to embody “good moral character; sincerity, and trustworthiness.”<sup>83</sup> Dick explained that “prospective agents were sometimes investigated for more than a month” in order to ensure that they were “living examples of what members of their race were capable of doing.”<sup>84</sup> Demonstrating good character was considered an essential “qualification[n] for the work” of not only exercising freedom, but even arguing for it.<sup>85</sup>

African American voices populated the conversation with their own views about character. Benjamin Banneker, for example, penned a letter to Jefferson in 1791, imploring him to reconsider how his critiques were perpetuating the “train of absurd and false ideas and opinions” about African Americans. He referenced the “state of servitude” imposed by “the tyranny of the British Crown” to invoke the natural rights ideal, which he also reinforced by quoting the language of the Declaration itself. In Banneker’s view, the “Father of Mankind” conferred freedom on all human beings in an “impartial and distribution of rights and privileges.” The “Creator” also endowed, “without partiality,” all members of the human family with “the same sensations, and... the same faculties.” If all humans were born free, they were also all born with the character required to assert their natural rights to freedom.<sup>86</sup>

Later, in the early 1830s, Maria W. Stewart took a slightly different tack. She did not deny that African Americans possessed the strength of character needed for productivity and success in free society; like Banneker, she believed that the negative characteristics ascribed to African Americans were untrue.<sup>87</sup> However, she did argue that emancipated slaves and free blacks alike could not assume that whites would take their worth for granted. Instead, African Americans had to “convince [whites] that they possess the spirit of men.”<sup>88</sup> Doing so would require unequivocal commitment to the same republican ideals—particularly, the ideal of freedom. She believed that the first step toward achieving freedom would be to demonstrate an undeniable desire for it, because “[whites] admire a noble and patriotic spirit in others—and should they not admire it in us?”<sup>89</sup> The second step, however, was to recognize African Americans’ own complicity in the struggle for freedom. She insisted that African Americans would remain in chains so long as they did not abandon frivolity for “honor and respectability.”<sup>90</sup> In other words, freedom would remain a long way off for African Americans if they did not cultivate the character to pursue and exercise it.

While African American speakers like Stewart seemed to, at least in part, affirm stereotypes of deficient character, it is important to note that they attributed those deficiencies to slavery’s destructive forces. Stewart argued that “continual fear and laborious servitude” was to blame for any “lessened... natural force and energy which belong to man.”<sup>91</sup> Frederick Douglass echoed her arguments in 1865. Reflecting on slavery and its abolition, Douglass remarked, “wherever men oppress their fellows... they will endeavor to find the needed apology for such enslavement and oppression in the character of the people oppressed and enslaved.”<sup>92</sup> The greatest sin of slavery, therefore,

was not its physical chains. Douglass recognized that slavery's assault on African Americans' character could continue to keep freedom out of their reach even after their emancipation.

These examples demonstrate the extent to which natural rights to freedom were defined in terms of republican character. Early American orators argued that the nation's growth depended squarely on the character of its citizens. Without morality, reason, humility, and a commitment to a common good, the republic would fracture and its experiment in freedom would fail.<sup>93</sup> In discussing the restoration of freedom's natural rights to emancipated slaves, both white and African American speakers and writers upheld that these principles were a prerequisite for any meaningful exercise of freedom in American society. Historian Philip Gleason once argued that to be an American is to commit to "the abstract ideals of liberty, equality, and republicanism."<sup>94</sup> For millions of slaves whose emancipation suggested even marginal access to American society, those abstract ideals were co-dependent: African Americans had to prove their capacity for republican character, equal to the presumed devotion of free whites, in order to validate their inherent right to liberty.<sup>95</sup>

*Formal education.* Natural rights claims to freedom were also constrained by heavy emphasis on formal education and literacy. Freedom had to be meticulously taught and diligently learned, rather than merely recognized in all human beings. This clarification held African Americans to standards of reading, writing, and speaking. According to both white and black voices, formal education and literacy was required to both understand freedom's meaning in America and, ultimately, argue for the deliverance of freedom for emancipated slaves.

White Americans charged themselves with the urgent task of educating emancipated slaves in preparation for freedom. The commanding role of whites as guardians and teachers was made explicit during America's nascent years, when revolution-era leaders confronted the realities of slavery. Benjamin Franklin's 1789 message commended the nation on its thoughtful "design" but insisted on "an important addition to our original plan": the renunciation and eradication of slavery. For Franklin, slavery was an "atrocious debasement of human nature," because it robbed humans of "the power of choice," supplanted reason and conscience, and demanded slaves be governed instead "by the passion of fear." In other words, Franklin argued that slavery had summarily destroyed slaves' inherent ability to self-govern and had rendered them ignorant. The first step, then, in amending America's commitment to freedom was to abolish slavery. It was not, however, the final solution. Instead, Franklin insisted that emancipation would likely be the genesis for more problems to follow, because slavery had so violently infringed on African Americans' natural rights. He feared that the mere restoration of "freedom may often prove a misfortune" to emancipated slaves. He therefore hoped that "attention to emancipated black people... [would] become a branch of our national policy." Franklin argued that it was whites' "serious duty... to instruct, to advise, to qualify those, who have been restored to freedom."<sup>96</sup> Simply put, abolition might be a first step, but education must be the second.

Franklin clarified that an *a priori* right to freedom would be useless—or, even problematic—without remedial education to accompany it. He intimated that freedom's meaning was derived from American society rather than from humanity itself. Of course, African Americans had been systematically excluded from that society for generations.

As a result, simply recognizing slaves' natural rights was insufficient. Instead, freedom had to be taught to them, by those who knew and understood it best. Franklin implored whites to undertake the burden of educating emancipated slaves with "solicitous care," so as not to allow African Americans' ignorance to become "prejudicial to society."<sup>97</sup> Simply put, uneducated slaves were viewed as a serious threat to the country and the American people.

African Americans also held education in high regard, as it pertained to freedom. As historian Ronald E. Butchart has argued, slavery had not succeeded in "crush[ing] the black longing to read and write."<sup>98</sup> This failure was not for lack of trying. According to an act passed by North Carolina's General Assembly in 1831, for example, slaveowners believed that education would "excite dissatisfaction in [slaves'] minds, and... produce insurrection and rebellion." Other slave states passed similar legislation, and where "black literacy was not banned by law, it was effectively banned by custom."<sup>99</sup> By forbidding literacy, however, the law only invigorated African Americans' fervor for education. As slavery and forced illiteracy seemed to go hand in hand, their opposites—freedom and education—likewise became inextricably bound.

Consequently, many African Americans took the initiative to pursue education for themselves. Jacqueline Bacon has argued that African Americans understood the significance of education as it related to free life; as such, they both prized and pursued literacy despite attempts by whites to prevent them from doing so. Bacon identified African American efforts to teach themselves how to read and write as acts of resistance and empowerment. In "taking literacy," they were taking their freedom as well.<sup>100</sup> Primary evidence supports Bacon's argument. In excerpts from speeches and letters to

follow, African Americans suggested that pursuing literacy would allow them to better understand and argue for freedom. In doing so, their rhetoric reified the inextricable connection between freedom and education.

African Americans proposed that literacy was a necessary first step toward understanding freedom. For example, in a late eighteenth century essay, an unnamed black man reflected on the revolutionary sentiment of the times. Identified only as “A Free Negro,” the author claimed that he was moved to write by a long-held desire to understand “the true principles on which the liberties of mankind are founded.” He insisted that proficiency in “the language of this country” was a prerequisite to understanding the meaning of freedom, which had “long been conceived and long been the principal subject of [his] thoughts.”<sup>101</sup> Given that the ideal of freedom had literally been written into American history, in its founding documents and early rhetoric, basic literacy was required to understand its significance and value in everyday life.

Acquiring an education was not only a means of understanding, but also of advocacy. The anonymous author explained that he had “labored” to “possess” literacy “in order to plead the cause of those who were once [his] fellow slaves, and if possible to make [his] freedom, in some degree, the instrument of their deliverance.”<sup>102</sup> Such instruments were desperately needed because other rhetors continued to raise concerns about the ignorance of African Americans in the mid-nineteenth century. For example, when Virginia debated abolishing slavery in 1831, pro-slavery spokesman Thomas Dew argued passionately that emancipation would be dangerous because slaves were “wholly unacquainted with the world... and inexperienced in all its affairs.”<sup>103</sup> Facing such presumptions of ignorance and inexperience, it became increasingly important for

African Americans to demonstrate their fitness for education. Maria Stewart underscored his point later in 1833. She worried that, without education, African Americans had “made [them]selves appear altogether unqualified to speak in [their] own defense, and [were] therefore looked on as objects of pity and commiseration.”<sup>104</sup> These examples demonstrate that education was a vital prerequisite in the fight for freedom. As Douglass confirmed in 1846, to be able to speak and write about slavery was “to kill it... All the slaveholder asks of [slaves] is silence.”<sup>105</sup> Spoken and written language skills were considered the primary, and most effective, vehicle through which arguments for freedom could be articulated.

As previously discussed, African American speakers were particularly well received when they spoke as “living examples of what members of their race were capable of doing.”<sup>106</sup> Accused of intellectual inferiority, African Americans used their literacy to launch persuasive counterclaims. One of Douglass’s most famous speeches is remembered simultaneously for its commanding use of language and its persuasive power. When invited to address the Fourth of July in 1852, Douglass openly berated America and mocked the validity of anti-abolition arguments. Using the “severest language [he could] command,” Douglass identified slavery as “the deadly foe of education” that ultimately renders American freedom “a sham.”<sup>107</sup> On a day typically marked by celebration, Douglass delivered “a ‘fiery stream of biting ridicule.’”<sup>108</sup> However, his capacity for language was admired as both “outspoken and eloquent.”<sup>109</sup> In delivering an argument of “blasting reproach, withering sarcasm, and stern rebuke,” Douglass offered himself as a living counterargument to doubts about African Americans’ intellectual capacities.<sup>110</sup>

Ironically, as free black people like Douglass and Stewart continued to uphold the importance of education, they inadvertently highlighted the relative lack of schooling among their enslaved brethren.<sup>111</sup> This juxtaposition animated emancipation-era debates as political and social leaders continued to question whether emancipated slaves were capable of learning freedom's lessons. For example, in an 1865 essay published in the *North American Review*, William Gannett and Edward Everett Hale cast doubt on emancipated slaves' intellectual capacity. After observing early efforts to educate African Americans in the South, Gannett and Hale argued that their "mental faculties... in close connection with the outward senses" were sufficiently developed, but they remained "deficient in the more ideal operations, which require reflection and reasoning."<sup>112</sup> Without these crucial skills of comprehension, synthesis, and analysis, these authors reasoned, African Americans would remain unprepared for freedom and life in American society.

Thus, the era of emancipation coincided with the expansion of education.<sup>113</sup> As Ronald E. Butchart noted, "African Americans responded to freedom with an unprecedented expectation to gain literacy and prove unequivocally that they could master an alien curriculum."<sup>114</sup> Simply put, as soon as slaves' natural rights to freedom were restored, the first step taken by both whites and freed African Americans was the active pursuit of education.<sup>115</sup> The 1863 annual report of the National Freedmen's Relief Association of New York confirmed that with emancipation, "a way [had been] opened." Yet the fulfillment of natural rights would be incomplete until they could satisfy their "deep determination" to "master all the difficulties that lie in the way of gaining



knowledge.”<sup>116</sup> Succinctly, there could be no meaningful freedom without education to accompany it.

*“Free” labor.* The natural right to freedom was further refracted by commitments to labor, land, and property. Antebellum rhetoric implored African Americans and former slaves to earn legitimacy by contributing productively to the nation’s labor force. Such contributions were ideally exemplified by the subsequent acquisition of land and home. Drawing on popular discourse that upheld economic success as the tangible, observable marker of free life, African American rhetors argued for a pursuit of freedom that was simultaneously a pursuit of wealth.

These economic constraints can be traced to the widespread prevalence of free labor ideology, which first gained traction in the antebellum industrial North. According to James Schmidt, “free labor implied the ownership of productive property, either in the form of land or in the form of a small shop or other petty proprietorship.” It was also understood as “simple self-ownership, which implied freedom from the will of another and the ability to sell one’s labor power freely in the marketplace.”<sup>117</sup> The ability to work and purchase property, therefore, became a practical marker of freedom.

The free labor economic system in the North clashed with the slave labor economic system in the South. South Carolina Senator John C. Calhoun argued, on multiple occasions, that free labor ideology was threatening the economic system and core southern values. Calhoun offered a rigorous defense of slavery when addressing the receipt of abolition petitions by the U.S. Senate. He contrasted the free labor “experiment” with the slave system, arguing that slavery gave rise to an economy that was more “stable,” “quiet,” and able to avoid the “disorders and dangers” of free labor turmoil.

Calhoun defended slavery as a mutually beneficial practice, for both slave and slaveholder. He marshaled proof in history, saying, “There never has yet existed a wealthy and civilized society in which one portion of the community did not... live on the labor of the other.”<sup>118</sup> Calhoun’s defense of slavery rested squarely on the stark economic contrast between North and South.<sup>119</sup> By insisting on such tremendous distance between the slave economy and free labor, he further reinforced free labor’s association with freedom.

African Americans’ arguments for freedom drew on this discourse and often highlighted economic dimensions, like the value of labor. Henry Highland Garnet, for instance, issued a fervent call to resist slavery. In 1874, he reminded slaves of their natural rights, saying, “you are justly entitled to all the rights that are granted to the freest... [G]o to your lordly enslavers and tell them plain, that you are determined to be free... Inform them that all you desire is freedom, and that nothing else will suffice.” He instructed slaves to seek fulfillment of their inherent freedom by engaging in a labor strike; he encouraged slaves to ask their masters for remuneration. He then advised them directly: “Promise them renewed diligence in the cultivation of the soil, if they will render to you an equivalent for their services.”<sup>120</sup> While other abolitionists impugned slavery for its physical bondage, Garnet stressed slavery’s restrictions on African Americans’ economic growth. For him, freedom could be realized in compensation—in slaves’ ownership of their labor and contributions to the land.

Other rhetors also reiterated links between freedom and economic production. Martin Delany, for example, encouraged free African Americans to pursue professions that would contribute actively to America’s growth. In 1852, Delany argued that

economics formed the crucial difference between blacks and whites; whites typically produced and blacks typically consumed. He pushed fellow African Americans to match whites' "attainments" and insisted, "a people must be a business people." Delany espoused progress and racial uplift from within the black race, and argued that African Americans could achieve freedom for themselves through economic advancement. As such, the road to freedom was through practical and useful work in business, manufacturing, "mechanics and common trades." According to Delany, these opportunities were uniquely available within the free labor economy and were the reason so many African Americans "came to the North in search of more freedom." In the "free North," they might one day be able to grow their wealth and, in doing so, control their own affairs.<sup>121</sup> Only then would they be truly free.

In 1858, John S. Rock also called for economic uplift from within the black race. He referenced the struggle for freedom beyond America's borders, and concluded that blacks have "fought nobly for freedom, but they were not victorious." Freedom remained out of reach for even free African Americans, because prejudice and poverty persisted. He said, "In this country, where money is the great sympathetic nerve... a man is respected in proportion to his success in business." Rock insisted on the attainment of land and labor equal to that of whites, arguing that racial prejudice would be eradicated if and when "the avenues to wealth" were opened to blacks.<sup>122</sup> Until then, the freedom of African Americans would never be respected.

By the era of emancipation, free labor's influence had firmly sutured freedom to labor. In fact, when the Civil War ended in 1865, Frederick Douglass asked, "What is freedom? It is the right to choose one's own employment. Certainly it means that, if it

means anything.”<sup>123</sup> Through argument, both white and African American rhetors had clarified freedom’s meaning: economic markers proved integral to humans’ inherent right to freedom. Andrew Johnson’s presidency further strengthened the free labor link. Prior to the war’s end, while acting as the military governor of Tennessee, Johnson had promised to be black America’s “Moses.” He agreed to lead them toward “a fairer future of liberty,” which he said could be pursued through “honest labor.”<sup>124</sup> Later, in 1866, he argued that no further legislation or government action was needed to secure the position of black people in society, because they had become respected as “valuable labor supply” in the wake of their emancipation.<sup>125</sup> Together, these arguments confirmed that freedom was ultimately achieved not through inherent human existence, but through economic advancement.

The convergence of freedom and free labor rhetoric constrained the notion of natural rights and, perhaps most clearly, demonstrated how African Americans were expected to earn their freedom. Free labor ideology anchored numerous arguments, articulated by both white and African Americans, that encouraged free and enslaved black people to endure economic struggle to prove their worth to free society. Historian Winthrop D. Jordan has pointed out that slave rhetoric relied on the “role” of African Americans “as a laboring machine” as confirmation of the racial distinction between blacks and whites.<sup>126</sup> In freedom rhetoric, however, that same capacity for labor was considered evidence of African Americans’ legitimacy in free society.

*Legal citizenship.* Perhaps the most formidable of all was the fourth clarification imposed on the scope of natural rights—legal citizenship. Freedom rhetoric did not rely solely on social and economic qualifiers. Both white and African American rhetors also

argued that freedom would be egregiously incomplete if it were not accompanied by legal recognition of American citizenship and suffrage rights. A natural right to freedom was meaningless, many abolitionists reasoned, if it could not be demonstrated by political power of affirmation: the right to vote.

In his extensive study of American citizenship laws, Rogers M. Smith has noted that America was “by rights a white nation... a nation in which true Americans were native-born men with Anglo-Saxon ancestors.”<sup>127</sup> Smith’s argument is decisively corroborated by the Federal Convention of 1787. On June 11, the delegates debated Article 1, Section 2 of the U.S. Constitution, which is now known as the Three-Fifths Clause. The section apportioned representatives and taxes among the states by calculating the number of persons residing in each state. The original text clarified that the census was to include the “whole number of white and other free citizens... [and] three fifths of all other persons.”<sup>128</sup> The measure was reportedly an effort to maintain equal representation among Northern and Southern states in the federal government. However, it decisively excluded African Americans from the political community. This exclusion was further reinforced by the Naturalization Act of 1790. The act extended the possibility of citizenship only to “any alien, being a free white person” who had been residing in the United States for at least two years.<sup>129</sup> Together, these laws blocked African Americans’ access to legal citizenship for generations.

Perhaps the most influential assault against black citizenship in the nineteenth century was Chief Justice Roger B. Taney’s judicial opinion on *Scott v. Sandford*, decided in 1857. Taney first recognized that Scott was “a negro of African descent, whose ancestors were of pure African blood and who were brought into this country and

sold as slaves.” Taney concluded that Scott’s slave status rendered him ineligible to sue in American courts; any decision previously made in his favor was, therefore, rendered invalid. However, Taney further railed against the mere possibility of African American citizenship more generally. Taney argued that “citizens” was synonymous with “people of the United States,” and both terms referred only to “the political body who, according to our republican institutions, form the sovereignty and hold the power and conduct the Government through their representatives.” When asked if slaves and their descendants fall under such a description, Taney decided, “We think they are not, and that they are not included, and were not intended to be included, under the word ‘citizens’ ... and can therefore claim none of the rights and privileges which [the Constitution] provides for and secures to citizens of the United States.” Taney’s judicial opinion, therefore, decisively discounted the possibility of legal citizenship for African Americans. Insisting that “citizen” must be understood within its original constitutional context, he argued that any descendant of slaves, emancipated or otherwise, was not included within the purview of citizenship and suffrage. For Taney, being a human did not coincide with being a citizen, nor a member of the American “people.”<sup>130</sup>

Immediately, however, Taney’s decision drew ire from two dissenting justices, John McLean and Benjamin Curtis. Both confronted Taney’s insistence on a revolution-era reading of “citizen,” citing the fact that free African American men exercised the right to vote in five of the thirteen states when the Constitution was ratified. As such, they argued, paths to political equality existed for blacks in the eighteenth century. Curtis maintained that it was “not true, in point of fact, that the Constitution was made exclusively by the white race.” Rather, African Americans were “in every sense part of

the people of the United States [as] they were among those from whom and whose posterity the Constitution was ordained and established.”<sup>131</sup> By identifying voting behavior among free African American men, specifically, both Curtis and McLean coupled freedom with both suffrage and legal citizenship.

The *Scott v. Sanford* decision prompted African American speakers to speak out about freedom’s reliance on political participation. Douglass, who became arguably the most vocal advocate for African American men’s suffrage, renounced Taney’s ruling. Douglass referred to the decision as a “vile and shocking abomination,” because it defied the “essential nature” of freedom. He affirmed that the Founding Fathers “have said that man’s right to liberty is self-evident,” implying that African American legal citizenship was a necessary part of that liberty. Echoing the dissenting judges’ arguments in more general terms, Douglass insisted that “the sentiments of the founders of the Republic, [gave] us a platform broad enough, and strong enough, to support the most comprehensive plans for freedom and elevation of all the people of this country.” He considered Taney’s exclusion of African Americans from political participation such “an open, glaring, and scandalous tissue of lies,” that he concluded it would serve no purpose other than to flame the fires of abolition.<sup>132</sup> In spite of the Three-Fifths Clause, Douglass insisted that the U.S. Constitution had designed freedom such that acceptance of African Americans as political persons was a requirement, if not an inevitability.

Other free African Americans asserted their citizenship with similar confidence and command. In 1861, the “free blacks of New Bedford, Massachusetts” declared their commitment to fight in the Civil War. They referred to themselves as “true and loyal citizens” responding to the “defense of our common country.” Because African American

men were barred from fighting in the Union Army over fears that their participation would further antagonize Southerners, the New Bedford declaration can be construed as a rebellious assertion of African American citizenship and an integral link between citizenship and the “fight for liberty.”<sup>133</sup>

When the Thirteenth Amendment formally abolished slavery in 1865, calls for freedom emphasized legal citizenship and suffrage rights with even greater fervor. For those who relied on the Constitution for guidance in all matters of state, a rhetorical opportunity presented itself. Randall Miller has argued that the ambiguity of the Thirteenth Amendment provided an opportunity for rhetors to extend natural rights claims and demand full citizenship. Since the amendment failed to identify the specific details of the state’s administration of freedom, the realities of post-bellum life challenged Congress to “protect [freed slaves] ‘rights’ as ‘citizens,’ even to extend the franchise to them.”<sup>134</sup> Accordingly, post-emancipation arguments argued that the natural rights restored by abolition must be cemented with the right to vote.

Douglass spoke again in 1865 and reaffirmed his earlier claims. He argued for the “immediate, unconditional, and universal enfranchisement of the black man.” Without it, he said, “liberty is a mockery.” He explained, “if he is not the slave of the individual master, he is the slave of society, and holds his liberty as a privilege, not as a right.” Douglass underscored a connection between freedom and suffrage when he insisted that the moment of emancipation was “the hour... to press this right.” Without a legally recognized voice in the political community, Douglass feared that African Americans would be unable to guard against the “rank undergrowth of treason” and fully secure their new free status. Without the legal right to vote, freedom was not secure.<sup>135</sup>



Recognizing that many arguments, like Douglass's, did not argue for women's right to vote, speakers like Sojourner Truth also advocated for suffrage. She insisted that the extension of the franchise to African American men would essentially re-enslave African American women. When she was invited to address the Anniversary Convention of the American Equal Rights Association in 1867, Truth reportedly said, "If colored men get their rights, and not colored women theirs, you see the colored men will be masters over the women, and it will be just as bad as it was before."<sup>136</sup> In the absence of suffrage, Truth feared the re-enslavement of African American women to African American men. These arguments superseded the natural right to freedom and confirmed, instead, that freedom was not universal in the era of emancipation. Legal citizenship was upheld as the only way to guarantee freedom for all.

Hannah Rosen has stipulated that emancipated slaves "believed that to be free was to not only not be enslaved, but also to be a citizen."<sup>137</sup> The preceding arguments demonstrated the nuances of that argument and clarified that an *a priori* right to freedom carried no weight without the political right to defend it. Though natural law conceded liberty to the whole human family, both white and African American rhetors clarified that such freedom was incomplete without the protection of legal citizenship.

### *Freedom's paradox*

Ultimately, white and African American rhetors articulated freedom in paradoxical ways. The conclusions drawn about freedom defied its foundational premise: that freedom was a natural right, innate to human existence. In the shift from natural rights to earned rights, rhetors clarified that freedom could only be fulfilled, exercised, or legitimized under certain conditions. African Americans, in particular, were encouraged

to earn their freedom by demonstrating their republican character, pursuing a formal education, supporting a “free labor” economy, and voting as a legal citizen. Thus, freedom ultimately was not free.

In accordance with a rhetorical approach to ideas, I submit that this paradox greatly influenced the Bureau’s work in the post-Civil War era. In its efforts to define and defend freedom for former slaves, the agency could not separate itself from this rhetorical legacy. The Bureau inherited a vocabulary that could be leveraged to either include or exclude black people from social, economic, and political participation. Their task was further complicated, however, by the ideological dynamics of the nineteenth century. In the next section, I turn my attention to unpacking the implications of the freedom paradox. I draw on theoretical conversations in the humanities and social sciences to show how both natural rights and earned rights approaches presented challenges to black inclusion in the era of emancipation.

### The Problem of Freedom in the Era of Emancipation

Echoes of freedom’s paradox are clearly heard in the Freedmen’s Bureau’s rhetoric. Rufus Saxton, the Bureau’s assistant commissioner in Georgia, invoked character and labor specifically in his advice to emancipated slaves. He told them, “Try to show by your good conduct, that you are worthy of all... Let it be seen that where in slavery there was raised a blade of corn or a pound of cotton, in freedom there will be two.”<sup>138</sup> Saxton underscored that emancipated slaves’ freedom might be more readily affirmed if they could prove that they deserved it. His advice confirms that earlier iterations of freedom inflected the Bureau’s discourse.

Therefore, it is necessary to explore the implications of freedom's discursive legacy. In this section, I explain the theoretical lens through which I interpret antebellum freedom rhetoric as an exclusionary, rather than inclusionary, conversation. I begin by recognizing the shift from natural rights to earned rights as evidence of an American social contract in flux. Then, I historicize the social contract within antebellum racial politics of ascriptive citizenship and humanity to suggest that freedom's paradox presented a staggering rhetorical problem for the Bureau. The agency inherited a discursive legacy that rejected former slaves' claims to freedom and inclusion on two counts: the earned rights approach provided a vocabulary for questioning black people's compliance with societal expectations, while the natural rights argument was cast in doubt by pervasive perceptions of slaves as non- or sub-human. Abolition alone could not resolve these injustices. In order for the Bureau to be successful, its agents faced a daunting and urgent rhetorical task of trying to make freedom free.

#### *Freedom and the social contract*

Freedom's paradox can be interpreted as a vocabulary by which Americans could negotiate the terms of America's social contract. According to Mark Hulliung, multiple theories of a social contract—as an agreement forged between people, or between people and their government—animated some of the nation's "greatest debates" and "most meaningful struggles" during the eighteenth and nineteenth centuries.<sup>139</sup> For many years, Americans invoked various, even competing notions of social contract theory to frame arguments for political policy and action. While some perspectives emphasized humans' natural rights, others presumed some measure of earned rights as the basis of civil society and government.

For many renowned thinkers, the social contract provided a mechanism through which humans band together in mutual agreement to recognize and protect their natural rights. In 1651's *Leviathan*, Thomas Hobbes positioned government as a necessary response to a "war-like" state of nature, where right and wrong were unenforceable and humans acted selfishly for themselves. Hobbes argued that humans' innate desire for peace and security prompted them to enter into a social contract with one another, surrendering their liberty, at least in part, to a sovereign power. In exchange, the government promised to safeguard and protect its people.<sup>140</sup> In 1690, John Locke offered a more optimistic view of the state of nature. He suggested that natural law afforded rights of life and property to all humans. Humans' contractual obligation to obey their government is conditioned upon the government's protection of their natural rights.<sup>141</sup> Finally, in 1762, Jean-Jacques Rousseau argued that humans willfully enter into a contract with one another and with the state. The contract represented a mutual investment; each "associate" surrendered "every last one of his rights"<sup>142</sup> to the government, empowering the "sovereign" to govern in accordance with the general will of the people.<sup>143</sup> These perspectives outlined a justification for government, and the relationship between governments and those that they govern, predicated on commitments to humans' natural rights and their desire to defend them.

Others, however, have theorized the social contract with greater emphasis on earned rights. Samuel von Pufendorf, for instance, proposed that the contract of "association" among humans must be followed by a political one, known as the contract of "submission." The latter demanded that humans perform certain duties and obligations, exhibiting their submission to government in exchange for rights and protection.<sup>144</sup> While

Pufendorf did not deny the reality of natural rights, he diminished their importance in favor of emphasizing the ways in which the people's rights and privileges must be recognized, upheld, and secured by the state's power.

Despite their differences, these political theorists' views of the social contract collectively confirmed several general principles about society and governance. First, a social contract presupposed an exchange of rights and responsibilities among humans. Recognizing the potential impact of their own insecurities or conflicts, humans submitted to a governing power by handing over some of their natural rights. In return, the state offered civil protections and civil rights. In his contribution to the *Federalist Papers*, John Jay confirmed that America's governing philosophies were anchored by this principle. Jay explicitly declared, "whenever and however it is instituted, the people must cede to [government] some of their natural rights in order to vest it with requisite powers."<sup>145</sup>

Second, the social contract was predicated upon notions of mutual consent. Whether in terms of a "covenant"<sup>146</sup> or the negotiation of "terms of association,"<sup>147</sup> theories of the social contract insisted that humans enter into agreement with one another and with their government. Rousseau went as far as to say that the government's sovereign power was "purely and simply the exercise of the general will" of the people.<sup>148</sup> In other words, the government relied on its own people for its power. The principle of consent animated revolution-era discourse, when American political philosophies were beginning to take shape. For example, John Dickinson's 1767 condemnation of English rule accused Parliament of levying taxes without the colonies' knowledge or approval. When he argued that the Stamp Act was "pernicious to freedom,"

he emphatically repeated the phrase, “without our consent.”<sup>149</sup> His frustration reflected the notion that governance required mutual obligation. Without a commitment to reciprocity or shared investment throughout the political community, government—and, more broadly, civil society—would become unstable.<sup>150</sup>

Third, the social contract confirmed that governance is always conditional. By entering into association with one another, humans created “a moral and collective body.”<sup>151</sup> Therefore, the values and commitments of the general will determine their relationship with one another, and with their government. When the contract’s conditions are violated, Locke argued, humans were justified in overthrowing the state. This principle was foundational to American government. As the Declaration of Independence affirmed, “it is the right of the people to alter or abolish” their government if it “becomes destructive” of the people’s rights.<sup>152</sup> The conditional relationship between the state and its people, as well as among the people as a community, required constant consideration. Humans were bound to examine the conditions of the social contract that joined them together.

With these principles in mind, we can better understand how freedom discourse provided a vocabulary for defining and practicing the social contract. The movement from natural rights to earned rights evinced the myriad ways in which Americans conceived of the social contract as an exchange of rights to establish a mutually beneficial relationship between people, and between the people and their government. In arguments against slavery, they questioned whether humans’ natural rights were being violated by the state. In debating character, education, and labor, they negotiated the values, commitments, and duties of the people. And, in clamoring for suffrage, they

demanded the full protection of civil rights. These conversations helped negotiate and crystallize the terms by which the American people were willing to associate with one another, and entrust a government to protect their rights and interests as a unified society.

Understanding antebellum freedom rhetoric from this perspective establishes its foundational importance in the moment of emancipation, during which the government's relationship to its people was tenuous at best. In addition to the release of millions of slaves, the nation was grappling with the bitter consequences of being "set on fire by civil war." In the moment of emancipation, the social contract could be "born again, so to speak, from its ashes" and adopt new conditions, dynamics, and dimensions.<sup>153</sup> Thus, abolition was "a beginning more than an end."<sup>154</sup> It marked the explicit occasion to review and possibly even revise Americans' relationship to one another, and to their own government. These relationships were, in Alexander Hamilton's words, both dependent upon and "essential to the security of liberty."<sup>155</sup> We can presume that freedom's discursive history did not stall with the arrival of emancipation; instead, the vigor of "civic impulse" likely reinvigorated freedom rhetoric with even greater fervor.<sup>156</sup>

I position the Bureau at the center of these conversations. Its establishment as a federal agency is evidence of a crucial link between notions of freedom and systems of society and governance. Through emancipation, the state entertained notions of former slaves' natural right to freedom. Yet, the exchange for civil privileges and protection would remain uncertain and incomplete until they could demonstrate their submission to America's social contract by earning their rights.<sup>157</sup> The Bureau was founded to facilitate this process and supervise freedmen's transition into American society. In this mission, the Bureau would have to engage freedom's preconditions and grapple with the

antebellum racial politics that questioned both the capacities and humanity of black people.

*The problem of earned rights*

We must situate the social contract within the racial politics of antebellum America in order to appreciate the ideological implications of freedom's legacy. Though the social contract theoretically governs the relationship between the state and all of its citizens, it disproportionately and differently affected—and continues to affect—the rights and privileges of black people and other people of color. As Lerone Bennett has decisively argued, the nation's "white founding" actively and purposefully "exclude[d] black Americans from the national social contract."<sup>158</sup> Martin Dann has further clarified, "The contract that bound white citizens to the government never existed for black people. The basic rights of participation in political power, civil rights, a share in the benefits of the system, and the protection of government [would be] extended to black people only under duress, if at all."<sup>159</sup>

In other words, the social contract that governs Americans' relationships to one another and to their government might be better understood as a *racial contract*. Charles W. Mills has argued that attempts to posit the social contract as race-neutral obfuscate "ugly realities of group power and domination" in which white people are bound to enforce boundaries of social, political, and economic belonging in ways that sustain white supremacy.<sup>160</sup> Those who set the terms of the contract are empowered to police the compliance of racial Others and normalize their exclusion from society. Former slaves would have to argue for their rights—whether natural or earned—in ways that white Americans simply did not.



Black people's struggle would be made even more difficult by the legal fortification of the racial contract. Scholars have observed that the foundational ideals upon which the American government was theoretically established were not universal. Liberty and equality did not apply to "blacks or Indians [and] other racial and cultural groups [including women]" at the nation's founding, and various safeguards have since been put in place to codify systemic discrimination.<sup>161</sup> In *Civic Ideals*, Rogers M. Smith offered an extensive study in American citizenship laws and ultimately argued that American political discourse helped preserve America "as a state-centric, commercial, white republic" in which "white Christian male dominance must prevail." Accordingly, voting, naturalization, and immigration laws have "declared most people in the world legally ineligible to become full U.S. citizens" on the basis of "ascriptive characteristics [such] as race, gender... nationality and religion." Smith argued that these exclusionary practices rely on "illiberal and undemocratic" hierarchies that are "rooted in basic, enduring imperatives of political life."<sup>162</sup>

I contend that freedom is one such imperative that helped to uphold the racial contract in a historical moment during which questions of black inclusion and citizenship were being openly debated. Though rhetors trumpeted freedom as a universal ideal, they also clarified that freedom was not equally available to everyone. Throughout the eighteenth and nineteenth centuries, countless writers and speakers constructed a vocabulary of freedom that set the terms by which those excluded from the social contract might remain marginalized and dismissed. In the *Federalist Papers*, John Jay clarified that American liberty had been established by the efforts of "one united people—a people descended from the same ancestors... attached to the same principles

of government, [and] very similar in their manner and customs.”<sup>163</sup> Therefore, freedom belonged only to those who conformed to a racial code of ancestry, behaviors, and values.

Accordingly, African Americans were encouraged to demonstrate certain skills and behaviors deemed valuable to a free and productive society in order to establish their capacity for freedom. Yet, black behaviors were evaluated differently than white behaviors. Kirt Wilson has argued that both white and African Americans engage in “mimetic” or “imitative” acts and, in nineteenth-century America, mimesis was understood to be a fundamental pedagogical tool. The repetitive “copying of forms” was used among whites to teach “the virtues of republicanism, and the responsibilities of citizenship.” Black people engaged in imitation for similar reasons and also to “establish grounds for their inclusion in the body politic.” Wilson argued that mimesis “enabled political activism,” because it allowed African Americans to counteract claims that they were not prepared or capable of “occupy[ing] the same physical space and enjoying the same values, beliefs, culture, and civil rights” as whites.<sup>164</sup> However, Wilson also clarified that mimetic practice was embroiled in nineteenth-century racial tensions. Imitation was widely accepted as a necessary pedagogical method among whites, but often condemned among black people. Those who believed that the races were distinct were quick to criticize mimesis as deceitful, arguing that “black imitation was a primitive instinct that did not signify the individual’s intellect or promote the race’s development.”<sup>165</sup> In other words, when black people engaged in behaviors or practices that seemed similar to whites—humility, eloquence, literacy, even mimesis itself—they were accused of masking their inferiority with a deceptive façade. Former slaves could

thus be dismissed as unworthy regardless of whether they fulfilled freedom's prerequisites or not.

Consequently, the rhetoric of freedom posed an inevitable problem for the Bureau, insofar as it demanded that black people earn their rights and position within a society that had drawn its boundaries in racial terms. Racism, both in the design and enforcement of the social contract, cultivated the sentiment that African Americans were "incapable of voluntary submission to the obligations [and] norms" of free society.<sup>166</sup> The idea of freedom contributed significantly to this perception. On the surface, antebellum discourse appeared to invite African Americans into the American community, based on a shared belief in the natural, inherent right to freedom, and the government's promise to protect it.<sup>167</sup> But, such rights were restricted by a series of contractual preconditions that black people could rarely, if ever, meet. Even when slaves' natural rights were restored, there was the looming threat that their attempts to conform to society's norms might be dismissed as illegitimate or incomplete. Thus, the idea of freedom—and, specifically, the shift to earned rights—provided a rationale by which former slaves' entrance into American society could be denied or, at least, questioned.

#### *The problem of natural rights*

It is tempting to assume that a natural rights argument, as opposed to an earned rights approach, would sidestep the obstacles presented by the racial contract. After all, the basis of many social contract theories is the presumption that all human beings exist first "in a 'state of nature' ... then decide to establish civil society and a government" together.<sup>168</sup> Therefore, it could be inferred that black people were inherently implicated in the social contract and thus deserving of at least basic rights and privileges, regardless of

whether or not nineteenth-century Americans were eager to embrace them as worthy equals. However, the antebellum social contract was “not a contract between everybody (‘we the people’), but between just the people who count, the people who really are people.”<sup>169</sup> Any assertion of natural rights was subject to the pervasive notion that former slaves were not people; their humanity was dismissed, if not destroyed, by the brutal practices of enslavement.

The rise of slavery in America was accompanied by doubts about black people’s humanity, as compared to their white counterparts. Slavery in the early American colonies was not immediately predicated on an unwavering commitment to systematic, racist oppression. However, it did arguably begin with “colonists’ initial sense of difference from the Negro... founded not on one characteristic but on a congeries of qualities which, taken as a whole, seemed to set the Negro apart.”<sup>170</sup> Black people were perceived to be a different type of person, “uniquely and biologically suited to do just the sort of work that slaveholders needed them to do.”<sup>171</sup> According to Winthrop B. Jordan, these initial differences were assessed within the context of the economic “necessities of a new world,” and later spawned the peculiar institution in which black people “were treated as somehow deserving a life and status radically different from English and other European settlers.”<sup>172</sup> By the eighteenth century, “slavery and racial discrimination were completely linked together” in American chattel slavery, and black people had “become a counter image” for white Americans—“the living embodiment of what they must never allow themselves to become.”<sup>173</sup>

Thus, the growth of American slavery was contingent upon the implicit argument that black people were less human than their white counterparts, and therefore deserving

of non- or sub-human treatment. The brutalities of slavery, in terms of physical and sexual violence are well documented.<sup>174</sup> Moreover, as Daina Ramey Berry's recent work suggests, the valuation of black bodies in economic terms repeatedly enforced this reasoning throughout a slave's entire lifetime—from preconception through adulthood—and even after death.<sup>175</sup> These practices “literally and figuratively sought to strip [black people] of humanity,” thereby furthering the cycle of degradation that distinguished American slavery's position at the “extreme end of a continuum in slave systems of coercion, dehumanization, and violence.”<sup>176</sup> Notably, these practices did not cease upon abolition and emancipation, as assaults against black people's lives and bodies continued in the post-war era with the rise of brutal lynchings, mob violence, and targeted assassinations of emerging black leaders.<sup>177</sup>

Contemporary scholarship in Black Studies argues that the sustained violence perpetrated against black people can be attributed to, but also transcends, the corporal abuse of slavery. Christina Sharpe has insisted that the cruel and violent practices of enslavement “produce[d] blackness as abjection” in ways that persisted in the wake of slavery.<sup>178</sup> The bodies of black women, in particular, had been transformed; they “became the principal point of passage between the human and the non-human world.”<sup>179</sup> As such, the enduring effect of slavery was one in which “the middle passage, the coffle, and... the birth canal... functioned separately and collectively over time... to turn the womb into a factory” that birthed black children into an immediate and irreparable condition of “non-status[,], non-being-ness.”<sup>180</sup> Therefore, as Saidiya Hartman argued, both the “time of slavery” and the “afterlife of slavery” were marked by the same precariousness, “vulnerability to premature death [and] gratuitous acts of violence” that

dehumanized black people.<sup>181</sup> In short, the racialization that accompanied and sustained the growth of chattel slavery had “discipline[d] humanity into full humans, not-quite humans, and non-humans.”<sup>182</sup> These categories threatened to replicate themselves time and time again, as blackness had been identified as a mechanism by which “unequal power structures [could] apportion and delimit which humans can lay claim to full human status and which humans cannot.”<sup>183</sup>

From this perspective, the natural rights approach to freedom hardly offered an easy path toward black inclusion. In antebellum America, generations of enslavement had positioned black people squarely “outside the democratic master plan,” forcing “a process of institutional dehumanization” and all but guaranteeing a “complete loss of liberty.”<sup>184</sup> Consequently, the notion that former slaves could suddenly assert their essential rights as human beings could not be taken for granted. In the era of emancipation, black humanity was “still imperiled and devalued by a racial calculus and a political arithmetic that were entrenched centuries [before].”<sup>185</sup>

### *The Bureau's task*

Through this lens, I have magnified the significance of the Bureau's rhetorical mission. I have considered the ways in which freedom was utilized as an idea by which both white and black people negotiated the American social contract. However, by historicizing theories of the social contract within the landscape of antebellum racial politics, I contend that freedom was ultimately defined as an exclusionary, rather than inclusionary, principle. The shift to earned rights provided multiple rationales for marginalizing black people, as their exclusion was predicated not only on their status as slaves, but also on their perceived shortcomings in character, education, labor, and voting

power. Freedom's foundations in natural rights arguments also presented problems, as slavery had rhetorically and physically assaulted black humanity. The Bureau's efforts to define and defend freedom for emancipated slaves cannot be separated from this ideational history. As such, we can interpret the Bureau's founding as an effort to police, as well as support, former slaves' entrance into American society.

In introducing this project, I have destabilized dominant narratives of the Freedmen's Bureau as the administrative "guardians" of freedom and, instead, positioned them as rhetorical agents charged with stewardship of the fledgling relationship between government, the American people, and emancipated slaves. In this role, the Bureau had an opportunity to intervene in freedom's rhetorical history and re-envision notions of freedom. Antebellum legacies demanded nothing less than the Bureau's unconditional advocacy of black people's capacities for free life, as well as their unassailable status as fully human people. The agency needed to open up the social contract to African Americans for the first time in the nation's history. While the Bureau certainly faced insurmountable logistical, financial, and political challenges, its true "extraordinary crisis" was its ongoing confrontation with freedom's legacy and freedom's potential new meanings in a post-emancipation world.<sup>186</sup>

### An Outline of Chapters

With this understanding of the Freedmen's Bureau's momentous task, this project asks two fundamental questions. First, how did the Bureau define freedom in the era of emancipation? Second, how did discourse within and about the Bureau deepen or disrupt freedom's legacy as an exclusionary, rather than inclusionary, principle? I examine a wealth of archival documents—including letters, memos, circular announcements,

receipts, congressional proceedings, and newspaper articles—and find that the Bureau emerged as a key rhetorical player not only in the emancipation era, but also in perpetuating the enduring legacy of freedom itself. As agents grappled with the paradox that freedom was not free, they relied upon the idea to dictate the terms by which former slaves would relate to their government and their fellow Americans. Ultimately, this study contends that arguments by and about the Bureau contributed significantly to the reconstruction of a post-bellum racial order that affirmed the racist underpinnings of the social contract, further contributed to the dehumanization of former slaves, and prompted black people to resist the ongoing assault on their freedom. This case unfolds in four chapters.

Chapter 1 examines how the Bureau defined its own mission during its inaugural year. I first consider Head Commissioner Oliver Otis Howard's August 1865 address, in which he introduced the Freedmen's Bureau and its mission to the Freedmen's Relief Society in his home state of Maine. I also examine the Bureau's first year of circular announcements, in which Howard and other Bureau officials declared the policies and principles guiding the agency's work throughout the former Confederate South. Together, these texts provide a comprehensive overview of the agency's agenda. An analysis of this discourse illustrates how the Bureau defined freedom in terms of prized attainments—land, labor, education, relief, and justice—that suggested temporary, if not permanent, barriers to black inclusion. I argue that Howard's pursuit of compromise led the Bureau to undermine its own progressive agenda by privileging an earned rights approach, and further suggesting that former slaves' fitness for freedom would be assessed in terms of non-negotiable social, economic, and political preconditions.



Chapter 2 investigates the Bureau's everyday communication and conduct with former slaves in the "model community" of Freedmen's Village, Virginia. Established in Arlington, Virginia, in May 1863, the Village became a semi-permanent settlement and was taken over by the Bureau in 1865. There, thousands of black residents were subject to the agency's strict control. To better understand how the Bureau implemented its agenda on a local level, I analyze the Freedmen's Village papers, which include hundreds of letters, memos, circular announcements, receipts, and other records preserved by the National Archives and Records Administration. I argue, first, that Head Commissioner Howard's rhetoric provided the direction by which local agents interacted with freedmen, thereby affirming the Bureau's commitment to an earned rights approach to freedom. I further posit that the rules and regulations that governed Freedmen's Village revived antebellum practices of classification, confinement, and control. Thus, the village was transformed into a site of examination, where the state's power over freedmen mimicked the slave-master relationship that had been characteristic of antebellum America.

Chapter 3 directs attention to the controversies surrounding the Bureau's work by examining the contentious debates that animated the first session of the 39<sup>th</sup> Congress. During this session, senators and representatives discussed the Bureau's future as they considered a bill to extend the agency's operations. Their arguments provide an opportunity to explore the extent to which the Bureau's rhetoric prompted broader consideration of the relationship between state and former slave. I analyze the ways in which Congress strategically leveraged both natural and earned rights assumptions as they defined crisis, negotiated time, and delineated racial differences to devalue and abandon black people in the allocation of state support and protection. I contend that they

activated freedom's paradox to diminish the government's responsibility to freedmen, demonstrating the limits of legal inclusion and affirming the ways in which freedom rhetoric could be leveraged to discount, rather than ensure, the state's concern for black people.

Chapter 4 accounts for the voices of free and formerly enslaved black people who extended antebellum traditions of black resistance to defy the state's attempts to control the post-bellum conversation about freedom. Focusing on the years of peak Bureau activity, 1865-1867, I analyze numerous articles and editorials from the archives of the *New Orleans Tribune*. The *Tribune*'s owner and editors believed that New Orleans's high concentration of born-free black people imbued both its writers and readers with critical knowledge of freedom's meanings in America. As such, they presented the newspaper as a medium of radical propaganda and sent daily copies directly to the U.S. Congress. I argue, first, that the *Tribune* showcased black people's commitments to land, labor, education, justice, and suffrage in ways that undermined the Bureau's earned rights approach and defied, more broadly, the racist assumption that black people needed to be taught to value the expectations and privileges of freedom. Then, I assert that the *Tribune* engaged in numerous rhetorical strategies to actively counter notions of black inferiority, exclusion, and dehumanization, thereby working to restore the potential of a natural rights approach and simultaneously disrupting the barriers that questioned black people's compliance with the American social contract.

I conclude this study with a brief summary of its findings and major contributions. I propose that this project provides a compelling case study that underscores how rhetorical analysis can help us better understand the force of ideas, especially in exercises

of power and domination. Additionally, my interpretation of the Bureau's primary role as a mechanism of supervision, rather than support, extends existing scholarship about the Bureau and highlights its enduring relevance to contemporary race relations in the United States. Finally, I end with a call for further appreciation and critical investigation of the ways in which black people have persevered to disrupt the pervasive, dominant discourse that seeks to destroy them.

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#### NOTES

<sup>1</sup> J. Saunders Redding, *They Came in Chains: Americans from Africa*, Revised edition (Philadelphia, PA: Lippincott, 1973), as quoted in Howard Zinn, *A People's History of the United States: 1492-Present*, Perennial Classics (New York: Harper Perennial, 2003), 23.

<sup>2</sup> The exact date of Howard's travels is unclear. In his own personal accounts of his journey through the southern states, Howard mentions earlier observations made in 1864, and additionally notes that the atmosphere in the former Confederate states was influenced by "the all absorbing topic of the coming Presidential election. Given that Ulysses S. Grant was elected to the presidency in 1868, it can be inferred that Howard embarked upon his journey sometime between 1865 and November 1868.

<sup>3</sup> Oliver Otis Howard, "Journey Through the South," M91.8, Box 41, Folder 92. Oliver Otis Howard Papers, George J. Mitchell Department of Special Collections and Archives, Bowdoin College, Maine.

<sup>4</sup> Howard, "Journey Through the South."

<sup>5</sup> Howard.

<sup>6</sup> According to his own account, Howard traveled through portions of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Mississippi, Louisiana, and Texas.

<sup>7</sup> The Freedmen's Bureau was the colloquial moniker of the Bureau of Refugees, Freedmen, and Abandoned Lands. The agency was established by legislative in March 1865 See "An Act to Establish a Bureau for the Relief of Freedmen and Refugees," March 3, 1865, 38<sup>th</sup> Cong., 2<sup>nd</sup> Sess., *United States Statutes At Large*, 570.

<sup>8</sup> Hans L. Trefousse, "Andrew Johnson and the Freedmen's Bureau," in *The Freedmen's Bureau and Reconstruction: Reconsiderations*, ed. Paul A. Cimbal and Randall M. Miller, *Reconstructing America*, no. 4 (New York: Fordham University Press, 1999), 30.

<sup>9</sup> Randall M. Miller, "The Freedmen's Bureau and Reconstruction: An Overview," in *The Freedmen's Bureau and Reconstruction: Reconsiderations*, ed. Paul A. Cimbal and Randall M. Miller, *Reconstructing America*, no. 4 (New York: Fordham University Press, 1999), xvi.

<sup>10</sup> Paul A. Cimbal, *Under the Guardianship of the Nation: The Freedmen's Bureau and the Reconstruction of Georgia, 1865-1870* (Athens: University of Georgia Press, 1997), 65.

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<sup>11</sup> Cimbala, 56. To make this claim, Cimbala relies on the first-hand testimony of Lieutenant Colonel Ira Ayer, who explained, “The ex-slave ‘is a free man, and those who seek to render his condition otherwise must be made to feel the power of the government to protect them in their freedom.”

<sup>12</sup> Howard, “Journey Through the South.”

<sup>13</sup> Howard described his encounters with Southerners in vivid detail. Though he recognized himself as the head of the “hated Bureau,” he noted that he was generally treated well and respectfully. However, he noted the proliferation of anti-Union sentiment in the newspapers circulating throughout the South, which he viewed as detrimental to the Bureau’s efforts. He also encountered men who were passionate about the inferiority of African Americans. In Virginia, he met a gentleman who was convinced that the “negroes... never can learn, they go rapidly to barbarism, they are without virtue, they are dying rapidly, they will have to be removed from the country if left free, &c.” In Texas, another man complained of African Americans’ “idleness and worthlessness.”

<sup>14</sup> Howard, “Journey Through the South.”

<sup>15</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xvi; Cimbala, *Under the Guardianship of the Nation*, xiii.

<sup>17</sup> According to David Zarefsky, “by studying important historical events from a rhetorical perspective, we see significant things about them that other perspectives miss.” A rhetorical perspective does not take the objectivity of the Bureau’s goal of freedom for granted; it provides an opportunity to interrogate how the rhetoric of freedom negotiated power in both antebellum and postbellum society; and, how rhetoric can rationalize injustice even when justice seems to have been delivered. David Zarefsky, “Four Senses of Rhetorical History” (Greenspun Conference on Rhetorical History, University of Nevada, Las Vegas, March 23, 1995).

<sup>18</sup> Oliver Otis Howard, “The Freedmen: Organization of the Freedmen’s Bureau, Its Objects, and What It Has Accomplished,” *Kennebec Journal*, August 11, 1865.

<sup>19</sup> Howard, “The Freedmen.”

<sup>20</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xiv.

<sup>21</sup> David Zarefsky, “Reflections on Rhetorical Criticism,” *Rhetoric Review* 25, no. 4 (2006): 386.

<sup>22</sup> This initial introduction to the Bureau as persuasive rhetors draws on Lloyd Bitzer’s notion of the rhetorical situation. Bitzer argued that crises in the world, termed “exigencies,” compel humans to respond. Speakers develop arguments to advocate for solutions to those exigencies, relying on persuasive strategies to address particular audiences and overcome situational constraints. While instrumental rhetoric is no longer a dominant paradigm—at least, not explicitly so—in rhetorical criticism, some contemporary scholars still assert its importance. See Lloyd F. Bitzer, “The Rhetorical Situation,” *Philosophy & Rhetoric* 1, no. 1 (1968): 1–14; Charlotte Jørgensen, “The Relevance of Intention in Argument Evaluation,” *Argumentation* 21, no. 2 (2007): 165–74; John M. Murphy, “‘Our Mission and Our Moment’: George W. Bush and September 11th,” *Rhetoric & Public Affairs* 6, no. 4 (2004): 607–32.

<sup>23</sup> Historians’ approach to Bureau studies has emphasized how the agency’s practices were subject to the particular political contexts of individual states. For more detailed discussions of the agency’s practices at the local level, see Cimbala, *Under the Guardianship of the Nation*; Paul Alan Cimbala, *The Freedmen’s Bureau: Reconstructing the American South After the Civil War*, First edition (Malabar, FL: Krieger Publishing, 2005); James D. Schmidt, “A Full-Fledged

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Government of Men': Freedmen's Bureau Labor Policy in South Carolina, 1865-1868," in *The Freedmen's Bureau and Reconstruction: Reconsiderations*, Reconstructing America (New York: Fordham University Press, 1999), 219–60; Christopher B. Bean, *Too Great a Burden to Bear: The Struggle and Failure of the Freedmen's Bureau in Texas*, Reconstructing America (New York: Fordham University Press, 2016); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*, New American Nation (New York: Harper Perennial, 2016).

<sup>24</sup> Miller, "The Freedmen's Bureau and Reconstruction: An Overview," xvi.

<sup>25</sup> Howard, "The Freedmen."

<sup>26</sup> Constitutive rhetoric can also serve to corroborate and reify prior constructions of ideas, institutions, and identities. Maurice Charland, "Constitutive Rhetoric: The Case of the People Québécois," *Quarterly Journal of Speech* 73, no. 2 (May 1987): 133–51; Richard E. Vatz, "The Myth of the Rhetorical Situation," *Philosophy & Rhetoric* 6, no. 3 (1973): 154–61.

<sup>27</sup> Howard, "The Freedmen."

<sup>28</sup> James Jasinski and Jennifer R. Mercieca, "Analyzing Constitutive Rhetorics: The Virginia and Kentucky Resolutions and the Principles of '98," in *The Handbook of Rhetoric and Public Address*, ed. Shawn J. Parry-Giles and J. Michael Hogan (Wiley-Blackwell, 2010), 313–41.

<sup>29</sup> By asserting that the Bureau's rhetoric was simultaneously instrumental and constitutive, I recognize an implicit tension in the two approaches and insist that instrumental and constitutive approaches are not mutually exclusive. In the case of the Bureau, specifically, we must appreciate both because one necessarily depended on the other; the Bureau could not defend freedom if they did not have or articulate what their conception of freedom was. For an example of rhetorical criticism that pursues respect for both the instrumental and constitutive functions of rhetorical practice, see Kirt H. Wilson, "Interpreting the Discursive Field of the Montgomery Bus Boycott: Martin Luther King Jr.'s Holt Street Address," *Rhetoric & Public Affairs* 8, no. 2 (2005): 299–326.

<sup>30</sup> Howard, "The Freedmen."

<sup>31</sup> Ernest J. Wraga, "Public Address: A Study in Social and Intellectual History," *Quarterly Journal of Speech* 33, no. 4 (1947): 453.

<sup>32</sup> Wraga, 456.

<sup>33</sup> Wraga emphasizes that the "primary ingredient of a speech is its content." However, his elaboration on the discursive history of ideas and the ways in which multiple texts contribute to an idea's meanings requires that critics read texts as discourses in conversation—emphasizing the importance of contexts, as well. For further reading regarding the relationship between text and context, see Michael Leff and Andrew Sachs, "Words the Most Like Things: Iconicity and the Rhetorical Text," *Western Journal of Speech Communication* 54, no. 3 (Summer 1990): 252–73; Michael Calvin McGee, "Text, Context, and the Fragmentation of Contemporary Culture," *Western Journal of Speech Communication* 54, no. 3 (Summer 1990): 274–89; John Angus Campbell, "Between the Fragment and the Icon: Prospect for a Rhetorical House of the Middle Way," *Western Journal of Speech Communication* 54, no. 3 (Summer 1990): 346–76; Kirt H. Wilson, "The Racial Contexts of Public Address," in *The Handbook of Rhetoric and Public Address*, ed. Shawn J. Parry-Giles and J. Michael Hogan (Wiley-Blackwell, 2010), 203–28.

<sup>34</sup> By encouraging scholarly engagement with a range of discursive practices, Wraga disrupted the traditional notion that rhetoric was synonymous with oratory. While "public address" has been redefined to include the forms of discourse Wraga mentioned in 1947, many of his contemporaries upheld the importance of studying speeches. See Hoyt Hudson, "The Field of

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Rhetoric,” *Quarterly Journal of Speech* 9, no. 2 (1923): 167–80; Wayland Maxfield Parrish, “The Study of Speeches,” in *American Speeches*, 1954, 1–20.

<sup>35</sup> Kirt Wilson has pointed out the pitfalls of assuming that “the speeches most worthy of study were those uttered by men who had altered history through their public oratory in formally organized social or political situations.” An overemphasis on institutional or elite voices often excludes the presence and experiences of marginalized groups, since “minorities and women existed in a state of relative alterity prior to the 1960s.” According to Davis Houck, nuanced understanding of rhetoric must attend to those voices beyond “the big men,” in order to better understand “those important moral questions” implicated by ideas like freedom. See Wilson, “The Racial Contexts of Public Address”; Davis W. Houck, “Textual Recovery, Textual Discovery,” in *The Handbook of Rhetoric and Public Address*, ed. Shawn J. Parry-Giles and J. Michael Hogan (Wiley-Blackwell, 2010), 109–32.

<sup>36</sup> Wrage, “Public Address,” 451–54.

<sup>37</sup> Merle Curti, “The Great Mr. Locke: America’s Philosopher, 1783-1861,” *The Huntington Library Bulletin*, April 1937, 108-109, as quoted in Wrage, 451–52. Other scholars have followed in the Wragean tradition and emphasized the importance of tracing ideas as they circulate through discourse. Theories of “longitudinal histories” and “constitutive legacies” reinforce the ways in which texts are both embedded in and travel beyond situated moments in American history. See Campbell, “Between the Fragment and the Icon”; Jasinski and Mercieca, “Analyzing Constitutive Rhetorics: The Virginia and Kentucky Resolutions and the Principles of ’98”; John Louis Lucaites and Celeste Michelle Condit, “Reconstructing <Equality>: Culturetypal and Counter-Cultural Rhetorics in the Martyred Black Vision,” *Communication Monographs* 57, no. 1 (1990): 5–24; Celeste Michelle Condit and John Louis Lucaites, *Crafting Equality: America’s Anglo-African Word*, New Practices of Inquiry (Chicago, IL: University of Chicago Press, 1993).

<sup>38</sup> David Zarefsky, “Four Senses of Rhetorical History,” in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner, Studies in Rhetoric and Communication (Tuscaloosa: University of Alabama Press, 1998), 27. Beyond the field of rhetoric, conceptual historians have also recognized the extent to which language animates history and, particularly, politics. Therefore, they aim to trace how concepts change in meaning over time and animate political discourse. See Terence Ball, James Farr, and Russell L. Hanson, eds., *Political Innovation and Conceptual Change* (Cambridge, UK: Cambridge University Press, 1989).

<sup>39</sup> Wrage, “Public Address,” 451, 457.

<sup>40</sup> Thomas Rosteck corroborates this argument that Wrage’s perspective resides at the crossroads of textual criticism and critical rhetoric, as well as rhetorical criticism and cultural studies. Rosteck ultimately concludes that Wrage was calling for a holistic account of ideological and cultural history, through the study of ideas. See Thomas Rosteck, “Form and Cultural Context in Rhetorical Criticism: Re-Reading Wrage,” *Quarterly Journal of Speech* 84, no. 4 (1998): 471–90.

<sup>41</sup> Wrage, “Public Address,” 451–53. For further discussions of rhetoric’s role in constructing vocabularies of reason and morality, see Edwin Black, “The Second Persona,” *Quarterly Journal of Speech* 56, no. 2 (1970): 109–19; Philip Wander and Steven Jenkins, “Rhetoric, Society, and the Critical Response,” *Quarterly Journal of Speech* 58, no. 4 (1972): 441–50; Walter R. Fisher, “Narration As a Human Communication Paradigm: The Case of Public Moral Argument,” *Communication Monographs* 51, no. 1 (1984): 1–22; James F. Klumpp and Thomas A. Hollihan, “Rhetorical Criticism as Moral Action,” *Quarterly Journal of Speech* 75, no. 1 (1989): 84–96.

<sup>42</sup> Michael Calvin McGee, “The ‘Ideograph’: A Link Between Rhetoric and Ideology,” *Quarterly Journal of Speech* 66, no. 1 (1980): 5.

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<sup>43</sup> Wrage, "Public Address," 453.

<sup>44</sup> Kirt Wilson attributes this interpretation of the Bureau to historical revisionists of the 1950s and 1960s, as well as more recent histories of the 1970s and beyond. Of the former, Wilson argues that the revisionists countered the traditionalists' claims and understood the Reconstruction as an era of social revolution led by idealist Radical Republicans who sought to fulfill the promises of the Declaration of Independence and were blocked by defiant Southerners. Of the latter, Wilson points out that recent decades have called explicit attention to the conservatism and racism that ultimately ruled the political culture of Reconstruction and led to the failure of the so-called "Second Revolution." See Kirt H. Wilson, *The Reconstruction Desegregation Debate: The Politics of Equality and the Rhetoric of Place, 1870-1875* (East Lansing: Michigan State University Press, 2002).

<sup>45</sup> E. Culpepper Clark and Raymie McKerrow, "The Rhetorical Construction of History," in *Doing Rhetorical History: Concepts and Cases*, ed. Kathleen J. Turner, Studies in Rhetoric and Communication (Tuscaloosa: University of Alabama Press, 1998), 46.

<sup>46</sup> Clark and McKerrow, 45.

<sup>47</sup> Celeste M. Condit, "Where Is Public Address? George W. Bush, Abu Ghraib, and Contemporary Moral Discourse," in *Public Address and Moral Judgment: Critical Studies in Ethical Tensions*, ed. Shawn J. Parry-Giles and Trevor Parry-Giles (East Lansing: Michigan State University Press, 2009), 1-29.

<sup>48</sup> Zinn, *A People's History*, 72.

<sup>49</sup> Some critiques of revolutionary-era discourse argue that the colonies' revolt against England was motivated by their desire to protect the growing institution of slavery. Such arguments suggest that American freedom discourse, even in its natural rights foundations, was never meant to extend to slaves or black people. See Gerald Horne, *The Counter-Revolution of 1776: Slave Resistance and the Origins of the United States of America* (New York: New York University Press, 2016).

<sup>50</sup> Stamp Act Congress, "Declarations," in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 90.

<sup>51</sup> Stamp Act Congress, 91.

<sup>52</sup> This political philosophy is grounded in the seminal theories of John Locke and Jacques Rousseau. These theorists were loosely bound together by a common commitment to humans' natural, inherent rights. For example, in his 1689 *Second Treatise on Government*, Locke posited that all humans are born in "a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending on the will of any other man." His logic presumed that humans, in their most natural state, hold power and authority equally—an equality based on the presumption that, in being created by God, all humans are endowed with the same abilities. Rousseau furthered the expression of natural rights as a "common liberty" that "results from the nature of man." He insisted that all men are born free, and encouraged all forms of government to pursue laws and structures that would maintain a commitment to that liberty. Together, these theories formed the foundation for America's general philosophy of governance. The rebel colonies professed a commitment to a system of government that would both recognize and protect their natural right to freedom, and they took great pains to rid themselves of a ruler that threatened this ideal. See John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis, IN: Hackett Publishing Company, Inc., 1980); Jean-Jacques Rousseau, *The Social Contract and Discourses*, trans. G.D.H. Cole (New York: E.P. Dutton & Co., n.d.).

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- <sup>53</sup> John Dickinson, "Letter II, in Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 95–97.
- <sup>54</sup> John Hancock, "Boston Massacre Oration," in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 104.
- <sup>55</sup> Thomas Paine, "Excerpt from 'Common Sense,'" in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 115.
- <sup>56</sup> Paine, 116.
- <sup>57</sup> "Declaration of Independence," National Archives and Records Administration, July 4, 1776, [http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html).
- <sup>58</sup> "Declaration of Independence."
- <sup>59</sup> John Wesley, "Thoughts Upon Slavery, 1703-1791," trans. Jill Kuhn (Philadelphia, PA, 1778), Documenting the American South, <http://docsouth.unc.edu/church/wesley/wesley.html>.
- <sup>60</sup> David Walker, *Appeal to the Coloured Citizens of the World*, ed. Peter P. Hinks, First edition (University Park: Pennsylvania State University Press, 2000), 4–5, 7. Emphasis in original.
- <sup>61</sup> It is notable that Walker himself was not a slave; having been born to a free black woman, Walker was legally "free." Within this context, it can be inferred that Walker felt that being visibly black, not just a slave, was a challenge to America's ideal of freedom.
- <sup>62</sup> Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro, 1550-1812*, Second edition (Chapel Hill: Omohundro Institute and University of North Carolina Press, 2012), 115.
- <sup>63</sup> Lerone Bennett Jr., *Before the Mayflower: A History of Black America*, Sixth edition (New York: Penguin Books, 1993), 57.
- <sup>64</sup> Bennett Jr., 57.
- <sup>65</sup> Historians have also offered other reasons to explain the genesis and inevitability of the Civil War, including tensions between economic systems, political parties, and governing philosophies of the North and South. See Bruce C. Levine, *Half Slave and Half Free: The Roots of Civil War* (New York: Hill and Wang, 2005); Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South*, Reprint edition (Cambridge, MA: Harvard University Press, 2012); David Zarefsky, *Lincoln, Douglas, and Slavery: In the Crucible of Public Debate* (Chicago, IL: University Of Chicago Press, 1993); David M. Potter, *The Impending Crisis: 1848 - 1861*, ed. Don E. Fehrenbacher, New American Nation (New York: Harper Perennial, 2001).
- <sup>66</sup> Frederick Douglass, "A War for Emancipation," in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 294.
- <sup>67</sup> Douglass, 296.
- <sup>68</sup> Abraham Lincoln, "The Emancipation Proclamation," National Archives and Records Administration, January 1, 1863, [http://www.archives.gov/exhibits/featured\\_documents/emancipation\\_proclamation/transcript.html](http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html).



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<sup>69</sup> Ira Berlin, Marc Favreau, and Steven F. Miller, eds., *Remembering Slavery: African Americans Talk About Their Personal Experiences of Slavery and Freedom* (New York: The New Press, 2000), 209.

<sup>70</sup> “The Proclamation of Freedom,” *The New York World*, January 3, 1863, <http://teachingamericanhistory.org/library/document/the-proclamation-of-freedom/>.

<sup>71</sup> In asserting that African Americans were held to particular standards, I do not deny that other marginalized groups were also held to restrictive prerequisites. While this project focuses specifically on debates about freedom with regard to African Americans, similar debates were required to negotiate the standards of belonging for white women and Native Americans during the eighteenth and nineteenth centuries. The primary discourse regarding white women’s efforts to argue for inclusion is particularly expansive. While the scope of this project does not allow me to account for its entirety, the rhetoric of Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott offer a preliminary overview of white female rhetors’ arguments for freedom and the full exercise of their natural rights. I contend that a more complete analysis of freedom rhetoric by and about America’s marginalized populations would continue to support the claims I advance here—that freedom was articulated as a paradox.

<sup>72</sup> I refer to these points of convergence as nodes to emphasize that arguments about freedom were neither singular nor isolated. I do not wish to imply that all freedom rhetoric can be classified neatly into four themes of character, education, labor, and citizenship. However, I do propose that antebellum arguments worked in concert with one another and sometimes intersected in points of similarity. Drawing connections between the nodes helps us to visualize how the idea of freedom took shape with natural rights at its center, enclosed or cordoned off by a set of interconnected criteria that created the conditions by which emancipated and freed blacks were made to earn their freedom.

<sup>73</sup> Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1999), 6.

<sup>74</sup> Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York: Oxford University Press, 1975), 656. The relevance of republicanism was confirmed by African American rhetors, as David Walker’s famous *Appeal* described, even mockingly, the United States as a “*Republican Land of Liberty!*” This emphasis underscores that conceptions of freedom were integrally tied to republican principles. See Walker, *Appeal*, 5.

<sup>75</sup> Stephen Howard Browne, ed., *Jefferson’s Call for Nationhood: The First Inaugural Address*, First edition, Library of Presidential Rhetoric (College Station: Texas A&M University Press, 2003), 13, 8.

<sup>76</sup> Thomas Jefferson, “The First Inaugural Address,” in *Jefferson’s Call for Nationhood: The First Inaugural Address*, ed. Stephen H. Browne, First edition, Library of Presidential Rhetoric (College Station: Texas A&M University Press, 2003), xiii–xvii.

<sup>77</sup> I retain the original language of “brotherhood” here to emphasize that republican character was starkly gendered. While republican principles demanded that all citizens conduct themselves in a way that benefited the common good, the expectations for conduct differed greatly for men and women: men’s republican duty was to contribute actively to civic life, while women’s contribution to society happened in the home. In other words, it was women’s responsibility to raise good, republican citizens. In rhetorical studies, Susan Zaeske has addressed gendered republicanism in her study of nineteenth-century anti-slavery petitions, arguing that white women performed feminine republicanism to assert their citizenship and, in so doing, cast themselves as moral saviors of the helpless, degraded, voiceless black female subject. See Susan Zaeske,

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“Signatures of Citizenship: The Rhetoric of Women’s Antislavery Petitions,” *Quarterly Journal of Speech* 88, no. 2 (2002): 147–68.

<sup>78</sup> Ben Franklin, “An Address to the Public,” Teaching American History, November 9, 1789, <http://teachingamericanhistory.org/library/document/an-address-to-the-public/>.

<sup>79</sup> Thomas Jefferson, “Notes on the State of Virginia, 1743-1826” (Philadelphia, PA, 1787), Documenting the American South, <http://docsouth.unc.edu/southlit/jefferson/jefferson.html>.

<sup>80</sup> Jefferson, “Notes on the State of Virginia.”

<sup>81</sup> Jefferson, “Notes on the State of Virginia.”

<sup>82</sup> “The Negroes and the Poor,” *Atlanta Southern Confederacy*, October 30, 1862, <http://teachingamericanhistory.org/library/document/the-negroes-and-the-poor/>.

<sup>83</sup> Robert C. Dick, “Negro Oratory in the Anti-Slavery Societies: 1830-1860,” *Western Speech* 28 (1964): 11.

<sup>84</sup> Dick, 10–11. This practice of becoming one’s argument has been discussed in rhetoric as *enactment*, or a rhetorical “form... in which the speaker incarnates the argument, is the proof of what is said.” Karlyns Kohrs Campbell and Kathleen Hall Jamieson, eds., *Form and Genre: Shaping Rhetorical Action* (Falls Church, VA: Speech Communication Association, 1978), 9.

<sup>85</sup> Dick, “Negro Oratory in the Anti-Slavery Societies: 1830-1860,” 10–11.

<sup>86</sup> Benjamin Banneker, “I Freely and Cheerfully Acknowledge That I Am of the African Race,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 109–11. Angela Ray has offered a detailed textual analysis of Benjamin Banneker’s letter to Thomas Jefferson. Ray particularly notes that Banneker’s arguments were expressed in concert with other utterances that drew upon the perceived inconsistencies between equal rights and slavery to make arguments for freedom. Ray argued that Banneker engaged in the rhetorical practice of *enactment*, in which he offers himself as proof of his own arguments: that African Americans are free, equal, and human. See Angela G. Ray, “‘In My Own Hand Writing’: Benjamin Banneker Addresses the Slaveholder of Monticello,” *Rhetoric & Public Affairs* 1, no. 3 (2010): 387–405.

<sup>87</sup> Maria W. Stewart, “There Are No Chains So Galling as the Chains of Ignorance,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 182–84.

<sup>88</sup> Maria W. Stewart, “What If I Am A Woman?,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 41. Emphasis added.

<sup>89</sup> Stewart, 41.

<sup>90</sup> Stewart, 43.

<sup>91</sup> Stewart, 42.

<sup>92</sup> Frederick Douglass, “What the Black Man Wants,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 126.

<sup>93</sup> Colin Woodard, *American Character: A History of the Epic Struggle Between Individual Liberty and the Common Good* (New York: Viking, 2016).

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<sup>94</sup> Philip Gleason, "American Identity and Americanization," in *Concepts of Ethnicity*, ed. William Peterson, Michael Novak, and Philip Gleason, Dimensions of Ethnicity (Cambridge, MA: Belknap Press, 1980), 62.

<sup>95</sup> It is worth noting that, though less compelling in both frequency and fervor, a related concern animated public conversations about African Americans' fitness for republican freedom. Drawing on doubts that African Americans' were capable of the sort of character required for American life, some rhetors also argued that blacks' character deficiencies marked them as a special population, which threatened the republican ideal of a "common" good. For examples, see Thomas Dew, "Excerpt from 'Abolition of Negro Slavery,'" in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 291–308.

<sup>96</sup> Franklin, "An Address to the Public."

<sup>97</sup> Franklin, "An Address to the Public."

<sup>98</sup> Ronald E. Butchart, *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* (Chapel Hill: University of North Carolina Press, 2010), 2.

<sup>99</sup> Butchart, 2. This conscious effort to withhold education from emancipated slaves was a coercive tactic, insofar as the ability to read, write, and speak was seen as a way for slaves to possibly encounter and engage with anti-slavery rhetoric. This fear would prove, at least in part, true; literate African Americans did, in fact, participate actively in anti-slavery efforts in both private and public discourse.

<sup>100</sup> Jacqueline Bacon, "Taking Liberty, Taking Literacy: Signifying in the Rhetoric of African-American Abolitionists," *Southern Communication Journal* 64, no. 4 (1999): 271–87.

<sup>101</sup> A Free Negro, "In What Single Circumstance Are We Different From The Rest of Mankind?," in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 103–6.

<sup>102</sup> A Free Negro, 104.

<sup>103</sup> Dew, "Excerpt from 'Abolition of Negro Slavery,'" 297.

<sup>104</sup> Stewart, "What If I Am A Woman?," 41.

<sup>105</sup> Frederick Douglass, "What Is American Slavery?," in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 209–10.

<sup>106</sup> Dick, "Negro Oratory in the Anti-Slavery Societies: 1830-1860," 11.

<sup>107</sup> Frederick Douglass, "What to the Slave Is the Fourth of July? Excerpt from an Oration, at Rochester, July 5, 1852," in *American Rhetorical Discourse*, ed. Ronald F. Reid and James F. Klumpp, Third edition (Long Grove, IL: Waveland Press, 2005), 342–43; Frederick Douglass, "What to the Slave Is the Fourth of July," Teaching American History, accessed January 3, 2016, <http://teachingamericanhistory.org/library/document/what-to-the-slave-is-the-fourth-of-july/>.

<sup>108</sup> Douglass, "What to the Slave Is the Fourth of July," 2005, 343.

<sup>109</sup> Douglass, "What to the Slave Is the Fourth of July."

<sup>110</sup> Douglass, "What to the Slave Is the Fourth of July," 2005, 343.

<sup>111</sup> According to Butchart, "not more than one in ten southern blacks" was literate at the time of the Civil War. Butchart, *Schooling the Freed People*, 2.

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<sup>112</sup> William Channing Gannett and Edward Everett Hale Hale, “The Freedmen at Port Royal,” *North American Review* 101 (July 1865): 4.

<sup>113</sup> Robert C. Morris referred to the post-Civil War effort as the “controversial school experiment,” during which “more than fifty religious and secular organizations participated in Southern Negro education.” Robert Charles Morris, *Reading, 'Riting, and Reconstruction: The Education of Freedmen in the South, 1861-1870* (Chicago: University of Chicago Press, 1981), ix.

<sup>114</sup> Butchart, *Schooling the Freed People*, xvi.

<sup>115</sup> Even as scholars discuss the expansion of education in the post-bellum South, they generally overlook how the idea of freedom had been constituted *in terms of* education. Morris noted that expanding education for freed slaves was controversial. He wrote, “Depending on one’s point of view, the program was either a necessary crusade for reform or an instance of harmful interference in another region’s affairs, a benevolent endeavor or a calculated move to control Negro votes.” In doing so, Morris took an instrumental approach. He interprets education as a strategic tool deployed, following the restoration of freedom, to achieve political ends. However, white and African American rhetors had woven education and freedom together so tightly in argument that education could no longer be the means to an end. It was, in part, the end itself. Morris, *Reading, 'Riting, and Reconstruction*, ix.

<sup>116</sup> National Freedman’s Relief Association, *Annual Report of the New York National Freedmen’s Relief Association, with a Sketch of Its Early History* (New York: National Freedmen’s Relief Association, 1866).

<sup>117</sup> Schmidt, “Full-Fledged Government of Men,” 219.

<sup>118</sup> John C. Calhoun, “Speech on the Reception of Abolition Petitions, February 6, 1837,” in *The Works of John C. Calhoun*, ed. Richard Kenner Cralle, vol. 2 (New York: D. Appleton & Co., 1888), 626–27, 628–33.

<sup>119</sup> For a comprehensive discussion of the economic clash between North and South, see Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War*, Second edition (New York: Oxford University Press, 1995).

<sup>120</sup> Henry Highland Garnet, “Let Your Motto Be Resistance!,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 56–62.

<sup>121</sup> Martin R. Delany, “A Black Nationalist Manifesto,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 70–84.

<sup>122</sup> John S. Rock, “Whenever the Colored Man Is Elevated, It Will Be By His Own Exertions,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 109–10.

<sup>123</sup> Douglass, “What the Black Man Wants,” 123.

<sup>124</sup> Andrew Johnson, “I Will Indeed Be Your Moses,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 328.

<sup>125</sup> Andrew Johnson, “Veto of the Freedmen’s Bureau Bill,” *Teaching American History*, February 19, 1866, <http://teachingamericanhistory.org/library/document/veto-of-the-freedmens-bureau-bill/>.

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<sup>126</sup> Jordan, *White Over Black*, 128. It is important to note that, like republicanism, labor was gendered. Particularly within the context of slavery, male slaves were valued for their ability to engage in physical, “hard” labor, whereas female slaves were considered to have tremendous reproductive value. In other words, female slaves’ worth depended on their ability to produce more slaves. In documenting the prices paid for slaves, Jordan notes that “Negro women may have been especially prized... because their progeny could also be held perpetually.”

<sup>127</sup> Smith, *Civic Ideals*, 3.

<sup>128</sup> James Madison, “Notes on the Debates in the Federal Convention of 1787,” Teaching American History, accessed January 8, 2016, <http://teachingamericanhistory.org/convention/debates/0611-2/>.

<sup>129</sup> The Naturalization Act of 1790 specified “good character” as a qualifier for citizenship, as well. “An Act to Establish a Uniform Rule of Naturalization,” March 26, 1790, 1<sup>st</sup> Cong., 2<sup>nd</sup> Sess., *United States Statutes at Large*, 103.

<sup>130</sup> Roger B. Taney, “Dred Scott v. Sandford,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 267–70.

<sup>131</sup> Dred Scott v. Sandford, 60 U.S. 393 (1857).

<sup>132</sup> Frederick Douglass, “Speech Denouncing the Decision,” in *Let Nobody Turn Us Around: An African American Anthology*, ed. Manning Marable and Leith Mullings, Second edition (Lanham, MD: Rowman & Littlefield Publishers, 2009), 93, 96, 99. Douglass echoed these arguments later upon the outbreak of the Civil War, when he railed against the Union government’s refusal to accept African Americans into service. See Frederick Douglass, “Fighting Blacks With Only One Hand,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 297.

<sup>133</sup> Northern Blacks, “We Are Ready to Stand and Defend Our Government,” in *The African American Experience: Black History and Culture Through Speeches, Letters, Editorials, Poems, Songs and Stories*, ed. Kai Wright (New York: Black Dog & Leventhal, 2009), 296.

<sup>134</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xv.

<sup>135</sup> Douglass, “What the Black Man Wants.” It is worth noting that “This is the Negro’s hour” would go on to become a response to the gender question in the fight for suffrage. In the 1865 speech quoted here, Frederick Douglass said that he believed that “women, as well as men, have the right to vote, and my heart and my voice go with the movement to extend suffrage to woman; but that question rests on another basis than that on which our right rests.” Douglass went on to split with women’s rights activists over the question of gender and the Fourteenth Amendment, but later resumed the active fight for women’s suffrage after the passage of the Fifteenth. By 1888, he said, “My special mission... was the emancipation and enfranchisement of the negro. Mine was a great cause. Yours is a much greater cause, since it comprehends the liberation and elevation of one half of the whole human family.” Frederick Douglass, “‘Emancipation of Women,’ Address to the New England Woman Suffrage Association, May 28, 1888,” in *Frederick Douglass on Women’s Rights*, ed. Philip Sheldon Foner (New York: Da Capo Press, 1992), 173–74.

<sup>136</sup> Philip Sheldon Foner and Robert J. Branham, eds., *Lift Every Voice: African American Oratory, 1787-1900* (Tuscaloosa: University of Alabama Press, 1998), 464.

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<sup>137</sup> Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2009), 2.

<sup>138</sup> Cimbala, *Under the Guardianship of the Nation*, 4.

<sup>139</sup> Mark Hulliung, *The Social Contract in America: From the Revolution to the Present Age* (Lawrence: University Press of Kansas, 2007), 1.

<sup>140</sup> Thomas Hobbes, "Leviathan," The Project Gutenberg, accessed December 8, 2013, <http://www.gutenberg.org/files/3207/3207-h/3207-h.htm>.

<sup>141</sup> Locke, *Second Treatise of Government*.

<sup>142</sup> Rousseau, *The Social Contract and Discourses*.

<sup>143</sup> Rousseau distinguishes between the State and the sovereign. He uses "state" as a general name for the government, and "sovereign" to identify the government when it's enacting laws or engaging in direct governing action to pursue the general will.

<sup>144</sup> Samuel Freiherr von Pufendorf and Jean Barbeyrac, *The Whole Duty of Man According to the Law of Nature* (R. Gosling, J. Pemberton, and B. Motte, 1735).

<sup>145</sup> John Jay, "Federalist No. 2: Concerning Dangers from Foreign Force and Influence," *The Independent Journal*, n.d., 2, <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-2>.

<sup>146</sup> Hobbes, "Leviathan."

<sup>147</sup> Rousseau, *The Social Contract and Discourses*.

<sup>148</sup> Rousseau, *The Social Contract and Discourses*.

<sup>149</sup> Dickinson, "Letter II," 92–97.

<sup>150</sup> Rogers M. Smith argued that the construction of civic identity requires political elites to "find ways to persuade the people they aspire to govern that they are a 'people' if effective governance is to be achieved." In doing so, Smith underscores the role of rhetoric in creating a stable and unified community. Smith, *Civic Ideals*, 9.

<sup>151</sup> In his Introduction to the *Social Contract*, George Douglas Howard Cole notes that Rousseau made this argument also in *Political Economy*. He quotes Rousseau, "The body politic is also a moral being, possessed of a will, and this general will, which tends always to the preservation and welfare of the whole and of every part, and is the source of the laws, constitutes for all the members of the State, in their relations to one another and to it, the rule of what is just or unjust."

<sup>152</sup> "Declaration of Independence."

<sup>153</sup> Rousseau, *The Social Contract and Discourses*.

<sup>154</sup> Miller, "The Freedmen's Bureau and Reconstruction: An Overview," xxxi.

<sup>155</sup> Alexander Hamilton, "Federalist No. 1: General Introduction," *The Independent Journal*, n.d., 1, <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-1>.

<sup>156</sup> Rousseau, *The Social Contract and Discourses*. Eric Foner confirms that the post-war era was one in which Americans revived efforts to define and understand freedom as an idea with observable impact. He cited an Illinois congressman who, in 1865, declared that the United States

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was a “new nation,” now “wholly free.” The emancipation had thrust the ambiguous and myriad definitions of slavery back into the spotlight of public scrutiny. Freedom “became a terrain of conflict.” Eric Foner, *Give Me Liberty!: An American History*, Second edition, vol. 2 (New York: W. W. Norton & Company, 2008), 522.

<sup>157</sup> As early as 1866, Bureau discourse reflected this understanding of the social contract as a mutual accord that would require the complicity of both blacks and whites, and argued that both needed to “join [their] interests if [they] can, and live and die together.” See Clinton B. Fisk, *Plain Counsels for Freedmen: In Sixteen Brief Lectures* (Boston, MA: American Tract Society, 1866), 11.

<sup>158</sup> Bennett Jr., *Before the Mayflower*, 56.

<sup>159</sup> Martin E. Dann, ed., *The Black Press, 1827-1890: The Quest for National Identity* (New York: Capricorn Books, 1971), 13.

<sup>160</sup> Charles W. Mills, *The Racial Contract* (Ithaca, NY: Cornell University Press, 2011), 3.

<sup>161</sup> Gleason, “American Identity and Americanization,” 63.

<sup>162</sup> Smith, *Civic Ideals*, 1, 3, 15, 198. Smith recognized the role of argument in articulating citizenship when he noted that citizenship is a “human creation.” He also noted that Americans “have worked to overcome exclusions and to make the practical boundaries of American identity more congruent with its theoretical universalism.” Smith’s work aligns with rhetorical studies’ considerations of discursive citizenship. See Robert Asen, “A Discourse Theory of Citizenship,” *Quarterly Journal of Speech* 90, no. 2 (2004): 189–211; Kristy Maddux, *The Faithful Citizen: Popular Christian Media and Gendered Civic Identities* (Waco, TX: Baylor University Press, 2010); Belinda A. Stillion Southard, “Militancy, Power, and Identity: The Silent Sentinels as Women Fighting for Political Voice,” *Rhetoric & Public Affairs* 10, no. 3 (2008): 399–417.

<sup>163</sup> Jay, “Federalist No. 2.”

<sup>164</sup> Kirt H. Wilson, “The Racial Politics of Imitation in the Nineteenth Century,” *Quarterly Journal of Speech* 89, no. 2 (2003): 89, 98, 103.

<sup>165</sup> Wilson, 90.

<sup>166</sup> Rosen, *Terror in the Heart of Freedom*, 4.

<sup>167</sup> I use “shared belief” purposefully here to invoke the work of Vanessa Beasley, whose work arguably corroborates my conclusions that freedom could function strategically and paradoxically to create an American identity among a diverse population. In studying presidential rhetoric, Beasley argues that presidents rely on paradoxical abstractions to “offer their diverse constituents ways of viewing themselves as a united group while also suggesting that their individual differences are largely insignificant relative to their larger calling.” By adhering to ideal principles of freedom, for instance, rhetoric “thus locates American national identity not within skin color or pedigree but instead within the heart and the brain, making it theoretically available to anyone.” Vanessa B. Beasley, *You, the People: American National Identity in Presidential Rhetoric* (College Station: Texas A&M University Press, 2011), 63.

<sup>168</sup> Mills, *The Racial Contract*, 3.

<sup>169</sup> Mills, 3.

<sup>170</sup> Jordan, *White Over Black*, 97; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom*, Reprint edition (Cambridge, MA: Belknap Press of Harvard University Press, 2017), 31.

<sup>171</sup> Jordan, *White Over Black*, 97; Johnson, *River of Dark Dreams*, 31.

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<sup>172</sup> Jordan, *White Over Black*, 44–45, 98. For further accounts of the development of a racist rationale that was eventually deployed to justify the pragmatic necessity for slave labor. See Bennett Jr., *Before the Mayflower*.

<sup>173</sup> Jordan, *White Over Black*, 98, 110.

<sup>174</sup> The practices of slavery varied throughout the United States, depending on the type of crops and agriculture that distinguished one region from the next. For an initial survey, see Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Belknap Press of Harvard University Press, 2000).

<sup>175</sup> Daina Ramey Berry, *The Price for Their Pound of Flesh: The Value of the Enslaved from Womb to Grave in the Building of a Nation* (Boston: Beacon Press, 2017). While Berry notes how practices of enslavement commodified black people, her work grapples with multiple types of valuation: soul, appraisal, and market value. She argues that “exploring all three forms... allows us to consider enslaved people as human beings and tradable goods, without divorcing one from the other.” Soul value, in particular, directs attention to the ways in which slaves asserted agency to resist and defy capitalist efforts to monetize their bodies.

<sup>176</sup> Berry, xiii; Justin Roberts, “Race and the Origins of Plantation Slavery,” *Oxford Research Encyclopedia*, March 3, 2016, 10, <https://doi.org/10.1093/acrefore/9780199329175.013.268>.

<sup>177</sup> Douglas R. Egerton, *The Wars of Reconstruction: The Brief, Violent History of America's Most Progressive Era* (New York: Bloomsbury, 2013); Michael W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South*, The American Ways Series (Chicago: Ivan R. Dee, 2007), 47–71; Zinn, *A People's History*, 203–5; John A. Carpenter, “Atrocities in the Reconstruction Period,” in *Black Freedom/White Violence, 1865-1900*, ed. Donald G. Nieman, vol. 7, African American Life in the Post-Emancipation South (New York: Garland, 1994), 36–50; Barry A. Crouch, “A Spirit of Lawlessness: White Violence; Texas Blacks, 1865-1868,” in *Black Freedom/White Violence, 1865-1900*, ed. Donald G. Nieman, vol. 7, African American Life in the Post-Emancipation South (New York: Garland, 1994), 51–66; E.M. Beck and Stewart E. Tolnay, “The Killing Fields of the Deep South: The Market for Cotton and the Lynching of Blacks, 1882-1930,” in *Black Freedom/White Violence, 1865-1900*, ed. Donald G. Nieman, vol. 7, African American Life in the Post-Emancipation South (New York: Garland, 1994), 2–15.

<sup>178</sup> Christina Sharpe, “Black Studies: In the Wake,” *The Black Scholar* 44, no. 2 (2014): 63. Sharpe calls upon black studies to theorize from within “the wake,” a critical ground from which scholars must recognize the term’s various meanings for blackness: a ritual through which we “enact grief and memory,” and a process through which we “think about the dead and about our relations to them”; the tracks or disturbances left behind by movement through air or water; and a state of heightened, critical consciousness that is attentive to the realities of a systematically anti-black world. Sharpe expands upon notions of black subjectivity and theorizing from within “the wake” in Christina Sharpe, *Monstrous Intimacies: Making Post-Slavery Subjects* (Durham, NC: Duke University Press Books, 2010); Christina Elizabeth Sharpe, *In The Wake: On Blackness and Being* (Durham, NC: Duke University Press, 2016).

<sup>179</sup> Hortense J. Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” *Diacritics* 17, no. 2 (1987): 206.

<sup>180</sup> Sharpe, “Black Studies: In the Wake,” 63.

<sup>181</sup> Saidiya Hartman, *Lose Your Mother: A Journey Along the Atlantic Slave Route* (New York: Farrar, Straus and Giroux, 2008), 6; Saidiya Hartman, “Venus in Two Acts,” *Small Axe* 12, no. 2 (June 1, 2008): 4.



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<sup>182</sup> Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham: Duke University Press, 2014), 3.

<sup>183</sup> Weheliye, 3.

<sup>184</sup> Bergis Jules, “Confronting Our Failure of Care Around the Legacies of Marginalized People in the Archives,” *Medium* (blog), November 11, 2016, <https://medium.com/on-archivy/confronting-our-failure-of-care-around-the-legacies-of-marginalized-people-in-the-archives-dc4180397280>; Jordan, *White Over Black*, 54.

<sup>185</sup> Hartman, *Lose Your Mother*, 6.

<sup>186</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xvi.

## Chapter 1

### **NEW FREEDOMS, OLD TERMS: THE BUREAU'S RHETORIC OF EARNED RIGHTS**

Emancipation was a beginning, not an end. With his historic proclamation, President Lincoln declared the “actual freedom” of millions of slaves. However, it was simultaneously a victory and a new obstacle. According to historian John G. Sproat, even radical Republican leaders understood that “emancipation, though it would eliminate the problem of slavery, would at the same moment create the problem of the freed Negroes.” The problem could not wait until the war’s end. As refugee slaves, dubbed “contrabands” by some, made their way north, Union armies began to confront the complicated uncertainties of a post-slavery order.<sup>1</sup>

On March 16, 1863, a concerted effort to tackle the “long-range problems” of emancipation began. An executive order charged the American Freedmen’s Inquiry Commission with exploring the conditions of contrabands behind Union lines and determining how best to help them adjust to life as freedmen. The commission traveled as an investigative body for over a year, surveying lands and lives throughout the United States. Based on “personal observations of the accomplishments and difficulties of former slaves in freedom,” the commission recommended the creation of a federal agency to protect freedmen and help them “mak[e] a living independent of their masters.” With this suggestion and others, the commission’s work laid the ambitious foundation upon which a radical Republican agenda was built.<sup>2</sup>

The commission’s recommendation also sparked a controversial turf war, as people wondered who should commandeer the new federal agency. Two departments claimed jurisdiction over the problem of the freedmen. The Treasury Department took the

term “contrabands” literally, arguing that the freedmen were spoils of war just like “other forms of seized property” and should therefore be under its supervision. Meanwhile, the War Department countered that it should maintain control, because its own armies “met and were impeded by the slaves” on a regular basis.<sup>3</sup> At the heart of the conflict was an implicit but crucial question regarding the post-bellum relationship between former slaves, the state, and the American people. In the wake of emancipation, would the government regard former slaves as free humans or state property?

When power ultimately fell to the War Department—and, more specifically, War Secretary Edwin McMasters Stanton—the answer to the question remained ambiguous. On the one hand, historians have characterized Stanton as “genuinely sympathetic with the plight of the Negroes.”<sup>4</sup> His insistence that freedmen would require an army to safeguard their newfound freedom suggested that the state regarded former slaves as humans, deserving protection and care. On the other hand, it was clear that Stanton understood the Emancipation Proclamation to be a strategic measure. The War Department’s jurisdiction over former slaves would make it easy to encourage freedmen to join their ranks and fight for the Union. Under the guise of “advanc[ing] the Negroes toward the goal of freedom,” Stanton ultimately deployed former slaves as tactical “weapons of war.”<sup>5</sup> Thus, the War Department’s victory signaled an uncertain relationship between former slaves and the U.S. government. While insisting upon the “protection and improvement” of freedmen, the state simultaneously began its preparations for post-bellum life by carefully strategizing how former slaves might be “most usefully employed in the service of their government.”<sup>6</sup>

In this period of uncertainty, the Freedmen's Bureau was born. On March 3, 1865, a bill to establish the Bureau of Refugees, Freedmen, and Abandoned Lands passed both houses of Congress. By all accounts, the Freedmen's Bureau was supposed to be a temporary agency, born of pragmatic necessity and military strategy. According to historian Randall Miller, the Bureau was conceived and explicitly established as an interim provision intended to address the immediate exigences of the post-war situation. Many embraced the formation of the agency as the "extraordinary means" necessary to meet an "extraordinary crisis... until 'southern' reconstruction was safely under way."<sup>7</sup> Others, however, were concerned about the potentially far-reaching scope of the agents' work. Despite being billed as a temporary agency, the Bureau attracted tremendous scrutiny from both ends of the political spectrum. The agency's radical Republican supporters "wrangled among themselves as to what powers the Bureau should have and how far the government should reach into local affairs."<sup>8</sup> Meanwhile, many Southerners and powerful politicians perceived the Bureau as a symbol of Northern overreach and continued aggression against the embattled South. Miller argued that early Reconstruction-era Democrats, including President Andrew Johnson, considered the Bureau to be an embodiment of tyranny and federal corruption. Many people ultimately believed that the Bureau need not exist at all.<sup>9</sup>

Thus, when the time came to choose the Bureau's head commissioner, Secretary Stanton faced a hard decision. Historian William S. McFeely has noted that Stanton surveyed the possibilities among the era's foremost leaders and public figures, many of whom had argued passionately for emancipation and unconditional abolition for decades. According to McFeely, Stanton could have selected a head commissioner from the

private sector or a public organization; an abolitionist, a religious leader, or even a prominent humanitarian or medical aid worker could have commandeered the Bureau.<sup>10</sup> Instead, Stanton hired from within, choosing a decorated military officer: General Oliver Otis Howard.<sup>11</sup>

Those who knew Oliver Otis Howard as a young man would not have been surprised to learn that he later rose to such an important, lofty position. In 1830, Howard was born into a prominent and ambitious family in Leeds, Maine. His great-grandfather founded the town fifty years prior, and his grandfather fought nobly in the Revolutionary War. From a young age, Howard's only concern was getting a respectable job and making a name for himself—as his forefathers had. After graduating from Bowdoin University, Howard enrolled at West Point in 1850 with only this goal in mind. His uncle, a United States representative, had convinced him that a military career could offer limitless opportunities for advancement.<sup>12</sup> The outbreak of the Civil War all but sealed his fate.

Through dedicated service, General Howard had become widely known as a loyal patriot, “an army man,” with a wartime record that “promised success in a peacetime assignment.”<sup>13</sup> As head commissioner of the Bureau, Howard maintained his unwavering and ambitious commitment to victory. Doing so, however, required negotiating contentious terrain, upon which battle lines were blurred and victories were increasingly less decisive. Howard endeavored to find a delicate balance. He felt a general concern and compassion for the freedmen's welfare, but he also prioritized his duties as a strategic military officer. He was eager to cultivate national unity and forge the most efficient path toward certain triumph.

Ultimately, in an attempt to appease these warring factions, Head Commissioner Howard engaged in rhetorical practice to frame the Bureau's efforts in ways that affirmed a need for ongoing state control over black people. I argue that the Bureau extended freedom's paradox into the post-war era, emphasizing an earned rights approach that portrayed freedmen as ill-equipped for freedom and questioned their ability to comply with the social contract. In service of this thesis, this chapter proceeds in three parts. First, I discuss the contentious arguments that deliberated and debated the role of the Bureau at its founding. I highlight, in particular, how Howard's appointment was strategic, largely based on his reputation as a compassionate, yet conservative compromiser. Second, I explore Howard's rhetorical leadership by analyzing a public speech and numerous announcements, instructions, and letters that circulated among agents and public audiences during the first year of the agency's operations. Considered together, these texts illustrate how the Bureau tempered the radical work of freedom with familiar prerequisites of land, labor, education, relief, and justice. Finally, I discuss the implications of the agency's arguments. By defining freedom in restrictive terms, Howard and his agents undermined their own progressive agenda. They laid the groundwork for the continued marginalization of black people, under the guise of facilitating their inclusion in American society, and constituted freedmen not as free, but as abject wards of the state.

Head Commissioner Howard: "A gentleman, faithful and cooperative"

The vagaries plaguing post-war politics were intensified by the long history of arguments that preceded them. In other words, the controversy surrounding the agency began decades before its founding. In the mid-nineteenth century, as emancipation and

abolition became increasingly viable realities, public debate focused on the potential future of freedmen. From the start, the Bureau's path forward was drawn in terms of freedom and citizenship, two ideas that had long animated conversations about what could and should be done with former slaves. Through countless arguments about the possible inclusion of freedmen in the American social contract, two general approaches to the nascent agency had already emerged.

For instance, many felt that emancipation would decisively acknowledge the inherent humanity of slaves as people, not property. Thus, post-war efforts arguably needed to concentrate on the state's role in fulfilling their humanity in equal terms, by teaching freedmen the normative codes, rights, and privileges of freedom. This approach was most clearly demonstrated by General Rufus Saxton's early efforts on the Sea Islands. Abandoned by planters as the Union armies advanced, the islands became a popular landing spot for former and refugee slaves during the war. More than a relatively safe haven, the Sea Islands offered a glimpse of the possible challenges and opportunities of post-bellum life for former slaves. Saxton "was not under the illusion that freedom alone solved the problems of slavery."<sup>14</sup> Instead, he insisted that state efforts in education, industry, and military service was needed to "give substance" to their emancipation.<sup>15</sup> Reportedly embracing the input of early freedmen themselves, Saxton sought to begin their transition before the war's end.

Together with Secretary Stanton, General Howard visited Saxton's Sea Islands in January 1865. It was generally understood that the Sea Islands could offer an "informal training camp for future staff members of the Freedmen's Bureau."<sup>16</sup> Months before General Howard's official appointment, he toured the Sea Islands, visited its various

schools and churches, and generally approved of Saxton's early efforts to actively teach former slaves the expectations and obligations of free life. The alliance Howard established with both Saxton and Stanton on his visit was later perceived as evidence that the Port Royal Experiment would be formative to the Bureau's post-war efforts, such that the main work of the agency would presume the natural and just humanity of freedmen and focus most actively on "defining and defending freedom" to fulfill it.<sup>17</sup>

Still, Howard would not be able to dismiss the concerns of prominent figures at the other end of the spectrum, who insisted that emancipation alone would definitively accomplish the deliverance of freedom for freedmen. Their emphasis, instead, shifted to the extent to which the humanity of former slaves should be appropriately fostered. For many, like Henry Ward Beecher, a hands-off approach was the most suitable way for the state to facilitate the post-war transition. In a letter to Secretary Stanton, Beecher warned against "*too much* northern management of the Negro." He insisted that freedmen "should be left [and] obliged to take care of [themselves] and suffer and enjoy" as any other human would. Beecher argued that the Bureau should provide nothing beyond "a small *start*," as any further efforts might "pauperize" black people and further reduce their human capacity to develop their own means of growth and advancement.<sup>18</sup> In other words, this approach insisted that freedmen should be left to make their own way, with the hopes that they might someday be deemed fit for assimilation into the American community. This perspective essentially relieved the state of the burden of managing freedmen's post-bellum transition, abandoning former slaves to a fate entirely of their own making.



At its core, this approach implied that freedmen might not necessarily be fit for immediate inclusion in free society. Other notable figures, like General Sherman, were concerned about the path the Bureau might pursue. In a private letter, Sherman suggested that encouraging freedmen to think of themselves as anything more than humans now entitled to “have [their] own labor” would amount to “forc[ing] the Negro on the South.” He was particularly wary of the ways in which the Bureau might provoke another war, but he was also resistant to any appearance of “a new revolution” in the post-bellum order.<sup>19</sup> For Sherman and many others, the most appealing approach to the agency’s potential work presumed that the state had fulfilled its obligations by simply issuing the Emancipation Proclamation. They argued that the ultimate work of the Bureau, the state, and the nation as a whole, was to wait and see what kind of humanity freedmen truly possessed when left to their own devices, even if that complicated or delayed their inclusion in the American social contract.

Between these two extremes, countless variations further textured the debate about freedmen and the Freedmen’s Bureau. A diversity of perspectives notably motivated the men, primarily culled from General Howard’s own army, who would later serve as the agency’s assistant commissioners at the state and local levels. According to McFeely, General Edgar Gregory was the only explicit abolitionist among them; the other assistant commissioners’ views were decidedly less clear.<sup>20</sup> For instance, Mississippi’s Samuel Thomas sympathized with Southern planters while also championing freedmen’s rights to land acquisition and ownership as a necessary prerequisite in fulfilling their freedom.<sup>21</sup> In Louisiana, Thomas Conway vaguely insisted that he was forever “true to liberty” but also acknowledged the pressure to “give way to

‘conservatives.’”<sup>22</sup> The assistant commissioners’ differing perspectives threatened the cohesion and efficacy of the new agency’s work throughout the South.

Thus, it was clear that the Bureau would need a strong leader at its helm. In considering his options, Secretary Stanton was sensitive to the range of arguments that would complicate the agency’s work. He had long been known as a man of delicate compromise; as such, he sought a leader who would be able to articulate a vision for the agency that might transcend social, political, religious, and even economic lines.<sup>23</sup>

Howard was an attractive choice for two key reasons. First, Howard did not have a history of political engagement or activism, particularly with regards to slavery and abolition. Stanton perceived Howard’s apathy as a tremendous asset. In letters exchanged with General Rufus Saxton, Stanton suggested that those with more experience were often bogged down and even overwhelmed by the freedmen’s many dilemmas. Stanton hoped that Howard would approach the problems of emancipation with impartiality. As an added incentive, his relative inexperience could give the new Johnson administration the impression of a truly fresh start in developing policies toward the freedmen.<sup>24</sup> Second, Stanton needed a head commissioner who was willing to compromise and find coherence among the many varied opinions about the Bureau’s future. He had received a letter from Henry Beecher on May 3, 1865, in which Beecher described Howard as “a gentleman, faithful and *cooperative*.” He reassured Stanton that Howard, “of all men... would command entire confidence of [the] *Christian public*.” In addition, Beecher proclaimed, “I do not know who would also, to such a degree, unite the secular public.”<sup>25</sup> Such a description was appealing to the secretary, who hoped that Howard’s leadership could “men[d] the broken nation.” According to McFeely, Stanton saw Howard as someone

who might be able to reach both religious leaders and secular aid men in such a way that “the government might be relieved of much of its responsibility to the freedmen” altogether and therefore “appeal to any President faced with the problems of Reconstruction.”<sup>26</sup> From the start, Howard was seen as a perfect, strategic choice to negotiate the rhetorical and political tensions that textured ongoing debates about freedmen and threatened to constrain the Bureau’s work.

Thus, less than two weeks after receiving Beecher’s letter, Secretary Stanton formally offered the head commissionership to General Howard. He accepted the secretary’s offer on May 12, 1865, after just one night of contemplation. Stanton, though pleased, did not stand on ceremony. Stanton immediately “sent for the papers, chiefly letters from correspondents... touching upon matters which pertained to refugees and freedmen” that had been haphazardly collected in a large bushel basket. As Howard recalled nearly five decades later, “Mr. Stanton, with both hands holding the handles at each end, took the basket and extended it to me and with a smile said: ‘Here, general, *here’s your Bureau!*’”<sup>27</sup> It was an intimidating moment for Howard, who immediately wondered if he had made the correct choice. He had been uncertain and anxious about his post-war future when the Bureau appointment simply emerged as a convenient opportunity. Howard worried about what brand of effective leadership and “rhetorical abstraction” he could offer, when “the freedmen’s troubles were as solid and old as the land.”<sup>28</sup>

Despite Howard’s own doubts, his appointment was met with enthusiasm and praise from his contemporaries. He had already gained undeniable recognition and respect as an officer in the Union army. Affectionately known as “the Christian General,”

Howard served as the commander of the Army of the Tennessee and fought in decisive battles at Fredericksburg, Gettysburg, and Atlanta, “march[ing] with relentless success to the sea.”<sup>29</sup> At the war’s end, he was awarded a place of honor. He rode alongside General William Tecumseh Sherman—at Sherman’s request—in the victory parades in Washington, D.C., before taking his spot by General Ulysses Grant and Secretary Stanton at the Grand Review.<sup>30</sup>

As he set his sights upon his next battle as leader of the Freedmen’s Bureau, his impressive reputation preceded him. General Sherman proclaimed his “entire confidence” in Howard, reassuring him, “I cannot imagine that matters that involve the future of 4,000,000 souls could be put in more charitable and more conscientious hands. So far as man can do, I believe you will.”<sup>31</sup> It seemed unfathomable that the decorated general could fail. After all, as Captain Samuel Willard Saxton had observed, “it seem[ed] as if success would always follow the ‘Christian Howard.’”<sup>32</sup>

In assuming leadership of the Bureau, General Howard undertook an immense rhetorical challenge—what Sherman referred to as “Hercules’ task.”<sup>33</sup> Fittingly, Howard approached his new job from a tactical perspective honed by years of military experience. Howard noticed that “a moral purpose” had helped the Union garner support during the Civil War.<sup>34</sup> Howard was not an abolitionist.<sup>35</sup> While others might have seen the conflict as a concerted effort to dismantle slavery, his commitment to the war was guided by “the joint redemption of his men and his country.”<sup>36</sup> Bolstered by his religiosity, Howard believed that a “perfect faith in God would... manifest itself in the creation of a perfect society.”<sup>37</sup> Thus, he had framed the war as a test and a crucial opportunity to demonstrate his Christian faith. As he confronted the horrors of battle, he saw “the sacrifice of

fighting and dying” as the means necessary to deliver the salvation of his nation.<sup>38</sup>

Simply put, Howard utilized his faith as a means of justifying and grappling with the difficulties he faced every day as a military officer.

Looking ahead to his post-war assignment, Howard looked once again for a similarly strong justification by which he could defend the Bureau’s work. He knew that the agency’s success depended on an inclusive vision that would inspire confidence and quell Americans’ various fears and resentments about freedmen. Upon his appointment as head commissioner, Howard began to devise a post-war message that, he hoped, would promote sympathy and cooperation. Put another way, Howard undertook not merely an administrative nor logistical task, but a *rhetorical* one. As a military leader and public official, Howard had been vested with both “the power and responsibility to define his own and the nation’s commitment to the ex-slaves.”<sup>39</sup> In order to fulfill his marching orders and lead the Bureau effectively, Howard sought to persuade both supporters and critics that the agency’s work was justified and necessary. His success depended on “an unprecedented effort to define a new social, economic, and political order.”<sup>40</sup> Yet, Howard’s attempts to negotiate “the terms of freedom” for freedmen bore a striking resemblance to those that had long since articulated the boundaries of the American social contract.<sup>41</sup>

### The Bureau’s Terms

Emancipation appeared to present an opportunity for radical change. The notion of black people as free inspired curiosity, doubt, and controversy among Americans. As previously mentioned, Howard was welcomed to his new post with a bushel basket full of correspondence—letters, documents, and recommendations demanding clarity and a clear

vision for the Bureau's work. Howard attested, "Nearly every man is more or less interested in this great work of the freedmen. Each one questions me—wants to know what the government proposes to do, and how it intends to go to work to accomplish the results so much desired."<sup>42</sup> Thus, Howard immediately assumed the responsibility of offering "a statement of the purposes of the government."<sup>43</sup> His overarching strategy was to appease all parties by invoking seemingly universal values of compassion and charity. Howard referred to the Bureau's work as the "benevolent object" and, according to McFeely, sought to position the agency as an official arbiter of "helpful acts."<sup>44</sup> We can better understand the nuances and implications of this strategy by carefully analyzing specific moments of rhetorical practice, including both public speech and official documentation of the Bureau's early operations.

First, this analysis considers numerous circulars—official announcements, instructions, reports, and orders—from the first year of the agency's tenure.<sup>45</sup> In addition to being officially recorded as War Department documents, these "circulars" were referred to as such because they were disseminated widely. They circulated among different levels of the Bureau's organizational structure, as well as throughout public spaces and publications by "all practicable means."<sup>46</sup> In some instances, for example, agents were instructed to post them openly in post offices and other public spaces, or directly on private properties and tracts of land.<sup>47</sup> Alternatively, agents were instructed to convene "meetings of colored people, at which the circular[s] may be read and explained"; to place copies "in the hands of intelligent preachers or other colored men"; and, to utilize the "aid of teachers and other friends."<sup>48</sup> As Head Commissioner, Howard relied on these extensive networks of communication to define and pursue his vision for

the Bureau. The most important among these early missives was Circular No. 5, published on May 30, 1865, in which Howard announced the agency's commitment to "declare and protect" the freedom of former slaves.<sup>49</sup> He also outlined the extensive "rules and regulations for assistant commissioners" that, he hoped, would bring about success.<sup>50</sup> According to Howard, it was "upon that circular the transactions of the bureau thus far [were] founded."<sup>51</sup> Not only was Circular No. 5 reproduced and republished by every state under the Bureau's purview, but it was also followed by countless others. Through a robust record of additional orders, instructions, and clarifications, the agency's circulars ensured that Howard's rhetorical leadership guided the agency's work at all levels. In philosophy and in everyday practice, Howard's definition of freedom prescribed the Bureau agents' interactions with each other, with freedmen, and with the wider American public.

Second, the Bureau's circulars are analyzed in conversation with Howard's oral defense of the agency's work, which he offered in a speech to the Maine Freedmen's Relief Society on August 11, 1865. Held during a Sunday afternoon at Meonian Hall, the meeting offered Howard a direct opportunity to speak directly to American citizens—particularly those interested in the affairs and future of freedmen—in his home state.<sup>52</sup> According to reports, the meeting began with the harmonizing voices of "three little children, formerly slaves in Louisiana," who accompanied a reverend in song: "Mine eyes have seen the glory of the coming of the Lord."<sup>53</sup> Throughout his speech, Howard reinforced this initial tone of Christian duty, benevolence, and salvation—promised, but not yet delivered. He argued that the work of the Bureau was the work of all Americans, insofar as the Emancipation Proclamation had "pledged the faith of the entire nation."<sup>54</sup>

According to Howard, all Americans had a duty to understand the role of the Bureau and “to aid the government in keeping that pledge.”<sup>55</sup> It was Howard’s particular responsibility to thoroughly educate them on the scope and purpose of the new, controversial agency. Thus, Howard embraced the occasion to further expand on the meanings of freedom and the freedmen’s transition, which he referred to as “the entire question.”<sup>56</sup> He systematically explained the laws that had established the Bureau, the varying opinions being considered, and the efforts undertaken to establish procedures and provisions to secure freedom for former slaves. Simply put, Howard used the speech to frame, explain, and clarify the operations laid out by the agency’s circulars. This speech, therefore, can be considered an additional cornerstone of the rhetorical foundation upon which the agency was ultimately conceived and developed.

These texts, considered together, offer a comprehensive glimpse of Howard’s effort to define freedom for freedmen in both pragmatic and palatable ways. In the analysis that follows, I trace the ways in which Howard and his agents framed the Bureau’s mission. While clear primary and secondary priorities emerged in their rhetoric, terms of land, labor, education, relief, and justice altogether constructed an earned rights rationale for the Bureau’s work. Whether through public speech, written announcements, or intra-agency orders, agents cast freedom as a promise, the full satisfaction of which would be withheld until freedmen were able to prove—to the state and to society—that they deserved it.

#### *Primary priorities: land and labor*

At the helm of a seemingly radical Republican agency, Howard relied extensively on a rhetoric of free labor to negotiate the bounds of freedom for freedmen. Free labor



ideology was familiar to Americans in the North, where it had “gained forceful traction,” but for the South, it was perceived as strange or threatening.<sup>57</sup> According to James Schmidt, free labor ideology prized “simple self-ownership,” or “freedom from the will of another and the ability to sell one’s labor power freely in the marketplace.”<sup>58</sup> Additionally, “the ownership of productive property, either in the form of land or in the form of a small shop or other petty proprietorship” was also perceived to be a defining marker of free life.<sup>59</sup> These commitments to individual land and labor ownership were a direct counter to slave labor in the antebellum South, where “those who produced commodities... were themselves commodities owned by others.”<sup>60</sup> As historian Bruce Levine has argued, antebellum conflicts—both political and physical—between North and South were often animated by the contrast between the two economic orders.<sup>61</sup> Thus, when the Civil War broke out, many perceived it as the inevitable clash of free labor and slave labor—or, what New York Senator William Seward famously called the “antagonistic systems.”<sup>62</sup>

With the North’s victory came the emancipation and, theoretically, an opportunity to finally resolve the “irrepressible conflict between opposing and enduring forces.”<sup>63</sup> The Southern slave economy had ruptured. In antebellum America, slaves worked without compensation on land that did not belong to them. Upon emancipation, however, freedmen theoretically had the opportunity to sell their labor to another, purchase the labor of another for themselves, and reap the benefits of their own harvests. Thus, the emancipation marked a potentially distinct and visible shift from slave labor to free labor—for freedmen in the South, and for the country as a whole.

Thus, Howard seized upon this monumental change as an essential obstacle in both the freedmen's transition and the Bureau's work. He noted the vigor with which he was immediately questioned about freedmen's capacities to participate in the free labor market. In his August speech, Howard recounted the varying opinions presented to him, saying that some "wanted Northern men to emigrate to the South, and employ the freedmen in cultivating the soil. Another wished to have them set at work on the Pacific Railroad. Still another thought they could be most profitably employed in constructing dykes all along the Mississippi River."<sup>64</sup> Whether from free labor loyalists eager to further spread their message or from suspicious secessionists worried about the destruction of their way of life, the letters were animated by the same primary concern. Americans wondered whether and how freedmen would contribute productively to the nation once the compulsory structure of slavery was dismantled. Ultimately, Howard responded to their anxieties by reaffirming land and labor ownership as central tenets of freedom and free life.

His first priority was setting freedmen on a path toward independent production as workers. Accordingly, Howard granted full authority to his agents to "introduce practical systems of compensated labor."<sup>65</sup> At all levels, Bureau agents in various sub-districts were imbued with a range of powers to form, negotiate, and enforce labor contracts. Oftentimes, this included mediating interactions between freedmen and their former owners, as Howard believed the most efficient way to encourage freedmen toward independent labor was to have "former [slave] owners, as far as practicable... employ each of the men who had been his slaves."<sup>66</sup> Throughout this process, Bureau agents were further invested with the authority to "determin[e] the rate of wages to be paid,"

“examine and record all contracts made with the freedmen,” and “report such as are injurious and unfair.”<sup>67</sup> Moreover, assistant commissioners, in particular, were instructed to “use the privileges and authority [they] already [had]” to influence “provost courts, military commissions, [and] local courts” in the matter of labor contracts.<sup>68</sup> Howard was confident that the Bureau’s agents and, particularly, the “arbitrament” of its assistant commissioners would be “sufficient” to settle “the great majority of cases.”<sup>69</sup> Simply put, Howard reaffirmed that the Bureau’s charge—to supervise the freedmen’s transition—necessarily granted them oversight and near-absolute authority regarding all issues related to labor.

Howard framed these efforts to secure and safeguard labor as a vital part of freedmen’s transition to freedom. He explained to his audiences and his agents that the compensation former slaves received for their work would be a definitive marker of their free status; even if the labor and master remained unchanged, the freedman’s wages would be sufficient enough to distinguish freedom from slavery.<sup>70</sup> This view echoed throughout the agency’s ranks and extended their reach throughout all levels of the Bureau’s administration. For example, as assistant commissioner of South Carolina, Rufus Saxton emphasized former slaves’ entry into the free labor market as a distinct marker of their transition to free life. When providing instructions to lower-level agents, Saxton insisted that slave owners’ recognition of former slaves as “free men” coincided with their efforts to “make suitable agreement with them whereby a just and equitable compensation will be secured for their labor.”<sup>71</sup> Perhaps no declaration was clearer, however, than that of Orlando Brown, assistant commissioner of Virginia. In a letter addressed directly to freedmen themselves, Brown defined the arrival of former slaves’

freedom in blunt terms. He said, “The difference between your former and your present condition is this: formerly your labor was directed, and the proceeds of it taken by your masters, and you were cared for by them; now you are to direct and receive the proceeds of your own labor, and care for yourselves.”<sup>72</sup> Accordingly, he framed the Bureau’s “principal function” as “mak[ing] the freedmen a self-supporting class of free laborers, who shall understand the necessity of steady employment, and the responsibility of providing for themselves and families.”<sup>73</sup>

Howard’s rhetoric necessarily implicated land procurement, distribution, and supervision as well. From its inception, the Bureau had been put in charge of land that had been abandoned by former Confederate planters or seized by advancing Union armies throughout the war. The law that had established the Bureau simultaneously granted it the authority to distribute forty-acre plots to freedmen and Union loyalists in the South.<sup>74</sup> Although President Johnson soon reversed this initiative in the fall of 1865, Howard’s vision demonstrated the prominent role that land would continue to play in preparing former slaves for full freedom. As head commissioner, he used Circular No. 5 to plainly direct all Bureau agents to “aid refugees and freedmen in securing titles to land.”<sup>75</sup> Moreover, Howard prescribed the extensive terms by which abandoned lands needed to be surveyed and supervised. In Circular No. 10, he demanded, “as soon as practicable, reports of all lands in the possession or under the control of the assistant commissioners or their agents.”<sup>76</sup> Those reports would be extensive, including “statements as to whether such lands have been abandoned or confiscated; [and] a brief or general description of each separate piece or tract, with its situation, and the names of the former owner or possessor.”<sup>77</sup> Finally, after furnishing those reports, assistant

commissioners were further instructed to provide monthly updates with amended descriptions, changes in title or possessor, lost acreage, and the “number of refugees or freedmen on each farm or tract of land.”<sup>78</sup> With these instructions, Howard confirmed that a significant portion of the Bureau’s time, energy, and manpower should be devoted to land management.

Land, too, was integral to the Bureau’s effort to ensure freedom. As Howard explained in his August 1865 speech, “the rental of land furnishe[d] another means of employing the freedmen.”<sup>79</sup> Simply put, Howard believed that granting freedmen access to rented or leased land tracts would be an efficient way to ensure that they could immediately begin working, particularly when former owners refused to enter into contracts with them. In fact, when compensation could not be negotiated, land seizure was encouraged as an appropriate means to an end. In Mississippi, for instance, assistant commissioner Samuel Thomas clarified, “If the officers of the bureau cannot secure employment for all [freedmen] under their charge... they will take possession of abandoned lands and set them to work.”<sup>80</sup> Orders like these emphasized the symbolic and practical importance of land, insofar as it could deliver labor. However, Howard’s rationale further cast land itself as an observable source of freedom—even or *especially* if other markers remained unattainable. In official circulars, Howard “ordered that all abandoned lands... now under cultivation by the freedmen be retained in their possession until the crops now growing shall be secured for their benefit.”<sup>81</sup> In Howard’s plan, freedmen would only have to give up their harvests in exchange for “full and just compensation.”<sup>82</sup> In other words, if fair labor contracts could not be arranged, freedmen would still reap the benefits of their labor in ways that they did not during slavery. Using

areas near Norfolk, Richmond, and Washington, DC, as examples, Howard insisted that lands that had been “rented by colored people” had already begun to provide “the practical fruits of freedom.”<sup>83</sup> Thus, whether through employment, compensation, or harvest, land was framed as the source from which former slaves’ freedom would spring eternal.<sup>84</sup>

Clearly, free labor principles of land and labor ownership animated much of Howard’s vision—and, with it, the Bureau’s guiding rhetoric. According to Evelyn Nakano Glenn, the extent to which normative ideals of free labor have become intertwined with freedom and citizenship has often determined by “political, economic, and social transformations over the course of the nineteenth and early twentieth centuries.”<sup>85</sup> The era of emancipation was one such transformation, as the Bureau negotiated the terms of its task in accordance with free labor ideology. Land, labor, and freedom were inseparable. All three had been denied to slaves in antebellum America, but were promised to freedmen in the era of emancipation. Therefore, the Bureau’s work, in simplest terms, was to help freedmen find gainful employment and procure land so that they might be able to, one day, assert their freedom and “look others squarely in the eye as a social equal.”<sup>86</sup> Thus, the transition from slavery to freedom was conflated with a transition from slave labor to free labor.

#### *Secondary priorities: education, relief, and justice*

While the Bureau’s efforts toward land and labor dominated the agency’s records, Howard and his agents also defined freedom in other terms. First, the Bureau worked to secure access to education. As one assistant commissioner openly declared to former slaves, “In your condition as freedmen, education is of the highest importance.”<sup>87</sup> Second,

the Bureau worked with local organizations to administer relief. However, as Howard made clear almost immediately, “great discrimination [was] observed in administering relief, so as to include none that [were] not absolutely necessitous and destitute.”<sup>88</sup> Finally, the Bureau sought justice. This broad term was employed to encapsulate the agency’s efforts to safeguard freedmen’s physical safety and civil rights in “all difficulties arising between negroes themselves, or between negroes and whites or Indians.”<sup>89</sup> Compared to issues of land and labor, these three initiatives received noticeably less explanation in the Bureau’s records. Nonetheless, Howard and his agents insisted that freedom could not be fully enjoyed by freedmen if they were not educated, healthy, and reasonably secure.

In his August 1865 speech, Howard declared the “second task of the bureau” to be “the encouragement of education.”<sup>90</sup> Yet, compared to his public arguments in favor of land and labor, his focus on education was less extensive. Howard may have felt compelled to launch a full-scale defense of free labor ideology, particularly for suspicious Southern audiences and critics. However, he seemed to take for granted that the Bureau’s support for education would be widely accepted and understood as necessary to “secure the gradual elevation of the race.”<sup>91</sup> In fact, Howard perceived that Americans’ greatest criticism would be the Bureau’s hesitation to take freedmen’s education “*entirely* under [its] control.”<sup>92</sup> Believing that individual states and local organizations already had both the infrastructure and motivation necessary to provide education, Howard clarified that the Bureau’s role would mainly consist of support, financial aid, and general supervision.

In early announcements and circulars, Howard deferred to the authorities of state and local institutions. He declared the Bureau’s commitment to “the maintenance of good

schools... until a system of free schools can be supported by the reorganized local governments.”<sup>93</sup> While Howard further requested that “fact and attendant circumstances be reported” in the event “schools [were] broken up by any authorized agent of the government,”<sup>94</sup> he hesitated to declare direct Bureau intervention. Instead, he offered only broad instructions to his assistant commissioners on the subject:

The assistant commissioner will designate one or more of his agents to act as the general superintendent of schools (one for each State) for refugees and freedmen. This officer will work as much as possible in conjunction with State officers who may have school matters in charge. If a general system can be adopted for a State, it is well; but if not, he will at least take cognizance of all that is being done to educate refugees and freedmen; secure proper protection to schools and teachers, promote method and efficiency, correspond with the benevolent agencies which are supplying his field, and aid the assistant commissioner in making his required reports.<sup>95</sup>

Compared with the nearly limitless authority invested in Bureau agents to manage land and labor, these instructions lack explicit detail. Howard does not provide justification for the importance of education, nor does he advise specific action in the event that education is not being appropriately or effectively provided. Still, here and throughout other orders, Howard maintains consistent—albeit vague—encouragement of “self-sustaining schools” for freedmen.<sup>96</sup>

Thus, it fell to individual states’ assistant commissioners and agents to prescribe further direction and clarity. While Howard’s rhetoric did not assert much urgency in this area, his agents’ orders often conveyed passionate intentions to actively provide and secure education for freed children. Mississippi offers a particularly clear example. There, the Acting Assistant Adjutant General Stuart Eldridge declared, “The freed people must have schools. If they are not educated they will be at a constant disadvantage with white men.”<sup>97</sup> He insisted that the Bureau’s duties pertaining to education were “of very great



importance, as the education of the people is one of the chief objects aimed at by the bureau. Let them have early and close attention.” He further clarified that an unwavering commitment to education was vital, insofar as the agency’s efforts were sure to be met with hostile opposition. Eldridge issued a stern warning to Mississippi agents: “You will find many parties disposed to throw difficulties in the way. They must be met with determination and zeal.”<sup>98</sup>

Joseph Warren, the appointed State Superintendent of Education in Mississippi, was largely responsible for carrying out Eldridge’s orders. Warren authored and circulated a letter in July 1865, as he was eager to “have some notion of the number of teachers” required for the upcoming school year. He also wanted to “avoid confusion and disappointment” by establishing “understanding with the different societies and church boards” that would work in concert with the Bureau’s efforts. Therefore, he circulated a letter among Northern audiences to clarify his expectations for those migrating South to offer their help. He admitted, “It is not known what means will be devised to secure help from the people in sustaining schools for their own benefit, nor how extensive that help may be.” However, he did provide some specifics. Targeting mainly teachers, Warren alerted them that “all schools [were] to open as nearly as possible on the first of October.” He also assured them that the Bureau would “probably be able to assign school-houses and quarters for teaches,” though “furniture, for the personal use of teachers cannot be promised.” These details betray the level of oversight the Bureau had regarding education for freedpeople in Mississippi. The agency took control of recruiting teachers, providing housing, and supplying schoolhouses with the appropriate resources. Warren offered final confirmation of the Bureau’s command when he requested that “no choice of places, nor

other local arrangements, for establishing schools in this State, be entered upon without consultation with this office.”<sup>99</sup> In the absence of specific instructions from Head Commissioner Howard, Eldridge and Warren had the latitude to demand cooperation from Mississippi communities on all matters related to education.

The Bureau’s interventions in Mississippi illustrate the complexity of their work. At first glance, Howard’s vague instructions implied only minimal oversight, as though education was not integral to the agency’s everyday efforts to secure freedom for freedmen. However, his overarching support actually provided the justification for agents to seize and maintain control to varying degrees. In some areas, the Bureau’s supervision was so absolute that it was “recommended that no schools for colored people be attempted save in places where officers of the bureau are posted.”<sup>100</sup> Clearly, daily attention to education was of paramount importance for some assistant commissioners and superintendents, even without extensive explanation or clear, consistent mechanisms for Bureau intervention.

Howard also tasked the Bureau with providing general relief and assistance to freedmen. He positioned relief as the agency’s third priority in his August 1865 speech and further clarified his focus on orphan asylums, homes, and hospitals. He spoke even less extensively on relief, once again presuming that human charity and compassion served as the underlying justification for this dimension of the Bureau’s work. He explained to his audience that some freedmen were “without arms, some without legs; others are old and decrepid [sic]; and still others blind or deaf. Most of them have been separated from their former homes by the operations of war, or by compulsion of their former owners, and we must protect and support them.”<sup>101</sup> Unfortunately, the Bureau’s

ability to provide material relief in the forms of medical and physical care was severely limited. Howard noted that “no governmental appropriations [had] been made for this purpose.”<sup>102</sup>

Therefore, the Bureau relied extensively on the assistance of religious and volunteer groups. Howard clarified, “It is not the intention of government that this bureau shall supersede the various benevolent organizations in the work of administering relief.”<sup>103</sup> Instead, relief was to be primarily provided by local relief societies. Howard encouraged their “continuance and co-operation,” and he instructed his agents to “look to the associations laboring in their respective districts to provide... for the wants of destitute people.”<sup>104</sup> The Bureau’s role, however, was not simply a passive one. Howard insisted, once again, on extensive oversight. He requested that his assistant commissioners continually report on the condition of the relief being provided in their communities; agents were to send him the “names, lists of their principal offers, and a brief statement of their present work.”<sup>105</sup> This careful recordkeeping was not simply a matter of ensuring relief was being administered. It was also a means of verifying when relief was no longer necessary. Howard affirmed that “relief establishments [would] be discontinued as speedily as the cessation of hostilities and the return of industrial pursuits [would] permit.”<sup>106</sup>

Finally, Howard declared that the Bureau’s fourth and final task was to “secure justice for the freed people.”<sup>107</sup> In speaking of justice, Howard spoke of the biases and bigotries that motivated verbal and physical harm against freedmen. He said, “We find in the South some willing to act, and acting justly toward their former slaves. Others, even good men, are so imbued with a life-long prejudice that they cannot act justly toward

them. Still others will not.”<sup>108</sup> Howard feared that these attitudes presented a dangerous threat to the Bureau’s work, because they could compel Americans to resist any attempt to help freedmen enter the free labor market, acquire land, seek education, and give testimony of their experiences. These prejudices, he said, “sometimes make me think it impossible that the promise of freedom to the colored race should be sustained.”<sup>109</sup>

Howard conceded that hatred for black people would likely not dissipate immediately, if at all. He admitted that many people, even among his own ranks, “hate the negro. They always have, and they always mean to.”<sup>110</sup> So, Howard focused his attention primarily not on dismantling these prejudices, but on protecting freedmen from them.

It was in this area that he felt the agency’s military authority could wield its strength most effectively. When asked how the Bureau could secure justice in the face of so much hatred, he explained: “The War Department has established military departments all over the South, as it has in the North. Officers are stationed in every State and in all the important towns to enforce the will of the government.”<sup>111</sup> In other words, Howard confirmed that his agents—the overwhelming majority of which were military officers and soldiers—were obligated to exercise institutional authority as law enforcement officials. Therefore, questions and concerns relating to justice consistently permeated the Bureau’s records throughout the South.

In all communities where the Bureau operated, agents were ordered to protect freedmen and intervene in their interactions with other citizens. First and foremost, agents were required to document all instances of injustice, harm, or abuse. In Virginia, for example, “all known causes of outrages... committed by white people upon the blacks and by blacks upon the whites” were to be directly reported to the assistant

commissioner.<sup>112</sup> These reports included identifying information, like “the date and locality of the occurrence,” as well as “the circumstances as fully as possible.”<sup>113</sup> Beyond submitting reports, however, Bureau agents were further instructed to take an active role in mediating conflicts and tensions. Similarly to the ways in which they were tasked with negotiating labor contracts, agents negotiated everyday interactions. In Texas, Assistant Commissioner Gregory issued the following command: “All officers acting under orders from these headquarters will adjudicate in all cases arising within their respective districts between freedmen themselves, or between freedmen and white persons,” because “civil officers, by reason of old codes” may “fail to do [freedmen] impartial justice.”<sup>114</sup> In these circulars, and countless others, Bureau agents’ observations and instructions echoed Howard’s concerns about racial prejudice as a barrier to freedom.

Like Howard, local agents believed that the presence of the Bureau—as a military organization—was freedmen’s best hope against injustice. In Mississippi, Assistant Commissioner Thomas wrote, “Great complaints reach this office of the abuse of freedmen throughout those districts where military control does not extend.”<sup>115</sup> Without a strong Bureau presence, Thomas argued, Southern planters had “no fear of civil law for any crime [they] may commit.”<sup>116</sup> It was in these isolated areas that Mississippi agents perceived men eager to “punis[h], abus[e], and kil[l] the negro upon the slightest provocation.”<sup>117</sup> In light of these fears and observations, Thomas further reinforced his agents’ powers, insisting that “every effort must be made to secure to the freedmen the protection guaranteed by the orders and circulars of the Freedmen’s Bureau.”<sup>118</sup>

Guided by their superiors’ orders, Bureau agents were vigilant in their duties. The vigor with which individual agents upheld their responsibilities cannot be accurately

determined without closer investigation of personal diaries and records. However, some circulars suggest that sub-commissioners, superintendents, and field agents considered issues of injustice and abuse to be a serious, omnipresent threat. In fact, some agents were even accused of overstepping their authority in their attempts to protect freedmen. In Virginia, for instance, Acting Assistant Adjutant General James A. Bates announced, “Reports have been received at these headquarters that some of the agents of the bureau are in the habit of arresting citizens to answer trivial or groundless charges made against them by the freedmen.”<sup>119</sup> Simply put, in some areas, the mere accusation of injustice warranted immediate—if even ill-advised—action. These accounts confirm the extent to which prejudice, and the unjust physical and verbal harm that resulted from it, were deemed intolerable impediments to the Bureau’s work. Throughout its ranks, the agency argued that securing justice would provide a fair chance for freedmen to safely pursue the other markers of freedom.

#### *A familiar contract*

When Howard first accepted his position as head commissioner of the Bureau, he was unsure of where to begin the agency’s work. He knew he had been tasked with facilitating freedmen’s transition to freedom, but he had been given only “a few words about abandoned lands, a few words about refugees, and a few words about relief establishments.”<sup>120</sup> Speaking candidly to his audience in Maine, he confessed, “I had a law to execute, without the specific means to execute it.”<sup>121</sup> So, Howard devised his own plan. With the help of his agents, Howard’s vision circulated widely. He argued for attainments of land, labor, education, relief, and justice that, together, became the “fundamental principles” of the Bureau’s work. They also became the prerequisites for

black freedom and inclusion in post-bellum America.<sup>122</sup> As Howard's agents echoed his orders, they helped to reaffirm the argument that emancipation had not, in fact, delivered freedom for freedmen. Thus, the terms of the social contract had been drawn. Howard tempered the radical potential of the Bureau's work by emphasizing freedom as learned, earned, and most importantly, not yet realized.

In this path forward, Howard was both strategic and compromising. The radical notion of emancipation for black people was made more palatable for public audiences—North and South alike—because Howard ultimately relied on a familiar rhetorical maneuver: qualifying freedom in terms that would restrict freedmen from fully asserting their new status. This strategy straddled a middle ground in the debates surrounding both the emancipation and the Bureau's inception. However, the implications of this compromise were hardly neutral.

### The Consequences of Compromise

Head Commissioner Howard argued that his strategy represented the Bureau's best, most agreeable, course of action. With an eye ever-focused on "the signs of the times," he proclaimed that the agency's work would deliver "absolute justice to blacks *and* whites."<sup>123</sup> By clarifying the unforgiving terms by which freedmen might one day be welcomed into American society, Howard believed that he had offered a compromise beyond question; it was, as he put it, already "settled by the people."<sup>124</sup> In a way, it was, because he had extended freedom's paradoxical legacy, which had been negotiated by Americans—both black and white alike—for decades. In this section, I discuss the implications of the Bureau's founding rhetoric. I acknowledge the progressive features of their discourse, but I ultimately contend that agents' reliance on an earned rights

approach to freedom undermined the radical potential of their work, reaffirmed antebellum commitments to both black exclusion and dehumanization, and cast freedmen as abject wards of the state.

In some ways, the Bureau's agenda proposed ambitious, extreme change. First and foremost, Howard and many of his agents openly declared black people's undeniable right to freedom. For example, Assistant Commissioner Eldridge chastised former planters in a circular furnished to every white citizen in Mississippi. He cautioned: "going back... to re-argue the question of freedom, and to dispute that fact... All this is folly." In Eldridge's view, "the argument was finished when the war began," and "the question was forever settled when it closed."<sup>125</sup> With this declaration, Eldridge asserted a complete reversal of the antebellum order, in which black bodies had been considered property and, by definition, not free. The Bureau's insistence upon irrefutable freedom for freedmen was a radical concept in a nation that had grown and thrived by means of slave labor. Second, Howard and his agents argued for the extension of rights and privileges that had been previously denied to black people in antebellum America. The mere possibility that freedmen *could* attain land, labor, education, relief, and justice at all was a significant departure from the conditions of slavery. While the Bureau's rhetoric did ensure that freedom would remain a promise, it also articulated paths toward success and inclusion that had not previously existed. Finally, as the nation's first regulatory and social welfare agency, the Bureau embodied a bold argument: the need for a government organization to support former slaves. In pursuit of all of its priorities, the agency exercised state authority to intervene in the everyday interactions of its citizens, with the explicit aim of ensuring freedmen's access to resources, tools, and protection. The Bureau's insistence



on institutional defense of black people's rights and safety emerged in stark contrast to the realities of antebellum life, in which codified laws subjected slaves to the absolute authority of their owners. Together, these three commitments illustrate the Bureau's integral role in attempting to shift the nation from "the old things of slavery" to "the new things of equal liberty for all."<sup>126</sup>

However, the agency undermined its own radical efforts by deploying an earned rights approach that had necessarily excluded slaves from the social contract in the past—and had the potential to similarly exclude freedmen in America's post-bellum future. Through public speech and numerous circular announcements, instructions, and orders, Howard and his agents confirmed that freedom would remain a mere promise until freedmen satisfied the prerequisites that had been forcibly denied to them for centuries. As the Bureau's rhetoric also made abundantly clear, freedmen faced numerous, severe obstacles in their early pursuits to meet strict expectations of land, labor, education, relief, and justice. Thus, the criteria by which the agency embraced freedmen were the same ones by which society could quickly reject them.

The Bureau also failed to counter pervasive notions that black people, especially former slaves, were less human than others. In fact, they affirmed this belief in subtle ways. The earned rights approach to freedom provided an opportunity for agents to assert that freedmen were equipped with fewer capacities, questionable character, and poor instincts for self-determination and survival. For instance, regarding the Bureau's labor policies, Howard warned his agents that many freedmen were afflicted with "false pride," rendering them "more willing to be supported in idleness than to support themselves."<sup>127</sup> Mississippi Assistant Commissioner Eldridge echoed these assumptions, arguing that

labor contracts were a necessity, because it would be easier for planters and former owners to hold “lazy or dishonest” freedmen “to a contract intelligently made, than to enforce on them their duty in any other way.”<sup>128</sup> If appropriate measures, like contracts, were not taken, the Bureau worried that black people’s fundamental character flaws might trigger a slippery slope that would endanger the wider public. Howard surmised, “if unemployed, they accumulate in villages, and their idleness leads to corruption and crime.”<sup>129</sup> In issuing this warning, Howard reinforced a prevailing stereotype of black inferiority, while further suggesting that the congregation of freedmen in black communities would further amplify their human deficiencies. Overall, Howard and his agents maintained that black people had been left in such an abject state, ravaged by slavery, that their success and survival would be utterly impossible without the benevolent charity and strict supervision of the government. They were described as “extravagant and thoughtless,” without concern or “care of their own persons,” and afflicted by “habits in many cases which, if not corrected, will degrade and ruin them.”<sup>130</sup> In other words, the Bureau suggested that not only were freedmen wholly unfit for freedom, but they might also be ill equipped for life itself.

I consequently propose that the Bureau’s apparent support for freedmen be critically interrogated in accordance with the racial politics that both preceded and pervaded its discourse. Acting as government agents, Bureau officials oversaw the fledgling relationship between former slaves and their government. In utilizing a vocabulary of land, labor, education, relief, and justice, they also policed the boundaries of social, political, and economic belonging. The Bureau sought to induce black people’s compliance with normative standards of American life by arguing that freedmen could

not, and would not, be fully embraced by society until they satisfied the agency's expectations. Until that time, black people's freedom was to be considered conditional, and they were to be treated as wards of the state.

Thus, freedom's legacy as an exclusionary, rather than inclusionary, principle was revived. As Virginia Assistant Commissioner Orlando Brown succinctly clarified, "the freedmen must and will be protected in their rights, [but] they must be required to meet these first and most essential conditions of a state of freedom."<sup>131</sup> Without extensive state oversight, black people could not be trusted to participate successfully in American society. The Bureau espoused a rhetoric of freedom that could once again be used to delay, if not deny outright, the embrace of black people as fully free and fully human. The agency claimed to deliver freedom *to* freedmen, but it simultaneously worked to safeguard freedom *from* them.

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#### NOTES

<sup>1</sup> John G. Sproat, "Blueprint for Radical Reconstruction," *The Journal of Southern History* 23, no. 1 (February 1957): 26.

<sup>2</sup> Sproat, 33, 35; William S. McFeely, *Yankee Stepfather: General O.O. Howard and the Freedmen* (New York: W. W. Norton & Company, Inc., 1994), 21. The Radical Republicans agenda has been described as an effort to not only reorganize the South, both politically and economically, but to also secure black votes and maintain congressional power at the federal level. See Levine, *Half Slave and Half Free*. For a more expansive analysis of the complex history of the Republican party, see Heather Cox Richardson, *To Make Men Free: A History of the Republican Party* (New York: Basic Books, 2014).

<sup>3</sup> McFeely, *Yankee Stepfather*, 21.

<sup>4</sup> Sproat, "Blueprint for Radical Reconstruction," 29.

<sup>5</sup> Sproat, 33, 25. According to Sproat, freedmen's participation in the Civil War was framed as a necessary and vital step in their transition toward free life, insofar as it "placed the Negroes on a par with white soldiers. It gave them some sense of personal achievement, some tangible identification with free society, and a share in the nationalistic enthusiasm for the North." The Freedmen's Aid Inquiry Commission insisted that military participation would provide freedmen the "opportunity of working out, on those battle-fields that are to decide our own national destiny,

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his destiny, whether as slave or as freedman, at the same time.” See *Official Records of the War of the Rebellion*, Ser. III, Vol. 3, Serial 124, p. 451.

<sup>6</sup> *Official Records of the War of the Rebellion*, Ser. III, Vol. 3, Serial 124, p. 73.

<sup>7</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xvi.

<sup>8</sup> Miller, xiv.

<sup>9</sup> Miller, xiv–xvi.

<sup>10</sup> McFeely, *Yankee Stepfather*.

<sup>11</sup> *Official Records of the War of the Rebellion*, Ser. III, Vol. 4, Serial 126, p. 19.

<sup>12</sup> For further details about Howard’s early life, in his own words, see Oliver Otis Howard, *Autobiography of Oliver Otis Howard, Major General of the United States Army*, vol. 1, 2 vols. (New York: The Baker & Taylor Company, 1907).

<sup>13</sup> McFeely, *Yankee Stepfather*, 26.

<sup>14</sup> McFeely, 59.

<sup>15</sup> McFeely, 50.

<sup>16</sup> McFeely, 49.

<sup>17</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xvi.

<sup>18</sup> H.W. Beecher to E.M. Stanton, May 3, 1865, OOH Papers.

<sup>19</sup> W.T. Sherman to O.O. Howard, May 17, 1865, OOH Papers.

<sup>20</sup> While Gregory’s extreme position on abolition marked him as an outlier, his tenure with the Bureau was not unusual. He was sent to lead the agency’s work in Texas due to his fearless abolitionism, but his seemingly radical policies garnered much controversy. He was eventually transferred to Howard’s staff in Washington and later appointed to the assistant commissionership in Maryland. He was finally “mustered out” at the end of 1867. Still, McFeely noted that Gregory’s was a “long career,” in Bureau terms. McFeely argued, “At first glance, his career and those of others who, similarly, were transferred suggests the flexibility of the Bureau in adjusting to changing circumstances and a deliberate increasing of the radical influence in the Bureau as a whole. In fact, however, it represents an opposite trend. One after another, the assistant commissioners in the South who obstructed Andrew Johnson’s restoration policy were removed, and the most tactful way of removing them without betraying a split between the White House and the Bureau was to transfer them to the head office.” McFeely, *Yankee Stepfather*, 68.

<sup>21</sup> In a letter to General Howard, Thomas expressed his disappointment in the “growing feeling in the minds of the whites against this privileges [sic] of owning lands or working at any business the negro might choose.” In doing so, Thomas gave voice to the overwhelming free labor rhetoric of the era, maintaining a strict prerequisite for freedmen: the acquisition of land and ownership of labor. See Samuel Thomas to O.O. Howard, October 12, 1865, OOH Papers.

<sup>22</sup> T.W. Conway to O.O. Howard, May 14, 1866, OOH Papers.

<sup>23</sup> In expanding on Secretary Stanton’s military and political history, Sproat noted that it is hard to confidently assess the “degree of Stanton’s radical Republicanism.” He had previously identified as a Democrat, but evidence confirms that Stanton later favored Republican views regarding the Civil War, emancipation, and the employment of African Americans in Union armies. Still, he made extensive efforts to maintain “good terms with the conflicting factions in Congress” and was always careful of the ways in which he cultivated a public stance while always respecting his own private leanings. See Sproat, “Blueprint for Radical Reconstruction,” 25–30.

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- <sup>24</sup> Rufus Saxton to E.M. Stanton, February 7, 1865, Stanton Papers, Library of Congress.
- <sup>25</sup> H.W. Beecher to E.M. Stanton, May 3, 1865, OOH Papers. Emphasis in original.
- <sup>26</sup> McFeely, *Yankee Stepfather*, 62.
- <sup>27</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard, Major General of the United States Army*, vol. 2 (New York: The Baker & Taylor Company, 1907), 208.
- <sup>28</sup> McFeely, *Yankee Stepfather*, 13.
- <sup>29</sup> McFeely, 26.
- <sup>30</sup> Howard, *Autobiography*, 1907, 2: 211–12.
- <sup>31</sup> Howard, 2: 209.
- <sup>32</sup> Saxton Diary, 13 January 1865. Historians have also generally looked kindly upon General Howard. While scholars have not necessarily agreed in their assessments of the Bureau, many have judged Howard to be a capable leader in an arguably impossible situation. As McFeely has noted, “No historian has offered a substitute who he thinks would have been markedly better at the job... Howard has remained the recipient of high praise even by those critical of the Bureau.” See McFeely, *Yankee Stepfather*, 8.
- <sup>33</sup> W.T. Sherman to O.O. Howard, May 17, 1865, OOH Papers.
- <sup>34</sup> McFeely, *Yankee Stepfather*, 17.
- <sup>35</sup> Howard attests to his own apathy in his autobiography, and McFeely additionally notes how his indifferent attitude toward slavery was the cause of much despair from his brother, Rowland. Interestingly, it was not until Howard enrolled in West Point that he began to take notice of public issues—or, perhaps more accurately, the *silence* of them within the strict confines of the military academy. In a letter to his mother dated April 6, 1851, Howard confessed, “The moral education that a person would receive in this place is just none at all.” As for slavery, in particular, “abolitionism of any sort was a forbidden loyalty at West Point in the fifties.” It seems this sentiment stayed with the young Howard through adulthood. As late as 1864, Howard still hesitated to speak publicly on the issue. In addressing a YMCA Rally at the Academy of Music in Philadelphia, Pa., in January 1864, Howard spoke of the Civil War and the continued need for public support. In his address, he made no mention of slavery, abolition, or emancipation. See Howard, *Autobiography*, 1907, 1: 48; McFeely, *Yankee Stepfather*, 30.
- <sup>36</sup> McFeely, *Yankee Stepfather*, 17.
- <sup>37</sup> McFeely, 11.
- <sup>38</sup> McFeely, 17.
- <sup>39</sup> McFeely, 6.
- <sup>40</sup> Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” xiv.
- <sup>41</sup> Schmidt, “Full-Fledged Government of Men,” 20.
- <sup>42</sup> Howard, “The Freedmen.”
- <sup>43</sup> Howard, “The Freedmen.”
- <sup>44</sup> Howard, “The Freedmen”; McFeely, *Yankee Stepfather*, 16.
- <sup>45</sup> The agency’s thorough record-keeping habits were a matter of course, insofar as the agency was guided by military standards and etiquette. It was expected that: all orders and circulars be accompanied by official receipts; all officers keep records of letters sent, letters received, and

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orders issued; reports “on all points of interests” be sent on a monthly basis, at minimum, to assistant commissioners of each state; and copies of all orders and circulars be forwarded to relevant audiences on the day of their issue. See Stuart Eldridge, Circular No. 3, Vicksburg, MS, July 23, 1865. Subsequent references to the Bureau’s records can be attributed to the Freedmen’s Bureau archives held by the National Archives and Records Administration, Washington, DC, RG105, M742.

<sup>46</sup> Stuart Eldridge, Circular No. 7, Vicksburg, MS, July 29, 1865.

<sup>47</sup> Letter of Instruction No. 4, Richmond, VA, August 26, 1865.

<sup>48</sup> Stuart Eldridge, Circular No. 7, Vicksburg, MS, July 29, 1865.

<sup>49</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865.

<sup>50</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865.

<sup>51</sup> Howard, “The Freedmen.”

<sup>52</sup> Meonian Hall, in Augusta, Maine, was a historic site. On April 1, 1864, one year prior to the end of the Civil War, famed abolitionist and former slave Frederick Douglass delivered a speech there. Later, approximately one month following Howard’s address to the Maine Freedmen’s Relief Society, Meonian Hall was among the numerous properties destroyed in the Great Fire of 1865. See “Great Fire in August, Maine; the Business Portion of the City Destroyed,” *The New York Times*, September 18, 1865, <http://www.nytimes.com/1865/09/18/news/great-fire-in-augusta-maine-the-business-portion-of-the-city-destroyed.html>.

<sup>53</sup> Howard, “The Freedmen.”

<sup>54</sup> Howard, “The Freedmen.”

<sup>55</sup> Howard, “The Freedmen.”

<sup>56</sup> Howard, “The Freedmen.”

<sup>57</sup> James D. Schmidt, “‘A Full-Fledged Government of Men’: Freedmen’s Bureau Labor Policy in South Carolina, 1865-1868,” in *The Freedmen’s Bureau and Reconstruction: Reconsiderations*, ed. Paul A. Cimbala and Randall M. Miller, 1st ed., *Reconstructing America* 4 (New York: Fordham University Press, 1999), 219.

<sup>58</sup> Schmidt, 219.

<sup>59</sup> Schmidt, 219.

<sup>60</sup> Levine, *Half Slave and Half Free*, 18.

<sup>61</sup> Levine, *Half Slave and Half Free*.

<sup>62</sup> Levine, 15.

<sup>63</sup> Levine, 15. Eric Foner has further argued that commitments to free labor and notions of self-ownership, self-production, and self-determination were essential tenets of the Republican party’s agenda in the era of emancipation. Beyond providing a rhetoric of transition for the South, free labor ideology came to guide national identity and development throughout the growing West. See Foner, *Free Soil, Free Labor, Free Men*.

<sup>64</sup> Howard, “The Freedmen.”

<sup>65</sup> O.O. Howard, Circular No. 2, May 19, 1865. (as quoted by Stuart M. Taylor, General Orders No. 2, Charleston, South Carolina, June 26, 1865). While Howard explicitly insisted that “no assistant commissioner or agent is authorized to tolerate compulsory or unpaid labor,” he

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additionally clarified that forced labor would still be permitted “for the legal punishment of crime.” See O.O. Howard, Circular No. 11, Washington, DC, July 12, 1865.

<sup>66</sup> Howard, “The Freedmen.”

<sup>67</sup> S. Evans, General Orders No. 8, Virginia, VA, August 7, 1865; O. Brown, General Order No. 3, Richmond, VA, July 17, 1865.

<sup>68</sup> O.O. Howard, Circular No. 11, Washington, DC, July 12, 1865.

<sup>69</sup> O.O. Howard, Circular No. 11, Washington, DC, July 12, 1865.

<sup>70</sup> This distinction was reaffirmed in orders circulated by Assistant Commissioner General R. Saxton and Assistant Adjutant General Stuart M. Taylor. In May 1865, the Bureau had received “complaints” at its main headquarters that former slave owners were in violation of the Emancipation Proclamation. However, the only violation was in former slave owners’ refusal to “announce to their former slaves that they are free and make with them fair and equitable agreements, whereby full and just compensation shall be made for their labor and its products.” See Stuart M. Taylor, Assistant Adjutant General, by order of Rufus Saxton, Circular No. 3, May 22, 1865.

<sup>71</sup> Stuart M. Taylor, by order of Rufus Saxton, Washington, DC, Circular No. 3, May 22, 1865.

<sup>72</sup> O. Brown, “To the freedmen of Virginia,” Richmond, VA, July 1, 1865.

<sup>73</sup> O. Brown, Circular, Richmond, VA, November 4, 1865.

<sup>74</sup> The forty-acre allotment can be traced back to General William T. Sherman’s famous Special Field Order No. 15, issued on January 16, 1865. In the course of his “March to the Sea,” Sherman had confiscated a strip of coastline between Charleston, SC, to St. Johns River, FL, and sought to redistribute the approximately 400,000 acres in 40-acre plots. In addition to laying the groundwork for the Bureau’s work in the emancipation era, this order also paved the way for the wartime growth of the freedmen community on the Sea Islands, under the supervision of General Rufus Saxton.

<sup>75</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865. It is important to note that Howard, in a later circular, clarified and affirmed that the law provided only for the distribution of land to *male* freedmen and refugees. See Circular No. 11, Washington, DC, July 12, 1865.

<sup>76</sup> O. O. Howard, Circular No. 11, Washington, DC, July 11, 1865.

<sup>77</sup> O. O. Howard, Circular No. 11, Washington, DC, July 11, 1865.

<sup>78</sup> O. O. Howard, Circular No. 11, Washington, DC, July 11, 1865.

<sup>79</sup> Howard, “The Freedmen.”

<sup>80</sup> Samuel Thomas, Circular No. 1, Vicksburg, MS, July 3, 1865.

<sup>81</sup> O.O. Howard, Circular No. 3, Washington, DC, May 22, 1865.

<sup>82</sup> O.O. Howard, Circular No. 3, Washington, DC, May 22, 1865. The implications and effects of this plan at the local level are further explored in Claude F. Oubre, *Forty Acres and a Mule: The Freedmen’s Bureau and Black Land Ownership* (Baton Rouge: Louisiana State University Press, 1978).

<sup>83</sup> Howard, “The Freedmen.”

<sup>84</sup> Katherine McKittrick has emphasized the importance of land in African Americans’ history of struggling, demanding, and asserting freedom. Particularly when interrogated in the context of slavery and the slave plantation, she refers to land as “identifiable-seeable locales of

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emancipation.” See Katherine McKittrick, “On Plantations, Prisons, and a Black Sense of Place,” *Social & Cultural Geography* 12, no. 8 (December 1, 2011): 950.

<sup>85</sup> Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, MA: Harvard University Press, 2002), 2.

<sup>86</sup> Levine, *Half Slave and Half Free*, 50.

<sup>87</sup> O. Brown, “To the freedmen of Virginia,” Richmond, VA, July 1, 1865.

<sup>88</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865.

<sup>89</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865.

<sup>90</sup> Howard, “The Freedmen.”

<sup>91</sup> Howard, “The Freedmen.”

<sup>92</sup> Howard, “The Freedmen.” Emphasis added.

<sup>93</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>94</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>95</sup> O.O. Howard, Circular No. 11, Washington, DC, July 12, 1865.

<sup>96</sup> Howard, “The Freedmen.”

<sup>97</sup> Stuart Eldridge, Circular No. 7, Vicksburg, MS, July 29, 1865.

<sup>98</sup> Stuart Eldridge, Circular No. 8, Vicksburg, MS, August 1, 1865.

<sup>99</sup> Joseph Warren, Circular No. 4, Vicksburg, MS, July 25, 1865.

<sup>100</sup> Joseph Warren, Circular No. 4, Vicksburg, MS, July 25, 1865.

<sup>101</sup> Howard, “The Freedmen.”

<sup>102</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>103</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>104</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>105</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.

<sup>106</sup> O.O. Howard, Circular No. 5, Washington, DC, May 30, 1865.

<sup>107</sup> Howard, “The Freedmen.”

<sup>108</sup> Howard, “The Freedmen.”

<sup>109</sup> Howard, “The Freedmen.”

<sup>110</sup> Howard, “The Freedmen.”

<sup>111</sup> Howard, “The Freedmen.”

<sup>112</sup> James A. Bates, in a letter to all district superintendents of Virginia, December 27, 1865.

<sup>113</sup> James A. Bates, in a letter to all district superintendents of Virginia, December 27, 1865.

<sup>114</sup> E.M. Gregory, Circular No. 1, Galveston, TX, October 12, 1865.

<sup>115</sup> Samuel Thomas, General Orders No. 5, Vicksburg, MS, July 29, 1865.

<sup>116</sup> Samuel Thomas, General Orders No. 5, Vicksburg, MS, July 29, 1865.

<sup>117</sup> Samuel Thomas, General Orders No. 5, Vicksburg, MS, July 29, 1865.



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- <sup>118</sup> Samuel Thomas, General Orders No. 5, Vicksburg, MS, July 29, 1865.
- <sup>119</sup> James A. Bates, Circular, Richmond, VA, November 13, 1865.
- <sup>120</sup> Howard, "The Freedmen."
- <sup>121</sup> Howard, "The Freedmen."
- <sup>122</sup> O.O. Howard, Washington, DC, June 14, 1865, as reprinted in General Orders No. 2, Vicksburg, MS, July 10, 1865.
- <sup>123</sup> Howard, "The Freedmen." Emphasis added.
- <sup>124</sup> Howard, "The Freedmen."
- <sup>125</sup> Stuart Eldridge, Circular No. 9, Vicksburg, MS, August 4, 1865. At the start of the circular, the following instructions appeared: "The sub-commissioners of the Freedmen's Bureau in the State of Mississippi will be required to see that every white citizen in their district is furnished with a copy of this circular."
- <sup>126</sup> O.O. Howard, Washington, DC, June 14, 1865, as reprinted in General Orders No. 2, Vicksburg, MS, July 10, 1865.
- <sup>127</sup> O.O. Howard, Circular No. 2, Washington, DC, May 19, 1865.
- <sup>128</sup> Stuart Eldridge, Circular No. 9, Vicksburg, MS, August 4, 1865.
- <sup>129</sup> Howard, "The Freedmen."
- <sup>130</sup> Stuart Eldridge, Circular No. 7, Vicksburg, MS, July 29, 1865.
- <sup>131</sup> O. Brown, Circular Letter, Richmond, VA, November 4, 1865.

## Chapter 2

### **FORTIFYING FREEDOM'S BORDERS: CLASSIFICATION, CONFINEMENT, AND CONTROL IN FREEDMEN'S VILLAGE**

The Freedmen's Bureau's emphasis on earned rights suggested that state supervision was necessitated to examine, assess, and ultimately judge black people's fitness for freedom. In Washington, DC, this work had already begun several years before the agency's inception. Congress passed the Confiscation Acts and abolished slavery in 1862 in the nation's capital, and the complex politics and practices of emancipation were tested in the midst of the Civil War.<sup>1</sup> According to historian Joseph Reidy, Washington became a popular destination due to military activity headquartered in its borders, congressional abolition of slavery, and federal efforts to provide shelter and employment to fugitive slaves.<sup>2</sup> In the wake of successful military victories, "a steady flow of contrabands" fled their masters and the fighting in the South. They traveled stealthily from southern Maryland and northern Virginia, especially, and "emerged from the shadows" in the nation's capital.<sup>3</sup> By the summer of 1862, former slaves were inundating the district at a staggering rate. At one point, as many as four hundred arrived within the span of two days.<sup>4</sup> Upon their arrival, "blacks in the capital area began the transition from dependence to independence, from slavery to freedom."<sup>5</sup> However, change would not come swiftly or easily, and former slaves soon learned that antebellum sentiments remained "deeply rooted" in the North, and "freedom held as many pitfalls as opportunities."<sup>6</sup>

The harsh realities of transition were made apparent in the numerous contraband camps that sprung up throughout the region. As the number of former slaves swelled, both the government and community philanthropists "saw the need for remedial action."<sup>7</sup>

By 1873, camps and government-sponsored farms had been established on both sides of the Potomac River, providing refuge for nearly ten thousand fugitive and emancipated slaves.<sup>8</sup> With the added help of private charities and freedmen's aid associations, these camps provided practical necessities, like food, medical support, shelter, and an opportunity to procure paid employment. These early efforts to address the urgent needs of former slaves forced both the Union military and the federal government to reckon with the impending issues of emancipation. As Reidy put it, the state had no other choice than to "deal squarely with [former slaves'] future, if not yet with the future of slavery in the abstract."<sup>9</sup> Thus, in many ways, contraband camps laid the groundwork for the eventual establishment of the Bureau, and provided an incubator space for the agency's work. In one such camp, Freedmen's Village, Virginia, the Bureau fortified its message.

In this chapter, I investigate how agents translated Head Commissioner Howard's vision into a program of strict policies and practices at the local level by examining the Bureau's extensive Freedmen's Village records. This archive includes hundreds of memos, letters, announcements, special orders, receipts, and tables that documented the agency's everyday operations. I contend that the Bureau's notions of freedom transformed the village into a site of examination, within which the agents exerted the state's power to assess, and often deny, black people's fitness for freedom. To support this thesis, I first analyze the implementation of the Bureau's rhetoric, marshaling primary source evidence to confirm how an earned rights approach shaped the agency's interactions with and expectations of former slaves. Then, I further probe how the Bureau's agenda gave rise to administrative practices that classified, confined, and controlled former slaves. Finally, I conclude with a discussion of how the revival of these

practices upheld logics of slavery and cultivated a post-war relationship in which the state's agents forced black people to submit to their power, mimicking the antebellum master-slave relationship.

### The Establishment of Freedmen's Village

Before the Bureau took command in Virginia, government control had already been established. Union army commanders and quartermaster officers ruled the capital area's contraband camps, where they held residents to strict expectations. Former and fugitive slaves' livelihood was dependent on their ability to work in service of the government. Employment opportunities were plentiful, and all of them contributed to the "mobilization for war."<sup>10</sup> According to Reidy, "The Union military machine required unprecedented numbers of laborers precisely when the disintegration of slavery produced a sizable number of potential workers anxious for employment and particularly eager to aid the Yankees."<sup>11</sup> Such aid took on a range of forms, including carpentry, masonry, blacksmithing, nursing, farming, road construction, and garbage collection.<sup>12</sup> In addition to satisfying the pragmatic needs of the Union army, these expectations confirmed that black labor—especially labor commanded and demanded by the state—would be an integral part of former slaves' transition to freedom.

As former slaves toiled tirelessly to contribute to the war effort, they faced numerous other challenges. First, living conditions and personal health steadily declined as the camps became overcrowded. At Camp Barker, the site of the present-day U Street neighborhood, an average of twenty-five former slaves died per week during the summer of 1863.<sup>13</sup> Confronted with rampant illness and depleted resources, many residents left to provide for themselves elsewhere, leaving behind only "the fresh arrivals, the sick, the

disabled and the dependent—those most vulnerable to disease.”<sup>14</sup> Second, the camps were becoming increasingly expensive to maintain. To help defray the costs, military authorities often instituted a tax on former slaves’ wages. At some camps, approximately five dollars of blacks’ monthly wage (which ranged from ten to thirty dollars) was deposited into a “Contraband Fund.”<sup>15</sup> Third, the government’s support began to spur growing controversy among Americans. Despite former slaves’ immense contributions to the war, as well as their compliance with self-supporting taxes, the public demonstrated ambivalence toward the camps. They perceived a need for sympathy and “public responsibility” to “alleviate suffering,” but many worried about the consequences.<sup>16</sup> In a letter to the Freedmen’s Relief Association, a Virginia surgeon in charge of contrabands reiterated that the public expected the government to “induc[e] these people to care for *themselves*,” rather than provide for them indefinitely.<sup>17</sup> Simply put, as former slaves struggled to both work and survive in the midst of war, the public began to criticize the state’s efforts to provide for even their most basic necessities.

These growing problems only mounted in the wake of the Emancipation Proclamation, after which a “flood of arrivals” further strained the camps and demanded even more space and resources.<sup>18</sup> By the summer of 1863, demands for a new site beyond the district’s borders grew louder.<sup>19</sup> On December 4, Freedmen’s Village was formally established under the leadership of Danforth B. Nichols, of the American Missionary Association, and Lieutenant Colonel Elias M. Greene, chief quartermaster of the Department of Washington. The camp was located on the confiscated property of Confederate General Robert E. Lee and his wife, Mary Custis Lee. The estate was reportedly “perfectly suited... to improve the health of the freedmen by settling them

outside the city and putting them to work in the open air.”<sup>20</sup> Freedmen’s Village was large enough to accommodate 50 multi-story dwellings, neatly arranged in formation and housing two families each. The village also included a hospital, school, chapel, shops, and “a home for the indigent.”<sup>21</sup>

Within the confines of Freedmen’s Village, hundreds of former slaves found work, shelter, and their first, bittersweet taste of free life. Not unlike any other contraband camp, the village held its residents to strict work standards; able-bodied blacks labored for measly wages, half of which were seized by rent and a contraband tax. According to Felix James, the system was designed not only to offer former slaves employment, but also to “make such employment profitable, both to the government and to the workers.”<sup>22</sup> Despite growing resentment toward the taxes, a presumed deference to state authority loomed ever-present, as “the streets and parks all bore the names of prominent government officials or generals.”<sup>23</sup> Under military leadership, the village’s residents were additionally subject to an education in “order, sobriety, and industry,” in response to public distrust and a pervasive Northern fear that “slavery had inculcated habits of laziness and improvidence in both masters and slaves.”<sup>24</sup> The camp’s commanding officers aimed to maintain the Freedmen’s Village only as a temporary “stepping stone to self-sufficiency.”<sup>25</sup>

Despite their efforts, however, Freedmen’s Village would go on to become one of the most famous and longest-surviving contraband camps of the era. Given the ample opportunities for employment in the capital region, the area’s black population swelled throughout the war and many residents were determined to stay. The village was also protected by its fame and symbolic importance. While other contraband camps were

disbanded toward the end of the Civil War, Freedmen's Village remained intact, because it had become "a national showcase... [as] a setting for celebrating the progress of freedom."<sup>26</sup> The fanfare did not necessarily indicate an outpouring of public support for former slaves and freedmen. Rather, veneration of Freedmen's Village was inspired instead by satisfying irony. As Reidy has noted, "the government had considered it not only wise but also political to settle contrabands on the abandoned estate of Robert E. Lee."<sup>27</sup> In other words, Freedmen's Village was not only an emblematic "nurturing ground for free men and women," but also a powerful symbol of the Union's triumph over the Confederate South.<sup>28</sup>

Thus, under the omnipresent shadow of public controversy, state power, and political wrangling, Freedmen's Village emerged as an early site of free black life. Within its strategically drawn boundaries, former slaves, former masters, government officials, and military officers collided in their efforts to navigate the tumultuous landscape of the war and its aftermath. As a community created for the sole purpose of assembling former slaves on the cusp of freedom, Freedmen's Village "provides a unique perspective on the emancipation process."<sup>29</sup> When the Freedmen's Bureau assumed leadership over the village and its residents in 1865, the agency began to document their efforts and interactions with former slaves. Their records detail the reach, as well as the implications, of *freedom's* antebellum legacies in the post-war era. Not only did Head Commissioner Howard's message of earned rights guide the village's everyday operations, but it also further clarified the fragile relationship between the state and former slaves—a relationship marked by the systematic classification, confinement, and control of black people.

## The Bureau Takes Command

When the Freedmen's Bureau arrived in Freedmen's Village in 1865, it imposed strict control over the camp. At multiple levels of administration, the Bureau's agents reinforced existing orders and operations designed to "aid [freedmen] in becoming useful citizens instead of burdens on the community."<sup>30</sup> As it did so, the agency kept extensive records. These archives constitute "one of the [Bureau's] greatest legacies" and "arguably some of the most important documents available for the study of the federal government's policies" regarding freedmen and early Reconstruction.<sup>31</sup> The records are comprised of over three hundred documents, including letters between federal and local Bureau staff, special orders and circular announcements from the agency's leadership, reports compiled and issued by the village's supervisors, and receipts for supplies, rent, and expenditures. Analysis of this rich archive demonstrates, first and foremost, that Bureau agents attempted to implement Head Commissioner Howard's vision at the local level. In their communication and conduct in Freedmen's Village, agents remained focused on fulfilling pragmatic markers of freedom.

As discussed in Chapter 1, Head Commissioner Howard defined freedom in terms of five attainments: land, labor, education, relief, and justice. These attainments served as a sort of litmus test to assess black people's fitness for freedom and acceptable inclusion within the American social contract. Simply put, former slaves' transition from bondage to freedom would be complete when all five prerequisites were satisfied. Guided by this framework, the Bureau's agents directed their attention toward helping freedmen earn their freedom by acquiring land, finding gainful employment, pursuing education, procuring medical aid and rations, and defending themselves in disputes with other



Americans—particularly white men. Close attention to the Bureau’s archives affirms that the agency was relentless in its pursuit of these attainments.

Agents’ attempts to help former slaves become landowners—or, at least, renters—were well documented. Acting on instructions from the assistant commissioner in Washington, DC, a lieutenant wrote a report regarding the rental of land tenements in Freedmen’s Village. In it, he stated that two black men, Austin and Lawrence, and their families had taken up residence in “two lots lying on the east side of the Arlington Estate between the river and canal (one containing about twenty acres and the other ten).” The men were “both very old and both formerly owned by Gen[eral] Lee.”<sup>32</sup> The lieutenant reported that the freedmen had “agreed to payment, the same as the rest” and expressed confidence that they would be able to fulfill their pledge, “even better than many of the younger renters.”<sup>33</sup> The report is merely one of many in the archive, as agents had been instructed to update their superiors regarding the status of land rentals on a regular basis.

In addition to written letters, charts and tables were also used to assure the Bureau’s leaders that land acquisition was a priority in the village. For example, an undated “tabular statement” extends for two full pages, recording simply the names of renters, the acreage of land rented, and the amount of rent paid per year for each property. Among the renters were Elias Plummer, who had rented ten acres for twenty dollars per year; Benjamin Wright, who had rented five acres for ten dollars per year; and John Burroughs, who had rented 18 acres for 18 dollars per year.<sup>34</sup> Records also show that the Bureau attempted to diligently track these rental payments, both in letter and tabular forms. In a letter to the Washington, DC, headquarters, it was reported that the agency had collected \$344.75 in rent payments for properties in Freedmen’s Village.<sup>35</sup> In other

instances, simple charts were used to indicate, for example, that the rent had been paid for only 25 tenements in early 1868, amounting to \$67.20, \$37.00, and \$20.00, for the months of January, February, and March, respectively.<sup>36</sup> The frequency with which these reports appeared, as well as the redundancy of their multiple forms, demonstrate that the Bureau's agents spent a considerable amount of time encouraging, supervising, and documenting former slaves' newfound right to acquire land for themselves and their families.

The Bureau's records also confirm that the agents emphasized the significance of land ownership explicitly among the residents of Freedmen's Village. The ability to rent and occupy tenements was upheld as a reward for those deemed worthy in the eyes of the Bureau. One letter, for example, instructed Freedmen's Village agents to allow residents who could "earn an honest livelihood" to "occupy houses," even as the agency was attempting to decrease the overall population of the camp.<sup>37</sup> Despite the number of freedmen who could not afford property, the Bureau encouraged agents to arrange rental agreements "without delay" for "that class of Freedmen who are of known trustworthy and industrious habits."<sup>38</sup> This policy reaffirmed a key tenet of the Bureau's message that freedom, as exemplified by land rental privileges, was reserved for those who demonstrated the proper aptitude and character. By doling out land as a reward, the Bureau's agents aimed to cultivate an appreciation for property ownership among freedmen, even if they were not yet in a financial position to afford the rental rates imposed upon them.

Under the Bureau's leadership, Freedmen's Village remained a site of labor production. All residents were expected to contribute productively to the community. A

set of rules and regulations for the village stated, “it is but just that all labor [freedmen] are able to perform should be given... and it will be expected and required of all dependents at Freedmen’s Village that they cheerfully render all service required of them.”<sup>39</sup> Consequently, many freedmen were assigned jobs in the hospital, asylum, school, or mess halls. For example, according to monthly reports, 1,240 black laborers were working in Freedmen’s Village in May 1866, and receiving modest wages often within the range of five to ten dollars per month.<sup>40</sup> This general policy reinforced the Bureau’s commitment to free labor principles, as agents encouraged former slaves to see themselves as workers contributing to, and being compensated for, life in a free society.

The agency was also determined to help freedmen find employment outside of the village. In some instances, Bureau officials wrote personal letters to one another in hopes of finding a suitable position for a former slave. For example, a letter to the Assistant Commissioner in Washington, DC, reads: “Nicholas R--- (Col’d), a dependent at this place, is engaged digging graves. He is industrious and obliging and I respectfully recommend that he be hired at a compensation of six (\$6.00) dollars per month.”<sup>41</sup> The letter demonstrates the extent to which the Bureau elevated free labor principles as an integral part of free life. Nicholas had already been working at Freedmen’s Village, but he had been doing so as a “dependent.” In other words, he was relying on the Bureau for support rather than earning his own wages. His freedom—and, by extension, the Bureau’s work—would not be complete until he attained both employment and compensation.

Of the five primary attainments, education received the least attention in the Bureau’s records of Freedmen’s Village. Specific instructions for the schooling of

freedpeople—including details regarding schedule, activities, or content—are noticeably absent from the archive.<sup>42</sup> However, the agents were concerned about the community's schoolhouse. The Bureau commandeered a building designed to accommodate “at least two hundre[d] scholars.”<sup>43</sup> The initial design, a diagram of which is preserved in the archive, envisioned a building fifty feet long, and thirty feet wide, and twelve feet high. The space was divided into a main instruction room and three recitation rooms. Before construction began, government officials took thorough stock of the anticipated costs. A list of required supplies (including 16,552 feet of lumber, 14,400 shingles, 150 feet of glass measuring 10 inches by 14 inches, 15 pounds of putty, 1 gallon of linseed oil, and 5 pairs of t-shaped hinges) amounted to a total cost of \$953.75.<sup>44</sup> After its completion, however, the schoolhouse received relatively scant attention in the course of the Bureau's everyday operations. It was not until nearly a year and a half had passed that the agency concerned itself again with the schoolhouse. An agent questioned whether its size and design were appropriate for the community's needs: “the reduction of the population of Freedmen's Village in Arlington requires corresponding changes in the schools and school building. The aggregate attendance of pupils... is now less than seventy five [and] the expense... will not justify its use for the small number of scholars.”<sup>45</sup> The agent's recommendation highlighted the only two ways in which the Bureau recorded its efforts toward education in Freedmen's Village: constructing a schoolhouse and tracking attendance. Such limited mention of freedmen's schooling in Freedmen's Village suggests that the Bureau's main goal was to, first and foremost, provide a physical space in which former slaves would begin to receive an education.

In contrast, agents' focus on relief for freedmen was unwavering—and necessarily so. Given the number of black people that were dependent upon the Bureau for supplies and resources, the Freedmen's Village records are replete with requests, receipts, and registers for rations issued to former slaves.<sup>46</sup> The Bureau relied on its agents to verify residents' needs and inquire on their behalf for a wide range of goods and materials. For instance, in a report to the Washington, DC, headquarters, one agency official wrote that a "complaint of insufficient heating accommodations at the Home [for the indigent] is not without foundation."<sup>47</sup> It was noted that the 231 people residing there had formed groups to pool scant resources. Ninety-eight residents had banded together to share eighteen stoves in an attempt to keep warm, and other smaller groups of 17, 22, 51, and 43 had likewise formed to share one, one, five, and two stoves each, respectively. Further inspection revealed that many of the stoves were "broken and worthless," so the agent requested replacements for the freedmen.<sup>48</sup> Agents also stepped in to request medical relief, especially for those residing at the village's Abbott Hospital. They penned frequent letters requesting prosthetics, like artificial legs, for injured or elderly residents. One such request was made on behalf of a 22-year-old black man named James Smith, whose leg had been amputated by a Freedmen's Village surgeon after contracting a case of gangrene.<sup>49</sup> These records illustrate the range of relief efforts pursued by the Bureau.

Agents accounted for various supplies—from stoves to prosthetics, and from food to "three hundred and eighty yards of brown denims"—in simple ledgers.<sup>50</sup> Bureau officials recorded the number of rations provided to residents on a monthly basis. During the month of January 1866, for example, 3,813 rations were issued at Freedmen's Village, totaling \$1,029.51 in value. From January to September, the agency reportedly spent

\$10,540.26 on provisions for former slaves.<sup>51</sup> These expenses underscore the extent of the Bureau's relief efforts. On a daily basis, agents operated under the assumption that freedom meant residents must be able-bodied and, therefore, their basic needs—in terms of clothing, food, and medical care—must be met.

Finally, the Bureau's records provide some insight into the agency's attempts to pursue justice for freedmen. Head Commissioner Howard had argued that former slaves deserved to have their voices heard in cases of conflict arising between white and black people. The Bureau's agents, therefore, were tasked with adjudicating frequent allegations lodged against the residents of Freedmen Village. One letter detailed an accusation of assault made by a man named J. W. Reynolds, who claimed that "four colored men armed with muskets, with fixed bayonets, came to his home and made threats against his life, without any provocation whatsoever." Reynolds further insisted that at least one of the men was residing at Freedmen's Village. Therefore, the Bureau's officials in Washington, DC, demanded that local agents investigate his claims and "take such steps as [they] may deem necessary to prevent like occurrences in the future."<sup>52</sup> In another case, a man identified as Doctor Armstrong reported that "some of his cows had been stolen or killed." Though Armstrong did not accuse anyone outright, Bureau officials in Washington, DC, directed local agents to "cause a thorough investigation of [the] case... with a view to ascertaining whether any of the freedpeople of the village [have] been concerned in this transaction."<sup>53</sup> While these records do not provide details regarding the results of these cases, they do affirm that the Bureau agents intervened in, at least, an investigative capacity in frequent disputes between former slaves and other Americans.

Moreover, the Bureau assumed a measure of responsibility in verifying and protecting former slaves' legal rights, especially in matters relating to land and labor. One letter makes reference to a black man named Judson who was residing on a Maryland farm known as "Frog's Nest." The Bureau had reviewed and confirmed the "proceedings at law in the case" and was called upon to defend Judson when the farm's former owner, a white man named John L. Budd, attempted to "recove[r] peaceable possession."<sup>54</sup> Thus, local agents were not only tasked with investigating claims made against freedmen, but also defending former slaves' rights against those who sought to exploit or abuse them.

Altogether, the Freedmen's Village records provide insight into the ways in which agents attempted to put Head Commissioner Howard's plans into practice. As they interacted with former slaves on a daily basis, agents affirmed Howard's earned-rights approach to the agency's mission. Numerous letters, memos, announcements, reports, and receipts confirmed their unwavering commitment to practical attainments as undeniable markers of former slaves' new status as free people. Their persistent pursuit of land, labor, education, relief, and justice for freedmen underlined the argument that freedom would remain an unfulfilled promise until black people successfully achieved these attainments. Acting as government agents, Bureau officials positioned themselves as the guardians not only of freedom, but also of the social contract. Under their command, Freedmen's Village was a site of institutional examination, where thousands of black people underwent a test of their fitness for freedom.

### Earned Rights in Practice

The Freedmen's Village records provide an opportunity to not only study the Bureau's discourse, but also to consider its consequences. The previous section discussed

the ways in which local agents affirmed Head Commissioner Howard's rhetoric and documented their efforts to translate his vision into action. This section analyzes the ways in which the Bureau's rhetoric began to construct an emerging post-war relationship between the state and the freedmen that mimicked, in many ways, the relationship between former slavemasters and their slaves. Acting as government agents and guided by their relentless focus on land, labor, education, justice, and relief, Bureau officials documented interactions with black people in ways that bore a striking resemblance to practices of enslavement. In pursuit of freedom, agents took on the position and practices of freedmen's former masters, systematically classifying, confining, and controlling the residents of Freedmen's Village.

### *Classification*

Even within the small confines of Freedmen's Village, thousands of former slaves came under the Bureau's care. By defining freedom in terms of pragmatic markers, Head Commissioner Howard instituted a system by which local agents could begin to identify, organize, and manage the large population. Simply put, Howard's prerequisites were easily transformed into a checklist, which compelled the Bureau to interact with black people not as individual human beings, but as groups or classes. In countless records, agents treated black people as objects to be counted and classified, just as former masters had catalogued slaves as property.

Upon arriving at Freedmen's Village, former slaves were immediately documented in a register used to record arrivals. Agents recorded only limited information about each person: date of arrival; name, if known; from where or from whom they were "received"; "condition," in terms of marital status; and occasional



miscellaneous notes. For instance, a man named John Nelson reportedly arrived in Freedmen's Village on January 2, 1867, at the age of 65. He was reportedly "received" from someone identified as Lieutenant Colonel BeeBee, in Washington, DC, and admitted as a single man, "old and infirm."<sup>55</sup> Another entry recorded the arrival of Nelly May, age 11, from a Lieutenant Colonel S.P. Lee, described as "healthy."<sup>56</sup> Presumably in these first interactions with former slaves, Bureau agents reduced them to only their most basic identifying features, their previous owner or guardian, and their perceived condition.

Once their arrivals were catalogued, freedmen were further classified into groups. A set of undated ledgers provides a glimpse into how agents distinguished between former slaves based on their varying levels of dependence on the government. Class 1 was reserved for "dependent freedpeople living at the village without authority." The accompanying list includes over 40 separate entries, showing only names and ages: Peter Lewis, 18; Anna White, 30; Frances White, 23; Rosa Robinson, 15; Stephen Deal, 35; Washington Kelly, 21; Elias Green, 16; Lucy Roe, 18.<sup>57</sup> Class 2 was used to indicate when a former slave was independent but also associated with dependent relatives. Their names and ages are accompanied by remarks, which indicate the type and number of dependent relatives for whom they were responsible: Lucinda Ford, 30, 3 children; Mildred Douglass, 35, 1 child; Mary Dixon, 25, 1 child infant; Winnie Diggs, 40, husband; Rachel Lewis, 38, 3 children; Mary Bruce, 15, mother.<sup>58</sup> Class 3 was defined as dependent freedpeople "subject for discharge," and included only names and ages but omitted explanation: David Green, 28; Isabella Jackson, 24; Eliza Sewell, 30; and Lucy Jackson, 45.<sup>59</sup> Finally, Class 4—easily the largest among them—catalogued the residents

who had no visible means of self-support, indicating only names, ages, and occasional remarks: John H. Lewis, 24; Eliza Ann Lewis, 20; Mary Ann Lewis, 1; Jillian Sewell, 35; Cassius Jackson, 40, “very poor will become a dependent before winter”; Seymour Wright, 40; Jon Anderson, 35.<sup>60</sup> These ledgers demonstrate the extent to which the Bureau approached freedmen not as individual humans facing unique hardships and circumstances, but as wards. Agents classified freedmen based on their general level of dependence, as determined by Howard’s prerequisites. The extent to which former slaves were reliant upon the government—especially for land, labor, and relief—determined their relationship with the Bureau.<sup>61</sup>

The Freedmen’s Village records confirm that this practice of counting, cataloguing, and classifying black people occupied a significant portion of agents’ time, as the larger classes were then further broken down into smaller groups. Seemingly every interaction, at every stage of freedmen’s residency, was identified in terms of former slaves’ progress toward the Bureau’s ideal expectations. For example, as mentioned previously, the agency showed relatively little attention to education in Freedmen’s Village, with the exception of the schoolhouse’s design and pupils’ enrollment. Attendance was counted daily, with students classified into groups of “boys” and “girls,” and “primary” and “higher” grade levels. A “report of schools” sent on June 24, 1865, recorded that an average of 242½ students attended per day, “on a decrease of nearly 15 from last week.”<sup>62</sup> A similar report was sent on July 1, 1865, accounting for the week of June 26, during which average of 257½ students attended per day.<sup>63</sup> Rather than documenting the content taught to black children, or students’ weaknesses and successes in the classroom, they merely counted the number of bodies in attendance. These reports

underscore the extent to which the Bureau prioritized quantitative information about freedmen, so much so that they calculated school attendance in fractions—or parts—of black people.<sup>64</sup>

Extensive ledgers used to record the number of black people receiving supplies or rations at any given time provide another example of such categorizations. Monthly reports, issued between August 1865 and December 1866, thoroughly recorded numeric tallies of freedmen to whom rations, clothing, or medicines had been issued. The reports were classified in terms of health status: Well Dependents, Sick Dependents, Born Dependents, and Died Dependents.<sup>65</sup> Each category was further broken down by age and gender (men, women, male children, and female children). For example, the September 1866 report indicated that 13 well dependent men, 70 well dependent women, 28 well dependent male children, 39 well dependent female children, 19 sick dependent men, 7 sick dependent women, and 4 sick dependent male children—180 dependents in total—received supplies from the Bureau. In addition, zero dependents were born that month, though 4 dependents (3 male, 1 female) died and 101 dependents were reportedly discharged.<sup>66</sup> On the one hand, these reports were crafted with painstaking detail, as exact figures were provided for each group. On the other hand, those details omitted any substantive information about the freedmen's lives or the circumstances surrounding their needs. The Bureau's agenda compelled agents to merely count and classify black people, always with the aim of measuring their agency's success and the remaining scope of their work.

The Bureau's various accounting schemes were presumably so integral to their everyday operations that agents rebuked each another if one failed to abide by the system

or report their data correctly. In one case, an October 1867 report submitted to the Washington, DC, headquarters was returned for inaccuracies. A Bureau official noted the discrepancies between the monthly ledger and the accompanying written account: “a ‘gain’ of ten (10) is reported by name as ‘received,’ while on the monthly report the gain is reported (5) five by births, and fifty one (51) ‘received,’ total (56) fifty-six, leaving (46) forty-six not accounted for. A loss of (5) five by death and (1) by discharge, total (6) six is reported by name, while on the monthly report a loss of five (5) only is reported.” The official ordered a revised version and demanded that “greater care will be exercised to forward correct reports” in the future.<sup>67</sup> The stern exchange reinforced the agency’s systematic approach to its interactions with former slaves at Freedmen’s Village. As agents guided freedmen toward fulfilling freedom’s prerequisites, they remained primarily concerned with tracking their own progress by counting, cataloguing, and classifying black people.

The Freedmen’s Village records thus shed light on a command and management style that overwhelmingly treated freedmen as objects, rather than fully human beings. The breadth and depth of their experiences as emancipated slaves were set aside in favor of documenting only the most basic information about their existence. Moreover, the scant details recorded in the Bureau’s records were those that related only to the agency’s own agenda. Numerous records, strikingly reminiscent of antebellum slave sale and auction notices, described black people only in terms of their names, ages, and perceived condition. They were ultimately grouped together based on their level of compliance with the Bureau’s expectations. As masters had once accounted for slaves as financial assets on their southern plantations, the Bureau classified former slaves in terms of their

perceived post-war value to American society. The overwhelming majority of them were identified as mere wards of the state in Freedmen's Village.<sup>68</sup>

### *Confinement*

Under the Bureau's leadership, Freedmen's Village was further developed as a site with clear boundaries—both geographical and ideological. Just as Howard's vocabulary of freedom provided a schema by which Bureau agents classified former slaves, it also provided a justification for them to determine who did or did not belong in the community. Upper-level officials were eager to "reduce the number of freedmen... who depended on the Bureau for assistance."<sup>69</sup> Thus, much of their recorded communication and conduct was focused on deciding who would be permitted to remain within the village, with the government's support, as well as who would be discharged. Freedmen's Village served as a border crossing between slavery and freedom, where those deemed unfit for admittance to society were detained by the state.

From the village's inception, it was generally understood that former slaves "were not to remain as permanent residents, but were to yield their places to others" as soon as their circumstances allowed.<sup>70</sup> Under the Bureau's command, this policy was strictly enforced. Agents were eager to usher former slaves into and out of the village as quickly and efficiently as possible, fearing that too many former slaves were "dependent upon the Government for support, and [were] liable to remain for some time to come."<sup>71</sup> Those who demonstrated a capacity for free life, particularly by procuring some form of compensated labor, were routinely expelled from the village. One report, for instance, found that 67 emancipated slaves were working as employees within the community, "whose pay amount[ed] to \$393 monthly." The report further recommended that "at least

25 of these employees be discharged” in order to save “at least \$250 per month... in wages, besides the rations for the families of the employees.”<sup>72</sup> In another request, a Bureau official directed local agents to “discharge men engaged in whitewashing and at least three other laborers engaged in cleaning streets.”<sup>73</sup> These records underscore how the vocabulary of freedom—especially, the conflation of freedom with free labor principles—was used to police belonging in Freedmen’s Village. Former slaves who had proven their ability to work and earn their own wages were mustered out of the village, and were thus denied further government support.

In other instances, former slaves who were simply “able bodied” were also considered to be prime candidates for removal. One letter directed Village agents to “give due warning to any able bodied persons... that the Bureau will send them where they can get work, [but] they must leave... within two weeks.”<sup>74</sup> The warning reinforced the message that most former slaves, if able to demonstrate any capacity for self-sufficiency, would not be permitted to remain in the village “at the expense of the government” for any extended period of time.<sup>75</sup> Along with labor, relief was also utilized as a key criterion in policing the borderland between slavery and freedom. When pressured to reduce expenses, agents often forcibly discharged residents who no longer needed physical or medical relief, assuming that they would be able to find gainful employment outside of the village.<sup>76</sup>

Thus, Bureau agents exercised supreme control over freedmen’s movements, as they determined who would be allowed to enter or leave the village. The only black people permitted to reside in Freedmen’s Village for any extended period of time were those unable to satisfy any of the Bureau’s prerequisites.<sup>77</sup> The community was

overwhelmingly populated by freedmen who were unable to find sustained work, to acquire safe shelter, to subsist without government rations, or “to support themselves [due to] some physical or mental infirmity.”<sup>78</sup> These former slaves, referred to most often as “dependents,” were identified as ill prepared for free life and not yet ready to join their fellow Americans in freedom. Therefore, they were contained within the confines of Freedmen’s Village until they could demonstrate their capacity to comply with the Bureau’s expectations. Simply, as agents of the state, the Bureau maintained Freedmen’s Village as a checkpoint in former slaves’ transition from bondage to freedom.

Once detained, residents struggled to improve their condition, as the Bureau strictly regulated the dispersal of government aid within the village. Some records mentioned residents’ direct appeals to local agents and officials, like one in which a freedwoman “made complaint regarding her stove and wages to Dr. Howard,” the village surgeon. In that same letter, an agent relayed a report made by a freedman named Samuel Hall, who “complains of insufficiency of clothing and refusal... to issue him what is necessary.”<sup>79</sup> In response to these complaints, agents made it clear that state support would be allocated at their discretion. The expense incurred by issuing rations was a particularly controversial topic, and the Bureau sought to reduce their distribution as often as possible. One agent noted that food was being issued to “a large number of dependents... for five days at a time.” He perceived, however, that freedmen were engaging in “wasteful cooking... and perhaps other improper uses,” such that “the rations are exhausted before the time for a new issue.”<sup>80</sup> The agent thus concluded that complaints of hunger and dissatisfaction might be unfounded, and that government rations were being mishandled. Other reports echoed similar concerns until rations

became strictly regulated, issued only “when actually necessary.”<sup>81</sup> By 1867, Head Commissioner Howard insisted that “the necessity for gratuitous issues” of rations—like clothing, shoes and hats for winter—“ha[d] in a great measure ceased to exist.”<sup>82</sup> Thus, he demanded that “provision[s]... only be made for cases of *absolute destitution*” in Freedmen’s Village.<sup>83</sup> These policies clarified that the government’s support for black people had its limits; aid was provided, but always with “due regard for the interests of the government.”<sup>84</sup>

Freedmen who attempted to procure work within the village, in hopes of earning their own livelihood and satisfying the agents’ demands, also confronted unforgiving obstacles. In keeping with the Bureau’s overarching agenda, agents encouraged former slaves to value labor and compelled all able residents to work. However, the Bureau severely limited their wages—or withhold them altogether. Agents frequently argued that discharged employees should be replaced by dependents “who can perform light duties without pay.”<sup>85</sup> They argued that freedmen should trade their labor in exchange for “receiving rations and clothing” from the government, and that they would “be much better off” if they were made to learn the value of work, even if they were not properly compensated.<sup>86</sup> They also reasoned that the meager wages allotted to them would still be inadequate for those hoping to fully support themselves. A freedwoman named Ann Gresham, for example, reportedly “complain[ed] that she [did] not receive wages as promised.” A Bureau agent noted that she had been “classed as a dependent for three years,” and therefore concluded, “she is not capable of earning enough to provide for herself and consequently I cannot recommend that wages be paid her.”<sup>87</sup> In other words, in cases where black people might remain even partially reliant on state resources,



compensation was considered a pointless government expense. The Bureau instead utilized their labor to keep up the village's everyday operations.<sup>88</sup>

Together, these policies trapped dependent freedmen within a supposed “model community” of post-war freedom, where their relationship to the state bore a striking resemblance to their relationships with their former masters. As they had been during the days of slavery, black people were bound to a fixed location and made to work in exchange for only the most basic provisions. The Bureau refused to transport them out of the village unless they could prove that “employment has been provided for them” elsewhere, such that “the Government [would] be relieved from further expense on their account.”<sup>89</sup> The Bureau's practices ensured that the most vulnerable former slaves, once halted at the border, would remain confined to Freedmen's Village, where they struggled to subsist on heavily regulated rations and were unable to earn a fair wage for their work. Because these freedmen remained dependent upon the Bureau, they could not demonstrate their compliance with the agency's strict prerequisites and were thus detained indefinitely, unable to procure the agency's stamp of approval in their passage from bondage to freedom.

### *Control*

While confined at Freedmen's Village, former slaves were subject to the omnipresent, watchful eye of the government. The Bureau's village staff was comprised of a superintendent, surgeon, hospital steward, quartermasters, commissary, matron, watchmen, and multiple guards. The community's rules and regulations affirmed that these supervisors worked together to maintain nearly constant surveillance of the residents.<sup>90</sup> Their intimate knowledge of freedmen's activities and movements helped

them implement new rules and policies. Under the guise of promoting former slaves' welfare and encouraging them toward fulfillment of ideal expectations, Bureau agents wielded strict control over the black people assigned to their care.

The Freedmen's Village records are replete with documents that illustrate agents' attempts to restrict or alter residents' various behaviors. For instance, acting upon "information from Virginia and South Carolina," the Bureau directed local agents to remain vigilant about "intemperance among the freedmen."<sup>91</sup> Officials further asked subordinate staff to "take immediate measures to organize associations of colored people," in the hopes of saving those "of dark skin from drunkenness."<sup>92</sup> In another letter from the agency's headquarters in Washington, DC, the issue of intemperance arose again, when headquarters noted that a neighbor had "called at this office today and stated that the freedmen at the village are accustomed to get liquor at two restaurants" nearby. Bureau officials instructed the local agents to "take measures to prevent the sale [of alcohol] to those residing at the village," even if that meant deputizing the restaurant keeper to enforce the rule.<sup>93</sup> Other "habits of immorality" caught the attention of Bureau agents, like "a disregard of lawful marriage."<sup>94</sup> One official had observed residents "living together as husband and wife before having the necessary rite performed."<sup>95</sup> He insisted that such couples should be made to marry immediately, and further advised that "more stringent measures [be] taken to entirely break up the practice."<sup>96</sup> Referring to their choices as an "evil," aligned with a "lame course of life," the official recommended two punishments: confinement in the guard house, where the offending freedmen could be watched even more closely, or dismissal from the village.<sup>97</sup> These examples illustrate the extent to which the Bureau felt empowered to control residents' behaviors. They argued

that their supervision would ensure that the “industrious” black people, as well as the “superannuated, crippled, and imbeciled,” would “be orderly and happy.”<sup>98</sup>

The Bureau also went to great lengths to control freedmen’s movements. As previously argued, agents relied on Howard’s vocabulary of freedom to determine which former slaves should reside in the village. However, “many [discharged residents] grew attached to their surroundings and preferred to stay,” especially if they had developed ties with their fellow freedmen.<sup>99</sup> Those freedmen needed to obtain a special exemption to stay in their homes and, therefore, had to rely upon a local agent to acquire permission from Bureau officials. One letter, for example, was written on behalf of Thomas Owens and Humphrey Coleman, two black men who wished to stay in the village after being discharged based on their capacity to secure employment.<sup>100</sup> In another example, two black women who had been separated from their children during the Civil War were forced to “respectfully submit” a request for the Bureau to allow their sons to leave the village and be “restored to them.”<sup>101</sup> When these requests were denied, the Bureau engaged in forcible removal. Agents reportedly evicted residents, compelling them “to remain outdoors until morning,” or destroyed tenements altogether to prevent former slaves from occupying them.<sup>102</sup> These records illustrate the various ways in which the Bureau retained final control over former slaves’ movements in the era of emancipation. Without the permission and support of local agents, black people were often left without the means to travel freely or live in places of their own choosing.

When problems arose, or when the Bureau’s efforts to control the residents failed, the agency imposed increased surveillance. In a supposed effort to guarantee former slaves’ right to justice, for instance, local agents requested more guards and military

personnel. Such requests were made when freedmen's crops were repeatedly stolen from their rented lands. Noting that two sergeants, four corporals, and twenty-nine privates were already on guard in the village, a Bureau official requested that an additional sergeant, two corporals, and twenty-five privates be "ordered to report for duty."<sup>103</sup> Rather than investigating alleged crimes committed against the freedmen, as the Bureau reportedly did for white men lodging complaints against former slaves, agents instead demanded more control. The official's proposed solution implied former slaves' problems would be most appropriately addressed by increased government supervision.

When increased manpower was not available, the Bureau implemented procedural changes that would ensure "as constant an oversight" as possible."<sup>104</sup> For example, the dispersal of supplies at the village's Abbott Hospital inspired some concerns among the Bureau's staff, including a surgeon who noted that he had no way of knowing "where any of this food goes," nor "no means of watching or preventing articles from being carried off."<sup>105</sup> Soon after, he suggested a change in the arrangement of the hospital itself. He requested permission to remove partitions and number the beds, arguing that increased visibility throughout the hospital ward would make it "impossible for one of the inmates to take away blankets without its being generally known."<sup>106</sup> Even in the hospital, among the most vulnerable residents of Freedmen's Village, the distribution of rations and relief were heavily policed. Similarly, in response to concerns that food rations were being misused, an official recommended that the existing "system of issuing raw rations to separate families [be] abandoned as early as practicable," in favor of assembling freedmen for communal, "cooked meals at regular hours" in large kitchens and dining rooms.<sup>107</sup> In other words, he proposed eliminating their ability to manage food for

themselves and demanded that former slaves consume their meals in open view of Bureau agents. With these policies, the Freedmen's Village records confirm that the Bureau turned to surveillance as a primary method of problem solving and controlling former slaves' access to invaluable resources. The Bureau's policies implied that agents did not trust freedmen to conduct themselves with integrity unless forced to do so.

Thus, the Bureau's control over the residents of Freedmen's Village was fortified in multiple ways. Through an expansive network of officials, the agency gathered information about former slaves and worked to curtail behaviors they deemed improper or immoral. The Bureau also exercised immense power over freedmen's movements, as they required them to gain the permission and cooperation of local agents in order to establish stable homes or travel beyond the boundaries of the village. In an effort to further bolster their control, the Bureau implemented new policies and procedures, ensuring that agents could effectively surveil residents' activities. The Freedmen's Village records therefore confirm Joseph Reidy's assertion that, "in the eyes of military authorities, social order demanded strict oversight."<sup>108</sup> Despite trumpeting a message of self-sufficiency and independence, the Bureau relied upon restrictive, controlling policies, in an extension of systematic surveillance practices that supported slavery. Simone Browne has argued that multiple elements of the slavery—from the design of the slave ship to antebellum "lantern laws" and the eighteenth century *Book of Negroes*—converged to establish the "violent regulation of blackness" and black people.<sup>109</sup> The Bureau's command of Freedmen's Village confirmed that, in the wake of emancipation, such persistent control and surveillance would continue—this time, under the guise of promoting freedom.<sup>110</sup>

## A New Master

The present study has analyzed the Freedmen's Village records in order to understand how the Freedmen's Bureau agents implemented Head Commissioner Howard's rhetoric at a local level. In pursuit of Howard's agenda, agents enforced the legacy of freedom as an earned right. Their records demonstrate an unwavering commitment to upholding prerequisite standards of land, labor, education, relief, and justice. In countless interactions with former slaves, they sustained the argument that their freedom would remain out of reach until all five attainments were achieved. This message was relatively progressive in its apparent offer of rights and privileges to black people, yet it also undermined the legal freedom bestowed upon former slaves by the Emancipation Proclamation and the Thirteenth Amendment to the U.S. Constitution. The Bureau's management of Freedmen's Village suggested that social and economic attainments were non-negotiable preconditions of the American social contract.

The Bureau's enforcement of these preconditions were fraught with contradictions that highlighted the implications of freedom's paradox. Black people's natural right to freedom was immediately subject to intense scrutiny, as agents assessed the extent to which they could prove their worthiness. Earning agents' approval, however, was nearly impossible. For example, the prerequisite of labor had been used to control the Freedmen's Village population; those capable of supporting themselves were forced to leave. The ones who remained were put to work, often without pay or fair compensation, in order to demonstrate their commitment to society's free labor principles. Such demands were ironic and, arguably, illogical; slaves had labored for years as the backbone of the southern economy. It was their perceived capacity for physical labor that

had provided whites with a rationale for enslaving black people in the first place. Yet, Bureau agents viewed former slaves through the stereotypical lenses of slavery; they presumed that freedmen were could not be trusted to work unless forced to by whites. Arguing that the freedmen had not yet demonstrated the capacity to earn their own wages, the agents detained them, compelled them to work, and withheld their pay. Former slaves' "dependence" was cited as proof that they were not yet fit for freedom, as well as a reason for denying them additional government support.

The Bureau's earned-rights agenda, therefore, trapped the village's residents in a state of conditional freedom that troublingly resembled slavery. In Head Commissioner Howard's own autobiography, he later reflected on these policies and noted the "many attacks" and criticisms he received: "the logical result of these views was that... the negro had merely changed masters from the Southern slave owners to the United States."<sup>11</sup> However, he defended his agenda, saying that others "approved all [his] compulsory language" and he had learned that he could not "suit everybody."<sup>12</sup> Thus, the Bureau proceeded with the stereotypical assumption that former slaves would not contribute productively to American society unless required to do so, and agents forced many of them into unpaid labor in exchange for only the most basic necessities that would ensure their survival, but never their self-sufficiency.

Beyond the specifics of the Bureau's labor policies, the agency's rhetoric compelled other practices that reified slavery's legacy. Its relentless pursuit of freedom's attainments compelled agents to classify former slaves into groups based on their perceived condition, leaving behind a trail of tables and ledgers that accounted for black people as wards, rather than human beings. Once they had organized them into their

respective classes, the Bureau assumed authority over former slaves' movements. They determined which freedmen could cross the border from slavery into freedom, passing through Freedmen's Village on the road toward inclusion in American society. At the same time, agents detained those deemed unfit for freedom, confining them to the village to work in exchange for limited government support. For these dependent freedmen, life on the former Lee estate was characterized by strict control and pervasive surveillance. Their behaviors, activities, and movements were closely watched, while Bureau agents ironically espoused Howard's rhetoric of independence, self-sufficiency, and freedom.

Together, these policies transformed Freedmen's Village into a site of examination, as well as a breeding ground for post-war practices that mimicked some of the most glaring and egregious practices of enslavement. Former slaves, held to strict and unforgiving standards of earned rights, were corralled and put to work within Freedmen's Village, where the Bureau systematically classified, confined, and controlled them. Put another way, the agency assumed the role of freedmen's former masters. When put into practice, Howard's agenda reminded thousands of former slaves that they had not been fully liberated by the emancipation, or their new legal status. Their fate—and their freedom—remained in the hands of others.

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#### NOTES

<sup>1</sup> The Confiscation Acts of 1861 and 1862 authorized the United States military to confiscate Confederate property, which included estates, lands, and slaves. Upon being seized, former slaves came to be considered "contraband."

<sup>2</sup> Reidy notes that a more appropriate term for fugitive slaves may have been "clandestines," because they "fled their masters and [took] refuge in Washington by stealth." See Joseph P. Reidy, "'Coming from the Shadow of the Past': The Transition from Slavery to Freedom at Freedmen's Village, 1863-1900," *The Virginia Magazine of History and Biography* 95, no. 4 (1987): 403.

<sup>3</sup> Reidy, 404–5.



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<sup>4</sup> Reidy, 405. According to Reidy, the rates of fugitive slaves' arrival were often related to key Union military victories, like the historic Battle of Bull Run.

<sup>5</sup> Reidy, 403.

<sup>6</sup> Felix James, "The Establishment of Freedmen's Village in Arlington, Virginia," *Negro History Bulletin* 33, no. 4 (April 1, 1970): 90; Reidy, "Coming from the Shadow of the Past," 403.

<sup>7</sup> Reidy, "Coming from the Shadow of the Past," 404.

<sup>8</sup> Reidy, 404.

<sup>9</sup> Reidy, 404.

<sup>10</sup> Reidy, 408.

<sup>11</sup> Reidy, 408.

<sup>12</sup> Later, after President Lincoln's historic Emancipation Proclamation, contraband camps became fertile ground from which the Union army recruited soldiers for its regiments of "colored troops."

<sup>13</sup> Reidy, "Coming from the Shadow of the Past," 407.

<sup>14</sup> Reidy, 407.

<sup>15</sup> Reidy, 409.

<sup>16</sup> J.R. Bigelow et al. to the Freedmen's Relief Association, June 14, 1863, RG94, DNA B-29.

<sup>17</sup> J.R. Bigelow et al. to the Freedmen's Relief Association, June 14, 1863, RG94, DNA B-29.

<sup>18</sup> Reidy, "Coming from the Shadow of the Past," 409. Before being assembled at Freedmen's Village, former slaves found themselves under the jurisdiction of James Samuel Wadsworth, the military governor of DC. Wadsworth first attempted to managed the influx of freedmen by strategically locating them in various parts of the city, including Duff's Green Row, on East Capitol Street near the present-day site of the Folger Shakespeare Library. Later, in response to growing numbers and disease, the freedmen were relocated to a camp on Twelfth Street, before finally being moved outside of the district's borders to Freedmen's Village. A fuller account of freedmen's arrival and displacement in the Washington area can be found in James, "The Establishment of Freedmen's Village in Arlington, Virginia."

<sup>19</sup> While many descriptions of Freedmen's Village trumpet its geographic location as an asset, it's important to note the forcible (dis)placement of former slaves as a measure of post-bellum *segregation*, rather than purely an effort to facilitate *inclusion* or *integration* with wider American society. According to Michael Leventhal, Arlington County's historic preservation coordinator, "the North was not really interested in having blacks com[e] into northern cities." See Stefan Cornibert, "Freedman's Village: A Lost Chapter of Arlington's Black History," *The Connection Newspapers*, October 1, 2004, <http://arlingtoncemetery.net/freedman-100104.htm>.

<sup>20</sup> Reidy, "Coming from the Shadow of the Past," 409.

<sup>21</sup> Panoramic photos of Freedmen's Village were published and circulated widely in a May 17, 1864 issue of *Harper's Weekly* magazine.

<sup>22</sup> Elias M. Greene to Charles Thomas, December 17, 1863, *Consolidated Quartermaster General File*, MSS, RG92, as quoted in James, "The Establishment of Freedmen's Village in Arlington, Virginia," 91.

<sup>23</sup> The black residents of Freedmen's Village openly disputed the so-called Contraband Fund tax, as well as many other measures that were imposed upon them. According to Reidy, "Village residents had no fundamental quarrel with the effort to make them self-supporting, but they

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questioned the means employed to accomplish that end. In their eyes, the issue did not involve permanent dependence upon federal support. Still, they felt a rightful claim for temporary assistance in extraordinary times." Reidy, "Coming from the Shadow of the Past," 411–12.

<sup>24</sup> Reidy, 407, 411.

<sup>25</sup> Reidy, 411.

<sup>26</sup> Reidy, 411.

<sup>27</sup> Reidy, 428. A diagram of Freedmen's Village has been printed in Ira Berlin, Barbara J. Fields, and Steven F. Miller, *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War*, Reprint edition (New York: The New Press, 1993), 238.

<sup>28</sup> Reidy, "Coming from the Shadow of the Past," 412.

<sup>29</sup> Reidy, 404.

<sup>30</sup> James, "The Establishment of Freedmen's Village in Arlington, Virginia," 91. The Bureau's records demonstrate that several Bureau officials oversaw the operations and regulations at Freedmen's Village, including Head Commissioner Oliver Otis Howard, the Assistant Commissioner of Washington, DC, and the Superintendent of the village itself. Orders relayed between these three officials trickled down to lower-level agents that interacted with former slaves on an everyday basis.

<sup>31</sup> National Archives and Records Administration, RG105, M1902, Records of the Field Offices for the District of Columbia, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870. All subsequent references to the Freedmen's Village archives can be attributed to this collection.

<sup>32</sup> Peter Paul Bergevin to L.N. Clark, October 1, 1867.

<sup>33</sup> Peter Paul Bergevin to L.N. Clark, October 1, 1867.

<sup>34</sup> Tabular Statement Showing the Number of Acres of Land on the Arlington Estate Rented to Freedpeople, undated, RG105, M1902. This same tabular statement shows, interestingly, that 10 freedmen were permitted to acquire a 128-acre plot; together, the group was responsible for a rent of \$206.00 per year. By allowing freedmen to join together in association to rent land that they presumably would not have been able to afford individually, the Bureau reinforced the significance of land ownership. Even those without financial means were still encouraged and permitted to engage in the practice of renting land.

<sup>35</sup> J.M. Brown, to unspecified recipient, June 20, 1865.

<sup>36</sup> A letter to L.N. Clark, April 1, 1868. The author's name is illegible.

<sup>37</sup> L.N. Clark, to unspecified recipient, December 29, 1866.

<sup>38</sup> A letter to L.N. Clark, April 1, 1868. The author's name is illegible. At the time of this report, 250 freedpeople were renting property in Freedmen's Village at the time. Yet, a mere 10% of those rental agreements (25 tenements) had been fulfilled. The stark contrast between the number of renters and the amount of rent collected highlights former slaves' struggle to meet the financial obligations imposed upon them by the Bureau, as well as the persistence of Bureau agents in encouraging land acquisition.

<sup>39</sup> Rules and Regulations of Freedmen's Village, Va., August 20, 1867.

<sup>40</sup> A.A. Lawrence to C.H. Howard, October 31, 1866; Report of Attendants Employed Under Contract in Medical Department, August 1866.

<sup>41</sup> P.P. Bergevin to C.H. Howard, February 6, 1864. Two important notes warrant attention here. First, the parenthetical clarification, "Col'd," meaning "colored," was often used to distinguish

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freedmen from white civilian employees. Second, Nicholas's last name is partially illegible in the original letter. Given the frequency with which institutional archives and records silence and erase black and African American histories, I intentionally choose to reproduce as much of the name as possible, rather than omitting it entirely.

<sup>42</sup> I do not mean to suggest that the Bureau did not pay close attention to these particulars on a general scale; in fact, the agency's attempts to provide and reform education for black children continued long after most of its other initiatives had been suspended. Though the Freedmen's Village archive contains relatively few mentions of education, other record collections demonstrate the careful attention many agents paid to issues of black schooling—especially character education. The Bureau's policies regarding education of former slave children can be further explored in Butchart, *Schooling the Freed People*; Morris, *Reading, 'Riting, and Reconstruction*; Kim Cary Warren, *The Quest for Citizenship: African American and Native American Education in Kansas, 1880-1935* (Chapel Hill: University of North Carolina Press, 2010).

<sup>43</sup> H.E. Summers to G.B. Carse, February 27, 1865.

<sup>44</sup> Joseph Alland, Jr., to an unspecified recipient, March 9, 1865.

<sup>45</sup> Edward F. Smith to C.H. Howard, November 22, 1866.

<sup>46</sup> Numerous reports documented the changing number of "dependents" in Freedmen's Village from one month to the next, but the numbers consistently reached into the thousands. For example, one report indicated that 8,110 freedmen were classified as "dependents" during the month of May 1866, as compared to 1,240 "laboring freedmen." A.A. Lawrence to C.H. Howard, October 31, 1866.

<sup>47</sup> L.N. Clark, to an unspecified recipient, December 29, 1866.

<sup>48</sup> It should be noted that the agent concluded that "the people were huddling over the fires," so "some of the rooms were comfortably warm." He requested only "two new stoves" to address the issue.

<sup>49</sup> G.A. Wheeler to C.H. Howard, February 7, 1867. Applications for artificial legs are surprisingly common in the Bureau's records, and they demonstrate the extent to which the Bureau sought medical care—long overdue, in some cases—for former slaves. For example, another letter dated February 21, 1867, requested the prosthetic for an elderly man named Elias Smith, aged 80 years old. His leg had been amputated 20 years prior, after an accident with a wheat machine. It should be noted, however, that requests for prosthetics made explicit mention of the recipients' military service record—or lack thereof. The requests for both James and Elias Smith included clarifications that neither had "been a soldier" or "been in service," respectively. It can be inferred, therefore, that former soldiers received more immediate care, whereas non-military residents had to make special appeals in order to receive particular services or supplies.

<sup>50</sup> George McKay, to unspecified recipient, March 22 1865.

<sup>51</sup> A.A. Lawrence to C.H. Howard, October 31, 1866. In 2017, this amount would translate to roughly \$150,000, according to inflation conversion factors estimated by Robert Sahr at Oregon State University, <http://liberalarts.oregonstate.edu/sites/liberalarts.oregonstate.edu/files/polisci/faculty-research/sahr/inflation-conversion/pdf/cv2017.pdf>

<sup>52</sup> C.H. Howard to A.W. Lomas, May 21, 1866.

<sup>53</sup> W.W. Rogers to E.B. Gates, April 6, 1867.

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- <sup>54</sup> I.N. Bumbaker to W.W. Rogers, March 14, 1867.
- <sup>55</sup> Register of People Arriving at Freedmen's Village, Jan. 1, 1867—June 27, 1868.
- <sup>56</sup> Register of People Arriving at Freedmen's Village, Jan. 1, 1867—June 27, 1868.
- <sup>57</sup> Dependent Freedpeople Living at the Village Without Authority.
- <sup>58</sup> Names of Persons Able to Earn Their Support Who Have Dependent Relatives Residing at the Village.
- <sup>59</sup> Names of Dependent Freedpeople Living at the Village Subject for Discharge.
- <sup>60</sup> Names of Persons Residing at the Village Renting Houses Without Any Visible Means of Support.
- <sup>61</sup> Other records sometimes used different classificatory schemes to group freedmen. For instance, in a report specifically focused on rations, three classes were used: Employees & Laborers, Destitute, and Children. The number of black people belonging to each category were provided (756, 9436, and 966, respectively), as well as a total count (11,158). Estimate of Rations Required to Supply Freedmen for the Month Ending on the 28<sup>th</sup> of February 1867, January 26, 1867.
- <sup>62</sup> H.E. Simmons to G.B. Carse, June 24, 1865.
- <sup>63</sup> H.E. Simmons to G.B. Carse, July 1, 1865.
- <sup>64</sup> Such computation invokes the history of the Three-Fifths Compromise, which similarly accounted for black bodies in *part*, rather than their human whole. This provides primary evidence of the ways in which antebellum attitudes toward black humanity—or lack thereof—manifested in the post-war era.
- <sup>65</sup> It should be noted that problematic language of “Gain” and “Loss,” invoking legacies of black bodies as sources of economic profit, were used to distinguished between black people that were born and died in Freedmen's Village.
- <sup>66</sup> Monthly Reports of Superintendent, Asst. Commissioner of the Bureau for the State of Freedmen's Village, Number of Freedmen to Whom Rations, Clothing, or Medicines Are Issued.
- <sup>67</sup> C.H. Howard and S.N. Clark to J.C. O'Neal, November 1, 1867.
- <sup>68</sup> Judith Kelleher Schafer, “New Orleans Slavery in 1850 as Seen in Advertisements,” *The Journal of Southern History* 47, no. 1 (1981): 33–56. Schafer provides an in-depth look at slave sale and auction notices in New Orleans and notes the ways in which such notices, along with the auction block, provided “a forceful reminder” of slaves' status as “mere property,” rather than human.
- <sup>69</sup> National Archives and Records Administration, RG105, M1902, Records of the Field Offices for the District of Columbia, Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1870.
- <sup>70</sup> James, “The Establishment of Freedmen's Village in Arlington, Virginia,” 91.
- <sup>71</sup> Circular Letter, Washington, DC, December 11, 1866.
- <sup>72</sup> An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.
- <sup>73</sup> L.N. Clark to A.A. Lawrence, November 2, 1866.
- <sup>74</sup> C.H. Howard to P.P. Bergevin, March 9, 1867.
- <sup>75</sup> C.H. Howard to P.P. Bergevin, March 9, 1867.

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<sup>76</sup> This practice can be interpreted as an affirmation that some former slaves were deemed fit for inclusion within American society, and compliant with the social contract. However, when read in conversation with the Bureau's eagerness to reduce government expense, it is startlingly evident that the dismissal of so many former slaves excluded them from the benefits of government support. Freedmen who were discharged on the basis of labor and relief were often denied further assistance in their pursuits of land, education, and justice.

<sup>77</sup> Many residents attempted to resist the agents' strict enforcement of these policies by engaging in subversive strategies. According to one report, young black women married to older black men drew suspicion and criticism from Bureau agents, who assumed that the women were pursuing such relationships "to get a home and rations for herself and her children, thinking... that the Government will not separate their family, and as the old man cannot work, the wife is certain of a home [and] plenty to eat."<sup>77</sup> Another investigation of the village revealed that some residents, when ordered to leave their homes in the village, took it upon themselves to "pull them down and move them elsewhere." See An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868; L.N. Clark, to an unspecified recipient, December 29, 1866. For further reading regarding former slaves' efforts to find and rebuild their families in the wake of slavery and war, see Elizabeth Regosin, *Freedom's Promise: Ex-Slave Families and Citizenship in the Age of Emancipation* (Charlottesville: The University Press of Virginia, 2002).

<sup>78</sup> C.H. Howard to P.P. Bergevin, March 9, 1867, RG105, M1902. Numerous letters preserved in the Freedmen's Village records show how black people came to arrive at Freedmen's Village, often by referral of a known Bureau agent. In many cases, the referrals included the clarification that the freedmen in question were "destitute" in some way, whether in terms of advanced age, physical impairment, or general poverty. One such request, dated September 24, 1866, read: "Please admit Lewis Campbell, wife, and deaf and decent daughter to the 'house' at the Village, they being destitute freedpeople." Another, dated August 16, 1866, read: "I have the honor to request admittance to the 'Old Folks House' at Arlington for these two colored people, Paul \_\_\_\_ and Tabitha \_\_\_\_\_. They are not related nor do I know their surnames."

<sup>79</sup> G.W. Clark to C.H. Howard, April 15, 1868. The agent's blithe assessment of Hall's complaint are noteworthy: "He appeared before me comfortably clad, said he has (3) three coats, (3) three pairs trousers, (1) one jacket, (3) three shirts, and (1) pair of drawers. I do not think he is suffering for want of clothing."

<sup>80</sup> G.W. Clark to C.H. Howard, April 15, 1868.

<sup>81</sup> C.H. Howard to A.A. Lawrence, November 8, 1866.

<sup>82</sup> O.O. Howard to C.H. Howard, October 10, 1867.

<sup>83</sup> O.O. Howard to C.H. Howard, October 10, 1867.

<sup>84</sup> G.W. Clark to C.H. Howard, April 15, 1868.

<sup>85</sup> An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.

<sup>86</sup> L.N. Clark to A.A. Lawrence, November 2, 1866; An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.

<sup>87</sup> G.W. Clark to C.H. Howard, April 15, 1868. Note the ways in which this policy reinforced the Bureau's adherence to free labor principles. Wages were paid only when they might feasibly support a former slave as a free and independent laborer. All freedmen, women, and children

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were expected to work, but freedom remained out of reach for those who labored in exchange for government support.<sup>87</sup>

<sup>88</sup> It's important to note the glaring discrepancy in wages for white employees and black laborers—the ones who were permitted to earn wages—in Freedmen's Village, as documented by various records. A report dated March 2, 1866, showed that military and civilian personnel were employed at rates of: \$80.00 per month (Clerk), \$75.00 per month (Overseer and Carpenter), and \$75.00 per month (Superintendent of the Industrial School). Another list of civilian employees, dated October 1867, confirms that white employees and Bureau staff earned nearly ten times more than freedmen. An Assistant Superintendent named J.C. O'Neal was compensated \$900 per ann.; Agent Eliza Heacock, compensated \$900 per ann.; Agent E. Hennessey, compensated \$900 per ann.; Carpenter David P. Glaser, compensated \$600 per ann.; Carpenter John Hopkins, \$600 per ann.; Carpenter Wm. H. Hodgkins, \$480 per ann. Comparatively, freedmen's wages typically amounted to a mere five or ten dollars a month, or \$60 to \$120 annually. This discrepancy reinforced the presumption that black people's labor must necessarily be valued less than white labor and, by extension, that black freedom would remain second-rate.

<sup>89</sup> Circular Letter, Washington, DC, December 11, 1866.

<sup>90</sup> For details regarding the specific duties of each supervisor, see Rules and Regulations for Freedmen's Village, Virginia.

<sup>91</sup> Circular Letter, Washington, DC, May 15, 1867.

<sup>92</sup> Interestingly, the Bureau suggested that such efforts be organized “under the name of ‘The Lincoln Temperance Society.’ It was thought that the late President’s “well known character,” as well as “the love the freedmen bear him,” would encourage black people toward temperance. For further reading on public reminiscences of Abraham Lincoln, see Shawn J. Parry-Giles and David S. Kaufer, *Memories of Lincoln and the Splintering of American Political Thought* (University Park: Pennsylvania State University Press, 2017).

<sup>93</sup> C.H. Howard to Dr. H. Howard, August 21, 1867.

<sup>94</sup> A.A. Lawrence to C.H. Howard, October 31, 1866.

<sup>95</sup> A.A. Lawrence to C.H. Howard, October 31, 1866.

<sup>96</sup> A.A. Lawrence to C.H. Howard, October 31, 1866.

<sup>97</sup> A.A. Lawrence to C.H. Howard, October 31, 1866.

<sup>98</sup> An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.

<sup>99</sup> Reidy, “Coming from the Shadow of the Past,” 411.

<sup>100</sup> A.A. Lawrence to C.H. Howard, November 9, 1866.

<sup>101</sup> A letter to J.A. Bates, December 8, 1866.

<sup>102</sup> S.N. Clark, to an unspecified recipient, December 29, 1866; An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.

<sup>103</sup> P.P. Bergevin to C.H. Howard, June 22, 1866.

<sup>104</sup> C.H. Howard to G.A. Wheeler, March 2, 1867.

<sup>105</sup> G.A. Wheeler to P.P. Bergevin, February 9, 1867.

<sup>106</sup> G.A. Wheeler to A.A. Lawrence, February 19, 1867.

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<sup>107</sup> An unsigned report, sent to the Headquarters of the Bureau of Refugees, Freedmen, and Abandoned Lands, Washington, DC, June 25, 1868.

<sup>108</sup> Reidy, "Coming from the Shadow of the Past," 408.

<sup>109</sup> Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham, NC: Duke University Press, 2015), 24.

<sup>110</sup> While this project has focused on understanding the texture and implications of the Bureau's *freedom* rhetoric, broadly, the surveillance practices that characterized daily operations in Freedmen's Village may prompt further investigation of the ways in which the agency's *freedom* discourse helped install and justify a post-bellum system of racial control. Such a study might utilize the framework proposed by David Lyon, who has argued that contemporary sites of surveillance share common characteristics: rationalization, sorting, knowledgeability, and urgency. See David Lyon, *Surveillance Studies: An Overview* (Malden, MA: Polity, 2007), 26–27.

<sup>111</sup> Howard, *Autobiography*, 1907, 2: 213.

<sup>112</sup> Howard, 2: 214.

## Chapter 3

### **THE LIMITS OF FREEDOM: THE ABANDONMENT OF FREEDMEN IN THE 1866 CONGRESSIONAL DEBATE**

Preceding chapters have examined the Freedmen's Bureau's founding rhetoric and the ways in which local agents implemented Head Commissioner Howard's vision at the local level. In some ways, Howard had taken great liberties with his interpretation of the agency's role and purpose. The legislation that established the Bureau did not necessarily provide "a clear mandate" for its "proper authority."<sup>1</sup> As such, the Bureau's work began to attract an immense measure of scrutiny and criticism. According to Randall Miller, Americans allowed little time to pass before "the extent of [the Bureau's] responsibilities in the face of ever-changing social, economic, and political conditions and interests" were called into question.<sup>2</sup> Government officials were among the agency's harshest critics, as they considered the Bureau to be a primary mechanism through which the federal government's power and influence was being exercised in the post-war era. In Congress, especially, senators and representatives argued about the Bureau's agenda and policies.

Congressional debate about the Bureau and its activities peaked when Senator Lyman Trumbull (R-IL) introduced S. No. 60 on January 5, 1866. The bill was designed to extend the agency's tenure beyond its original one-year limit and, additionally, specified various measures "to enlarge the powers of the Freedmen's Bureau."<sup>3</sup> Republican control of Congress all but guaranteed the bill's passage.<sup>4</sup> Still, when brought to the floor for debate, the bill prompted sustained, passionate arguments that spanned weeks in both houses. Senator Thomas Hendricks (D-IN) declared the proposal to be "one of the most important bills before the body,"<sup>5</sup> and Representative Ignatius Donnelly



(R-MN) insisted that the Bureau provided the most promising opportunity for the government to “intervene in behalf of justice and liberty.”<sup>6</sup> He asked his peers, “through what machinery can it better intervene than through this bureau?”<sup>7</sup> As senators and representatives alike proposed numerous amendments to the bill, they debated the most controversial dimensions of the Bureau’s activities. Their arguments ultimately addressed the question of whether or not the American government was obligated to extend “a shield and a protection over the head of the lowliest and poorest citizen” in America—the former slave.<sup>8</sup>

The Bureau’s discourse had cast freedmen as wards of the state, but such framing was put to the test in the 1866 congressional debates. In this chapter, I consider government officials’ response to the agency’s work in order to better understand how the Bureau’s rhetoric prompted broader consideration of the relationship between the government and former slaves. Supported by an analysis of both senators’ and representatives’ arguments, I contend that they activated freedom’s paradox to diminish the government’s responsibility to freedmen, demonstrating the limits of legal inclusion and affirming the ways in which freedom rhetoric could be leveraged to discount, rather than ensure, the state’s concern for black people. In service of this thesis, this chapter progresses in three parts. First, I explain the rhetorical landscape in which the congressional debates took place. I highlight, in particular, issues of states’ rights, post-war resentment, and constitutionality that shaped perceptions of the Bureau. Second, I analyze the congressional debate regarding the bill. I show how advocates and opponents strategically leveraged both natural and earned rights arguments as they defined the crisis, negotiated time, and delineated racial differences to devalue and abandon black people in

considerations of state support and protection. Finally, I discuss the lasting implications of the congressmen's arguments, as they reinforced the state's power to police belonging, the injustices of freedom rhetoric, the dehumanization of black people, and the merits of racial separation.

### S. No. 60: A "Lightning Rod of Controversy"

To understand the nuances of the congressional debate, we must attend to the major contours of the era's rhetorical landscape. The Bureau has been aptly described as a "lightning rod of controversy" due to the ways in which its activities engaged multiple and controversial questions that shaped the post-war moment.<sup>9</sup> In other words, Congressmen's views of the agency were necessarily shaped by their politics and their approaches to government. In this section, I outline the key issues that influenced senators' and representatives' initial views of the Bureau's work: states' rights, Northern and Southern resentment, and constitutional theory.

First, the Bureau's reach across the former Confederate South was hotly contested. At the local level, its operations included assistant commissioners, agents, and clerks who oversaw land management, labor contracts, educational assistance, medical relief, and civil proceedings for freedmen. Southerners often perceived of these activities as an unjust "intru[sion] into local affairs," but other states were similarly irritated by the thought of the agency within their borders.<sup>10</sup> S. No. 60 proposed that the Bureau's operations should continue "until otherwise provided by law" and extend throughout "all parts of the United States" to account for the post-bellum movement and migration of former slaves.<sup>11</sup> This particular provision forced difficult conversations about the tenuous

relationship between the federal government and the states—many of which had not yet been formally readmitted to the union.

Proponents of the bill insisted that the agency provided invaluable protection and support to freedmen who had traveled beyond the boundaries of the former Confederate states. Senator Trumbull, for instance, professed that “large numbers of slaves [had] fled to the northern States bordering on slaveholding territory.”<sup>12</sup> The freedmen had “come there without any means at all,” with only the Bureau “to look after them.”<sup>13</sup> Senator John Creswell (R-MD) also spoke of the added dangers freedmen faced in his own state of Maryland, where “combinations of returned rebel soldiers [had] been formed for the express purpose of persecuting, beating most cruelly, and in some cases actually murdering the returned colored soldiers of the Republic.”<sup>14</sup> Creswell supported the Bureau’s interventions, citing the failure of civil law to protect freedmen and their new freedoms.

Opponents, on the other hand, argued that the Bureau’s extended reach endangered states’ rights. Led by Senator Thomas Cowan (R-PA), they attempted to pass an amendment that would limit the agency’s operations to only those states that were “lately in rebellion.”<sup>15</sup> Cowan insisted that his own state government would “be able to take care of [freedmen] and provide as well for them as any bureau which can be created [t]here.”<sup>16</sup> Senator James Guthrie (D-KY) agreed, stating plainly, “Kentucky does not want and does not ask [for] this relief.”<sup>17</sup> He argued that the Bureau’s presence was not merely unwelcome, but dangerous, insofar as it imposed “two systems of laws in one community” and laid the groundwork for “despotism for all time to come.”<sup>18</sup>

These debates furthered the Bureau's reputation as a "most ambitious experiment" of federal intervention into states' governance.<sup>19</sup> Even among its most supportive politicians, there was no denying that the local agents could potentially wield immense power throughout the United States. Under the watchful eye of President Andrew Johnson, described by historians as "a constitutional literalist ever distrustful of encroaching federal power," the Bureau's physical reach was constrained by political fears of government tyranny.<sup>20</sup>

Second, Southerners viewed the Bureau as a bitter symbol of the North's triumph in the Civil War—a supposed ideological victory, as much as a military one. From its founding, the Bureau was branded as a symbol of Northern power and policy. It was housed by the War Department, staffed by Union military officials, and supported by Republican politicians. As such, many Southerners viewed the agency's efforts as sustained aggression against not only former Confederate lands and governments, but also against Southern culture. So, when S. No. 60 entrusted the Bureau to intervene in "all cases affecting negroes, mulattoes, freedmen, refugees, or any other persons who are discriminated against" or "depriv[ed] of any civil right secured to white persons," congressional debate revolved around the agency's power to upset old systems of law and custom.<sup>21</sup>

Some congressmen viewed the Bureau's powers as essential to the protection of freedmen's rights. In their view, it was necessary for the agency to sometimes overturn local laws, especially in former slave states that had "legislate[d] in [their] interests, and out of deference to slavery."<sup>22</sup> Senator Trumbull insisted, "When slavery goes, all this system of legislation, devised in the interest of slavery and for the purpose of degrading

the colored race... goes with it.”<sup>23</sup> He framed S. No. 60 as a supplement to the Thirteenth Amendment and a necessary demonstration of the government’s post-bellum commitment to “legislate in the interest of freedom.”<sup>24</sup> The “constitutional amendment amounts to nothing,” Trumbull claimed, without the Bureau’s congressional authority to “destroy all these discriminations in civil rights against the black man.”<sup>25</sup> Anticipating controversy, proponents additionally argued that the agency’s intervention on the local level was particularly imperative in the wake of the South’s rebellion. Senator Henry Wilson (R-MA) cautioned Congress against “intrust[ing] power to men who, in the past, were false and recreant to the cause of liberty and to the cause of their country.”<sup>26</sup> Thus, by framing the South as disloyal to the nation and its laws, supporters of the bill advocated for the Bureau as an invaluable overseer of former slaves’ freedom in local affairs.

In response, the bill’s opponents took issue with the agency’s “comprehensive” powers, which they perceived to be a direct attack on the South. Senator Garrett Davis (D-KY) stated plainly, “the sole object of this provision is to suppress wholly the jurisdiction and the action of the courts... that may come into contact with the operations of this bureau.”<sup>27</sup> In particular, they argued that S. No. 60, if passed, would unjustly disrupt local enforcement of state laws—many of which mandated stricter sentencing for black criminals than white criminals. For instance, Senator Davis cited his own state’s policies regarding rape, saying, “rape committed by a white man is punishable by confinement in the penitentiary; when perpetrated by a negro upon a white woman, it is punishable by death, and it will be so punishable in that State until the last trump blows.”<sup>28</sup> Laws regulating marriage were also used frequently as examples. Senator

Hendricks argued that mass confusion and judicial turmoil would result if marriage, as a civil contract, was upheld as a civil right for former slaves. He posited, “Suppose a State shall deny the right of amalgamation, the right of a negro man to intermarry with a white woman, then that negro may be taken under the military protection of the Government.”<sup>29</sup> In such circumstances, he asked, “What is then to be done when [the freedman] is thus protected?”<sup>30</sup> Both Davis’s and Hendricks’s comments reflected a resentment shared by many of the bill’s opponents; they feared that the Bureau’s activities would disrupt not only the South’s judicial independence and, with it, the laws and customs that had long governed social relationships between white and black people.

The controversy surrounding Bureau agents’ authority revealed the palpable tensions between Republicans and Democrats—and between North and South—that animated congressional debate. The agency’s local interventions were perceived as the will of “the frenzied people of the North... letting slip the dogs of war and crying havoc” in a sustained effort to seize and maintain control over the Southern way of life.<sup>31</sup> As historians have confirmed, the mere presence of Bureau agents “upset the old ways wherein white southerners had ruled blacks as they saw fit.”<sup>32</sup> Thus, the debate surrounding S. No. 60 illustrated the divisive resentment and anger that inevitably complicated notions of black freedom. The Bureau’s relationship to the War Department in a time of supposed post-war peace further fueled perceptions that it would operate as an uncontrollable “police power,” bent on commandeering state and local courts with a radical Republican agenda.<sup>33</sup>

Third, the Bureau relied upon congressional support in a period of controversial lawmaking that thrust constitutional theory to the fore. The Bureau’s future was

dependent upon additional legislation; without congressional approval and appropriations, the agency could not continue to fund its efforts.<sup>34</sup> The legislative landscape, however, had grown increasingly contentious. After the war drew to an official close, the federal government moved quickly to bring the united nation back under a shared set of laws. The Bureau's first year had been marked by two major legislative landmarks: the ratification of the Thirteenth Amendment abolishing slavery, and an emerging discussion of an additional amendment to guarantee former slaves' rights. The latter was sparked by Senator Trumbull, who was simultaneously spearheading efforts to extend the Bureau's tenure in the Senate. Trumbull, like many others, feared that the Thirteenth Amendment might not be strong enough to ensure the installation and protection of freedmen. So, on January 5, 1866, he introduced legislation intended to define citizenship and its accompanying rights and privileges.<sup>35</sup> The controversial bill naturalized all persons born in the United States and bestowed upon former slaves the "full and equal benefit of all laws and proceedings for the security of person and property as is enjoyed by white citizens."<sup>36</sup> This surge in legislative activity marked the start of the so-called Reconstruction era, but it also complicated debates surrounding the continued work of emancipation. Each discussion of the Bureau's future was inextricably tied to complex questions of legal rights, citizenship privileges, and constitutional powers.

For proponents of S. No. 60, the Bureau's constitutionality was unquestionable because it was carrying out the work of the Thirteenth Amendment, ensuring the government's continued support of former slaves' inclusion. Senator Trumbull asked the Senate, "What was the object of the constitutional amendment abolishing slavery? Did we not mean that hereafter slavery should not exist?"<sup>37</sup> Trumbull invited his fellow

congressmen to embrace the Bureau as the custodian of that charge, and the official agency through which total abolition would be realized. He said, “If we believe a Freedmen’s Bureau necessary, if we believe an act punishing any man who deprives a colored person of any civil rights on account of his color necessary... we have the constitutional right to adopt it.”<sup>38</sup> With these comments, Trumbull expressed an understanding of the Constitution as an adaptive, living document—a view that was shared by other congressmen, as well. Senator William P. Fessenden (R-ME) specifically cited the aftermath of the Civil War as an important factor in the debate. He asked, “Will gentlemen undertake to tell me that... the necessary results of that war, if it brings about a state of things not found in our written Constitution, are to be avoided, shunned, not noticed in any possible way?”<sup>39</sup> In the House of Representatives, Donnelly similarly argued that the war marked a “new birth” of the nation and the Constitution itself. He said, “The Constitution will hereafter be read by the light of the rebellion; by the light of the emancipation; by the light of that tremendous uprising of the intellect of the world... it will leave its traces upon our government and laws so long as the nation continues to exist.”<sup>40</sup> These congressmen framed the Bureau as the government’s reasonable response to the nation’s changing circumstances. Both the war and the subsequent Thirteenth Amendment necessitated the Bureau’s formation, and S. No. 60 was the mechanism through which the amended Constitution would rightfully be enforced.

At the same time, other congressmen relentlessly challenged the constitutionality of the Bureau’s work. A frequent point of contention was the government’s power to purchase and appropriate lands for freedmen, whether for homes or schools. Senator Reverdy Johnson (D-MD) conceded, “the United States are under an obligation to



provide for [freedmen]... to the entire extent of their constitutional power.”<sup>41</sup> However, he insisted that the Constitution “has no power to buy lands except... for purposes connected with the administration of the Government,” including military and banking.<sup>42</sup> Similarly, Senator Waitman T. Willey (R-WV) expressed “very great regret” about his opposition to the bill on the basis of constitutionality. He agreed that the government must “make all necessary provision for the protection and the elevation” of freedmen.<sup>43</sup> Yet, he proclaimed a “higher duty” to “abide by the Constitution” and concluded that Congress had neither the constitutional right nor power to grant the provisions found in S. No. 60.<sup>44</sup>

Expressed doubts about the Bureau’s constitutionality must be considered within the broader landscape of the era’s congressional activity, in which the power and thrust of law was under immense scrutiny. While some congressmen sought refuge in lawmaking as a means of reshaping the post-war nation, others feared how the law might change the everyday rules, practices, and expectations of American life. As they debated S. No. 60’s merits, congressmen consistently expressed fears of what the legislation might mean for the future—with respect to black people as well as white.<sup>45</sup> The Bureau and its agenda were caught in the crosshairs of this tension, as its opponents argued for a return “to a state of absolute peace... within the limits of the Constitution.”<sup>46</sup>

Altogether, the congressmen framed their arguments with overarching concerns of about states’ rights, Northern and Southern resentment, and constitutional theory. The complex terrain of social, political, and economic discourse highlighted controversial dimensions of the Bureau’s agenda, but it also helped obscure many of the particulars of the agency’s everyday work with black people. In espousing these initial views,

Congressmen began to strategically reorient the debate about the Bureau's future, deflecting critical attention away from freedmen and, instead, toward the freedom and fortunes of white Americans.

### The Debate: Arguments of Crisis, Time, and Racial Difference

The debates surrounding S. No. 60 were crucial in determining the Bureau's fate and, by extension, former slaves' futures. Without congressional and executive approval—and the financial resources that would come along with it—the agency would be forced to disband and cease its operations to aid freedmen. We can better understand how they negotiated social, economic, and political relationships between freedom, black people, and the state by closely analyzing the rhetoric of congressmen in both the Senate and the House.

I propose that S. No. 60's uncertain fate was, ultimately, a question of whether or not the state was ready and willing to validate former slaves' recent entrance into society, and the social contract, with the state's full support and attention. Some congressmen fought passionately in favor of the Bureau, arguing that freedmen needed to be supported in order to ensure free society's eventual embrace of black people. Others, on the other hand, insisted that former slaves should be left to their own devices and suggested that the Emancipation Proclamation and the Thirteenth Amendment had fulfilled the government's pledge of freedom. Congress seemed to be divided on the issue. However, closer attention to their rhetoric demonstrates the subtle ways in which advocates and opponents activated both natural rights and earned rights claims to advance arguments that cast freedmen aside in favor of attending to other post-war concerns.

As such, I proceed with a rhetorical analysis of congressional arguments in defense of and opposition to S. No. 60. I resist the tendency to read one set of arguments as a direct response to the other. Instead, I consider the debate as a whole, as the seemingly disparate positions worked together to rhetorically constitute a relationship between freedom, freedmen, and the state.<sup>47</sup> I argue that the congressmen strategically invoked notions of both natural and earned rights as they defined crisis, negotiated time, and delineated racial differences to deprioritize black people's participation in social, economic, and political life. Thus, they utilized freedom's paradox to abandon the government's responsibility to former slaves and their freedom. They demonstrated the limits of legal inclusion and affirmed the ways in which freedom rhetoric could be used to discount, rather than ensure, the state's concern for black people.

### *Defining crisis*

At the culmination of the Civil War, roughly four million former slaves were emancipated without access to safe shelter, sustenance, or income. Many of them were malnourished, illiterate, and still residing in the former Confederate South, where their former masters were returning home to reassert claims on their property—in the forms of both land and the living. During the Bureau's first year, agents made active efforts to tackle these threats and procure land, labor contracts, education, relief, and judicial representation for freedmen. However, with S. No. 60 under consideration in Washington, the future of government aid remained uncertain. As the conversation unfolded, Congress debated whether freedmen deserved help in the first place.

Their arguments underscore how discourse determines if and how a situation is perceived, understood, and judged as a significant or legitimate exigence.<sup>48</sup> The ways in

which rhetors strategically identify and define various situations as crises can determine how audiences respond—or fail to respond—to them. In this case, government officials’ interpretation of the post-war landscape played an integral role in their approach to the Bureau, as well as the question of continued support for former slaves. To varying degrees, both supporters and opponents erased freedmen from their categorization of the crises at hand as they toggled back and forth between natural rights and earned rights approaches to freedom.

As a rule, congressmen deployed language that framed emancipation and freedom as an indisputable fact. For example, as Senator William Stewart (R-NV) spoke in support of the Bureau, he referred to former slaves’ freedom as a “verdict” that had been properly “carried out” and “decided by a higher tribunal than Congress—the highest tribunal to which man can resort—arms.”<sup>49</sup> Similarly, Senator Wilson lauded the Bureau’s work as a “positive good” while also describing the former slave as already a “free man, as free as [the old master]... as a man having equal rights with him.”<sup>50</sup> Meanwhile, those who opposed the Bureau adopted similar language. They, too, declared freedom to be finished work. Senator Cowan announced, “We have made the negro free. Was not that a great thing?”<sup>51</sup> Senator Guthrie echoed his sentiments, insisting that Kentucky’s freedmen were “now free” and had been granted “the same rights of person and property as white persons.”<sup>52</sup> The opposition was decidedly in agreement that the war had been fought, “the constitutional amendment ha[d] been adopted, [and] the slaves ha[d] been made free.”<sup>53</sup> Together, supporters and opponents alike defined freedom as, simply, the absence of legal enslavement. By framing their arguments in ways that declared former slaves’ freedom as fact, they subtly invoked the natural rights approach

to freedom. Freedmen's new civil status was merely a formality—a recognition of the rights they had always inherently possessed. Thus, congressional arguments shifted toward other issues deemed more important.

With the crisis of emancipation and black freedom at least partly behind them, congressmen were more concerned with the fear and shame of abandoning a national responsibility. Though those who advocated for the bill's passage subtly appealed to an earned rights approach to freedom when they implored their colleagues to grasp the "destitute and helpless condition" of freedmen. They framed their support in terms of the government's duty to fulfill a promise, pledged in a time of open conflict.<sup>54</sup> The Emancipation Proclamation had all but ensured the Union's victory in the Civil War.<sup>55</sup> According to Senator Stewart, it had simultaneously wedded the war's outcome to former slaves' fate, such that "the nation's honor was pledged, that we would maintain for the negro his freedom."<sup>56</sup> Stewart went on to explain that the pledge changed the agendas of both the war and the nation as a whole; the Union government, upon its victory, would necessarily be implicated in the execution of President Lincoln's promise. Failure to see the pledge through would betray the terms of the "contest," in which "the country [had] been made a free country and slavery [had] perished forever."<sup>57</sup> Simply put, many congressmen's support of the Bureau was predicated not upon the moral or ethical imperative of securing freedom for black people. Instead, their arguments defended the Bureau's work and advocated for "the civil rights necessary to the enjoyment [of] freedom" as a matter of course determined by the Union's strategic promise, made in the heat of war.<sup>58</sup> Senator Stewart said, simply, "I am in favor of this because we are pledged to do it."<sup>59</sup> With these words, he alluded to the Bureau's earned rights agenda. He

confirmed that President Lincoln's historic proclamation had ensured only a partial or conditional freedom, at best, and would need to be bolstered by further government support. Without it, black people might not be able to achieve the earned rights that emancipation had promised them, and the pledge would go unfulfilled.

It is important to note, however, that advocates' recognition of the earned rights approach did not necessarily sustain the argument that the state was eager to facilitate black people's access to and compliance with freedom's preconditions. The bill's supporters perceived the passage of S. No. 60 as a crucial step forward in the national agenda, steered by the Union's recent triumph over the South. While they recognized the vulnerable status of the freedmen, their arguments defended government support in terms of duty and obligation. Even Senator Trumbull described the Bureau's agenda—and, by extension, congressional support of its work—as an uninvited burden. In his view, the agency's goal was “to look after a large class of people who, as the results of the war, had been *thrown upon* the hands of the government.”<sup>60</sup> Other congressmen clarified that the Bureau's existence was, in fact, the fault of the South, who had “initiated [war]... and if the result is disastrous and continues to be oppressive, so far as necessary measures are concerned, they have themselves to thank for it.”<sup>61</sup> Senator Fessenden challenged the bill's opponents—and, in particular, those from the former Confederate states—saying, “Sir, you did this thing... you are responsible for it, not we; you have placed the necessity upon us; we have not placed it upon ourselves.”<sup>62</sup> He further clarified, “Your measures and your sympathies brought it [the Bureau] upon the country... the dominant party in the Congress of the United States are simply trying to do the best they can with the result of your wickedness.”<sup>63</sup> Thus, Senator Fessenden and others diminished the government's

obligation to freedmen. They framed the sudden inclusion of black people within American society, as well as the Bureau's efforts to facilitate their transition, as an unfortunate consequence of the South's betrayal.

These sentiments argued for state support of the Bureau's work on the basis of duty, rather than justice, humanity, or black people's inherent value as human beings. The emancipation and freedom of former slaves was cast as "a necessity arising out of the contest" between North and South, and the passage of S. No. 60 was imperative because the state was "bound to take care of [freedmen]"—not because they chose to, but because it was the unavoidable consequence of the war and Lincoln's strategic maneuver.<sup>64</sup> The Bureau was vital because, according to Representative Donnelly, it served as "one of those great and necessary measures growing inevitably out of the rebellion."<sup>65</sup> The imperiled status of freedmen, whose efforts to fulfill the expectations and preconditions imposed upon them by the Bureau and others, was not the primary crisis under consideration. Instead, congressmen were often more concerned with the North's reputation and government responsibility writ large. For the "victors in the mighty struggle" and proclaimed "superiors of the South," S. No. 60 represented a crucial opportunity to demonstrate the Union's integrity and fulfill its promise to secure a free nation.<sup>66</sup>

Meanwhile, opponents of the bill relied solely on the natural rights approach and insisted that a crisis no longer existed. As many of them had argued that the war itself had decisively affirmed the natural freedom of black people, it followed that the freedmen's wellbeing was no longer a concern. Senator Guthrie conceded, "I am one of those who believed that while the war was going on... something should be done for these people."

However, as he quickly clarified, “it was done, and this bureau was created to look after their interests during the war. But I supposed that as soon as the war was over, there would be no occasion for continuing it.”<sup>67</sup> Senator Guthrie’s argument bound the government’s responsibility to freedmen to the timeline of war; when the military battles ended, so too did his support of the Bureau’s work. In his view, there was no crisis that the war had left unresolved, and “no other security required than we had gained in the battles which suppressed the rebellion.”<sup>68</sup> State support for and protection of freedmen, especially at the federal level, was not considered a crisis at all.

Among the opposition, the threats facing freedmen were simply not worthy of consideration or national policy. Instead, congressmen were focused on the war and its effects on the country as the only relevant crisis. Senator Willard Saulsbury (D-DE) questioned Congress’s authority to prolong the Bureau’s operations, saying, “Peace is within all our borders. You foes have been subdued, have submitted, and calmly acquiesce in the will of the victor.”<sup>69</sup> Senator Hendricks further explained, “labor is returning to its channels, [and] peace is prevailing... when the war is over, when the states are returning to their places in the Union, when the citizens are returning to their allegiance... is the Senate now... willing to make this a permanent bureau and department of the government?”<sup>70</sup> Hendricks went on to assess the era only in positive terms, saying, “we are in a state of peace; these [rebellious] states are within the Union; their civil governments have been restored.”<sup>71</sup> His assessment of the post-war moment reinforced a co-dependent relationship between the federal government and its individual states, but it wholly excised former slaves. By ignoring the complications of



emancipation and the plight of freedmen struggling to survive the dangers of free life, congressmen were able to dismiss the Bureau's work as completely unnecessary.

Beyond dismissing the hardships facing black people in the wake of emancipation, opponents often dismissed the dangers of antebellum America, as well. By adopting language of "restoration," many congressmen suggested that the brutal violence of slavery had not constituted a crisis, either. Senator Hendricks, for example, lamented the Bureau as an obstacle in America's ability to "prosper as before."<sup>72</sup> Representative John Dawson (D-PA) also argued for a return to the "normal condition from which we were so rudely jostled by late occurrences."<sup>73</sup> Without any regard for the abuses committed against slaves and free black people in antebellum America, Dawson continued, "We must see to it that the grand features of our political system... be preserved in their purity and vigor, without any taint of feebleness or stain upon their luster."<sup>74</sup> Like others, Dawson invoked a concern for "state-rights doctrines" in order to argue against the Bureau and, in doing so, set the particular circumstances facing freedmen aside.<sup>75</sup>

Altogether, both extremes of the Bureau debate clarified their positions by turning their focus away from former slaves and, instead, toward other concerns. The hurdles freedmen faced in their struggles to attain pre-determined markers of freedom did not constitute the primary crisis demanding government attention or support. Though many advocates of the bill validated the troubling conditions that greeted freedmen in post-bellum America, they were decidedly more worried about abandoning the wartime promise that had secured the Union's victory over the South. The Bureau's opponents reasoned that the war itself had been the only crisis; upon its end, peace had commenced and would be secured only by a return to pre-war conditions and the cessation of federal

intervention in everyday life. These arguments reframed the debate over S. No. 60 and jumpstarted a significant shift in the conversation. Though advocates alluded to freedom's preconditions, congressmen on both sides of the debate relied on a natural rights perspective in order to absolve the government of further responsibility to former slaves. They generally considered that the Thirteenth Amendment, together with the Union's victory, had reinstated and officially recognized former slaves' natural right to freedom. The urgency of the bill was defined not by the precarious future of freedmen, but in terms of states' rights, military strategy, and the tenuous relationship between the North and former Confederate south. Whether in defense of or in opposition to the Bureau, congressmen began to imply that black people, though legally free and members of the American community, did not warrant their primary attention.

### *Negotiating time*

As the debate over S. No. 60 continued, Congress remained eager to leave behind the carnage of war and look ahead, instead, toward the nation's future. Perhaps no other issue had marked the turn of the tide more clearly than the issue of emancipation; an entire economic system had been dismantled, prompting questions of belonging and citizenship for millions of people. With an eye toward reunification and reconstruction, Congress had already begun to respond with legislative reform; S. No. 60 was no exception. All the while, however, the specter of the war loomed ever present, and congressional debate was textured by explicit and implicit concerns about what could, should, and would come next.

Congressmen perceived of themselves as witnesses to a pivotal moment, standing at a crossroads that would determine the future of their nation and "affect the welfare of

this government in all future time.”<sup>76</sup> Their arguments thus negotiated *time*. They utilized notions of futurity, momentum, and sequence to bridge present sacrifices and injustices with hypothetical risks and rewards. The bill’s supporters and opponents both appraised the Bureau based on presumptions of American growth and progress. As they assessed how the agency’s work would serve or hinder future ends, they moved the conversation away from freedmen and their struggles for freedom.

Advocates of the bill first argued that supporting the Bureau would promise future rewards, particularly for freedmen who were perceived to be facing perilous conditions. Once more, they implied their recognition of freedom’s prerequisites, as they identified the Bureau as the only means through which black people were receiving the resources deemed necessary for free life, like education. According to Senator Trumbull, “over seventy thousand black children [were] being taught in the schools” established by the Bureau in the South, and such education was “the cheapest way” to “save this race from starvation and destruction.”<sup>77</sup> Similar arguments were made in the House, where Representative Donnelly insisted that “the negro will relapse into oppression” without the Bureau’s attention.<sup>78</sup> In addition to ensuring the survival of black people, the agency’s support was also required to “improve, enlighten and Christianize the negro; to make him an independent man; [and] to teach him to think and to reason.”<sup>79</sup> Many congressmen backed the Bureau so that the agency, in turn, could “loo[k] after the interests” of black people so that they could “become self-sustaining” in the future.<sup>80</sup> In other words, they maintained the importance of the Bureau as a mechanism through which freedmen might become acquainted with the preconditions of freedom and, eventually, earn their admittance into the social contract.

However, the wellbeing of freedmen was additionally framed as serving more important future ends: the overall health, prosperity, and “safety of the nation forever.”<sup>81</sup> Senator Wilson, for instance, argued that the government’s investment in the Bureau was a necessary safeguard for everyone, not just freedmen. Describing “the great end to be attained,” he said, “this measure is for the security of all, the harm of none; the benefit of all, the injury of none.”<sup>82</sup> Senator Wilson insisted that the freedmen’s safety would foster harmony throughout the nation; conversely, failure to provide for former slaves would “degrade” a significant portion of the population... leaving heart-burnings and difficulties that will endanger the peace of the future.”<sup>83</sup> His arguments drew upon palpable fears of another civil war. Speaking on behalf of “the sentiment of the country,” Senator Samuel Pomeroy (R-KS) similarly argued that the Bureau’s work would play a vital role in “provid[ing] such securities for the future,” so that “another rebellion will be impossible in [a] thousand years.”<sup>84</sup> Taking another tack, Representative Donnelly appealed to economic interests, saying, “No outlay is too great which is necessary to the safety of the people, since in that is involved all the wealth of the country. It is a madman’s economy to save money by rendering the people unfit for self-government and then lose all in the misgovernment which is sure to follow.”<sup>85</sup> Simply put, congressmen argued on behalf of the Bureau by strategically framing the agency’s purpose in terms of national interests, not just the welfare of former slaves. The Bureau was positioned as the vehicle through which “the future peace and glory” of the entire country would be delivered.<sup>86</sup>

Notions of time were further embedded in advocates’ arguments as they appealed to concerns of legacy and reputation. As Senator Wilson explained, “Whoever writes the history of this era must record that the only statesmen in America were the anti-slavery

men... no people did more, sacrificed more, poured out more blood [or] expended more treasure.”<sup>87</sup> In Wilson’s view, supporting the Bureau and the bill would place congressmen on the right side of history and “send their names down the ages forever.”<sup>88</sup> The prospect of being positively judged by future Americans motivated other congressmen’s votes as well. These positions illustrate the extent to which imagined futures were used to justify the congressmen’s support for the Bureau. In casting their votes for the bill, they moved beyond concerns for freedmen’s earned rights and argued, instead, from a concern for themselves, their reputations, and the nation’s eventual judgment.

Meanwhile, opponents of the bill were confident that the inevitable passage of time would justify *their* challenges to the Bureau.<sup>89</sup> They first allocated a significant portion of their speaking time to tabulating the costs associated with the Bureau’s operations. For example, Senators Hendricks reported the specific expenditures from the agency’s first year in operation, while Senator Saulsbury predicted the funds that would be spent on a daily basis in years to come. As they did so, both compared the costs with the perceived benefits. Senator Hendricks, who calculated that the Bureau had cost the government nearly twelve million dollars already, determined that the agency was not worth the “extraordinary expense to the people in a time when the public debt is a great burden to them.”<sup>90</sup> Later, Senator Saulsbury called it “folly” and sheer “madness” for the government to shoulder the financial costs associated with caring for freedmen.<sup>91</sup> Along with others who opposed the bill, these congressmen did not balk at merely the costs, but at their magnitude relative to the risks they believed would inevitably accompany the Bureau’s work.

Opponents argued that the Bureau's work would threaten the wellbeing of the nation in the long run. They reasoned that the agents' presence in the former Confederate states would sow seeds of resentment and bitterness, eventually threatening national unity. Senator Guthrie, referring to the "irritation... going on between the agents of the bureau and the citizens" of the South, warned his fellow congressmen of the "festering sore that will enlarge and grow with time."<sup>92</sup> He argued that prolonging the Bureau's work would brand the South with a "lasting mark of degradation," inspiring future conflicts. As Senator Guthrie argued, maligned people are "generally ready to seize a promising opportunity to rebel."<sup>93</sup> These congressmen insisted that any benefit to former slaves would pale in comparison to the threat of offending American southerners. The Bureau was cast as an adversary acting against the best "interest[s] of the nation... for generations to come."<sup>94</sup>

Opponents also envisioned another long-term risk: the advancement of black people. Unsurprisingly, some congressmen believed that the Bureau's support would permanently debilitate former slaves by fostering government dependence.<sup>95</sup> Others, however, were more concerned about what futures would be possible if freedmen were given greater support, along with more rights and privileges. Senator Cowan, for example, considered the bill inseparable from the larger sociopolitical landscape within which the future of former slaves was actively debated and determined. He suggested that S. No. 60 would have a worrisome domino effect, saying, "But what next? After the negro is free we are told that he cannot protect himself; we must do something for him. Well, what more must we do? We must give him a vote. What good will that do him?"<sup>96</sup> Senator Cowan predicted that supporting black people—and, in particular, black men—would

only prove harmful to them. Giving a former slave the resources to thrive and the right to engage politically would “only multiply the chances of his having his head broken at the polls... It is crowning with flowers the victim for the sacrifice.”<sup>97</sup> Fearful of momentum, opponents wondered, “where this is going to end—this insane crusade to try to do something which it is not in the nature of things to do?”<sup>98</sup> Congressmen voted against the bill to prevent future possibilities of black progress and political power. In doing so, opponents notably disregarded the earned rights approach and certainly denied any government obligation to facilitate freedmen’s access to practical markers of freedom. In their view, nothing more should be done to help former slaves demonstrate their compliance with the social contract, as doing so would only facilitate their inclusion in threatening and dangerous ways.

Overall, congressmen sidestepped the ways in which the agency was addressing freedmen’s needs in the present moment. Whether arguing for or against the Bureau, they dabbled with time to refocus the government’s attention on other concerns. The bill’s advocates reasoned that the agency’s work would ultimately return valuable rewards: the nation’s lasting reputation and the favorable legacies of the statesmen who supported the Bureau’s work. The bill’s opponents, on the other hand, argued that the financial costs were compounded by extreme risks: prolonged discord between the North and South, future national conflict, and the possibility of black political participation. For them, any “great ideas” of progress and “revolutionary measures” for freedmen should be put off until a more opportune time.<sup>99</sup> At both ends of the debate, imagined futures were used to justify congressmen’s votes, but also to diminish the importance of the Bureau’s present work with former slaves.

### *Delineating racial differences*

As they debated the Bureau's future, many congressmen's arguments were framed in terms of reconciliation and national unity. Representative Donnelly proclaimed, "We must cultivate an enlarged national spirit. We are and must always be one people. We cannot advance the nation by despoiling any part of it. We cannot strengthen liberty hereby inaugurating oppression elsewhere."<sup>100</sup> Though Representative Donnelly's call was tinged with a tone of hopefulness, other congressmen spoke with a biting bitterness in the wake of war. Though many of them affirmed the need to "hasten that day when we will be... one people," they clung to social, political, and economic agendas that represented their respective states' interests.<sup>101</sup>

In doing so, both senators and representatives alike made clear that post-bellum harmony would not come at the expense of order. Their paths toward reunification were dependent upon a shared commitment to commonly held natural rights, marked by notions of *difference*. Their arguments drew stark distinctions between groups of people and, by extension, their value as Americans. Whether advocating for or against the bill, congressmen insisted that white citizens, black freedmen, and the state had particular roles to play in their ideal visions of national growth and progress. They affirmed that the government was imbued with the authority to control its people by allocating resources to different groups. Moreover, they reaffirmed antebellum discourse that questioned the humanity of black people; former slaves were described in ways that set them apart from the wider American community. Senators and representatives suggested that, despite their now-legal inclusion, they were not yet in a position to contribute meaningfully to American society.



First and foremost, congressmen distinguished the state from the general public. They utilized language that differentiated the government from those whose futures they governed. In most cases, the state was cast in the role of overseer or supervisor. For example, Senator Hendricks voiced his concerns regarding the government's role in procuring land contracts for former slaves. He worried that the "Government to the United States is to become a landlord to this large class of people."<sup>102</sup> Such a close relationship between state and citizen was unacceptable to him; instead, Senator Hendricks advocated a more distant arrangement: simply "set[ting] apart three million acres of the public lands" for black people's use and benefit.<sup>103</sup> Of this alternative, he said, "*I am willing to do that.*"<sup>104</sup> Senator Hendricks not only perceived of himself as distinct from black people, but he also aligned himself with the state's power to arbitrate and govern Americans' lives. In a similar vein, Senator Stewart's approach to S. No. 60 suggested that Congress must choose one race—white or black—to support. He said, "We have got to trust somebody. I say that we have got to trust the white people of the South. We cannot organize a government solely upon the negro population."<sup>105</sup> His advice implied three distinct, yet related groups: the government, white Southerners, and black people. Senator Stewart identified himself as belonging to the first, distinct from "the whites" and "the blacks."<sup>106</sup> He further advocated a post-war order in which white Southerners would remain superior to, and in control of, former slaves. These examples illustrate a significant feature of the congressmen's rhetoric. They cast themselves in the role of arbiters, invested with the power to determine how the government assessed, valued, and associated with the distinct groups of people it governed.

The Bureau's advocates affirmed the state's role as benevolent overseers as they repeatedly characterized freedmen as helpless and dejected. They justified their support for the agency by appealing to negative stereotypes of black people—stereotypes that had long anchored pro-slavery arguments as well.<sup>107</sup> Senator Wilson, for example, conceded, “there are many negroes who have hearts quite as good... I know some of them with brains quite as capacious and quite as well-trained.”<sup>108</sup> For him, these particular black people were the exception; as a rule, freedmen comprised “a poor, oppressed race.”<sup>109</sup> Senator Wilson argued that former slaves would remain “ignorant, degraded, and dependent” members of a “weak and struggling race” without the help of the Bureau.<sup>110</sup> In the House, Representative Donnelly also invoked notions of black inferiority to advance his arguments in favor of the S. No. 60. He granted that the freedman might be still “unfitted for freedom” and would “remain a brute” if the government continued to withhold the opportunities that “will make him a man.”<sup>111</sup> Even as Representative Donnelly argued on behalf of the Bureau, he described black people as “morally and intellectually degraded” and employed language that cast them as animals, rather than human beings.<sup>112</sup> Without the Bureau, he threatened, former slaves would be consigned to an “amphibious condition” between slavery and freedom and might “prove” themselves to be “unworthy savage[s] and brutal wretch[es].”<sup>113</sup>

These comments demonstrate the conservative message that undercut advocates' seemingly progressive arguments. Like the Bureau's own agents, congressmen articulated some recognition of former slaves' natural right to freedom while simultaneously casting doubt on whether or not they were fully human in the first place. They grounded their support in presumptions of black people as fundamentally inferior to

“the superior race”—as “helpless, ignorant, and unprotected,” and in dire need of the Bureau’s command and supervision.<sup>114</sup>

Unsurprisingly, those who opposed the Bureau likewise identified freedmen as inherently deficient in appearance as well as character. Many congressmen presumed that essential differences between white and black people were immediately obvious, noting “distinctions that are so plainly marked upon the whole face of the man, his color, his form, his disposition, his everything.”<sup>115</sup> Senator Cowan, for instance, said, “he who comes to me and undertakes to tell me...that his hair is straight, and that his legs and feet are as well made... I do not believe a word of it.”<sup>116</sup> Building upon these physical differences, other congressmen asserted indelible contrasts in black people’s behaviors and values. Senator Davis, for example, claimed to “know the negro nature better than all the Yankees... that live upon this continent.”<sup>117</sup> He professed, “I know that if he can live without work, he will not work. If he can live by begging, he will not work. If he can live by stealing, he will not work... He will bask, with his wife and children in squalid rags and poverty, in the sunshine.”<sup>118</sup>

These contrasts were cited as evidence of substantive differences in degrees of white and black humanity. Representative Dawson boldly declared that “the negro is to this day... a savage and a cannibal.”<sup>119</sup> In a more muted tone, Senator Cowan plainly stated that a black man could not possibly be “the same kind of man that I am.”<sup>120</sup> Instead, he perceived former slaves to be “helpless, feeble, as nature made [them],” in contrast to their white counterparts, whom he praised as the “strongest, most rapacious, hardest-bargaining race on the earth.”<sup>121</sup> These alleged differences animated Senator Cowan’s opposition to S. No. 60, the Bureau, and other legislation intended to uplift and support

former slaves. Regarding the possibility of political representation for black people, he asked, “What good would an office do to a negro in our society and in our country? An office is valuable *to a man*; an office is sought after because it confers social distinction, high social privileges, and power and authority among men. Would office confer that upon the negro?”<sup>122</sup>

These comments underscored the significance of the distinctions congressmen drew among the American people. By presuming that black people were less than human—or, at least, inferior to other humans—they insisted on an essential difference between white “freemen” and black “freedmen.”<sup>123</sup> They implied a basic recognition of a natural right to freedom, commonly shared among all humans, but insisted upon a racial difference between white and black people. Thus, black people’s entrance into American society was predicated on the notion that they were, and would remain, subordinate to whites. The congressmen’s arguments further suggested that an earned rights approach was moot, insofar as they considered freedmen generally incapable of full compliance with the American social contract. They suggested that black inclusion, while legal, was in many ways illegitimate. Yet, they countered advocates’ claims that black inferiority warranted federal intervention and, instead, insisted that black people’s deficiencies proved that they did not deserve “the especial favors of the community.”<sup>124</sup> Opponents dismissed the Bureau as irrelevant by arguing that free life necessarily would, and likely *should*, be markedly different for black people.

Having established the difference between races, opponents endeavored to pit them against one another. They took issue with the bill’s focus on providing aid to former slaves and reasoned that the Bureau’s efforts would disadvantage whites, threatening

their lives, profits, and prosperity. For instance, Representative Dawson insisted that whites would be harmed by black progress and inclusion, because “the result must be a disgusting and deteriorating admixture of races.”<sup>125</sup> He maintained that “the indiscriminate amalgamation of superior with greatly inferior races” would “force down the Anglo-Saxon to the negro level, and result inevitably in... deterioration of our [white] race.”<sup>126</sup> Taking a different tack, Senator Guthrie confronted the specific powers that S. No. 60 bestowed upon the Bureau. He took issue with the bill’s provisions for judicial protections and condemned the apparent lack of support for “cases where the blacks do wrong to the whites.”<sup>127</sup> Others piled on, arguing that the Bureau would always “be on the side of the negro,” with agents “deciding against the white man... and to the prejudice of the white citizen.”<sup>128</sup> According to Senator Hendricks, the “four million [black] people mingling and living among the white people” should be regarded as a threat, because “the action of this bureau is not to affect alone the colored people, but it is to affect the white people so far as they have intercourse with the colored people.”<sup>129</sup> He cautioned that the Bureau would continue to “take sides for the colored man against the white man” if permitted to continue its work.<sup>130</sup> Senator McDougall also warned that the agency’s efforts were “inviting them [black people] to think that they are not only quite as good as, but a little better than, we with whom they have commingled.”<sup>131</sup> He argued that any progress toward “making an inferior race a governing power” within the United States would “depriv[e] us of the very element out of which we all grow, the soil out of which we are able to produce advised persons, informed men, citizens of a Republic.”<sup>132</sup> Simply put, the bill’s opponents affirmed not merely a difference but an *opposition* between black and white and declared, “If [we] have to take sides, it will be with the men of my

own color and my own race.”<sup>133</sup> They indicated that a vote for the Bureau was a vote against white people, aimed at “mak[ing] the negro in some respects their superior.”<sup>134</sup>

Overall, congressmen at both ends of the debate delineated racial differences to cast freedmen as inherently inferior. In doing so, they affirmed that black people’s new legal status did not translate into full and equal membership in the American community; though they may have had their natural rights restored, they were still a separate, distinct group marked by notably lesser human qualities. Those who supported S. No. 60 argued that the agency’s careful oversight offered the greatest chance of uplifting black people from their abject condition of destitution, degradation, and helplessness. They likened freedmen to abject animals who had been rendered less than human by the terrors and violence of slavery. According to Representative Donnelly, black people may remain “savages, but never again slaves” with the Bureau’s support.<sup>135</sup> Meanwhile, opponents affirmed the subservience of black people and insisted that the alleged differences between races must be preserved. As Senator Cowan asserted, “This world... after all is said and done, is pretty well arranged... and always has been.”<sup>136</sup> His comments suggested that the racist beliefs—which he termed “imaginary evils”<sup>137</sup>—that had undergird slavery and structured the American racial order for generations should persevere, undisrupted by emancipation and abolition. By casting the Bureau as the enemy of racial separation and white supremacy, opponents reframed the debate over the bill in terms of white progress and prosperity, condemning S. No. 60 as “dangerous legislation.”<sup>138</sup> These efforts to distinguish between white and black people revived the antebellum social order that dehumanized black people, thereby casting doubt on the

force and relevance of natural rights and definitively segregating former slaves from the wider American public.

### *Abandoning the freedmen*

The preceding analysis has examined how congressmen assessed whether or not the state was ready and willing to validate former slaves' recent entrance into society, and the social contract, with the government's full support and attention. The paradox of freedom inflected senators' and representatives' arguments, as they tacked back and forth between notions of natural rights and earned rights. Both sides declared a basic recognition of the former, though they generally disagreed regarding the latter. Advocates supported the Bureau's efforts to help freedmen attain practical markers of freedom, whereas opponents objected to the necessity or desirability of additional rights and privileges for freedmen. However, the overall prospect of freedom for black people was relegated to a subordinate position on congressmen's list of post-war priorities. They relied upon strategic definitions of crisis, negotiations of time, and delineations of racial difference to curtail the government's responsibility to former slaves and reorient their focus instead toward supporting white Americans. Thus, the debate suggested that, regardless of whether black people possessed natural rights or were encouraged toward earned rights, their inclusion within the American social contract was marginal at best.

Congressmen's definitions of post-war crises relied heavily on a natural rights approach to freedom. They positioned freedom as a pre-established fact and thus deprioritized the plight of former slaves. They declared decisive victory on freedmen's behalf, conceptualized freedom as the mere absence of slavery, and argued that the "amendment abolishing the *status* or condition of slavery, which is nothing but a *status*...

which subjects one man to the control of another” had rendered black people liberated from the “badges of servitude” and “free as far as the law can pronounce them free.”<sup>139</sup> The congressional debate implied that the abolition of slavery, accompanied by the “destruction of the incidents to slavery,” was synonymous with the deliverance of freedom itself.<sup>140</sup> Statesmen argued that war and legislation had restored former slaves’ status as Americans “just like other people”<sup>141</sup>—albeit the “lowliest and poorest,” among the “the insane, the blind and all who are dependent”<sup>142</sup>—rather than the victims of a massive, legal, economic industry that had systematically abducted, brutalized, and subjugated millions of black people for profit. Far from being inclusive, this discursive move provided an opportunity for strategic erasure and dismissal of the government’s further obligation to former slaves. It allowed senators and representatives to engage in debate without grappling with the profound and lasting consequences of enslavement for black people, or the state’s role in sanctioning slavery. Instead, congressmen shifted the debate toward other crises deemed more urgent for the broader public. They worried instead about the Union’s integrity in upholding a wartime promise; the North’s punishment of the rebellious South; peacetime recovery; and the restoration of American traditions and governing principles. The problems facing freedmen—problems that resulted directly from years of lawful oppression and bondage—were considered only secondary to the issues perceived to be affecting the nation as a whole.<sup>143</sup> In other words, Congress used the natural rights argument to privilege its commitment to the general public, to whom it had long been contractually bound to serve and protect, and write off its responsibilities to former slaves.



Congress's assessment of future risks and rewards was largely based on whether or not viable avenues toward earned rights would benefit or harm the wider American community. The freedmen were virtually left out of the equation. While the two extremes of the debate envisioned different long-term impacts of their voting decisions, the conversation revolved around probable consequences for communities *other* than former slaves. Advocates predicted that the Bureau's emphasis on land, labor, education, relief, and justice would encourage respect and loyalty toward American government and, eventually, favorable legacies for the statesmen who supported it. Opponents, on the other hand, argued that the Bureau's support for such attainments should not be financed by American taxpayers, especially when considered alongside the potential risks: black advancement and festering conflict between North and South. Despite their clashing visions, both sides justified their positions on earned rights by appealing to the hypothetical risks and rewards to non-black populations. They cast votes in hopes of advancing futures in which they would be revered, government would be strengthened, or white people would remain supremely powerful.

Both natural and earned rights arguments animated congressmen's insistence upon an essential difference between white and black people, which sustained antebellum commitments to black inferiority and dismissed black people's inherent worth and human value. Advocates and opponents alike conceded that former slaves were human to some degree, and therefore imbued with basic natural rights. However, those natural rights were not enough to welcome black people as contributing members of American society; they instead entered into the social contract under the presumption of unequal and subordinate status. Though congressmen quarreled over the extent to which former slaves'

deficiencies could be remedied, they largely agreed that freedmen were fundamentally inferior in character, skill, and capacity. They worked to distinguish white from black people, sometimes framing the perceived contrasts as hostile opposition and encouraging racial separation. Their critiques of black humanity complemented the Bureau's earned rights approach by implying that black people must—but likely could not—satisfy certain prerequisites before being embraced by free American society. Congressmen affirmed that freedmen's failings rendered them "our wards,"<sup>144</sup> whether temporarily or permanently, rather than citizens sharing equally in the mutual accord that bound the American people together, and to their government. Upon the basis of difference, some congressmen explicitly excluded black people from society, claiming that "the Anglo-Saxon race can govern this country... because it is the only race that has ever founded such institutions as ours... we have a peculiar situation, peculiar education, peculiar qualifications which are not common to other sections or other races."<sup>145</sup> This white superiority, according to Senator Stewart, naturalized black inferiority and inequality, rendering black political participation both irrelevant and undesirable. He said, "I do not believe that it is necessary for the white man that the negro should vote... we can carry on the government without him."<sup>146</sup> In another exchange, Senator McDougall agreed that state power "should be in the hands of the best and the wisest."<sup>147</sup> He asked, "Who that calls himself of the old Norse ancestry would dare bow himself before those who come up out of central Africa, and acknowledge them as having to do with government?"<sup>148</sup> These sentiments affirmed that freedom, whether in terms of natural rights or earned rights, did not correspond with full and proper inclusion.

As a whole, congressmen's arguments marshaled freedom's legacies of both natural and earned rights to abandon black people in favor of promoting the advancement of white Americans. Governments theoretically exist to serve and safeguard the interests of the "whole community,"<sup>149</sup> bound together by one social contract, but Elizabeth Povinelli has argued that state discourse routinely justifies the belonging of some humans, encouraging them onward and upward, while it simultaneously dismisses others. Especially in times of conflict or crisis, human worth is evaluated in terms of value, rewards, risks, costs, and benefits in order to help the government determine which citizens to bolster and which citizens to forsake. Humans considered valuable to society are embraced and supported as citizens; others in turn are abandoned and relegated to the margins. There, they are subject to "crushing, if at times imperceptible harms" and left to suffer without civil protection or government support.<sup>150</sup> This analysis of the 1866 congressional debate provides an example of such discourses in action.

#### "Masters of the Situation" and the Social Contract

The present study has considered the 1866 congressional debates surrounding S. No. 60, during which Senator Henry Wilson praised the triumph of government and the Union's recent victories on the battlefield. He cited the emancipation as evidence that the nation had "buried deeper than plummet ever sounded the idea and policy of the past."<sup>151</sup> He regarded anti-slavery advocates and statesmen as the trumpeters of freedom, whose efforts heralded the beginning of a new era of equality and progress. Yet, in many ways, the congressional debate implied that black people's freedom—whether considered from natural rights or earned rights approaches—would not coincide with their admittance to American society.

In their debates about the agency's future, congressmen centered their own agendas rather than the lives and experiences of black people. Whether in defense of or opposition to the Bureau, senators and representatives defined crisis, negotiated time, and delineated racial differences in order to diminish or outright deny the government's responsibility to afford former slaves the protections and privileges of the social contract. They leveraged notions of both natural and earned rights to strategically transform the debate into exchanges about war, party politics, states' rights, constitutional power, national security, and white supremacy. Throughout their deliberations, congressmen considered the value, costs, risks, and rewards of supporting black people and ultimately abandoned freedmen in favor of backing other groups.

To conclude this chapter, I will briefly consider the lasting consequences of Congress's rhetoric. Their debate helps us better understand how the state constructed its relationship with former slaves within the tempestuous landscape of emancipation-era politics. As they debated the Bureau's fate, they arguably sought simplification—or, what James Scott calls “bureaucratic legibility.” Scott argues that state actors often turn to pre-existing schemas of “administrative ordering” in order to “brin[g] into sharp focus certain limited aspects of an otherwise far more complex and unwieldy reality.”<sup>152</sup> Unfortunately for freedmen, congressmen's return to familiar tenets such as states' rights, constitutional authority, black inferiority, and white supremacy yielded problematic implications. Even the most progressive congressmen, “animated by a genuine desire to improve the human condition,” leveraged freedom's paradoxical underpinnings to mitigate and clarify the government's responsibility to freedmen.<sup>153</sup> They claimed that the Civil War had “effected a revolution... in the industrial and social systems of all the southern States,”

one in which “the South and North will be braced to fresher health and inspired to higher life by freedom.”<sup>154</sup> However, even as some congressmen advocated in favor of “the slave becom[ing] freedman, and the freedman man, and the man citizen,”<sup>155</sup> their ultimate abandonment of former slaves enforced the state’s power to police belonging, the injustices of freedom rhetoric, the dehumanization of black people, and the merits of racial separation.

First, congressmen reinforced the state’s authority in policing the boundaries of social, political, and economic belonging. Their rhetoric affirmed that the government ultimately decided whose problems would be addressed, whose experiences would be considered, and whose futures would be secured by the state. Though they often disagreed about the Bureau’s future—and about former slaves—they repeatedly reiterated the role of government in shaping American community. “The Constitution and the laws” were exalted for abolishing slavery. Former slaves might have “felt they were free,” but it was not until the legal passage of the Thirteenth Amendment, “proving that they were free,” that masters were forced “deal with his former slave as a man having equal rights with himself before the law of the country.”<sup>156</sup> The state’s legal authority was credited for validating black people’s natural rights to freedom, while, at the same time, maintaining different punishments for crimes committed by them.<sup>157</sup> Many congressmen also awaited the fate of forthcoming legislation to settle the question of black citizenship, as they continued to debate and wonder “*if* the negroes are citizens” or not.<sup>158</sup> This emphasis on legal codification of freedom and citizenship confirmed the state’s ultimate authority to determine which people were to be welcomed as full-fledged, deserving members of American society—as well as when and under what terms.<sup>159</sup>

Second, the congressional debate demonstrated the potential injustices facilitated by freedom rhetoric—especially the erasure of black histories and experiences. For instance, the state’s rhetoric repeatedly minimized the significance and sustained the violence of slavery. As previously discussed, they positioned slavery as a conquered crisis, decidedly in the past, and reoriented their arguments toward a seemingly race-neutral future.<sup>160</sup> Simultaneously, they seized opportunities to strategically assert the civil (albeit not social, political, or economic) equality of white and black people. Many of the bill’s supporters advocated for the Bureau by asserting former slaves’ newfound status as free people, sharing equal rights and privileges “before the law.”<sup>161</sup> The bill’s opponents, too, identified freedmen as simply “four millions of the people of the United States.”<sup>162</sup> While seemingly inclusive in tone, these remarks ignored the abhorrent circumstances that former slaves had endured for generations and, instead, proposed a false equivalence between impoverished Americans and former slaves. Freedmen were considered only in sum, as a total number of bodies, rather than as a dynamic, heterogeneous population facing an overwhelming set of challenges—challenges brought on not by personal failure or shortcoming, but by state-sanctioned, racist assaults against black bodies, families, histories, and wealth. By asserting former slaves’ natural freedom, congressmen attempted to relegate slavery’s lasting impact to the past and deny black people the unconditional support they needed and deserved.

Congressmen also worked to remove black people from the narrative of American freedom, privileging instead the voices of whites—especially statesmen. On the House and Senate floors, they asserted the final authority to identify and address crises, shape the nation’s future, and assess the worth of their fellow human beings. In doing so,

congressmen spoke for black people, whose testimonies and stories were read and interpreted only by white voices claiming to have superior “knowledge of the negroes and of negro character.”<sup>163</sup> By deploying former slaves’ experiences in service of white arguments, congressmen reiterated their presumptions of black inferiority and engaged in outright erasure of slaves’ history. In one example, Representative John Dawson proclaimed, “The African is without a history... the past is silent of any negro people who possessed military and civil organization, who cultivated the arts at home, or conducted a regular commerce with their neighbors... They have had no builder of cities; they have no representatives in the arts, in science, or in literature.”<sup>164</sup> These remarks demonstrated overall dismissal of black expression and experience, as well as a particular disregard for black voices that shaped inventive, powerful rhetorics of abolition and resistance.<sup>165</sup> Ignoring the many free and enslaved black people who had fought bravely for an end to slavery, congressmen claimed freedom and victory for their own. Invoking troubling antebellum vocabularies, they declared themselves “masters of the situation.”<sup>166</sup> They praised themselves for their work, “which has saved a country and emancipated a race,” and lauded “the toiling men of the country” who have “put down the rebellion... [and] put down slavery.”<sup>167</sup> They proclaimed that “it was our public men” who “stood by this policy of destroying slavery after slavery had raised its bloody hand against our country, we who broke it down wherever we could reach it, [and] contributed as far as legislation could go.”<sup>168</sup> Even those who had resisted abolition and emancipation claimed credit for former slaves’ freedom, citing the “hundreds of thousands of white men [that had] fallen to vindicate the issue... a sacrifice such as no one race ever made for another before.”<sup>169</sup> At every turn, congressional debate exalted the role of white men in the

struggle against slavery. Their rhetoric dismissed the creative and courageous resistance of black people—both free and enslaved—and instead worked to commemorate and glorify white voices as those that had gone “as far as the public voice could go, to weaken the rebellion and strengthen the country.”<sup>170</sup>

Third, these congressional deliberations illustrate the extent to which state abandonment is grounded in the devaluation of human life. Explicitly, congressmen described black people as inherently inferior in character, skill, and capacity. Additionally, however, their arguments invoked traditions of slavery’s grounding rhetoric by implicitly treating black people as less than human. Freedmen’s humanity was reduced to their struggles as former slaves, strategically discussed and debated as incidental to larger, more prominent concerns. In antebellum America, slaves were commodified, bought, sold, used, discarded, and murdered at the whims of their masters. During the Civil War... black men were used—just like horses, as Senator Stewart noted—“as a war power,” and they were welcomed into the Union army only in an effort to “strike a blow” at the South’s strength.<sup>171</sup> In the wake of emancipation, congressmen again deployed freedmen as pawns, carefully and tactically leveraged to advance their own respective political agendas, which were ultimately focused on non-black groups. Many of them justified this use and abuse of black people by citing an allegedly pre-determined fate; as Representative Dawson argued, “doom of the negro is written... in rapid and sure extinction; and when the future historian shall inquire into the cause of his decay, [he] shall find it in the misguided efforts of his friends.”<sup>172</sup> Once more, black futures were debated, decided, and abandoned by white men, who considered former slaves as a subservient class of beings. Though they were free, they were still condemned



as less than human and, therefore, certainly less important in considerations of the state's support and resources.

Finally, the congressmen's arguments laid the rhetorical groundwork for state-sanctioned policies of racial separation and legislative segregation. Their claims of racial difference, in particular, set the stage for prohibitions of racial mixing in various spheres of social and civic life. Whether they argued in terms of temporary or permanent black deficiencies, Congress implied a need to separate white and black people. Representative Dawson, in particular, warned that the Bureau's work would promote the insidious "phantom of negro equality," and transform America into a place where "negroes... should be admitted to the same tables at hotels, should be permitted to occupy the same seats in railroad cars and the same pews in churches; that they should be allowed to hold offices, to sit on juries, to vote... [and] their children are to attend the same schools with white children, and to sit side by side with them."<sup>173</sup> Thus, the congressional debate surrounding the Bureau anticipated the "harsh strictures of segregation and disfranchisement" of the Reconstruction period that would soon follow.<sup>174</sup> Senators' and representatives' arguments against the "wild ravings and frightful dreams" of racial integration laid the rhetorical groundwork for later efforts toward segregation, which Kirt Wilson has argued relied heavily on strategic notions of place.<sup>175</sup> The present study suggests that such discourse was preceded by the 1866 congressional debates, as congressmen began to crystallize their views regarding the marginalization and separation of black people in the emancipation era.

Though congressional debate about the Bureau inevitably came to an end, the lasting significance of these arguments cannot be underestimated. The Senate passed S.

No. 60 on January 25, 1866, after nearly three full weeks of debate. Upon its approval by the House of Representatives, the bill was sent to President Andrew Johnson's desk on February 13. Less than one week later, on February 19, President Johnson returned the bill with his infamous veto message.<sup>176</sup> In it, he activated many of the same rhetorical strategies as his fellow statesman, speaking in terms of crisis, time, and difference to reject further support for the Bureau and its activities. He lauded the deliverance of freedom, which "ha[d] already been effectually and finally abrogated throughout the whole country," and suggested that the Bureau's work was no longer needed in the absence of "*actual* continuation of hostilities and of African servitude." He also expressed his concerns about the Bureau's future costs—financial and otherwise—and determined that there was "no immediate necessity for the proposed measures" being pursued on behalf of former slaves, especially as they would "not be consistent with the public welfare" of "the whole people" of the United States.<sup>177</sup> And, he insisted that black people, though still deficient in nature, had already been set on a level playing field with whites and therefore did not deserve special advantages. President Johnson's argument reaffirmed many of the claims offered by senators and representatives, and the Senate failed to override his veto the following day. It was not until several months later, when a more moderate bill was proposed in the House, that the Bureau's operations were secured—albeit temporarily. President Johnson's veto struck a major blow to the Bureau's authority in the former Confederate South, where the state's rhetoric emboldened southerners to "begrudgingly and reluctantly recognize[e] blacks' freedom" while granting them only "few legal rights of social privileges" and "keep[ing] blacks in a status as similar to slavery as possible."<sup>178</sup>

President Johnson's veto may have weakened the Bureau's presence and power as an administrative agency, but it generally upheld the problematic implications of the state's discourse. Whether in defense or opposition to the Bureau, congressmen wielded freedom's paradoxical legacy to diminish or deny the government's responsibility to former slaves, and to cast doubt on the legitimacy of their inclusion within the American community. Their "narrowing of vision" ultimately relegated former slaves to the margins of social, political, and economic belonging, as black people were declared free but without the genuine support, resources, or backing of the American government.<sup>179</sup>

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#### NOTES

<sup>1</sup> Randall M. Miller, "The Freedmen's Bureau and Reconstruction: An Overview," in *The Freedmen's Bureau and Reconstruction: Reconsiderations*, ed. Paul A. Cimbala and Randall M. Miller, 1st ed., *Reconstructing America* 4 (New York: Fordham University Press, 1999), xvi.

<sup>2</sup> Miller, xvi.

<sup>3</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 12, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 209.

<sup>4</sup> One Democratic senator openly remarked, "I know that this bill is to pass, and I know that no obstacle which one as inconsiderable as myself can throw, or attempt to throw, in the way of its passage will impede it for a moment. It is to pass upon the old principle... of human nature, where there is a will there is a way." He later reiterated, "I know how vain and useless any humble exertions I can make will be to defeat this measure; but I am determined to endeavor to do my little mite toward unveiling it, and toward exposing its monstrous deformity to the country." Senator Garrett Davis, speaking on S. No. 60, on January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 370-371, 395-396.

<sup>5</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 12, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 209.

<sup>6</sup> Representative Ignatius Donnelly, speaking on S. No. 60, on February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 586.

<sup>7</sup> Representative Ignatius Donnelly, speaking on S. No. 60, on February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 586.

<sup>8</sup> Representative Ignatius Donnelly, speaking on S. No. 60, on February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 586.

<sup>9</sup> Miller, "The Freedmen's Bureau and Reconstruction," xviii.

<sup>10</sup> Miller, xvi.

<sup>11</sup> Senator Reverdy Johnson, speaking on S. No. 60, on January 12, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Session, *Cong. Globe*, 209.

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- <sup>12</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.
- <sup>13</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.
- <sup>14</sup> Senator John Creswell, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339.
- <sup>15</sup> Senator Edgar Cowan, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.
- <sup>16</sup> Senator Edgar Cowan, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.
- <sup>17</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 335.
- <sup>18</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 335.
- <sup>19</sup> Miller, “The Freedmen’s Bureau and Reconstruction,” xv.
- <sup>20</sup> Miller, xvii.
- <sup>21</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Session, *Cong. Globe* 318.
- <sup>22</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.
- <sup>23</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.
- <sup>24</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322. The Thirteenth Amendment had abolished slavery throughout the country. It was ratified on December 6, 1865, and formally adopted less than two weeks later. It’s important to note here that the Thirteenth Amendment made special provisions for forms of bondage in “punishment of a crime.” S. No. 60 also repeated this same stipulation. This loophole paved the way for the black codes that soon followed throughout the former Confederate states, and has arguably shaped the racial oppression exercised by the prison-industrial complex today.
- <sup>25</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.
- <sup>26</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 341.
- <sup>27</sup> Senator Garrett Davis, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 347.
- <sup>28</sup> Senator Garrett Davis, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 397.
- <sup>29</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318.
- <sup>30</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318. These arguments confirm post-war fears of interracial marriage and the enforcement of miscegenation laws that worked to prevent racial mixing. Such laws were upheld by the rise of violent lynchings, often used to perpetuate the myths of both the black male rapist

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and pure white womanhood. See Renee Christine Romano, *Race Mixing: Black-White Marriage in Postwar America* (Cambridge, MA: Harvard University Press, 2009); Michele Mitchell, "A Burden of Responsibility: Gender, 'Miscegenation,' and Race Type," in *Righteous Propagation: African Americans and the Politics of Racial Destiny after Reconstruction* (Chapel Hill: University of North Carolina Press, 2005), 197–217; Katherine M. Franke, "Becoming a Citizen: Reconstruction Era Regulation of African American Marriages," *Yale Journal of Law & the Humanities* 11 (1999): 251; Tara McPherson, *Reconstructing Dixie: Race, Gender, and Nostalgia in the Imagined South* (Durham, NC: Duke University Press, 2003); Peter Winthrop Bardaglio, *Reconstructing the Household: Families, Sex, and the Law in the Nineteenth-Century South*, Studies in Legal History (Chapel Hill: University of North Carolina Press, 1995); Forrest G. Wood, "The Miscegenation Controversy of 1864," in *Black Scare: The Racist Response to Emancipation and Reconstruction* (Berkeley: University of California Press, 1968), 53–79.

<sup>31</sup> Senator Garrett Davis, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 395.

<sup>32</sup> Miller, "The Freedmen's Bureau and Reconstruction," xvi.

<sup>33</sup> Senator Edgar Cowan, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.

<sup>34</sup> Miller, "The Freedmen's Bureau and Reconstruction," xvi.

<sup>35</sup> Often referred to simply as S. No. 61, the bill was formally titled, "An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their vindication." Throughout the 39<sup>th</sup> Congress, debates about the Freedmen's Bureau were inseparable from discussions of African Americans' civil rights. On January 25, 1866, Senator Lyman Trumbull immediately followed debate of the Freedmen's Bureau Bill with a proposal to discuss S. No. 61. See *Cong. Globe*, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess. 421 (1866).

<sup>36</sup> Lyman Trumbull, "An Act to Protect All Persons in the United States in Their Civil Rights, and Furnish the Means of Their Vindication" (1866), <http://legisworks.org/sal/14/stats/STATUTE-14-Pg27.pdf>. President Andrew Johnson vetoed S. No. 61 on March 27, 1866. The Senate and House of Representatives overrode his veto on April 6 and April 9, 1866, respectively—marking the first time in the country's history that Congress overrode a presidential veto for a major piece of legislation. S. No 61 has since been popularly known as the Civil Rights Bill of 1866.

<sup>37</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>38</sup> Senator Lyman Trumbull, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>39</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 365.

<sup>40</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 586.

<sup>41</sup> Senator Reverdy Johnson, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 372.

<sup>42</sup> Senator Reverdy Johnson, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 372.

<sup>43</sup> Senator Waitman T. Willey, speaking on S. No. 60, January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 396.

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<sup>44</sup> Senator Waitman T. Willey, speaking on S. No. 60, January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 396.

<sup>45</sup> Senator Johnson argued that the blackness of freedmen was an unconstitutional indicator of extraordinary need or exception. He said, "If there is an authority in the Constitution to provide for the black citizen, it cannot be because he is black; it must be because he is a citizen... it would follow that we have the authority to clothe and educate and provide for all citizens of the United States." Senator Reverdy Johnson, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 372.

<sup>46</sup> Senator Reverdy Johnson, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 373.

<sup>47</sup> This approach is indebted to the work of John Louis Lucaites and Celeste M. Condit, who have studied how seemingly divergent viewpoints, like those of Dr. Martin Luther King, Jr., and Malcolm X regarding equality, converge to constitute ideational and ideological depth. Lucaites and Condit, "Reconstructing <Equality>"; Condit and Lucaites, *Crafting Equality*.

<sup>48</sup> Vatz, "The Myth of the Rhetorical Situation."

<sup>49</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297.

<sup>50</sup> Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339.

<sup>51</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>52</sup> Senator James Guthrie, speaking on S. No. 60, January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 335.

<sup>53</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 317.

<sup>54</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297.

<sup>55</sup> Throughout the course of the debate, the Emancipation Proclamation was decisively declared a tactical measure deployed to ensure the Union's victory in the Civil War. In response to congressmen who attempted to define the proclamation as an ethical commentary on the evils of slavery, Wisconsin Senator Timothy Howe retorted, "We fought the war for about two years without the slightest demonstration of doing anything for the negro. We finally found... that we were stronger in this contest by proclaiming liberty to the negro than we were without making any such proclamation and that to strengthen ourselves... the proclamation was induced... It was to save our own imperiled lives, our own imperiled national existence and only for that purpose, that the late President of the United States was induced to issue that proclamation." Later, Senator Wilson affirmed, "We proclaimed liberty... as a military necessity. We did not do it because it was right to do it, but we did it in defense of the Government of the United States." See Senator Timothy Howe, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298; Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339.

<sup>56</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297. It is important to note that Stewart clarified this position in the course of offering arguments against black suffrage. He supported the Bureau because he perceived it as delivering upon a promise made by the Union government during the course of the Civil War.

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However, he opposed black suffrage because it was not part of Lincoln's pledge. Addressing Senator Lyman Trumbull, he said, "If you intended that it [suffrage] should be involved when you passed the constitutional amendment abolishing slavery, why did you not incorporate it in that measure?"

<sup>57</sup> Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 346.

<sup>58</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>59</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>60</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 319. Emphasis added.

<sup>61</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 364.

<sup>62</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 366.

<sup>63</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 366.

<sup>64</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 365, 323.

<sup>65</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 585.

<sup>66</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 585.

<sup>67</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>68</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>69</sup> Senator Willard Saulsbury, speaking on S. No. 60, on January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 364.

<sup>70</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 315.

<sup>71</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318.

<sup>72</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>73</sup> Representative John Dawson, speaking on S. No. 60, on January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 539.

<sup>74</sup> Representative John Dawson, speaking on S. No. 60, on January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 539.

<sup>75</sup> When considered in conversation with other opponents' comments, the dangers of Representative Dawson's plea for a return to "established principles" becomes clearer. In the

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Senate, Thomas Hendricks had argued against the Bureau's interference with land contracts. He insisted, "with peace comes back the right of the real owners to the possession. This possession... according to law, could not last longer than the military occupancy. When peace comes, the right of the owners returns with it. Then how is it that Congress can undertake to say that the property... shall belong to certain colored people? I want to know upon what principle of law Congress can take the property of one man and give it to another." With these words, Hendricks explicitly advocated a return to an antebellum order upon cessation of wartime hostilities. In doing so, he ignored the recency with which black people were considered the property of white slaveowners. Any successful argument for a restoration of pre-war property laws could have been used to justify the forcible return of black people to a prior condition of slavery or servitude. See Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 317.

<sup>76</sup> Senator William P. Fessenden, speaking on S. No. 60, January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 367.

<sup>77</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>78</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 590.

<sup>79</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>80</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 334.

<sup>81</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 590.

<sup>82</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 341.

<sup>83</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 340.

<sup>84</sup> Senator Samuel Clarke Pomeroy, speaking on S. No. 60, January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 337.

<sup>85</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 590. This strategy of advocating for black advancement in terms of economic contributions to white America was later famously pursued by Booker T. Washington, whose "Atlanta compromise" sought northern investment in the black southern economy in his address to the Cotton States Exposition on September 18, 1895.

<sup>86</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 346.

<sup>87</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344.

<sup>88</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344.

<sup>89</sup> Kentucky Senator Guthrie, too, appealed to the future judgment of Americans when he spoke out against the Bureau. Regarding his vote against the bill, he said, "All history will justify it; and I believe when the history of this country and of the effects of the legislation that may follow this



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rebellion shall come to be written, it will be verified again.” Senator James Guthrie, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 346.

<sup>90</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 316.

<sup>91</sup> Senator Willard Saulsbury, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 348.

<sup>92</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>93</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>94</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

<sup>95</sup> Senator Guthrie, for example, argued that the long-term effect of the Bureau’s efforts would be “to encourage the negroes to look to the Government for rations and keep them from working.” Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 335.

<sup>96</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>97</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>98</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>99</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 342.

<sup>100</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 585.

<sup>101</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 585.

<sup>102</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318.

<sup>103</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318.

<sup>104</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318. Emphasis added.

<sup>105</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>106</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>107</sup> See Dew, “Excerpt from ‘Abolition of Negro Slavery.’”

<sup>108</sup> Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344.

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<sup>109</sup> Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344.

<sup>110</sup> Senator Henry Wilson, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339, 343.

<sup>111</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 589.

<sup>112</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 588.

<sup>113</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 588.

<sup>114</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 588; Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 319.

<sup>115</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>116</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>117</sup> Senator Garrett Davis, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 396.

<sup>118</sup> Senator Garrett Davis, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 396.

<sup>119</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 542.

<sup>120</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>121</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>122</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343. Emphasis added.

<sup>123</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 341. This subtle language choice indicates a distinction between white freedom and black freedom. Grammatically, the tense used to identify white “freemen” (as opposed to the past tense used to identify black “freedmen”) implies a constant and omnipresent present state of freedom for white Americans. It suggests that white people were naturally always free, whereas black people were granted their freedom in a particular moment in time.

<sup>124</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 342.

<sup>125</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 542.

<sup>126</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 542.

<sup>127</sup> Senator James Guthrie, speaking on S. No. 60, on January 20, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 336.

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<sup>128</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318; Senator Garrett Davis, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 347.

<sup>129</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 369.

<sup>130</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 319.

<sup>131</sup> Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 401.

<sup>132</sup> Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 401.

<sup>133</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 319.

<sup>134</sup> Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 401.

<sup>135</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 589.

<sup>136</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 342.

<sup>137</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 342.

<sup>138</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 319.

<sup>139</sup> Senator Willard Saulsbury, speaking on S. No. 60, on January 23, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 363; Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322; Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 393. Emphasis in original.

<sup>140</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>141</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 340.

<sup>142</sup> Representative Ignatius Donnelly, speaking on S. No. 60, February 1, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 586; Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 317. It's noteworthy that this strategy also cast the violent effects of slavery as personal impairments or disabilities. By likening former slaves' circumstances to blindness or mental illness, Senator Hendricks suggested that black people were naturally born with particular deficiencies, as opposed to being systematically disenfranchised and oppressed by the actions of the state and its representatives.

<sup>143</sup> One senator specifically argued that the possibility of black suffrage was "delaying peace and disturbing the country." His comments demonstrate the extent to which issues facing black people were disregarded as troublesome—not as crises, but as distractions from the national agenda. See Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

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<sup>144</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339.

<sup>145</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>146</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 298.

<sup>147</sup> Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 401.

<sup>148</sup> Senator James A. McDougall, speaking on S. No. 60, on January 24, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 401.

<sup>149</sup> Jean Jacques Rousseau, *The Social Contract & Discourses*, trans. George Douglas Howard Cole (New York: E. P. Dutton & Co., n.d.), <http://ebooks.gutenberg.us/WorldBookLibrary.com/socon.htm>.

<sup>150</sup> Elizabeth A. Povinelli, *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism* (Durham: Duke University Press, 2011), ix. In offering this framework, Povinelli does not dismiss the agency of the abandoned. Instead, she celebrates it. Povinelli identifies three stages—or, modes—of human community: social belonging, abandonment, and endurance. Once abandoned and expelled from social belonging, Povinelli argues, people find the capacity to endure. In fact, some can thrive and “new forms of social life emerge” among them—what Povinelli referred to as “alternative social projects.”

<sup>151</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>152</sup> James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven: Yale University Press, 1998), 4, 11.

<sup>153</sup> Scott, 342.

<sup>154</sup> Representative Thomas D. Eliot, speaking on S. No. 60, January 30, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 513.

<sup>155</sup> Representative Thomas D. Eliot, speaking on S. No. 60, January 30, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 513.

<sup>156</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 339. Senator Wilson’s remarks highlight an unwavering obedience to state law that animated much of the congressional debate, as statesmen suggested that former slaves would not be embraced as free citizens until the state had unequivocally declared them as such. The bill’s sponsor and most vocal champion, Senator Trumbull, reinforced this point when he cast doubt on the likelihood of former Confederate states’ adopting official measures to protect former slaves. He said, “If the people in the rebellious States can be made to understand that it is the fixed and determined policy of the Government that the colored people shall be protected in their civil rights, they themselves will adopt the necessary measures to protect them; and that will dispense with the Freedmen’s Bureau and all other Federal legislation for their protection.” Simply put, Senator Trumbull too argued that the passage of state laws alone would protect former slaves and act as a satisfactory guarantee of their inclusion into free society. See Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322-323.

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<sup>157</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 345; Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 318.

<sup>158</sup> Senator Garrett Davis, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 347. Emphasis added.

<sup>159</sup> The congressional debate's emphasis on states' rights demonstrates the consequences of this power. Many congressmen insisted that the federal government's reach did not extend beyond the passage of the Thirteenth Amendment, and the recognition of former slaves' natural rights. They suggested that all further policies—especially those regarding earned rights—be turned over to the states. These arguments laid the groundwork for the cessation of federal support in the former Confederate South. Left to their own devices, states reinstated practices and policies that resembled, if not mirrored, enslavement. Black people had been freed, but without any of the rights, privileges, and protections afforded to whites.

<sup>160</sup> Critical race theory has provided an intellectual entry point for interrogating notions of race neutrality. Studies have explored the ways in which American legal and justice systems, in particular, espouse seemingly race-neutral policies that ultimately reinforce racial discrimination and prejudicial treatment. See Ian Haney Lopez, *White by Law: The Legal Construction of Race* (New York: NYU Press, 2006); David Cole, *No Equal Justice: Race and Class in the American Criminal Justice System* (Princeton, NJ: New Press, 1999); Kimberlé Crenshaw, ed., *Critical Race Theory: The Key Writings That Formed the Movement* (New York: The New Press, 1995).

<sup>161</sup> Senator Lyman Trumbull, speaking on S. No. 60, January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 322.

<sup>162</sup> Senator Thomas Hendricks, speaking on S. No. 60, on January 19, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 316.

<sup>163</sup> Senator Edgar Cowan, speaking on S. No. 60, January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 345.

<sup>164</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 541.

<sup>165</sup> Patrick Rael, *Black Identity and Black Protest in the Antebellum North*, The John Hope Franklin Series in African American History and Culture (Chapel Hill: University of North Carolina Press, 2002); Gayle T. Tate, "Free Black Resistance in the Antebellum Era, 1830 to 1860," *Journal of Black Studies* 28, no. 6 (1998): 764–82.

<sup>166</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344.

<sup>167</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 343.

<sup>168</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 344, 346.

<sup>169</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 298.

<sup>170</sup> Senator Henry Wilson, speaking on S. No. 60, on January 22, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 346.

<sup>171</sup> Senator William Morris Stewart, speaking on S. No. 60, January 18, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 298.

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<sup>172</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 542.

<sup>173</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 541.

<sup>174</sup> Mark Elliott, “The Lessons of Reconstruction: Debating Race and Imperialism in the 1890s,” in *Remembering Reconstruction: Struggles Over the Meaning of America’s Most Turbulent Era*, ed. Carole Emberton and Bruce E. Baker (Baton Rouge: Louisiana State University Press, 2017), 139.

<sup>175</sup> Representative John Dawson, speaking on S. No. 60, January 31, 1866, 39<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 297, 541; Wilson, *The Reconstruction Desegregation Debate*.

<sup>176</sup> President Johnson’s veto was arguably a betrayal of earlier promises made to former slaves. While serving as military governor, Johnson addressed black audiences in a speech on October 24, 1864, in which he “proclaim[ed] freedom to every man in Tennessee” and insisted, “in due time your leader will come forth; your Moses will be revealed to you.” When the crowd reportedly responded, “We want no Moses but you,” Johnson pledged, “Humble and unworthy as I am, if no other better shall be found, I will indeed be your Moses, and lead you through the Red Sea of war and bondage, to a fairer future of liberty and peace.” The speech circulated widely and was later referenced both in the Congressional debate and in the *New Orleans Tribune*, cited as evidence of Johnson’s commitment to support the advancement and inclusion of black people. See Johnson, “I Will Indeed Be Your Moses”; Fitzgerald, *Splendid Failure*, 22–46.

<sup>177</sup> Johnson, “Veto of the Freedmen’s Bureau Bill.”

<sup>178</sup> John David Smith, *We Ask Only for Even-Handed Justice: Black Voices from Reconstruction, 1865-1877* (Amherst: University of Massachusetts Press, 2014), 4. In addition to his veto, President Johnson ordered an investigation of the Bureau’s administration at this time. A report indicated that the agency “had sometimes been dishonestly and injudiciously administered.” Coupled with the President’s public denial of support for the Bureau, these findings dealt a major blow to the public’s confidence in the organization. W.E.B. DuBois, *Black Reconstruction in America, 1860-1880* (New York: Free Press, 1998), 276.

<sup>179</sup> Scott, *Seeing like a State*, 11.

## Chapter 4

### **“NEW IDEAS WANT NEW MEN”: FREEDOM AND BLACK RESISTANCE IN THE *NEW ORLEANS TRIBUNE*, 1864-1866**

It was half past seven o'clock on March 17, 1865, when “one of the most largely attended assemblies ever held” was convened at Economy Hall, in New Orleans. The “friends of liberty” met to “discus[s] the momentous question of the day: shall we go backward or forward?” Thomas W. Conway, the Superintendent of the Bureau of Free Labor in Louisiana sat in attendance as members of the city’s born-free and emancipated black community offered their views on the government’s treatment of former slaves.<sup>1</sup> By the end of the meeting, the assembly had produced a set of resolutions, the second to last of which was recorded as follows: “Resolved, that new ideas want new men; that the past has shown that we cannot expect any decided progress in the conduct of labor so long as Superintendent Thomas W. Conway remains at the head of the Bureau of Free Labor in Louisiana.” The full list of resolutions, which had been read aloud in both English and French, were printed the next morning in the *New Orleans Tribune*.<sup>2</sup>

Black people openly rejected Conway’s leadership in New Orleans that night at Economy Hall. Confronting him directly, the assembly demanded his removal from a position of authority and sought, instead, to offer their own views on the practices and policies that would deliver “complete freedom” for their communities.<sup>3</sup> They insisted that old systems of governance were affirming, if not strengthening, the unjust practices of slavery. Thus, they demanded the appointment of new leaders—preferably black ones—who would advocate justly on freedmen’s behalf. Unfortunately, Conway retained his position. Then, when the Freedmen’s Bureau arrived in Louisiana, he assumed the role of Assistant Commissioner. In that capacity, he continued to attract scrutiny and criticism

from the black people of New Orleans, who refused to remain passive observers of the post-war era.

In this chapter, I focus on the voices of born free and former enslaved black people in an effort to understand how they responded to the state's attempts to control the emancipation era conversation about freedom. My analysis is derived from close reading of numerous articles and editorials published in the *New Orleans Tribune*. I ultimately argue that the *Tribune's* rhetoric intervened in the prevailing discourse surrounding the Bureau by actively countering notions of black inferiority, exclusion, and dehumanization in ways that restored the potential of a natural rights approach to freedom and simultaneously disrupted the preconditions that questioned black people's compliance with the American social contract. In service of this thesis, this chapter proceeds in four parts. First, I introduce the *New Orleans Tribune*, situating the black press within a brief history of African American rhetorical protest and invention. Second, I examine the *Tribune's* coverage of black life, teasing out the ways in which writers and editors showcased black people's commitments to land, labor, education, justice, and suffrage both before and after the Bureau's arrival in Louisiana. Their discourse undermined the agency's earned rights approach and defied, more broadly, the prevailing assumption that black people needed to be taught to value the expectations and privileges of freedom. Then, I analyze how the *Tribune* rejected white supremacist policies and arguments, advocated for unity on the basis of natural rights, and asserted the full range of black humanity in ways that countered the state's efforts to question former slaves' fitness for social, political, and economic participation. I close with recognition of the *Tribune's* position within the ongoing legacy of black resistance.



## Black Resistance in Antebellum America

Throughout the eighteenth and nineteenth centuries, both free and enslaved African Americans argued relentlessly for freedom. Eloquent writing and speaking from such notable figures as Phillis Wheatley, Jupiter Hammon, and Richard Allen showcased black people's capacity for rhetorical invention and strategy.<sup>4</sup> Others soon followed in their footsteps. Acclaimed speeches by prominent African Americans like Frederick Douglass, Sojourner Truth, and Henry Highland Garnet shaped the abolition movement and, later, calls for citizenship and civil rights.<sup>5</sup> Rhetorical scholars have studied their strategies and arguments, often highlighting the innovative ways in which black people argued on behalf of themselves and their communities. While these speakers enjoyed a measure of elevated status, then and in the historical record, their leadership helped to craft a tradition of black protest and identity formation that both engaged and challenged the American ideological landscape.<sup>6</sup>

The spirit of protest permeated everyday black life, throughout which both free and enslaved black people relied heavily on orality as a mode of subversive resistance. Innovative speech practices created space for them to build community and critique dominant groups. For example, slaves used songs to reappropriate the slavemaster's tools. Spirituals, in particular, transformed religious suppression and Christian scripture into "secret codes," expressing alternative and counter-dominant readings that could not have been conceived of, let alone recognized, by slavemasters.<sup>7</sup> Catherine Knight Steele makes the case that slaves were able to build resurgent communities, "foster revolt, signal rebellion, and voice dissent" by "utiliz[ing] motifs of the Old Testament to create... double meanings."<sup>8</sup> In song, slaves were able to "express out loud the anguish and peril

of slavery,” while also asserting a collective “hope of freedom” in the very language that was often used to enforce their bondage.<sup>9</sup> Other forms of subversive oral practice, like storytelling and signifying, further challenged slavery’s and slavemasters’ attempts to wield absolute control over black people.<sup>10</sup>

In addition to oral practices, everyday acts of resistance among black people issued direct challenges to oppression and violence. Free black people engaged in protest, helped found societies and associations dedicated to abolitionist agitation, and established “underground” networks to assist fugitive slaves.<sup>11</sup> Meanwhile, enslaved African Americans risked their lives to defy not only their masters, but also slavery as an institution.<sup>12</sup> According to historians John Hope Franklin and Loren Schweninger, runaway slaves’ relentless pursuits of temporary and permanent freedom “strained slave owners, the South, and the nation,” contributing significantly to the “mounting stress” and instability that marked the buildup to the Civil War.<sup>13</sup> Enslaved black people engaged in more covert modes of resistance as well. Acts of truancy, documentation, and even frolicking expressed slaves’ claims to privacy, agency, and bodily freedom in subtle, yet meaningful ways.<sup>14</sup>

The press emerged as a “vanguard of the struggle” against slavery, particularly in the antebellum North, because it provided a unique opportunity for black people to express themselves openly on their own terms.<sup>15</sup> *Freedom’s Journal*, founded in 1827 as the nation’s first black owned and operated newspaper, boldly declared in its opening editorial: “We wish to plead our cause. Too long have others spoken for us.”<sup>16</sup> Its objective resonated loudly among black audiences, and *Freedom’s Journal* was soon followed by others, such as *The Colored American* and *The North Star*.<sup>17</sup> In a detailed

history of the beginnings of the black press, Charles A. Simmons argued that newspapers were “essential to the survival of black people,”<sup>18</sup> as they served as vital vehicles through which counterarguments and subversive strategies could be shared, circulated, and fostered. Newspaper editors and writers alike bravely faced tremendous threats as they aimed to “let white editors and citizens know that black citizens were humans that were being treated unjustly.”<sup>19</sup> Thus, northern newspapers played a prominent role in encouraging abolitionist views and disrupting the nation’s complacency regarding slavery.<sup>20</sup>

Meanwhile, black people in the South were not permitted to establish their own presses until after the start of the Civil War. The 1862 founding of *L’Union* in New Orleans, Louisiana, marked a “watershed [moment] in the development of black journalism.”<sup>21</sup> On its first page, *L’Union* declared itself the standard-bearer in “a new era in the destiny of the South,” one in which its readers would “line up here to march, all friends of Progress.”<sup>22</sup> In both language and purpose, *L’Union* sought to reflect the interests of its largely French-speaking, Creole community. Many free black people, descended from French settlers, had enjoyed a measure of privilege and opportunity in New Orleans<sup>23</sup>; however, in the wake of the Civil War and emancipation, “all blacks found their lot cast together,” as free people of color were often mistaken for former slaves.<sup>24</sup> Thus, *L’Union* “came forth with a cry echoing the grievances and aspirations of black freemen, freedmen, and slaves,” in fierce opposition to “slaveocracy and racism... [as] the common enemy.”<sup>25</sup> Soon, many other newspapers followed in its wake, as countless black journalists and editors—alongside their white allies—advanced arguments for political, social, and economic change.<sup>26</sup> Henry Louis Suggs has described

the southern black press as “a fighting press; it is an advocate, crusader, and mirror... [it] has never lost sight of the issues of importance for black survival and black awareness.”<sup>27</sup>

Among these many papers, the *New Orleans Tribune* emerged as a bold voice. Having inherited the offices, subscription lists, and even key staff from *L'Union*, the *Tribune* likewise took up many of its predecessor's themes and principles.<sup>28</sup> In its inaugural issue, on July 21, 1864, the newspaper declared itself the heir to *L'Union*'s mission, which had been to be the “organ of an oppressed class.”<sup>29</sup> Several months later, the *Tribune* decisively asserted ownership of that charge and affirmed, “*This journal is the organ of the oppressed, whether black, yellow or white.*”<sup>30</sup> The newspaper's leadership reflected this position. Editor Jean-Charles Houzeau, a white Belgian, was joined by two black men: co-editor Paul Trévigne and founder Louis Charles Roudanez. In both word and practice, the *Tribune* argued in favor of interracial cooperation among all allies, in order to present the strongest argument for freedom and defense against anti-black racism and subjugation. In his memoir, Houzeau reflected on his editorial aims: “Rather than speaking in the name and interest of a small group, the *Tribune*, I thought, should defend the masses of the proscribed race and unite this oppressed population completely around its standard.”<sup>31</sup> As editor, he relied heavily on his black peers for guidance, whom he trusted to be men of intelligence, righteousness, and morality. He believed they could be “called upon to form the highest group of representatives” of black people's interests and would “spare no means... to render the *Tribune* worthy of public confidence and respect” in the era of emancipation.<sup>32</sup>

In order to make the most of its “militant crusade,” the *Tribune* sought to reach audiences beyond the local New Orleans region.<sup>33</sup> Houzeau was determined “to transform

a local newspaper into a newspaper of national importance.”<sup>34</sup> Roudanez also believed that the *Tribune*’s message would be most effective in advancing change if it were distributed widely. So, he famously sent copies of each issue to the U.S. Congress, so that each representative and senator would have the opportunity to read black perspectives about the post-war conditions in not only Louisiana, but also throughout the nation.<sup>35</sup> Roudanez’s strategy was, at the very least, partially effective; politicians read the newspaper but often utilized its content in service of their own agendas. According to John R. Ficklen, the *Tribune*’s columns “supplied the radical orators with the thunder” they needed to advance arguments for Southern reconstruction and federal intervention.<sup>36</sup> Still, the *Tribune*’s arguments in favor of black people’s interests were able to circulate far beyond local audiences.

Such widespread circulation was imperative given the newspaper’s ultimate aim in the years immediately following the Civil War. As editor, Houzeau hoped that the *Tribune* would provide guidance and support for former slaves in the wake of the emancipation. In a city marked by a sizable Creole population, and with two born-free black men among the newspaper’s leadership, Houzeau was confident that the *Tribune* could shed light on freedom, its meanings, and its implications. Reflecting on his time as editor, he wrote, “At a time when thousands of freedmen would be thrown onto the street... where and when they would have to come to grips with their new situation and make their way in the world, would they not look to their elders in their search for guides, to those of their race who had preceded them?”<sup>37</sup> In other words, Houzeau believed that former slaves would need support in learning the ways of free life, but he also presumed that such support must come from within black communities.

Houzeau further argued that black communities should likewise be considered a trusted, valuable source of information and insight in the development of new policies and legislation. He wondered, perhaps optimistically, “to whom would the liberal party, the Congress, and the government turn in order to learn the needs, the ideas, and the dangers of the [black] population... in the new order of things if not to these natural representatives, to these enlightened spokesmen for the black and colored population?”<sup>38</sup> Thus, the *Tribune*’s editors felt it was their “great responsibility” to record, publish, and disseminate black perspectives, in an effort to “do the most [they could] for the union [and] free and true republican progress.”<sup>39</sup> Though they had no assurances about how their message would be received, the *Tribune*’s writers and editors worked tirelessly to advocate for black people. They sought to actively influence the dynamics of the new social, political, and economic order, and advance a national conversation about freedom for former slaves.

The present study thus proceeds with an understanding of the *Tribune* as a prominent participant in not only the nineteenth century effort to define freedom, but also the enduring tradition of black and African American protest. Using a serial newspaper as its medium, born-free black men and their allies attempted to intervene in dominant discourses to shape, if not alter, the rhetoric about freedom, former slaves, and citizenship. The *Tribune* was unrelenting in its effort to, first, affirm black people’s understanding of freedom and, second, challenge the American people to return freedom to its roots in inherent, unassailable human rights.

### The *Tribune*’s Embrace of Earned Rights

Founded in 1864, in the wake of the historic Emancipation Proclamation, the *Tribune* often struck a triumphant tone. It frequently reported on the proceedings of local meetings, during which a local reverend declared, “thanks be unto God... slavery, the curse of the nation is dead and buried.”<sup>40</sup> Others joined in his celebration, rejoicing for having “passed through blood” to stand “upon free soil.”<sup>41</sup> At the same time, however, the *Tribune* was realistic about the struggle yet to come. The Civil War was still claiming the lives of thousands of black men, enticed to join the Union’s armies in defiance of their former masters, and the freedom promised to former slaves was still, in many ways, treated with a measure of skepticism.<sup>42</sup> In an article published in its inaugural issue, the *Tribune* cautioned, “The rebellion shall be a great blessing or a great curse as we will it.”<sup>43</sup> Ever mindful of history, the newspaper additionally warned its readers, “Our population have too often trusted in the good faith of others and been deceived.”<sup>44</sup> Despite some apparent victories, “the cause of real Freedom [was] not yet secure from peril at the hands of those who assume to guide the course, and shape the destinies” of former slaves.<sup>45</sup> Peace and prosperity for black people was hardly guaranteed.

Thus, immediately upon its founding, the *Tribune*’s writers and editors worked to advance black people’s claims to freedom. As they did so, they invoked many familiar contours of freedom’s rhetorical legacy. Numerous editorials and articles spanning 1864-1866 argued passionately that freedom should be accompanied by certain opportunities and attainments—namely land, labor, education, justice, and suffrage. The *Tribune* did not argue that former slaves already fulfilled these markers. Instead, it centralized these familiar tenets in ways that affirmed that black people already understood, as well as embraced, the central customs and practices of free American life.

## *Land*

The *Tribune* considered the acquisition, possession, and cultivation of land to be a chief concern. An article entitled “Division of Property” reflected on the outbreak of war, reminding readers that “the territory of the State was owned by quite a small number of white men” at the time. These few men “owned all the soil outside of the limits of the cities and their environs,” but “disappeared, as if by magic” to fight in the Confederate armies. With the war nearing its end, the *Tribune* insisted that the federal government intervene to prevent the plantation masters’ return not simply because they were “the chief instrument in bringing on [the] war,” but because they had perpetuated an economic system that defied Northern principles of free labor. The plantation masters had withheld others’ rights to own and cultivate property and, instead, “carried on a large agricultural business in raising cotton, sugar, and rice by means of slave labor.” Thus, the *Tribune* argued, “the moment they had departed, the Government should have taken possession of the lands, divided them out into five-acre lots, and distributed them among those persons who had... created all the wealth of the South.”<sup>46</sup> This position reflected the *Tribune*’s respect for free labor principles, “that true and praiseworthy ‘Yankee’ idea, ‘that every man should own the land he tills,’” as well as reap the profits of its bounty.<sup>47</sup>

The *Tribune* reiterated its message several months later, when it proposed the formation of farming associations that would distribute land and wealth among black communities. It invited readers to band together, under the leadership of “two or three persons who understand the business contract for a quantity of land,” and insisted that “five or ten families [who] would associate for this purpose... could not fail to make a good living for themselves and their children.”<sup>48</sup> The *Tribune* argued that such associations would be a significant step toward destroying the remnants of the slave



economy and abolishing, once and for all, the “oligarchy of slaveholders [and] property holders.”<sup>49</sup> The proposal was merely the start of their calls for “a radical reconstruction of property relations,”<sup>50</sup> and it demonstrated the ways in which black people understood the importance of land and land ownership—even if they were not yet in the financial position to acquire property.

### *Labor*

The newspaper argued that labor, too, “must now be put on a democratic footing.”<sup>51</sup> In the immediate aftermath of emancipation, the *Tribune* deemed the state of Southern labor unacceptable. A September 1864 article claimed that “iron-collars, the chain and lash were in some instances continued in operation,” and eager Northern investors “whose sole desire was to *exploit* the services of the freedmen” had begun to lease abandoned plantations.<sup>52</sup> Once again demonstrating a commitment to free labor principles, the newspaper railed against the ways in which former slaves “were made serfs and chained to the soil,” unable to work for themselves, benefit from their own toils, or even “select their own employers... such was the boasted freedom acquired by the colored man at the hands of the ‘Yankees.’”<sup>53</sup>

According to the *Tribune*, the persistence of these conditions was an affront to the promises of the Emancipation Proclamation. In a piece entitled “Plantation Labor,” the editors wrote, “The mode of labor on the plantations and the practical liberty of the freedmen are so intimately connected together, that each question must be considered in its bearing upon the other.”<sup>54</sup> They further explained, “So long as the freedmen will remain under the control of the former planters and overseers... there will be no means of extending to the laborers the benefit of a true and practical liberty.”<sup>55</sup> Simply put,

freedom would remain out of reach if emancipated slaves were made to work, once more, in service of someone else's pleasure and profit. In the age of emancipation, the *Tribune* insisted, there could be no use for "a tyrannical master and a despotic ruler, on each and every plantation. The laborers [had] been proclaimed freemen" and must be elevated "to the condition of men who are really free."<sup>56</sup> These arguments affirmed that black people, in being opposed to slavery, were also committed to "the success of free labor" as an integral part of freedom.<sup>57</sup>

More importantly, however, the *Tribune* argued that black people were eager to embrace working for themselves. Noting that "it was hastily and erroneously assumed that cultivators would not work but on compulsion," the newspaper took great pains to affirm that "there are in our community a great many men who feel disposed... and are perfectly competent."<sup>58</sup> Former slaves were not merely ready to be laborers, but also serve as their own managers and supervisors. Recurring announcements reported: "several associations have already been formed by freedmen, to work certain plantations—one of 70, one of 100 and one of 130 persons."<sup>59</sup> Within those associations, "the freedmen... have elected a first, second, and third managers, and are now working harmoniously together."<sup>60</sup> The *Tribune* reiterated, "No single 'Superintendent of Negro Labor' is needed. Give the men of color an equal chance; and this is all they ask... our word for it, they will, more quickly than their fellow white man, find a happy issue out of all their sufferings."<sup>61</sup> These arguments countered prevailing assumptions that black people were lazy and incapable of working without the oversight or command of whites. Moreover, they emphasized the value former slaves placed on labor, and their eagerness to assume roles as cultivators and producers in the new Southern economy.<sup>62</sup>

## *Education*

The *Tribune* also devoted a significant measure of attention to affirming black people's desire and propensity for education. The newspaper itself showcased the excellence of black literacy, as it was published in both English and French, regularly advertised the sale of books and other printed material, and featured reviews of public lectures and readings.<sup>63</sup> In its commentary of the era, the *Tribune* also recognized a vital relationship between education and citizenship. For instance, in an article describing the successes and potential of black troops in the Union army, one writer wrote, "To make first rate soldiers they need discipline and instruction. To make good citizens they need education. They are receiving it. They have begun, and will go on."<sup>64</sup> These various pieces, published alongside one another on the newspaper's pages, worked together to reinforce black people's ability and desire to learn. They also affirmed an expectation that former slaves, upon being freed, would be given the opportunity and resources to "drin[k] from the cup of knowledge."<sup>65</sup>

The newspaper's focus on education was most prominently on display, however, in its response to local legislation. According to Kristi Richard Melancon and Petra Munro Hendry, it was "the singular text in the public South at its time to staunchly advocate for public, integrated education."<sup>66</sup> This campaign began immediately upon the proposal of a plan to segregate schools based on race. The *Tribune* reprinted the words of a fellow newspaper editor: "a bill is proposed in the State Legislature, one provision of which 'separates the races in the process of education, and obliges each race to bear its own burdens, so that prejudices shall not clash, nor injustice be inflicted on any class.' Can this thing be?"<sup>67</sup> In its own editorials, the *Tribune* explained its opposition to the bill

and affirmed the need for integration. It argued that such policies “dra[w] a line between the two elements of one and the same people, from the cradle itself up to the time of manhood and throughout life.”<sup>68</sup> Integrated education, on the other hand, would play an active role in dismantling the legacies of slavery and advancing the inclusion of freedmen within American society. “Nothing,” according to the *Tribune*, would be “more conducive to the obliteration of the old lines which divide the people.”<sup>69</sup> The editors’ attention to the matter of segregated schools demonstrated not only black people’s appreciation for education, but also the integral role education would play in shaping former slaves’ lives as free people.<sup>70</sup>

### *Justice*

The *Tribune*’s positions regarding land, labor, and education were often framed in terms of justice, as the newspaper trumpeted the importance of legal protections for black people’s rights and privileges. As early as its inaugural issue, the *Tribune* offered a nuanced understanding of civil law: “the law must under all instance be respected,” even when a “statute has fallen into disuse” or has been cast into doubt by a “change in public opinion.”<sup>71</sup> This deference to legal authority further bolstered the *Tribune*’s frequent calls for unjust laws—like the “bloody and barbarous” Black Codes—to be officially repealed in favor of legislation that might better reflect the “authority of public sentiment.”<sup>72</sup>

The newspaper also took advantage of opportunities to expose the numerous instances in which black people were being treated differently before the law. For example, in discussion of a Louisiana statute that condemned a black person to death for striking a white person, the *Tribune* wrote: “Does any sane person living in New Orleans today believe that such a law would, could, or should be enforced by any civil power...?”

Yet there it stands... a judge in one of our courts would be derelict in his duty not to pronounce the sentence of death.”<sup>73</sup> The newspaper also reminded its readers that black people and their white allies might find themselves in violation of existing laws on a regular basis, as two statutes—both carrying sentences of death—condemned those who incited discontent or insubordination among free black people or slaves. Recognizing the risks taken especially by the most outspoken advocates, the *Tribune* added, “there is not in this city a loyal paper... whose editor is not liable to ‘death.’”<sup>74</sup> The point underscored how existing laws failed to extend justice to black people, such that even those who were willing to speak out on their behalf were vulnerable to severe punishment. The *Tribune* thus suggested that former slaves’ freedom would remain under threat in the absence of “good and lasting statutes... based on sound judgment and common sense.”<sup>75</sup>

### *Suffrage*

The *Tribune*’s calls for justice were closely linked to its unyielding support for suffrage rights, as it proclaimed, “Freedom without equality before the law *and* at the ballot box is impossible.”<sup>76</sup> The newspaper was committed to advocating on behalf of voting rights for both born-free and emancipated black people, as demonstrated by its response to a bill proposed in the Louisiana Senate. The law, referred to as the “quadroon bill,” would have extended the franchise only to Creole men of color, while continuing to exclude former slaves from political participation. After objecting to the legislation for weeks, the *Tribune* reflected upon the bill’s defeat: “The quadroon bill having been killed in the State Senate, we may be permitted to pay a short tribute to its memory... The principle was preposterous, or rather the bill had no principle at all.”<sup>77</sup> The editorial expressed fears about the extent to which the government might use the suffrage issue as

a means of dividing the black community, and create innumerable race-based distinctions in the wake of emancipation.<sup>78</sup> The *Tribune* asked its readers, “If a quadroon has a right to vote, why not a mulatto? Where shall be the limit?” The editorial maintained that suffrage was the right of all black people, regardless of shade, tone, or ancestry. Just several days later, the *Tribune* rebuked those who insisted “that time is needed, not only to give a practical effect to the extension of the right of suffrage, but even to mediate on that extension itself.”<sup>79</sup> The editors also chastised those who held black people to different standards of education, morality, religion, and temperance than white voters. Though “the [e]ra is slow and cautious, and wants to rest and pause at every step in the ways of social progress,” the *Tribune* insisted that no “mediation was necessary to recognize such a just right” for free black people.<sup>80</sup>

Even after the bill’s defeat, the newspaper remained relentless in its advocacy for voting rights and often published essays and editorials on the subject.<sup>81</sup> For instance, a January 1865 issue ran a letter penned by a *Tribune* reader, entitled “Freedom and Franchise Inseparable.” The letter identified suffrage as an inherent right and exercise of citizenship, and one that should be extended to former slaves. Moreover, it accused enemies of “the great cause of freedom” for withholding suffrage from freedmen in a strategic attempt to “induc[e] them to migrate elsewhere.”<sup>82</sup> These views reinforced not only the newspaper’s stance that suffrage was a vital component of free life. At the same time, they also affirmed the significance black people attributed to voting rights, such that refusing black political participation would compel them to search for freedom elsewhere.<sup>83</sup>

By the spring of 1865, the *Tribune* had established its reputation as an unapologetic mouthpiece advocating black people's rights as free people. Its editors and writers had not shied away from confronting new legislation and specific reforms head-on, as they "called for fundamental changes in Southern society."<sup>84</sup> On March 5, the editors published a piece, entitled "Our Platform," that summed up the newspaper's priorities as the war drew to a close and the fate of freedmen seemed more uncertain than ever. Among a series of short, blunt declarations, the *Tribune* declared allegiance to: fair earnings and unmolested travel for all laborers; full and integrated education for black children; the right of suffrage for all black male citizens; equal regard for black women as is afforded to white women; and "justice—full justice—for all."<sup>85</sup> These attainments, the editors suggested, would secure "entire freedom" for freedmen, as well as born-free black people.<sup>86</sup> Thus, throughout its first year of publication, the *Tribune*'s rhetoric anticipated the struggle yet to come. The Freedmen's Bureau had just received Congressional approval and was about to take charge in Louisiana.

#### *The arrival of the Freedmen's Bureau*

The *Tribune*'s coverage of the Freedmen's Bureau began in March 1865. Reporting that Congress had begun to consider "the organizations of a Freedmen's Bureau," the newspaper referred to the matter as "the eternal question of tutorage, presented in its most complete and comprehensive form."<sup>87</sup> The *Tribune*'s initial impression was that a centrally organized, federal agency would exacerbate the existing abuses in Louisiana—particularly those concerning labor.<sup>88</sup> The newspaper's editors expressed concerns that such institutions "will always... seek aggrandizement of power and influence," rather than genuinely dedicate their efforts to the needs of former slaves,

and would ultimately “disguise slavery under another form of bondage.”<sup>89</sup> To emphasize its arguments, the *Tribune* printed an excerpt from Rhode Island Senator William Sprague’s comments on the Senate floor:

The Freedmen’s Department... will illustrate history in the style that the Indiana Bureau illustrates the beginning and end of the Indian... Those who advocate this bill upon humane principles should insist upon giving to this race the rights of free men and should never—no, never—accept anything less... the interest of both the colored and white men will be prejudiced by its [the Bureau’s] influence.<sup>90</sup>

The *Tribune* backed Senator Sprague’s scathing criticism and further insisted that a federal Freedmen’s Bureau would signal “growing interference with the rights and privileges of freedmen” and amount to nothing more than a “final effort to domination.”<sup>91</sup> Thus, before the Freedmen’s Bureau had even formed, the *Tribune* had already warned its readers that the agency would likely inspire more problems rather than solutions.

Having made their initial views clear, the *Tribune*’s writers and editors paid relatively scant attention to the Bureau. A two-line blurb, buried within a list of news items, announced that “Maj. Gen. Howard has been appointed the head of the Freedmen’s Bureau” on May 20, 1865.<sup>92</sup> After that, the *Tribune* routinely published the Bureau’s circular announcements, often without any accompanying commentary or editorial remarks.<sup>93</sup> On several occasions, however, the *Tribune* did respond to the agency’s policies or positions. For example, in July 1865, the town of Opelousas issued a set of “black codes” which, among other egregious restrictions, forbid black people from renting or owning property, congregating in groups, selling or bartering any goods or merchandise, or even entering town limits after the hour of 3 o’clock p.m. on Sundays.<sup>94</sup> The day after the *Tribune* circulated the ordinance, it printed the Bureau’s response, which sought to nullify the new law, arguing that there was “no other authority [with] the



right to take charge of questions relating to Refugees, Freedmen, and Abandoned Lands.”<sup>95</sup> Accompanying the Bureau’s response was only brief commendation from the *Tribune*: “We see with pleasure that after the publication of the Opelousas Ordinance... the Assistant Commissioner of the Department comes out with [a] Circular, which it sent to us for publication.”<sup>96</sup> In another instance, the *Tribune* responded directly to the Bureau’s plans for labor reform. In a piece entitled “Land for the Freedmen,” the *Tribune*’s editors summarized the Bureau’s policy, saying, “It is said... that the Freedmen are at liberty to choose their employers—and, in fact, without that liberty they could not be called free... But at the same time, they will be given to understand that a life of idleness will not be encouraged or allowed.”<sup>97</sup> The editorial deemed the policy “inconsistent,” because idleness would “be constructed in many different ways” and used to punish former slaves who could not find sustainable work due to plantation owners’ vengeance or mistreatment.<sup>98</sup> The *Tribune* warned its readers that the Bureau’s policy, therefore, would “provide for the subordinate officers a matter of great difficulty, and for the freedmen a source of great injustice.”<sup>99</sup> In both of these cases, the newspaper’s lack of expansive commentary suggests a general indifference toward the Freedmen’s Bureau—not because the agency was deemed unimportant, but unremarkable.

As early as December 1865, the *Tribune* had determined that the Bureau did not yield enough force to be truly effective, regardless of its policies. One essay explained,

The agents of the Freedmen’s Bureau are very few. In most of the parishes there are none. And where there are any, they feel very isolated, and nearly without power to enforce the regulations and obtain redress and justice. In the midst of a hostile population, they have to act cautiously. Their acquaintances are among the whites, and they cannot easily combat the influence of the false impressions and misrepresentations that are conveyed to them every day, and every hour of the day.<sup>100</sup>

These remarks demonstrate noticeably less opposition to the Bureau, when compared to the *Tribune*'s initial position in the spring of 1865. They suggest that the agency may be well intentioned but ultimately hindered by overwhelmingly difficult circumstances. The same essay, however, also noted freedmen's negative interactions with the agency, as "many just claims have been treated with contempt by the subordinate agents."<sup>101</sup>

Ultimately, the *Tribune* declared that "the confidence of the people of color in that institution [the Freedmen's Bureau] has been terribly shaken."<sup>102</sup>

Overall, the *Tribune* provided its readers with coverage and commentary of the agency's activities that suggested the Bureau was not unlike any other organization supposedly formed, yet failing, to support black people. The relative lack of attention to the agency could perhaps be explained by the writers' and editors' skepticism toward not only the Bureau, but also more generally toward government organizations and self-professed white allies. A July 1865 article read, in part, "Unfortunately there are United States officers who do not comprehend their noble mission. They do not come as liberators of the oppressed; the love of liberty does not dwell in their hearts; and instead of proclaiming liberty to the inhabitants of the land they come to foster an undisguised servitude."<sup>103</sup> These comments suggest that the Bureau's actions were likely met with hesitation, at best, and outright dismissal, at worst, as black people feared being deceived by insincere or corrupt government agents.

Therefore, the *Tribune*'s focus remained on advocating former slaves' freedom on their own terms. As the Bureau began and sustained its operations in Louisiana, the newspaper's writer and editors continued to devote attention to land and labor reform. Regarding land, the newspaper never wavered in its insistence that former slaves

deserved to own the property that they had been forced to cultivate, without compensation, for generations. The *Tribune* also reiterated that land would provide the most sustainable means of survival. One article asked, “how will laborers make their living? The government... will use rations sparingly... It is land that is required. Land should be immediately provided for every family.”<sup>104</sup> Labor, of course, remained a frequent topic of debate and discussion, as well. The *Tribune* was relentless in its condemnation of free labor principles, which it frequently argued were merely a pretense for “slavery No. 2,” used to render “the boon of freedom a lie, intended to deceive the world.”<sup>105</sup> The editors demanded that black laborers be left entirely alone, without restriction or regulation, or otherwise be presented with “a new reform before republican freedom takes the place of monarchical servitude.”<sup>106</sup> Together, the newspaper’s critiques of both land and labor policies cast doubt on the ways in which free labor principles could translate to the Southern economy.

The *Tribune* also continued to insist on the importance of education, justice, and suffrage. Its ongoing support for integrated schooling emphasized the role of education in supporting individual as well as community growth. One article proclaimed, “There is, in fact, nothing more important, more conducive to the general welfare and the national progress and grandeur than the imparting of a solid education and sound principles to the rising generation.”<sup>107</sup> Suffrage remained a priority and was identified as “another weapon put in [black people’s] hands to fight the same battle... the fight for individual freedom and social progress.”<sup>108</sup> Anticipating the centrality of suffrage in the forthcoming “Reconstruction programme,” the *Tribune* argued, “there is yet something left for abolition capital in the negro agitation... as slavery is abolished [and] the African race

have powerfully assisted us in putting down the rebellion and in saving the life of the nation, they should have a share in the political right of the ballot-box.”<sup>109</sup> The newspaper remained insistent that the American people must “get rid of the delusion or mistaken idea that the elective franchise is simply a *privilege* and not an absolute *right*.”<sup>110</sup> With regard to rights, the *Tribune* also continued to call readers’ attention to violations of black people’s rights, as those that often occurred in disputes between former slaves and plantation owners. One editorial asked, “How could [a freedman] compel the planter to settle [his wages] with him? No lawyer will take charge of his case, without exacting exorbitant fees... no friend of the blacks would dare to intervene... no speedy and full justice may be expected.”<sup>111</sup> Thus, the *Tribune* continued to call for legislative action, contending that “the strong arm of the law” would be the only remedy for prejudicial and abusive treatment toward black people.<sup>112</sup> Committed to these positions, the *Tribune* remained vigilant in its efforts to promote black freedom from a variety of different approaches.

At first glance, the *Tribune*’s unflagging efforts to focus on its own proposed policies might suggest the newspaper did not engage with the Bureau. However, in refusing to be derailed from its radical commitments in the areas of land, labor, education, justice, and suffrage, the *Tribune* did, in fact, respond to a foundational claim embedded deeply in the agency’s rhetoric: the notion that former slaves were yet unable to understand the expectations and responsibilities of freedom. The *Tribune* anticipated this stereotype as early as March 18, 1865—barely two weeks after the Bureau received Congressional approval—when it reported on a local meeting. The newspaper offered a full account, including the testimony of a black man, who said: “From Red River to the

Gulf, we are told... that we are subject to special rules and regulations in our affairs; we are told that we are not ready to assume the responsibility of citizens of the United States.”<sup>113</sup> In response to these presumptions, the meeting report affirmed, “No system of gradual elevation is needed to make us men... The defenders of such a system are not the friends we intend to have.”<sup>114</sup> This passionate defense of black people’s capacity to thrive as free people, and as citizens, anticipated the struggle former slaves would face throughout the Bureau’s tenure, as they would repeatedly be asked to prove that they understood freedom’s meanings. Thus, the *Tribune*’s unwavering commitment to familiar tenets of land, labor, education, justice, and suffrage can be understood as a strategic effort to dispel nagging notions that black people—especially former slaves—did not understand freedom’s legacy in America. As the editors wrote, “Is it surprising that we bring into the debate some persistency and warmth? It is our sacred duty to fight for our liberties... Were we not bold enough to defend them, we would not be worthy of enjoying them.”<sup>115</sup>

Both before and after the establishment of the Bureau, the *Tribune* painstakingly demonstrated that black people were well versed in the tenets of American freedom. Simply put, the writers and editors proved that former slaves understood the boundaries and prerequisites of the social contract. Through numerous editorials, essays, and letters, the newspaper suggested that black people did not need to be *taught* to value land, labor, education, justice, and suffrage but, rather, already held these markers in inestimably high regard. Moreover, the *Tribune*’s immediate and sustained demands for post-bellum change confirmed that such attainments ought not to be delayed or deliberated. Overall, the newspaper’s editors issued no caveats or conditions about black people’s fitness for

freedom. Instead, they seized every opportunity to advocate on behalf of freedmen by demonstrating the myriad ways in which emancipated slaves, alongside their born-free brethren, were already prepared to embrace the expectations of American life.

### A Defense of Natural Rights

By launching a sustained campaign for the rights of freedmen, the *Tribune* countered the dominant misconception that black people did not understand freedom or the expectations of the American social contract. Additionally, however, the newspaper's rhetoric worked to undercut other racist claims that pervaded much of the discourse within and about the Freedmen's Bureau. Even when not engaging the agency directly, the *Tribune's* demands for social, political, and economic rights disputed notions of black inferiority, exclusion, and dehumanization. The newspaper boldly identified exercises of white supremacy and hypocrisy, while shining a spotlight on black achievement; advocated for unity among black people and the wider American public, by claiming an equal share in the natural rights affirmed by the nation's founding documents; and asserted black humanity in unquestionable terms, by showcasing the everyday range of black life. In advancing these arguments, the *Tribune* did more than lobby for policy reforms and counter prevailing stereotypes about black people and former slaves. Its writers and editors worked to redefine the social contract by challenging readers to return the idea of freedom to its ideal roots in natural rights, rather than earned rights, for all human beings.

### *Disrupting white supremacy*

The *Tribune* was determined to be a vocal and provocative mouthpiece for radical progress. The newspaper earned its reputation, at least in part, by refusing to accept the

white supremacist agendas, actions, and arguments of its adversaries and supposed allies. A quick glance at any issue of the *Tribune* confirms that its writers and editors did not shy away from confrontation. Essays and editorials addressed directly to prominent political figures (some of whom were receiving daily copies directly at the U.S. Congress) were routinely peppered throughout its pages. The *Tribune*'s critiques exposed the racist underpinnings of various policymakers' reform efforts, condemned the hypocrisy of governmental policies, and trumpeted the resilience of black achievement. Together, these strategies worked to make white supremacy visible, as well as dispute persistent notions of black inferiority. Thus, the *Tribune* sought to challenge the restructuring of an antebellum order in which whites would continue to subjugate and control black people.

In terms of targets, the *Tribune*'s confrontational style knew no limits. Its writers and editors openly questioned, especially, the logic and integrity of political figures at the local and federal levels. For example, a Louisiana state senator named Charles Smith was lambasted for introducing the so-called "quadroon bill," which would have formally recategorized any person with less than one-quarter black blood as white. A *Tribune* correspondent first wondered, "by what method, process, or calculation the tribe of Smith ascertain, or propose to gauge, the one-fourth of negro blood, not one drop more."<sup>116</sup> Then, they pointed out that black troops had not been tested for their measure of black blood before being asked to risk their lives in defense of the Union. According to the correspondent, the bill was an attempt to affirm

that the whites are heavenly-gifted with the prerogative to dominate and domineer over all other races, and that they may, as a matter of grace and favour, admit a section approximating to their own blood to a share in their privileges, at the same time denying and containing the rights of their fellow creatures.<sup>117</sup>

In no uncertain terms, the correspondent identified the proposed legislation as an overt attempt to codify white supremacy in the post-bellum era. At the federal level, the newspaper confronted Representative James S. Rollins (U-MO), who had proposed a resolution on the House floor. The resolution encouraged the government to encourage a swift end to the Civil War by returning its focus to peace, unity, and the “good order of society.”<sup>118</sup> In its response, entitled “Mr. Rollins on Reconstruction,” the *Tribune* pointed out, “Mr. Rollins did not consider his pacificatory panacea as finished until he had rounded it, in an explanatory speech, with a stale sneer at Black Men. ‘Some have gone so far,’ quoth Mr. Rollins, ‘as to seek to elevate the negro to the level of the white race in the scale of being. I can regard such persons only as madmen.’”<sup>119</sup> The *Tribune* argued that Representative Rollins’s inclusion of such remarks betrayed his racist motives in calling for an end to the war, and confirmed that he cared more about peace and harmony among white men than he did for the welfare of black people. Moreover, the newspaper called readers’ attention to Rollins’s implicit claim that the ongoing violence was the fault of those who dared to argue for black progress and advancement. These direct confrontations with prominent political figures provided opportunities for the *Tribune* to identify and question the logic of white supremacy espoused by legislators in the wake of emancipation.<sup>120</sup>

While the *Tribune* frequently identified specific offenders, it also consistently sought to address exercises of white supremacy and hypocrisy more generally. The newspaper’s ongoing fight with education reform in Louisiana provides an example. As previously mentioned, the *Tribune* advocated strongly in favor of integrated education. When confronted with the reality of segregated schooling, however, the newspaper took



issue with the hypocrisy of taxation. One writer remarked, “I care less about the idea of division in the schools than I do in that of taxation for their support. The colored people... will support their own schools, and the whites, theirs. This is, in a degree, worse than formerly.”<sup>121</sup> In addition to pointing out the lack of black wealth available to support such programs, the article noted that, “in the dismal days of slavery,” taxes levied against free black people were used to support public schools attended by white students. The *Tribune* asked its readers, “Why is it less desirable now to make a common tax for public learning than it was formerly?”<sup>122</sup> Thus, the post-bellum effort to segregate school systems, as well as their sources of funding, was identified as an effort not only to separate the races, but also to widen the gap in quality of education received by white and black children. In another example that invoked both education and suffrage, one editorial drew a scathing connection between presumptions of black ignorance and the outcomes of white political participation. The writer challenged their opponents to “tell us what worse consequences to the State could possibly result from the voting of half-million of benighted Africans than have already resulted from the voting of a million of benighted Caucasians.”<sup>123</sup> The editorial further clarified, “If greater calamities can come on a State than the ‘superior race’ brought on the South, we do not know what they are.” This tongue-in-cheek comment underlined the hypocrisy of voting restrictions, as well as the follies of white supremacy that upheld slavery and inspired war. In these instances, and many others, the newspaper shone a harsh light upon laws and policies that treated black people differently than their white counterparts, to disastrous results.

In condemning white supremacy, the *Tribune* was careful to identify it as a present, active, and powerful force. It reminded readers that, just several years prior, “a

few thousands of deluded, ambitious, and wicked men thought so little of the strength of their country and the spirit of the age, as to plot the perpetual enslavement of a whole race.”<sup>124</sup> The newspaper encouraged readers to remain “wide-awake to the sense of danger,” signaled by the subtle “character of the argument[s]” presented to them.<sup>125</sup> With careful attention, the *Tribune* suggested, one might notice that “the same arguments which were used by pro-slavery men, under the most flourishing period of slavery,” were once again being deployed to justify new reforms.<sup>126</sup> Those arguments might claim “solicitude for the welfare of the black [people],” but ultimately served white supremacist ends—namely, profit, control, and subjugation. The *Tribune* warned its readers to beware the “best friend... who takes charge of our pocket, saying where we have to go and where we have not to go, presuming upon himself to do everything in our place.”<sup>127</sup> It defied more optimistic views that “the South did not care for slavery” and was willing to “sacrifice their ‘peculiar institution’ for the sake of gaining their independence.”<sup>128</sup> Instead, the *Tribune* operated under the general principle that the “domineering and despotic spirit of the planters” would survive the emancipation era, saying, “We know [them] too well... to imagine that these men could ever forego their ambitious scheme and submit themselves to the exigences of the time. They wanted to have the laws all for themselves, and to take them in their own hands.”<sup>129</sup> Thus, the newspaper treated each apparent move toward progress with skepticism, fearing that “the United States was not in earnest on the abolition question, and did not intend to treat the negro better.”<sup>130</sup> Numerous articles and essays encouraged constant vigilance among black people, ever wary of white people’s historic power to oppress and punish. Simply put, the *Tribune* was relentless in its condemnation of white supremacy as a real threat, engineered and

maintained by people committed to maintaining systems of racial hierarchy and subjugation.

The *Tribune* also moved beyond condemning white supremacy and warning readers of its enduring consequences. It engaged in an active effort to dispel the myth that black people, especially former slaves, were “indolent by nature, and too stupid” to survive and thrive without white control.<sup>131</sup> In some instances, the newspaper reversed common stereotypes, like those that justified restrictive labor regulation with stereotypes of black idleness. With a subtle invocation of free labor principles, the *Tribune* identified *planters* and former slavemasters as “a set of lazy men, who deprecate and hate labor.”<sup>132</sup> As opposed to former slaves, who had toiled and tilled the earth for generations, the slave aristocracy “never put their hands to anything.”<sup>133</sup> Thus, the newspaper mocked the planters and encouraged “no pity for these rich men, who want to live in idleness upon the sweat of our brethren’s brow.”<sup>134</sup> In another instance, an 1864 report offered an account of “armed men on their way to the [battle] front—the front which is nearer to us now than never has been since the war began.”<sup>135</sup> The scene was described as “inspiring and full of encouragement,” because “the regiment was composed entirely of colored men.”<sup>136</sup> The report chided the white men who watched the black troops pass them by, saying, “Will they permit themselves... to be out done by the sable sons of the country...? White men! You who were looking on... go and do likewise.”<sup>137</sup> With these comments, the *Tribune* taunted white supremacists’ claims of black inferiority. They exalted black people as examples to be emulated.

Moreover, the *Tribune* celebrated the bravery and sacrifice of black troops as a means of showcasing black achievement. The newspaper seized every opportunity, such

as when it reprinted a brief commendation from a New York newspaper: “the 7<sup>th</sup> U.S. Colored regiment displayed a great deal of courage and skill in the fight for the possession of the Weldon Railroad.”<sup>138</sup> The *Tribune* also published a letter to the editor that confirmed, “So much is now being said about the fighting qualities of the black men in the army... Of their fighting qualities, you need only ask their commanders and officers.”<sup>139</sup> Such reports were vital, as they recognized the contributions of black people in atypical ways; though the military often claimed to “recognize[e] all men as men,” one observer noted that “justice is withheld from [black men] when their merits and gallant behavior are to be recognized. Such honors are for white men only.”<sup>140</sup> Thus, the *Tribune*’s routine efforts to affirm the achievements of black soldiers disrupted the dominant narrative that white men were the only ones with the bravery, skill, and moral fortitude to defend their country.

The *Tribune*’s celebration of black achievement can also be read in the style and sophistication of its news coverage. Its essays and editorials made frequent use of historical allusions to bolster its arguments. For instance, in arguing against separate legislation to govern white and black people, writers turned to examples from the “history of Europe...when the Franks invaded Gaul [and] found in that country an old population, governed by Roman law,” as well as the tumult that resulted in Italy when “there existed the strange spectacle of two sets of magistrates and two sets of courts of justice.”<sup>141</sup> Writers invoked Roman history again when they compared President Lincoln’s assassination to the warning issued by Lucretia’s rape, which also “struck the popular mind” and revealed “the baseness, the hatred, and madness” of the people.<sup>142</sup> Other historical examples provided compelling evidence for the *Tribune*’s claims, as references

to “horrid practice of human sacrifices,” burning of widows in India, colonial witch-hunts, ship-building in China, and even Irish currency masterfully demonstrated the wide depth and breadth of black knowledge.<sup>143</sup> In addition, the *Tribune* also frequently published reviews of public lectures and readings, including the following critique of Ralph Waldo Emerson’s delivery of “six lectures of American life” in Boston:

... there is often a want of apparent connection between one passage and the next, and even one sentence and the succeeding... some sentences seem as if chopped off short of their rightful complement both of sense and sound. Mr. Emerson has an excellent voice, but a jerky delivery; not the least approach to graceful action, but a pendulum like swaying of the body and a nervous motion of the hands and feet.<sup>144</sup>

The review ultimately concluded such weaknesses “militate not the least from the listener’s enjoyment, and every one regrets when the inevitable termination of the hour has arrived and the Lecturer [Emerson] closes his manuscript.”<sup>145</sup> The correspondent demonstrated a nuanced appreciation for Emerson’s work, while also asserting the expertise and confidence to critique the esteemed writer. The review was one of many that appeared on the *Tribune*’s pages, as its writers and editors refused to abide by stereotypes that dismissed black people as illiterate, unsophisticated, and ignorant. By showcasing, on a daily basis, the literary and rhetorical prowess of its writers, the *Tribune* continued to undercut notions of white supremacy—and its counterpart, black inferiority.

From several different approaches, the *Tribune* sustained an ongoing effort to expose, condemn, and disrupt white supremacy. Its staff anticipated that both the Northern victory and the emancipation would enrage the antebellum Southern aristocracy, as well as inflame the resentment of supposed allies and anti-slavery advocates who continued to harbor anti-black prejudices.<sup>146</sup> Consequently, the newspaper frequently targeted political figures and policies that disregarded black people’s welfare; called

attention to the hypocrisies of proposed reforms; encouraged vigilance in the face of white supremacist power and aggression; and exalted black achievement in defiance of black inferiority stereotypes. By doing so, the *Tribune* resisted attempts to reconstruct the antebellum social, political, and economic order. The newspaper challenged the presumption that whites should continue to control black people, especially under the guise of benevolently helping or supporting their development. Thus, the *Tribune* issued an implicit challenge to the control of whites over the social contract and interrogated the racist walls that had long excluded—and threatened to continue excluding—black people.

#### *Advocating for unity*

Building on its critique of white supremacy, the *Tribune* simultaneously advocated for racial equality. Describing black troops, one writer clarified, “I would not wish to have it understood that I think a negro better than a white man.... They are man, and are showing their manhood, just as thousands of soldiers from New England and the whole North are doing.”<sup>147</sup> This clarification underscored the *Tribune*’s effort to resist, rather than merely reverse, antebellum racial hierarchies. The newspaper’s advocacy of rights for black people relied heavily on arguments for unity—among black people, first and foremost, but also among the wider American public. However, such unity was predicated not on a simple desire for peace and order, but on genuinely inclusive notions of sameness and essential qualities shared among all human beings. The *Tribune* insisted that black people could and should claim equal ownership of America’s founding documents and principles and, therefore, be able to enjoy in the same rights and privileges without caveat or condition.

The *Tribune*'s commitment to unity and human sameness began with its rallying cry to black people. In response to critiques that the newspaper only "allegedly" stood for the interests of black communities, an editorial affirmed, "'The *Tribune* fully represents the colored population in spite of all the efforts that some white men have made to divide them.'<sup>148</sup> The editors' indignation underlined not necessarily the reality, but the *goal*—to unite black people against overwhelming forces hoping to delay, if not deny outright, their freedom.<sup>149</sup> From the *Tribune*'s perspective, opponents were eager to divide black communities to weaken their resolve and power. Therefore, the newspaper encouraged both born-free and emancipated black people to join together in "one and the same interest."<sup>150</sup> It asked them "to hold together, and to help each other in each and every care, [then] every effort of their enemies to divide them will be useless."<sup>151</sup> Moreover, the *Tribune* suggested that the plight facing former slaves was a threat to the entire race, since the era's debates were often characterized by broad, sweeping claims about the capacities, character, and condition of black people. In their view, "be the man a Creole, a freedmen, or the son of a manumitted slave, the question is one and the same for all."<sup>152</sup> The freedom of all black people had been rendered vulnerable, especially given the ease with which born-free black people could be mistaken for a emancipated slave, and all would be "actually deprived of their rights as long as [they are] not free to use them."<sup>153</sup> Facing tremendous odds, the only option was to join together and rely on one another in the fight for freedom.

Unity among black people was identified as a crucial component of post-bellum progress, but strong connections with white allies were also a priority. The *Tribune* noted the myriad ways in which others were seeking to codify a distinction and separation

between the races in the wake of slavery's collapse. As one editorial lamented, "The true policy of the Government of the United States in this crisis was, and is still, plain to our minds. Not only planters... but all other intermediaries and third persons should be strictly inhibited from any relations with the people of color."<sup>154</sup> Such sentiments were in danger of being enforced by post-war reforms, which sought to create "two separate legislations. They intend to have a statute book for the whites and another one for the blacks."<sup>155</sup> Alluding to the infamous black codes, the *Tribune* asserted that "two laws in one and the same country" would be disastrous for all and "no less than a reminiscence of slavery."<sup>156</sup> The *Tribune* predicted that racial separation would ensure that the nation remained "broken into fragments like a house divided against itself," and national strength would be impossible so long as "the interests of one race [are] not the interests of the other."<sup>157</sup> Drawing on the palpable fears and fragility of the Civil War era, the *Tribune* noted that "there is no word in our language that signifies so much to the American people as the little word 'Union.'"<sup>158</sup> Once used as a "talisman to conjure up efforts to an impossible end," it had become a slogan that "rallied millions to deeds of noble daring."<sup>159</sup> In the wake of emancipation, the *Tribune* hoped that "union" could once more be a "magic word"—together with "its symbolic sister, 'Freedom'"—that might finally "he[w] out of existence the rebellious slaveholders' Government" and ensure America's "present and future welfare."<sup>160</sup> As such, the newspaper called upon all readers to "combat and crash" any "attempt at erecting a new and part colored aristocracy of the skin," and join together, "no matter what their shades of complexion."<sup>161</sup> By advocating for union among black and white people, the *Tribune* called into question the social, political, and economic lines that had separated the races for generations.



According to the *Tribune*, union would only be possible if the American people were willing to “forego all personal preferences” and focus on the fundamental principles, inherent rights, and common sentiments shared by all human beings.<sup>162</sup> Numerous essays and editorials argued that the exclusion of black people from the American citizenry had egregiously violated the nation’s commitment to equality and justice, as it rejected those who were driven by the same impulses and passions as others. For example, one editorial disputed claims that black political participation would comprise the integrity of American government by emphasizing that black people’s motives at the ballot box would be no different than whites’ motives. The writer explained, “Not only self-preservation, but self-promotion also, are the instincts of our nature. We are seeking the best result through the best means... we instinctively feel a repulsion for present wrong and oppression.”<sup>163</sup> The writer thus assured readers that black people’s votes were not vulnerable to stratagem or deceit; like white voters, they would vote with their conscience. In another example, an essay insisted that all Americans—black and white alike—were touched by the mantra: “united, we will stand, divided we must fall.”<sup>164</sup> The writer boldly declared that black people, too, harbored fierce loyalty to their country and were moved by the same language that inevitably “thrills through the soul of the Patriot.”<sup>165</sup> To affirm its position, the *Tribune* routinely applauded arguments for black rights that were grounded “not merely on... expediency or political necessity, but on the broader platform of equity and equality of men.”<sup>166</sup> This broader platform was further explained in an 1865 editorial, which clarified, “On this free and blessed soil of the United States, we all use one and the same language, we have one interest, one common feeling; the same ideas, same manners, and same patriotism... Shall we make two peoples with one people, two

nations with one nation?”<sup>167</sup> In short, the *Tribune* was forceful in its efforts to join white and black people together, as emancipation had abolished the most prominent legal distinction amongst them. The newspaper’s coverage stressed the ways in which all human beings were the same, sharing certain impulses and sentiments in common and deserving equal rights and privileges, regardless of race.

To advance its claims, the *Tribune* marshaled America’s founding documents as evidence. The newspaper’s writers frequently cited the Declaration of Independence as the final arbiter in debates regarding former slaves’ rights. One article identified “the equality of men” as the “cornerstone of the Republic, the freest, truest, and best government on earth... by virtue of that inspired document called the Declaration of Independence.”<sup>168</sup> According to the correspondent, the Declaration had freed America not only from “the bondage of Great Britain, but [also] from the educational prejudices and ignorance of the whites.”<sup>169</sup> In another example, the *Tribune* reprinted the views of another newspaper editor, who wrote,

The Declaration of *our* Independence... announce[d] the true philosophy of human government... that all just government is based upon the consent of the governed. It regards the community as a unit, as a whole, made up of equal parts, not of unequal parts or classes. It knows no such thing as classes of men, as governing classes and governed classes. All human government, to be just, derives its authority from the consent of the whole community, because the whole community is governed.<sup>170</sup>

With these words, the writer insisted that the Declaration of Independence theoretically belonged to black people as much as it belonged to whites. They argued that the Declaration had offered a vision for how the nation *should* be—and now, with considerable effort and freedom for all black people, it *could* be. In addition, the *Tribune* also invoked the U.S. Constitution, despite its infamous Three-Fifths Clause.<sup>171</sup> One editorial praised the document as a “liberal instrument” that was “exclusively based upon

principles of equity and justice.”<sup>172</sup> It went on to assert that the Constitution “set aside every distinction of an aristocratic nature: nobility, privileges, classes, [and] honorific distinctions.”<sup>173</sup> Thus, in the wake of war, those loyal to the Declaration of Independence and the Constitution had an obligation and duty to uphold its tenets. The “great work of national regeneration and reform... must follow where justice leads,” and fulfill “absolute equality before the law” in both spirit and practice.<sup>174</sup> The *Tribune* claimed for black people an equal stake in the nation’s founding documents, as well as its democratic principles, without caveat or condition.<sup>175</sup>

In short, the *Tribune*’s advocacy for black people’s rights relied heavily on notions of sameness, which were used to rally born-free and freed black communities together and bridge the historic gaps between white and black people. By invoking notions of justice and equality, the *Tribune* critiqued the generations-long traditions of racial separation and black exclusion. In their stead, the newspaper proposed an understanding of union that fully embraced all people, sharing the same impulses, sentiments, and values—elements of the same, mutual social contract. Through numerous essays and editorials, the *Tribune* claimed ownership of the nation’s founding documents to imagine an American community in which freedom, along with its accompanying rights and privileges, was for everyone—black and white alike—from the start.<sup>176</sup> In other words, the *Tribune* challenged readers to return to an understanding of freedom in terms of natural rights, rather than earned rights.

#### *Asserting black humanity*

Finally, but perhaps most importantly, the *Tribune* reinforced its demands for inclusion and freedom by asserting black humanity in unquestionable terms. An editorial

clarified that, for many, black people were not considered human beings until United States authorities, acting as “agents and sentiments of liberty,” removed “the chain of bondage... from the limbs of the slave.”<sup>177</sup> Only then was “the down-trodden servant... made a man” in the eyes of many Americans.<sup>178</sup> Yet, the *Tribune* was also realistic about the pervasive thrust of racial bigotry. As one 1865 editorial explained,

The doom of slavery is an accomplished fact... Since Congress has passed the Constitutional Amendment, all the States... seem to have turned out abolitionists. We hear nothing but... blessings and thanks to God for the fall of the infamous pretense that men, women, and children might be property and chattel. But, if we have done with slavery, not so with the aristocracy of color. The negroes are set free, say the pro-slavery men of old... [yet] free and freed persons of color are not, for that party, *real and complete men*... They are held as a kind of bastard race, half-way between man and ape, a race that the law has to protect in some form...<sup>179</sup>

This passage called readers’ attention to the prevailing prejudices that continued to threaten black people in the post-war era. It reaffirmed that freedom alone would not ensure that former slaves would be perceived as fully human. Many whites, especially those loyal to the principles and practices of slavery, would continue to devalue black people. However, the *Tribune*’s writers and editors also feared that supposed allies who supported abolition—whether before or after the fact—would also continue to see former slaves as less than human and “look upon [them] with disdain.”<sup>180</sup> Therefore, the *Tribune* advanced the argument that so few others were willing to passionately offer: the full and unapologetic humanity of black people.

The *Tribune*’s assertion of black humanity did not start and end, as so many others’ did, with the mere statement of the fact. Instead, the *Tribune* explicitly highlighted and celebrated black people’s human features. Numerous articles affirmed black people’s experience of emotions, from joy and celebration to sorrow and disappointment. For instance, in reporting on a performance at a local concert hall, the

*Tribune* described black people's attachment to benevolence, as well as the effects of "peculiar and dreadful sufferings."<sup>181</sup> Simply put, the black people in attendance were reportedly enjoying the full range of emotion. Such arousal of the "sensibilit[ies] of the human heart" was identified as a "part of human feeling, a part of human nature."<sup>182</sup> An essay published in July 1864 provides another example. The piece reflected on the hardships of war, and the inevitable despair and pessimism that accompanied it. However, the writer reminded black readers of their hope, residing in "the human breast," that "there always comes a day after the night, and after sorrow rejoicing."<sup>183</sup> The essay made undeniably clear that black people, like all humans, are affected by pain but capable of emotional resilience and strength. Beyond emotions, the *Tribune* also affirmed other human characteristics. In describing the fortitude and integrity of black people, one writer wrote, "Virtue and intelligence are not at the command of officers or masters. No law can prescribe about them; no human interference can entirely break them down; they live in the heart and head of the individual who fostered them."<sup>184</sup> With these words, the *Tribune* reminded its readers that black people not only possessed their own morals and values, but were also able to guard them in the face of overwhelming abuse and violence. Even during the height of slavery, and certainly after its fall, black people were undeniably human, with capacities "beyond the control of legislators [and] beyond the reach of prejudices."<sup>185</sup> Whether their enemies and supposed allies were willing to accept them or not, the *Tribune* offered numerous arguments that confirmed black people's human emotions, morality, and integrity.

Such varied affirmations of black humanity were vital, because they dispelled prevailing narratives of black people as abject and dejected. Many well intentioned

advocates—some agents of the Freedmen’s Bureau among them—had argued for black rights by appealing to people’s sympathies, painting a picture of former slaves as helpless and broken by the effects of slavery. While these arguments did call due attention to the brutalities of bondage, they also contributed to stereotypes of black inferiority and dehumanization. The *Tribune*’s arguments, on the other hand, moved beyond human suffering and called attention to the ways in which black people felt, celebrated, prayed, praised, and *lived*.

This range of human experience was further emphasized by the newspaper’s mixed content. Like other black newspapers, the *Tribune* “printed information on such subjects as farming, business practices, household hints, and meetings of local interest” alongside political commentary and legislative reports.<sup>186</sup> A quick glance at any of the newspaper’s issues confirms that black people’s lives were not wholly consumed by the decisions and debates of white men; they were living their lives as human beings, with other concerns, priorities, and activities on their agendas. For instance, a notice from the Board of Education made no mention of the segregated schooling debate when it reminded parents that “pupils of the Colored Public Schools [would] visit the ‘European Circus’ on Friday.”<sup>187</sup> Another announcement invited “benevolent persons and friends of progress” to a fair, and solicited their donations at fellow neighbors’ homes.<sup>188</sup> These news items were signs of an active black community, not merely waiting passively and helplessly for government support, but rather developing its own rhythm and relationships. The *Tribune* also provided coverage of other local events that underscored black people’s enjoyment of life. For example, the report of a local exhibition showcased “the enterprising spirit of our young ladies and young men,” revealing “not only much

taste and talent” but “also a great knowledge of theatrical art.”<sup>189</sup> The *Tribune* further praised the artists’ “remarkable degree of ability,” as well as the “enthusiastic applause” with which the audience rewarded them.<sup>190</sup> Another post announced a “grand fancy dress ball” to be held “every Saturday night, at the corner of Orleans and Claiborne,” charging an admissions price of 75 cents and 50 cents for men and women, respectively.<sup>191</sup> Juxtaposed alongside reflections on the supposedly reformed plantation system and editorials regarding former masters’ resistance to black freedom, these examples affirmed that black people’s engagement with the world was not limited to lamenting their post-war circumstances. Their lives were not consumed by unending misery and desolation. In fact, black people were engaging with the exigences of the sociopolitical moment while also experiencing the full spectrum of human activity.

Simply put, the *Tribune* advanced a radical argument in novel ways. Beyond merely asserting the fact of black humanity, the newspaper provided coverage and commentary that showcased the full range of black life. Unlike other advocates, who often focused on the brutal consequences of slavery for former slaves, the *Tribune*’s writers and editors provided an undeniable glimpse of black people’s human emotions, morals, and integrity.<sup>192</sup> Additionally, the newspaper juxtaposed political commentary with news of a vibrant black community, depicting black people as living dynamic lives that were invested in, but not consumed by, the era’s problems.

Thus, the *Tribune* masterfully undermined a set of racist stereotypes that threatened to reconstruct the antebellum social, political, and economic order in the emancipation era. Its writers and editors did not shy away from confronting specific policymakers and proposed reforms, exposing the white supremacist attitudes and

hypocrisies that motivated them. The *Tribune* responded to these efforts to reassign black people to a subjugated position with examples of black achievement and excellence, undercutting persistent claims of black inferiority. Uplifting black people, however, was not an effort to reverse the racial hierarchy, but to correct it. The *Tribune* built upon its critiques of white supremacy with arguments of essential sameness, launching an assault against the rhetorical barriers that had long excluded black people from American citizenship. The newspaper called upon black people to unite as a community, and then join with genuine white allies on the basis of shared sentiments, impulses, and values. Moreover, numerous articles encouraged black people to claim ownership of the nation's founding documents, which bound all Americans to a social contract grounded in unconditional equality and justice for all. Finally, the *Tribune* affirmed that such a contract must embrace black people, because they are as fully human as their white counterparts. The newspaper's comprehensive coverage of black life defied adversaries and supposed allies who continued to perpetuate the dehumanization and devaluation of black people.

Together, these arguments proposed a shift in the rhetoric of freedom, from popular notions of earned rights to natural rights. At every turn, the newspaper sought to dismantle the racist presumptions that held black people to different standards than whites. Unlike many white allies, the *Tribune* simultaneously confronted white supremacy, identified the essential sameness shared by all people, and declared the full and vibrant humanity of black life. These claims worked in concert to demand the full and unconditional fulfillment of former slaves' freedom, as well as the rights and privileges that were promised to all other free Americans.



## A Legacy of Black Protest

The present study has analyzed the ways in which the *New Orleans Tribune* resisted, both explicitly and implicitly, the dominant discourses of the emancipation era. Despite limited direct engagement with the Freedmen's Bureau, especially, the *Tribune's* numerous essays and editorials undermined the racist presumptions that pervaded much of the rhetoric within and about the agency. First, the *Tribune's* coverage both before and after the Bureau's formation demonstrated sustained commitments to land, labor, education, justice, and suffrage, thus defying widespread claims that black people needed to be taught to value the expectations and privileges of freedom. Second, the *Tribune* engaged numerous rhetorical strategies to counter notions of black inferiority, exclusion, and dehumanization, further disrupting barriers erected by white supremacy to bar black people from entry into the American social contract. Ultimately, the *Tribune's* discursive practices demonstrated careful attention not necessarily to their enemies' and supposed allies' overt claims, but the subtle ways in which "men betray themselves by their language."<sup>193</sup> Honing in on the racist underpinnings that animated the Bureau's discourse, the *Tribune* proposed a significant shift in the rhetoric of freedom. Its writers and editors retained familiar tenets of freedom's legacy while simultaneously challenging readers to reorient themselves away from a focus on earned rights and, instead, toward unconditional natural rights for all human beings, black and white alike.

It is important to note that the *Tribune* did not foresee an end to its mission. Though its writers and editors frequently expressed hope, they did not suffer any delusions about the pace of progress. In reflecting on the potential of suffrage, for example, one writer predicted that the right would eventually be granted, "sooner or later,"

but not before its advocates overcame fierce and persistent opposition.<sup>194</sup> In the meantime, in pursuit of the franchise and other “fundamental rights of a free government,” black people would continue to defend themselves against those who wished to block their advancement.<sup>195</sup> The *Tribune* warned, “Do not say that we are going too fast or too far. We ask of any candid man: Is freedom complete? [Are black people] in the full enjoyment of all [they have] a right to obtain? If not, why should we stop in our efforts to have justice done...?”<sup>196</sup>

The *Tribune*’s radical messaging, as analyzed in the preceding sections, corroborates some conclusions drawn about the black press, more broadly. As Martin Dann has argued, “two currents in black intellectual history... converge repeatedly” in the black press: “a response to white racism and an assertion of self-determination.”<sup>197</sup> As evidenced by this present study, the *Tribune*’s writers and editors used the newspaper as a medium through which they could critique and disrupt exercises of white supremacy, and build a case for black people as independent, free-thinking, and productive members of American society. In addition, in an exploration of black newspapers through the end of the Civil War era, Patrick Scott Washburn found that black newspapers routinely featured “uplifting and positive messages” about black people, in the hopes of upending “the stigma of inferiority under which they were forced to live.”<sup>198</sup> However, the *Tribune*’s coverage, as discussed above, also defied Washburn’s observations that black newspapers avoided “challenging white leaders on significant issues,” in fear of violent retribution. The *Tribune*’s penchant for directly criticizing its opposition signaled, perhaps, a courageous turn in response to the uncertainties mounting in the age of emancipation.

The *Tribune*'s boldness and bravery also underlines the tenacity of the black protest tradition. The newspaper positioned itself as a mouthpiece of the oppressed, anticipating an ongoing racial struggle, as "men of progress have always been victims to tyranny."<sup>199</sup> The *Tribune* resolved to remain committed to its mission and ensured its readers that it would not cease its resistance so long as "we shall have the power, and without being *controlled* by any white man. We are *controlled* only by our own conception of what is just and what is wrong."<sup>200</sup> Following in the footsteps of their predecessors, these advocates employed novel rhetorical strategies to undermine racism and injustice. Their challenges to dominant discourses of freedom launched "challenges to racial inequality that appealed to cherished American values rather than stepped outside the bounds of the American ideological landscape."<sup>201</sup> Working within the "existing language and systems of explanation," like the historical legacy of freedom, the *Tribune* engaged in a "complex process of appropriation, refashioning, and reconstruction of ideas" to advocate on behalf of former slaves and all black people.<sup>202</sup> As Patrick Rael points out, such strategies did not signal black people's submission to an "ideologically hegemonic process whereby they assimilated the hostile values of a world bent on their oppression... because the thought they built originally belonged no more to whites than it did to blacks."<sup>203</sup> The *Tribune* masterfully affirmed that black people had claims to freedom—socially, politically, economically, and *rhetorically*—and possessed the power, skill, and determination to challenge Americans to fulfill its promises, once and for all.

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#### NOTES

<sup>1</sup> The Bureau of Free Labor was an organization established in 1862, as a part of the United States Army, Department of the Gulf. The agency's primary responsibility was to oversee the state's

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transition from a slave economy to a “free labor” economy. The organization was disbanded in 1865, after the establishment and arrival of the Freedmen’s Bureau in Louisiana.

<sup>2</sup> *New Orleans Tribune*, “Meeting at Economy Hall,” March 18, 1765, p. 2.

<sup>3</sup> *New Orleans Tribune*, “Meeting at Economy Hall,” March 18, 1765, p. 2.

<sup>4</sup> Phillis Wheatley, *The Collected Works of Phillis Wheatley* (Oxford University Press, 1988); Henry Louis Gates Jr., *The Trials of Phillis Wheatley: America’s First Black Poet and Her Encounters with the Founding Fathers* (Basic Books, 2010); Jupiter Hammon, *America’s First Negro Poet: The Complete Works of Jupiter Hammon of Long Island*, ed. Stanley Austin Ransom Jr., Empire State Historical Publications Series 82 (Port Washington, NY: Kennikat Press, 1970); Richard S. Newman, *Freedom’s Prophet: Bishop Richard Allen, the AME Church, and the Black Founding Fathers* (NYU Press, 2008).

<sup>5</sup> Frederick Douglass, *My Bondage and My Freedom* (Mineola, NY: Dover Publications, 1969); Gregory P. Lampe, *Frederick Douglass: Freedom’s Voice, 1818-1845* (East Lansing: Michigan University Press, 1998). While identified together here as prominent leaders, these speakers employed differing strategies and approaches in their arguments against oppression. For further analysis of a range of abolition discourse, as well as the influence of gender, in particular, in shaping how speakers engaged in rhetorical resistance, see Jacqueline Bacon, *The Humblest May Stand Forth: Rhetoric, Empowerment, and Abolition*, Studies in Rhetoric/Communication (Columbia: University of South Carolina Press, 2002).

<sup>6</sup> Rael, *Black Identity and Black Protest in the Antebellum North*.

<sup>7</sup> Lawrence W. Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought from Slavery to Freedom* (New York: Oxford University Press, 1977); Leah Ceccarelli, “Polysemy: Multiple Meanings in Rhetorical Criticism,” *Quarterly Journal of Speech* 84, no. 4 (1998): 395–415.

<sup>8</sup> Catherine Knight Steele, “The Digital Barbershop: Blogs and Online Oral Culture Within the African American Community,” *Social Media + Society* 2, no. 4 (2016): 2.

<sup>9</sup> Steele, 2; Miles Mark Fisher, *Negro Slave Songs in the United States* (New York: Carol Publishing Group, 1990).

<sup>10</sup> Roger D. Abrahams, ed., *African American Folktales: Stories from Black Traditions in the New World* (New York: Pantheon Books, 1999); Chiji Akoma, *Folklore in New World Black Fiction* (Columbus: The Ohio State University Press, 2007); D. Ben-Amos, “The Historical Folklore of R.M. Dorson,” *Journal of Folklore Research* 26 (1989); Henry Louis Gates, Jr., *The Signifying Monkey: A Theory of African American Literary Criticism*, 25th Anniversary Edition (New York: Oxford University Press, 2014); Henry Louis Gates, Jr., “The Signifying Monkey and the Language of Signifyin(g): Rhetorical Difference and the Orders of Meaning,” in *The Rhetorical Tradition: Readings from Classical Times to the Present*, ed. Patricia Bizzell and Bruce Herzberg (Boston: St. Martin’s, 1990), 1185–1123; Sarah Florini, “Tweets, Tweeps, and Signifyin’: Communication and Cultural Performance on ‘Black Twitter,’” *Television & New Media* 15, no. 3 (2014): 223–37.

<sup>11</sup> Nell Irvin Painter, *Creating Black Americans: African-American History and Its Meanings, 1619 to the Present* (New York: Oxford University Press, 2006), 74–75. For a comprehensive history of free black people’s integral role in shaping antebellum protest and identity, see Rael, *Black Identity and Black Protest in the Antebellum North*.

<sup>12</sup> For a classic and enduringly significant study of slave revolts among African Americans, see Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publishers, 1983).

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More recently, Walter C. Rucker has explored the ways in which black resistance and black identity formation cannot be divorced from slaves' African backgrounds, cultural values, and folkloric traditions. See Walter C. Rucker, *The River Flows On: Black Resistance, Culture, and Identity Formation in Early America*, Antislavery, Abolition, and the Atlantic World (Baton Rouge: Louisiana State University Press, 2006).

<sup>13</sup> Gabor Boritt and Scott Hancock, eds., *Slavery, Resistance, Freedom* (New York: Oxford University Press, 2010), xv–xvi; John Hope Franklin and Loren Schweninger, “The Quest for Freedom: Runaway Slaves and the Plantation South,” in *Slavery, Resistance, Freedom*, ed. Gabor Boritt and Scott Hancock (New York: Oxford University Press, 2007).

<sup>14</sup> Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*, Gender and American Culture (Chapel Hill: University of North Carolina Press, 2004).

<sup>15</sup> Patrick Scott Washburn, *The African American Newspaper: Voice of Freedom*, Visions of the American Press (Evanston, Ill.: Northwestern University Press, 2006), 5. Such intervention was imperative, as antebellum white newspapers often circulated representations of black people as amoral, dangerous, and less than human. Roger P. Mellen recovered a brief verse and an allegorical essay from eighteenth century Virginia publications; these discursive fragments are noteworthy because they offered the rare suggestion that slaves might be worthy of compassion and kindness—a position that did not gain considerable support until the 1770s and later. See Roger P. Mellen, “Representation of Slaves in the Eighteenth-Century Virginia Press,” *Journalism History* 42, no. 3 (Fall 2016): 142–52.

<sup>16</sup> Roland Edgar Wolseley, *The Black Press, U.S.A.*, 2nd ed. (Ames: Iowa State University Press, 1990), 18. For a fuller discussion of the origins of the black press and, specifically, *Freedom's Journal*, see Jacqueline Bacon, *Freedom's Journal: The First African-American Newspaper* (Lanham, MD: Lexington Books, 2007); Dann, *The Black Press*, 14–20, 33–37; Washburn, *The African American Newspaper*, 11–37.

<sup>17</sup> Bacon, *Freedom's Journal*.

<sup>18</sup> Charles A Simmons, *The African American Press: A History of News Coverage during National Crises, with Special Reference to Four Black Newspapers, 1827-1965* (Jefferson, NC: McFarland, 2006), 6.

<sup>19</sup> Simmons, 5.

<sup>20</sup> While affirming that black newspapers played a vital role in “voicing African Americans’ sentiments... contradicting the prevalent views regarding their intellectual and moral inferiority, and promoting values intended to elevate and consolidate their scattered and oppressed free and enslaved communities,” Paul Miniffee additionally argues that letters—written to and published in those newspapers—functioned as rhetorical “veins” to in these black newspaper “organs” to circulate rebuke, praise, and provocation among African American communities. Brian Thornton takes a similar view, exploring the ways in which readers “talked back” to editors and writers via letters in 20<sup>th</sup> century black newspapers. Paul Miniffee, “‘Our World Wide Organ’: Constitutive Rhetoric in Rev. Jermain W. Loguen’s Letters to African American Newspapers,” *Journal of Communication & Religion* 36, no. 3 (December 2013): 106–26; Brian Thornton, “Pleading Their Own Cause: Letters to the Editor and Editorials in Ten African-American Newspapers, 1929-30,” *Journalism History* 32, no. 3 (Fall 2006): 168–78.

<sup>21</sup> Henry Lewis Suggs, ed., *The Black Press in the South, 1865-1979*, Contributions in Afro-American and African Studies 74 (Westport, CT: Greenwood Press, 1983), 3. William P. Connor suggests that New Orleans was, at the time, an especially rich environment for social disruption

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and change. Noting its geographic position and its attractiveness to immigrants, Connor suggests that the “ethnically disparate population combined with the greater personal freedom inherent in urban slavery” shaped—and ultimately broke down—New Orleans slave practices in particular ways. In addition, the large, free black population in the city fostered a dynamic black society and culture that did not flourish in other parts of the antebellum South. These conditions converged to render New Orleans a “rich laboratory in the search for a new racial and economic order,” as well as an interesting landscape within which *L’Union*—and later, the *New Orleans Tribune*—would find its message. See William P. Connor, “Reconstruction Rebels: The New Orleans Tribune in Post-War Louisiana,” *Louisiana History* 21, no. 2 (1980): 159–60.

<sup>22</sup> *L’Union*, September 27, 1862, p. 1.

<sup>23</sup> According to Jean-Charles Houzeau, who would later go on to edit the *New Orleans Tribune*, “there were twenty thousand persons of African descent in Louisiana who were free” before the emancipation.” Noting that the French settlers from whom they descended were “more generous than the American,” he continued, “these free persons of color lived in financial ease. Even though almost all liberal professions and public offices were closed to them, they were able to engage in commerce and agriculture. A few had acquired fortunes... the rich and well-to-do families sent the young people of African blood to the schools of Paris and London, where many distinguished themselves.” Though he was clearly describing an elite group of free black people, Houzeau’s reflections underscore the relative range of opportunities available to black people in antebellum New Orleans, while simultaneously confirming the egregious lack of power and privilege available to those who were both black and enslaved. Jean-Charles Houzeau, *My Passage at the New Orleans Tribune: A Memoir of the Civil War Era*, ed. David C. Rankin, trans. Gerald F. Denault (Baton Rouge: Louisiana State University Press, 1984), 75.

<sup>24</sup> Thomas J. Davis, “Louisiana,” in *The Black Press in the South, 1865-1979*, ed. Henry Lewis Suggs, Contributions in Afro-American and African Studies 74 (Westport, CT: Greenwood Press, 1983), 152; Houzeau, *My Passage at the New Orleans Tribune*, 71. The scope of this project prohibits me from delving further into the nuances and complexities of New Orleans’s high Creole population, as well as the ways in which the Tribune invoked references to Haiti and the principles of its infamous slave rebellion. Such a discussion would have to begin, first and foremost, with the recognition that “the economies of the Caribbean islands, tiny outposts of empire, had little in common with the nineteenth-century United States, where slavery within a rapidly expanding capitalist economic order.” See Eric Foner, *Nothing But Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State University Press, 2007), 39–44.

<sup>25</sup> Davis, “Louisiana,” 152. William P. Connor has issued a challenge to this interpretation, arguing that *L’Union*’s reliance on French “hampered its effectiveness as a voice for the entire black population,” excluded “the more numerous English-speaking blacks whose problems greatly exceeded those of the free-born men of color,” and ultimately cemented its position as a “caste journal which accepted many of the social and economic distinctions between the free-born men of color and the former slaves.” Yet, Connor does concede the point that the newspaper’s editorials decisively “alienated the city’s whites,” even as it continued to presume and further draw distinctions between black people. Connor, “Reconstruction Rebels,” 162.

<sup>26</sup> For a thorough survey of the many newspapers that emerged and flourished during this period, see Suggs, *The Black Press in the South, 1865-1979*.

<sup>27</sup> Suggs, x.

<sup>28</sup> Full accounts of the rise and fall of *L’Union* under owner and publisher Dr. Louis Charles Roudanez, as well as its transformation into the *New Orleans Tribune*, can be found in Davis, “Louisiana,” 153–55; Connor, “Reconstruction Rebels,” 160–64.

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<sup>29</sup> *New Orleans Tribune*, "The New Orleans Tribune," July 21, 1864, p. 1.

<sup>30</sup> *New Orleans Tribune*, "Maj. Plumley and the Colored People," December 6, 1864, p. 2. Emphasis added.

<sup>31</sup> Houzeau, *My Passage at the New Orleans Tribune*, 79.

<sup>32</sup> Houzeau, *My Passage at the New Orleans Tribune*, 79; *New Orleans Tribune*, "The New Orleans Tribune," July 21, 1864, p. 1. It's important to note that the *Tribune* understood its role in ways that preceded—and would extend later beyond—the moment of emancipation. On July 21, 1864, the newspaper clarified that it was inheriting *L'Union*'s effort to lead "during the past three years of social change and reform." In other words, the editors of the *Tribune* felt a responsibility for the press to help black communities navigate not merely the emancipation, but the ever-changing dynamics of American life.

<sup>33</sup> Connor, "Reconstruction Rebels," 164.

<sup>34</sup> Houzeau, *My Passage at the New Orleans Tribune*, 79.

<sup>35</sup> Connor, "Reconstruction Rebels," 165.

<sup>36</sup> John R. Ficklen, *History of Reconstruction in Louisiana: Through 1868* (Baltimore, MD: Peter Smith Publishing, Inc., 1910), 143.

<sup>37</sup> Houzeau, *My Passage at the New Orleans Tribune*, 79.

<sup>38</sup> Houzeau, *My Passage at the New Orleans Tribune*, 79.

<sup>39</sup> *New Orleans Tribune*, "The New Orleans Tribune," July 21, 1864, p. 1.

<sup>40</sup> *New Orleans Tribune*, "Proceedings of the Meeting of the National Union Brotherhood Association No. 1," July 21, 1864, p. 1.

<sup>41</sup> *New Orleans Tribune*, "Proceedings of the Meeting of the National Union Brotherhood Association No. 1," July 21, 1864, p. 1.

<sup>42</sup> The *Tribune* bluntly emphasized the Union's use of black soldiers as a strategic measure in the battle against Confederate armies. An editorial entitled "No Quarter" reads: "The governmental policy has... found it expedient to employ these slaves, now erected into men... as soldiers in the National armies fighting to subdue an enemy bent on destroying the country and breakup its unity of government. That freedom, which the war bestowed upon them in despite of all the scruples of Conservative executive, these men are now fighting valiantly, nay, heroically to maintain not only against the armed Rebels of the South, but against the deep-rooted prejudices, the contracted conservatism, and the secession-sympathy... of the North." Later, the *Tribune* published an interview by J.T. Mills, who quoted President Abraham Lincoln: "My enemies pretend I am now carrying on this war for the sole purpose of abolition. So long as I am President, it shall be carried on for the sole purpose of restoring the Union. But no human power can subdue this rebellion without the use of the emancipation policy... calculated to weaken the moral and physical forces of the rebellion. Freedom has given us 200,000 men raised on Southern soil. It will give us more yet." *New Orleans Tribune*, "No Quarter," September 6, 1864, p. 1; "Important and Interesting Interview: A Visit to the President," September 15, 1864, p. 3.

<sup>43</sup> *New Orleans Tribune*, "Union," July 21, 1864, p. 2.

<sup>44</sup> *New Orleans Tribune*, "The Picayune and the Tribune," September 6, 1864, p. 1.

<sup>45</sup> *New Orleans Tribune*, "From Boston," December 6, 1864, p. 1.

<sup>46</sup> *New Orleans Tribune*, "Division of Property," September 10, 1864, p. 1.

<sup>47</sup> *New Orleans Tribune*, "The Plantation System," September 24, 1864, p. 1.

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- <sup>48</sup> *New Orleans Tribune*, "Prospectus for a Farming Association," February 3, 1865, p. 1.
- <sup>49</sup> *New Orleans Tribune*, "The Colored Soldiers to Take the Place of Planters," March 1, 1865, p. 2. The *Tribune* referred to their modified plan as the "Bank of Laborers" and additionally suggested that black soldiers, who had fought in defense of the Union, would be ideal candidates for such associations.
- <sup>50</sup> Connor, "Reconstruction Rebels," 174.
- <sup>51</sup> *New Orleans Tribune*, "The Colored Soldiers to Take the Place of Planters," March 1, 1865, p. 2.
- <sup>52</sup> *New Orleans Tribune*, "Division of Property," September 10, 1864, p. 1. Emphasis in original.
- <sup>53</sup> *New Orleans Tribune*, "Division of Property," September 10, 1864, p. 1.
- <sup>54</sup> *New Orleans Tribune*, "Plantation Labor," January 28, 1865, p. 2.
- <sup>55</sup> *New Orleans Tribune*, "Plantation Labor," January 28, 1865, p. 2.
- <sup>56</sup> *New Orleans Tribune*, "The Colored Soldiers to Take the Place of Planters," March 1, 1865, p. 2.
- <sup>57</sup> *New Orleans Tribune*, "Plantation Labor," January 28, 1865, p. 2.
- <sup>58</sup> *New Orleans Tribune*, "Division of Property," September 10, 1864, p. 1; *New Orleans Tribune*, "Plantation Labor," January 28, 1865, p. 2.
- <sup>59</sup> *New Orleans Tribune*, "Freedmen's Aid Association," February 12, 1865, p. 2.
- <sup>60</sup> *New Orleans Tribune*, "Freedmen's Aid Association," February 12, 1865, p. 2. The announcement went on to solicit the help of "friendly persons, interested to see that great experiment of free labor being carried out." The associations were in need of "capital to complete the stock of mules, buy seeds, plows, and other tools, and to provide food during the five or six months until the crop may be disposed of." The call for donations underscored the extent to which former slaves were ready and willing to work, even though they were still in dire need of resources and support.
- <sup>61</sup> *New Orleans Tribune*, "Division of Property," September 10, 1864, p. 1.
- <sup>62</sup> The *Tribune* also advocated for the *economical*, as well as philosophical, value of labor. They recommended that freedmen who joined in contract with one another to create farming associations be compensated fairly. They proposed that "prime" male hands be paid \$1.00 per day, while "prime" female hands should receive \$0.75 per day. Even "third class" and "fourth class" hands should receive fifty cents and twenty-five cents per day, respectively. Compared to the maximum wage, fixed by local governments, of \$10 per month for "first class" male hands only, these recommendations would have been considered massive sums. *New Orleans Tribune*, "Prospectus for a Farming Association," February 3, 1865, p. 1.
- <sup>63</sup> An example of a standard advertisement can be found in *New Orleans Tribune*, "Books," May 30, 1865, p. 2.
- <sup>64</sup> *New Orleans Tribune*, "Humanity of the Colored Troops, July 26, 1864, p. 2.
- <sup>65</sup> *New Orleans Tribune*, "Maj. Plumley and the Colored People," December 6, 1864, p. 2. Put plainly, the *Tribune* later wrote: "It is certainly desirable that our brethren recently redeemed from bondage and called to the blessings of freedom should have a certain degree of education." *New Orleans Tribune*, "The Era and the Right of Suffrage," November 18, 1864, p. 2.



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- <sup>66</sup> Kristi Richard Melancon and Petra Munro Hendry, "'Listen to the Voice of Reason': The New Orleans Tribune as Advocate for Public, Integrated Education," *History of Education* 44, no. 3 (May 4, 2015): 293, 294.
- <sup>67</sup> *New Orleans Tribune*, Untitled, December 28, 1864, p. 2.
- <sup>68</sup> *New Orleans Tribune*, "Public Schools," February 17, 1865, p. 2.
- <sup>69</sup> *New Orleans Tribune*, "Maj. Plumley and the Colored People," December 6, 1864, p. 2.
- <sup>70</sup> These arguments anticipated the twentieth century fight for black education and desegregation, which peaked with the *Brown v. Board of Education* ruling in Topeka, Kansas. See Melancon and Hendry, "'Listen to the Voice of Reason.'"
- <sup>71</sup> *New Orleans Tribune*, "Is the Black Code Still in Force," July 21, 1864, p. 1.
- <sup>72</sup> *New Orleans Tribune*, "Is the Black Code Still in Force," July 21, 1864, p. 1.
- <sup>73</sup> *New Orleans Tribune*, "Is the Black Code Still in Force," July 21, 1864, p. 1.
- <sup>74</sup> *New Orleans Tribune*, "Is the Black Code Still in Force," July 21, 1864, p. 1.
- <sup>75</sup> *New Orleans Tribune*, "The Era and the Right of Suffrage," November 18, 1864, p. 2.
- <sup>76</sup> *New Orleans Tribune*, Untitled, November 15, 1864, p. 2. Emphasis added.
- <sup>77</sup> *New Orleans Tribune*, "Mr. Smith's Bill," November 16, 1864, p. 2.
- <sup>78</sup> According to the editorial, "[The bill] would have created dissensions, and formed three casts (white, white-washed, and black), when it is bad enough to have two (white and colored)." *New Orleans Tribune*, "Mr. Smith's Bill," November 16, 1864, p. 2.
- <sup>79</sup> *New Orleans Tribune*, "The Era and the Right of Suffrage," November 18, 1864, p. 2.
- <sup>80</sup> *New Orleans Tribune*, "The Era and the Right of Suffrage," November 18, 1864, p. 2.
- <sup>81</sup> It is important to note that the *Tribune*, despite later branding itself the official organ of the Universal Suffrage Party, stopped short of advocating for voting rights for women. Though it reportedly declared voting to be "the natural right of every woman..." in its May 1, 1866, issue, it did not explicitly repeat or reinforce that assertion. Instead, it clarified its position as follows: "Women and children, or minors, are not *citizens*, in the true sense of the term, as used in connection with affairs of State. The man only is known in the political meaning of the term citizen. Men only take part in matters of government.... [Our proposition] applies to *men*, as citizens of the republic, and we submit it to the examination of men." *New Orleans Tribune*, "The Absorbing Question," July 15, 1865, p. 3; Connor, "Reconstruction Rebels," 165, 167.
- <sup>82</sup> *New Orleans Tribune*, "Freedom and Franchise Inseparable," January 28, 1865, p. 1.
- <sup>83</sup> Connor additionally notes that the *Tribune* favored full political equality, requiring more than the franchise. By July 1865, the newspaper also specified its support for other forms of political inclusion for black people, including jury duty and officeholding—a position that "found few supporters outside of Radical circles." Michael W. Fitzgerald has elsewhere argued that black leaders' relentless focus on political representation and participation incited the fury of white racist reactionaries, alienated more moderate white allies, and, therefore, played an integral role in facilitating the widespread suppression of black disfranchisement. Connor, "Reconstruction Rebels," 165–67; Fitzgerald, *Splendid Failure*.
- <sup>84</sup> Connor, "Reconstruction Rebels," 165.
- <sup>85</sup> *New Orleans Tribune*, "Our Platform," March 5, 1865, p. 2.
- <sup>86</sup> *New Orleans Tribune*, "Our Platform," March 5, 1865, p. 2.

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<sup>87</sup> *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.

<sup>88</sup> The *Tribune*'s initial position regarding the Freedmen's Bureau was deeply influenced by its view of the federal agency's predecessor in Louisiana, the Bureau of Free Labor. The newspaper frequently published essays and editorials detailing the ways in which the Bureau of Free Labor was "enlarging its sphere every day, extending the limits of its intervention in private affairs... and under the plea of protection and tutorage... pushing back our brethren into a disguised servitude." Thus, under the Bureau of Free Labor's direction, former slaves were allegedly being made serfs. According to the *Tribune*, "that is the kind of freedom—freedom by toleration—that our [black] brethren will enjoy, as long as a Bureau of Free Labor will remain in operation in Louisiana." In another article, the newspaper reiterated, "we consider the existence of a Bureau of Free Labor as inconsistent with freedom, and we pledge ourselves to use our most active efforts to have it abolished... in order to make room for complete freedom... new ideas want new men... [and] the past has shown that we cannot expect any decided progress in the conduct of labor so long as Superintendent Thomas W. Conway remains at the head of the Bureau of Free Labor in Louisiana." The *Tribune*'s scathing remarks provide evidence that the newspaper's initial impression of the Freedmen's Bureau would, consequently, be decidedly negative—especially since Superintendent Thomas W. Conway would soon go on to assume the position of Assistant Commissioner of Louisiana for the Freedmen's Bureau. See *New Orleans Tribune*, Untitled, March 12, 1865, p. 2; "Official," March 18, 1865, p. 1; "Meeting at Economy Hall," March 18, 1865, p. 2.

<sup>89</sup> *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.

<sup>90</sup> William Sprague IV, speaking on H.R. No. 51, February 21, 1865, 38<sup>th</sup> Cong., 2<sup>nd</sup> Sess., *Cong. Globe* 960, quoted in *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.

<sup>91</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2; *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.

<sup>92</sup> *New Orleans Tribune*, "Two Days Later from the North," May 20, 1865, p. 2.

<sup>93</sup> See, for example, *New Orleans Tribune*, "The Freedmen's Bureau," June 4, 1865, p. 2; "Freedmen to Retain Possession of Abandoned Lands Where Crops are Gathered," June 8, 1865, p. 1; "Safety of the Freedmen," July 16, 1865, p. 4; "Will Not Work Without Being Whipped," July 22, 1865, p. 4.

<sup>94</sup> As printed in *New Orleans Tribune*, "Ordinance: Relative to the Police of Recently Emancipated Negroes or Freedmen, Within the Corporate Limits of the Town of Opelousas," July 15, 1865, p. 3.

<sup>95</sup> Thomas W. Conway, Circular No. 2, New Orleans, Louisiana, July 14, 1865, as printed in *New Orleans Tribune*, "Safety of the Freedmen," July 16, 1865, p. 4.

<sup>96</sup> *New Orleans Tribune*, "Safety of the Freedmen," July 16, 1865, p. 4.

<sup>97</sup> *New Orleans Tribune*, "Land for the Freedmen," July 22, 1865, p. 4.

<sup>98</sup> *New Orleans Tribune*, "Land for the Freedmen," July 22, 1865, p. 4.

<sup>99</sup> *New Orleans Tribune*, "Land for the Freedmen," July 22, 1865, p. 4. Howard made note of the criticisms he received from "radical" and "hostile newspapers" in his autobiography. See Howard, *Autobiography*, 1907, 2:213–14.

<sup>100</sup> *New Orleans Tribune*, "Protection Needed for the Freedmen," December 14, 1865, p. 4.

<sup>101</sup> *New Orleans Tribune*, "Protection Needed for the Freedmen," December 14, 1865, p. 4.

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<sup>102</sup> *New Orleans Tribune*, "Protection Needed for the Freedmen," December 14, 1865, p. 4. The original article read: "... the confidence of the people of color in that institution has been terribly shake." The author has determined that the final word, "shake," was likely a typing error and has thus corrected the excerpt here.

<sup>103</sup> *New Orleans Tribune*, "Liberty Brought to the West," July 15, 1865, p. 4.

<sup>104</sup> *New Orleans Tribune*, "Land for the Freedmen," July 22, 1865, p. 4.

<sup>105</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2. Labor reform was arguably the *Tribune's* most pressing concern. The newspaper was ruthless in its condemnation of free labor. In reports of a local meeting, it quoted Captain J.H. Ingraham, saying, "it is said that 'free labor' is our salvation. I deny it!... If we allow Order 23 [issued by the Bureau of Free Labor, regulating new labor policies for former slaves and slavemasters] to go before the world without condemning it, we are recreant to the principles of manhood." For a full account of the *Tribune's* views of the Freedmen's Bureau's labor policies, see Ann V. Nugent, "The Attitude of the New Orleans Tribune Towards the Freedmen's Bureau in Louisiana: 1865-1866" (Western Washington State College, 1970).

<sup>106</sup> The *Tribune* compared the Southern labor system—in its antebellum *and* post-bellum iterations—to the system of succession in a monarchy. It explained, "In a monarchy, there is no intermission of reign; the heir apparent becomes a king at the same moment that the late king dies... The person died, but not the royalty. There is something of that kind with the system of labor in the South. The custom is retained under a different form. Slavery is dead, but 'free labor' still lives and has yet to be killed. The name only has been changed; not much has been touched of the principle. The dynasty of slavery is still existing." *New Orleans Tribune*, "What is 'Free Labor?'," April 9, 1865, p. 2.

<sup>107</sup> *New Orleans Tribune*, January 10, 1866. Kristi Melancon and Petra Henry have argued that the *Tribune* advanced an argument that education was prized as a "public right," as much as a civil one. See Melancon and Hendry, "Listen to the Voice of Reason." For a full exploration of the *Tribune's* views on education, see Chapter 3 of Kristi Richard Melancon, "An African American Discourse Community in Black & White: The New Orleans Tribune" (Louisiana State University, 2011).

<sup>108</sup> *New Orleans Tribune*, "How Will the Negro Vote?," April 4, 1865, p. 2.

<sup>109</sup> *New Orleans Tribune*, "Additional from the North," May 7, 1866, p. 2.

<sup>110</sup> *New Orleans Tribune*, "The Absorbing Question," July 15, 1865, p. 3. Emphasis in original.

<sup>111</sup> *New Orleans Tribune*, "Protection Needed for the Freedmen," December 14, 1865, p. 4.

<sup>112</sup> *New Orleans Tribune*, "How Prejudices Have Been Destroyed," May 30, 1865, p. 2; "Chivalry and the Freedmen," July 22, 1865, p. 3.

<sup>113</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2.

<sup>114</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2.

<sup>115</sup> *New Orleans Tribune*, "Liberty and the Pursuit of Happiness," April 1, 1865, p. 2.

<sup>116</sup> *New Orleans Tribune*, "From Boston," December 6, 1864, p. 1.

<sup>117</sup> *New Orleans Tribune*, "From Boston," December 6, 1864, p. 1.

<sup>118</sup> Representative Rollins's speech to the House of Representatives can be read in full in James S. Rollins, May 30, 1864, 38<sup>th</sup> Cong., 1<sup>st</sup> Sess., *Cong. Globe* 2575-2578.

<sup>119</sup> *New Orleans Tribune*, "Mr. Rollins on Reconstruction," July 21, 1864, p. 2.

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<sup>120</sup> It is notable that the *Tribune* also criticized political figures' behavior, as well as their policies. In a brief news item, for instance, the newspaper reported that "[U.S.] Senators [Willard] Saulsbury and [James] McDougal, not having been sober enough during the last session to attend to business, are dropped entirely from all committee under the new organization." This report underscored the shortcomings of white men in power, and additionally served to point out the hypocrisies embedded in such arguments as black people may not be fit for freedom if they engaged in socially unacceptable behaviors, like drinking alcohol. The *Tribune* remarked, pointedly, "There is a chance for a good deal of a temperance reform in the Senate end of the Capital, and we do not wonder that the Senate has resolved to exclude the sale of liquors in that end of the building. That greater wonder tha [sic] it was ever permitted." *New Orleans Tribune*, "From the North," July 21, 1865, p. 4.

<sup>121</sup> *New Orleans Tribune*, Untitled, December 28, 1864, p. 2.

<sup>122</sup> *New Orleans Tribune*, Untitled, December 28, 1864, p. 2.

<sup>123</sup> *New Orleans Tribune*, "The Essence of the Reconstruction Question," July 21, 1865, p. 3.

<sup>124</sup> *New Orleans Tribune*, Untitled, December 28, 1864, p. 2.

<sup>125</sup> *New Orleans Tribune*, "Liberty and the Pursuit of Happiness," April 1, 1865, p. 2.

<sup>126</sup> *New Orleans Tribune*, "Liberty and the Pursuit of Happiness," April 1, 1865, p. 2. The article went on to explain: "Before 1853, the planters said that it was for the sake of the negroes that they kept them in slavery; it was from a feeling of humanity that they retained in bondage a race of men whom they proclaimed to be unfit to lie under any other status. Their devotion to the welfare and the moral progress of the negroes was going so far as to have them whipped and put into the stocks—as a means of promoting their advancement. Since 1863, the plantocrats say, in the same manner, that it is for the sake of the freedmen that the colored people have to be kept under a tutorage."

<sup>127</sup> *New Orleans Tribune*, "Liberty and the Pursuit of Happiness," April 1, 1865, p. 2.

<sup>128</sup> *New Orleans Tribune*, Untitled, February 3, 1865, p. 2. For further reading on Civil War perspectives that highlight the creation of a Southern national identity, see McCurry, *Confederate Reckoning*.

<sup>129</sup> *New Orleans Tribune*, Untitled, February 3, 1865, p. 2.

<sup>130</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2. It is noteworthy that the *Tribune* did not dismiss the possibility of genuine, well-intentioned policy. However, they simultaneously did not underestimate the vengeance and resentment of slavery sympathizers and white supremacists. As one editorial explained, "The planters cannot be reconciled to the idea of the laborers' enjoying freedom. They will throw every impediment in their way; they will do their utmost efforts to bring about a failure of every enterprise where freedmen are concerned; and say that the African race is not fit for liberty. There may be good policy in these attempts to bar the way to progress, but there is also something generous and entirely unworthy of gentlemen." *New Orleans Tribune*, "Hatred of Freedom," May 16, 1865, p. 2.

<sup>131</sup> *New Orleans Tribune*, "The Chivalry and the Freedmen," July 22, 1865, p. 3.

<sup>132</sup> *New Orleans Tribune*, "No More Slaves, No More Masters," July 16, 1865, p. 4.

<sup>133</sup> *New Orleans Tribune*, "No More Slaves, No More Masters," July 16, 1865, p. 4.

<sup>134</sup> *New Orleans Tribune*, "Black Soldiers for the Country Parishes," July 18, 1865, p. 2.

<sup>135</sup> *New Orleans Tribune*, "An Example to be Followed," July 26, 1864, p. 1.

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- <sup>136</sup> *New Orleans Tribune*, “An Example to be Followed,” July 26, 1864, p. 1.
- <sup>137</sup> *New Orleans Tribune*, “An Example to be Followed,” July 26, 1864, p. 1.
- <sup>138</sup> *New Orleans Tribune*, “The Colored Troops in the Fight for the Weldon R.R.,” September 10, 1864, p. 1.
- <sup>139</sup> *New Orleans Tribune*, “Black Men in the Navy—Fight in Mobile Bay,” September 10, 1864, p. 2.
- <sup>140</sup> *New Orleans Tribune*, “Black Men in the Navy—Fight in Mobile Bay,” September 10, 1864, p. 2.
- <sup>141</sup> *New Orleans Tribune*, “One Country—One Law,” February 23, 1865, p. 2.
- <sup>142</sup> *New Orleans Tribune*, “President Johnson’s Sentiments,” May 6, 1865, p. 2.
- <sup>143</sup> *New Orleans Tribune*, “How Prejudices Have Been Destroyed,” May 30, 1865, p. 2.
- <sup>144</sup> *New Orleans Tribune*, “From Boston,” December 28, 1864, p. 1. The correspondent noted that the lectures focused on the following subjects: “Education,” “Social Aims,” “Resources,” “Table Talk,” “Books,” and “Character.”
- <sup>145</sup> *New Orleans Tribune*, “From Boston,” December 28, 1864, p. 1.
- <sup>146</sup> The *Tribune* arguably anticipated what Carol Anderson has theorized as the lineage of white rage. In a popular 2014 post for the *Washington Post*, “Ferguson Isn’t About Black Rage Against Cops. It’s White Rage Against Progress,” Anderson contextualized the contemporary sociopolitical landscape in terms of a long and often hidden history of legislative violence, committed and sustained by powerful whites resentful of black progress and advancement. Anderson cites the end of the Civil War and Reconstruction era, specifically, as a prime case in which black codes were used to reconstruct and enforce antebellum hierarchies. This study suggests that such violence was not “hidden” to black people; black people were not only cognizant of the ways in which white supremacist legislation was being actively used against them, but they also actively resisted whites’ efforts to force them into positions of submission and oppression. See also Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury USA, 2016).
- <sup>147</sup> *New Orleans Tribune*, “Humanity of the Colored Troops,” July 26, 1864, p. 2.
- <sup>148</sup> *New Orleans Tribune*, “Maj. Plumley and the Colored People,” December 6, 1864, p. 2.
- <sup>149</sup> The *Tribune*’s staff, and arguably its readership, were undeniably members of a relatively elite class—black people who were born-free and not necessarily facing measure and intensity of economic hardships as former slaves. Thus, their rhetoric can be interpreted as shaping the principles and practices of an emergent black middle class. Heather Cox Richardson has situated her work at the intersection of race and labor to argue that class distinctions played a major role in the eventual decline of Reconstruction era policies that aimed to support black people and advance their inclusion with American society. Heather Cox Richardson, *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865-1901* (Cambridge, MA: Harvard University Press, 2004).
- <sup>150</sup> *New Orleans Tribune*, “Maj. Plumley and the Colored People,” December 6, 1864, p. 2.
- <sup>151</sup> *New Orleans Tribune*, “Maj. Plumley and the Colored People,” December 6, 1864, p. 2.
- <sup>152</sup> *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.
- <sup>153</sup> *New Orleans Tribune*, Untitled, March 12, 1865, p. 2.
- <sup>154</sup> *New Orleans Tribune*, “The Plantation System,” September 27, 1864, p. 1.

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<sup>155</sup> *New Orleans Tribune*, “One Country—One Law,” February 23, 1865, p. 2.

<sup>156</sup> *New Orleans Tribune*, “One Country—One Law,” February 23, 1865, p. 2.

<sup>157</sup> *New Orleans Tribune*, “One Country—One Law,” February 23, 1865, p. 2. The term “house divided” was likely a reference to President Lincoln’s 1858 speech, delivered in Springfield, Ill., after receiving the Illinois Republican Party’s nomination for the state’s U.S. senate seat. In that speech, Lincoln proclaimed: “A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing, or all the other. Either the opponents of slavery will arrest this further spread and place it where the public mind shall rest in the belief that it is on a course of ultimate extinction; or its advocates shall press it forward, until it shall become alike lawful in all of the States, old as well as new, North as well as South.” Full text of the address can be found at <http://www.americanrhetoric.com/speeches/abrahamlincolnhousedivided.htm>.

<sup>158</sup> *New Orleans Tribune*, “Union,” July 21, 1864, p. 2.

<sup>159</sup> *New Orleans Tribune*, “Our Day and Time,” February 17, 1865, p. 1.

<sup>160</sup> *New Orleans Tribune*, “Our Day and Time,” February 17, 1865, p. 1.

<sup>161</sup> *New Orleans Tribune*, “From Boston,” December 6, 1864, p. 1.

<sup>162</sup> *New Orleans Tribune*, “Our Day and Time,” February 17, 1865, p. 1.

<sup>163</sup> *New Orleans Tribune*, “How Will the Negro Vote?,” April 4, 1865, p. 2.

<sup>164</sup> *New Orleans Tribune*, “Our Day and Time,” February 17, 1865, p. 1.

<sup>165</sup> *New Orleans Tribune*, “Our Day and Time,” February 17, 1865, p. 1.

<sup>166</sup> *New Orleans Tribune*, Untitled, June 8, 1865, p. 2. In this particular article, the *Tribune* praised “the loyal clergyman of New Orleans” after they “advocated the extension of franchise to men of African descent.” Connor has argued that the *Tribune*, too, made a point of supporting universal suffrage “not by describing the practical service blacks had furnished the Union during the war... but by proposing the doctrine of justice and equality for all citizens.” See Connor, “Reconstruction Rebels,” 166.

<sup>167</sup> *New Orleans Tribune*, “One Country—One Law,” February 23, 1865, p. 2.

<sup>168</sup> *New Orleans Tribune*, “The Way to a Sound Reconstruction,” May 20, 1865, p. 2.

<sup>169</sup> *New Orleans Tribune*, “The Way to a Sound Reconstruction,” May 20, 1865, p. 2.

<sup>170</sup> *New Orleans Tribune*, “Governing and Governed,” June 8, 1865, p. 1. Emphasis added.

<sup>171</sup> The Three-Fifths Clause refers to Article 1, Section 2 of the U.S. Constitution, which apportioned representatives and taxes among the states by calculating the number of persons residing in each state. The original text clarified that the census was to include the “whole number of white and other free citizens... [and] three fifths of all other persons.” On May 30, 1865, the *Tribune* shared the following perspective: “The abolition of slavery in the Southern States, which will become a reality as rapidly as our armies advance and take possession, will practically nullify that clause of the Constitution which restrict representation in Congress to three-fifths of ‘all other persons,’ thereby meaning the slaves. The effect will be to increase the representative population of the South to the extent of two fifths of the emancipation blacks, or about 1,000,000 souls.” Coupled with the newspaper’s views on the authority of law, the passage suggests that the *Tribune* considered the three-fifths clause essentially null and void, and thus the U.S. Constitution,

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in its revised form, was wholly applicable to black people. *New Orleans Tribune*, “Consequences of Abolition,” May 30, 1865, p. 1.

<sup>172</sup> *New Orleans Tribune*, “Self-Government,” February 25, 1865, p. 2.

<sup>173</sup> *New Orleans Tribune*, “Self-Government,” February 25, 1865, p. 2.

<sup>174</sup> Hon. M. B. Lowry, *New Orleans Tribune*, “Elective Franchise Not Dependent on Color,” April 1, 1865, p. 1.

<sup>175</sup> These arguments find scholarly affirmation in Danielle Allen’s recent work, which rereads the Declaration of Independence as a promising treatise on political equality. See Danielle S. Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York: Liveright, 2015).

<sup>176</sup> The term “imagine” is used purposefully here to invoke the work of Benedict Anderson, who has theorized the nation as “an imagined political community—and imagined as both inherently limited and sovereign.” In keeping with Anderson’s subsequent notions of nationalism, as the “invent[ion] of nations where they do not exist,” I interpret these passages from the *Tribune* as demonstrations of the ways in which its editors and writers were invoking seminal, admittedly problematic printed texts to develop a new brand of racially inclusive nationalism in the wake of the Civil War—one which might be genuinely welcoming to black people as well as white. See Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised Edition (New York: Verso, 2006).

<sup>177</sup> *New Orleans Tribune*, “Liberty Brought to the West,” July 15, 1865, p. 4.

<sup>178</sup> *New Orleans Tribune*, “Liberty Brought to the West,” July 15, 1865, p. 4.

<sup>179</sup> *New Orleans Tribune*, “Public Schools,” February 17, 1865, p. 2. Emphasis added.

<sup>180</sup> *New Orleans Tribune*, “Public Schools,” February 17, 1865, p. 2.

<sup>181</sup> *New Orleans Tribune*, “Concert at the Orleans Theater,” May 30, 1865, p. 2.

<sup>182</sup> *New Orleans Tribune*, “Concert at the Orleans Theater,” May 30, 1865, p. 2.

<sup>183</sup> *New Orleans Tribune*, “After the Night Comes Morning,” July 26, 1864, p. 1.

<sup>184</sup> *New Orleans Tribune*, Untitled, June 8, 1865, p. 2.

<sup>185</sup> *New Orleans Tribune*, Untitled, June 8, 1865, p. 2.

<sup>186</sup> Dann, *The Black Press*, 21.

<sup>187</sup> *New Orleans Tribune*, “To the parents of schoolchildren,” December 28, 1864, p. 2.

<sup>188</sup> *New Orleans Tribune*, “A fair for the benefit of orphans of freedmen,” April 4, 1865, p. 2.

<sup>189</sup> *New Orleans Tribune*, “The Langston Literary Association,” May 16, 1865, p. 2.

<sup>190</sup> *New Orleans Tribune*, “The Langston Literary Association,” May 16, 1865, p. 2.

<sup>191</sup> *New Orleans Tribune*, “Miscellaneous,” July 22, 1865, p. 3.

<sup>192</sup> This innovative strategy of showcasing black humanity in full view of a hateful and hostile public continues today in contemporary forms. Using digital media, in particular, black people engage in expressions of joy, play, and life in defiance of racist oppression and violence. See Catherine Knight Steele and Jessica Lu, “Defying Death: Black Joy as Resistance Online,” in Z. Papacharissi (Ed.), *A Networked Self: Birth, Life, and Death* (New York: Routledge, forthcoming).

<sup>193</sup> *New Orleans Tribune*, “Public Schools,” February 17, 1865, p. 2.

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- <sup>194</sup> *New Orleans Tribune*, "The Absorbing Question," July 15, 1865, p. 3.
- <sup>195</sup> *New Orleans Tribune*, "The Absorbing Question," July 15, 1865, p. 3.
- <sup>196</sup> *New Orleans Tribune*, "Our Platform," March 5, 1865, p. 2.
- <sup>197</sup> Dann, *The Black Press*, 12.
- <sup>198</sup> Washburn, *The African American Newspaper*, 36.
- <sup>199</sup> *New Orleans Tribune*, "Meeting at Economy Hall," March 18, 1865, p. 2.
- <sup>200</sup> *New Orleans Tribune*, "The Picayune and the Tribune," September 6, 1864, p. 1.
- <sup>201</sup> Rael, *Black Identity and Black Protest in the Antebellum North*, 5.
- <sup>202</sup> Rael, 5.
- <sup>203</sup> Rael, 5.



## CONCLUSION

When the Emancipation Proclamation was issued on January 1, 1863, President Lincoln offered Americans a reason to hope that slaves might “forever free” from that day onward. It seemed that a “long-awaited day of ‘jubilo,’ the term that slaves used for ‘jubilee,’ had arrived.”<sup>1</sup> However, their celebrations, and those of their abolitionist allies, were soon called into question by the uncertainties that lingered in the wake of emancipation. As Eric Foner has argued, “the pivot on which social conflict turned was the new status of the former slave.”<sup>2</sup> Slavery’s demise “threw open the most fundamental questions of economy, society, and polity”<sup>3</sup> and marked the beginning of a tumultuous era marked by both problems and promise. The breaking and rebuilding of the nation presented an opportunity to both realize unfulfilled agreements between the state and its people, and pursue radical changes in systems of governance and citizenship.

Notions of *freedom* were central to the discourse of this historic era. Presuming that ideas are rhetorically constituted in situated moments and circulate to further “attain history,” I have focused on studying the “language of persons, rights, and liberties” that negotiated freedom before and after the emancipation of four million slaves.<sup>4</sup> My efforts began with a critical understanding of the ways in which eighteenth and nineteenth century discourse defined freedom, moving from foundations of natural rights to paradoxical clarifications of earned rights in ways that evinced the public negotiation of a social contract. Both white and black rhetors identified republican citizenship, education and literacy, free labor principles, and legal citizenship as mutually agreed upon rights and privileges that theoretically joined the American people together. However, considered within the context of antebellum racial politics, those markers can be

understood as prerequisites used to assess black people's perceived capacity—or lack thereof—for free life. In short, freedom rhetoric provided a vocabulary by which Americans could justify the exclusion of black people from social, political, and economic belonging. Freedom's legacy was that of an exclusionary, rather than inclusionary, idea.

This legacy was tested with the passage of the Thirteenth Amendment, which banned slavery and granted former slaves a new status. They were no longer classified as three-fifths of a person, but rather, they were recognized as free and full-fledged members of American society.<sup>5</sup> The legal change, however, was accompanied by a concerted effort to mitigate the consequences of extending freedom to former slaves. Congress established the Freedmen's Bureau in 1865, and it charged the new agency with facilitating the transition of former slaves from bondage to freedom. General Oliver Otis Howard assumed leadership of the Bureau and, soon after, came to the realization that the agency's mission was rhetorical; he undertook an aggressive campaign to define and defend freedom.

The Bureau's task could not be divorced from freedom's rhetorical history, and its paradoxical underpinnings threatened to sustain antebellum racial injustices in the emancipation era. On the basis of both natural rights and earned rights, Americans could deny black people's compliance with the social contract and thereby refuse to embrace them as free and equal members of society, regardless of their new legal status. Thus, this project has asked two questions. First, how did the Bureau define freedom? Second, how did discourse by and about the Bureau deepen or disrupt freedom's legacy? I engaged in rhetorical analysis of four distinct collections of texts in order to answer them.

In the first chapter, I examined the founding rhetoric of the Bureau, as outlined by Head Commissioner Howard and other Bureau officials in memos, letters, circular announcements, and a major speech from the agency's first year of operations. I found that the Bureau defined freedom in terms of prized attainments—land, labor, education, relief, and justice—that suggested temporary, if not permanent, barriers to black inclusion. The Bureau's emphasis on earned rights contradicted its progressive agenda and suggested that former slaves' fitness for freedom would be assessed in terms of non-negotiable social, economic, and political preconditions.

In the second chapter, I investigated the implementation of this vision at the local level in the Bureau's records of Freedmen's Village, Virginia. I analyzed the extensive collection of letters, memos, special orders, announcements, and receipts to argue that the Bureau's earned rights approach provided the direction by which local agents interacted with freedmen, and that the rules and regulations governing Freedmen's Village revived dehumanizing practices of classification, confinement, and control. Under the Bureau's command, the Village was transformed into a site of examination, where the state's power over freedmen mimicked the slave-master relationship that had been characteristic of antebellum America.

In the third chapter, I studied the controversy surrounding the Bureau in order to interrogate how the agency's work inspired broader consideration of the relationship between the state and former slaves. I focused on the contentious 1866 congressional debates about S. No. 60, a bill proposed to extend the agency's operations beyond its first year, and found that notions of natural rights *and* earned rights pervaded congressmen's arguments. Whether in defense of or opposition to the bill, senators and representatives

strategically leveraged both approaches as they defined crisis, negotiated time, and delineated racial differences to devalue and abandon black people in the allocation of state support and protection. They activated freedom's paradox to diminish the government's responsibility to freedmen, demonstrating the limits of legal inclusion and affirming the ways in which freedom rhetoric could be leveraged to discount, rather than ensure, the state's concern for black people.

In the fourth and final chapter, I turned my attention to black people's contributions to the post-war conversation about freedom, freedmen, and the government. I analyzed the arguments of born-free and formerly enslaved black people, published in the historic *New Orleans Tribune*. I argue that the newspaper's coverage of black life showcased black people's commitments to land, labor, education, justice, suffrage in ways that undermined the Bureau's earned rights approach and defied, more broadly, the racist assumption that black people needed to be taught to value the expectations and privileges of freedom. In addition, the *Tribune* engaged numerous rhetorical strategies to actively counter notions of black inferiority, exclusion, and dehumanization, thereby restoring the potential of a natural rights approach and simultaneously disrupting the barriers that questioned black people's compliance with the American social contract.

Considered together, these arguments affirm that freedom's paradox significantly shaped post-war discourse about freedmen, and their relationships with both the state and the wider American public. Abolition and emancipation had extended an offer of inclusion, but the terms of the new social order were subject to intense debate. The Freedmen's Bureau emerged as a key player in this controversial period. In discourse within and about the agency, commitments to both natural rights and earned rights

complicated rhetors' definitions of freedom. On the one hand, Bureau agents and their contemporaries asserted that legal emancipation had recognized freedmen's natural rights as humans. On the other hand, they clarified that those natural rights were subject to an extensive set of social, political, and economic preconditions that could continue to distinguish black people as a subordinate class of persons subject to either state control or abandonment. This study ultimately contends that arguments by and about the Bureau advanced the reconstruction of a post-bellum racial order that affirmed the racist underpinnings of the social contract, further contributed to the dehumanization of former slaves, and prompted black people to resist the ongoing assault on their freedom.

In closing, I briefly summarize the major contributions of this project. I begin by highlighting how this study underscores the importance of ideational analysis. Then, I explain the ways in which a rhetorical approach has enriched and extended existing scholarship about the Bureau. Finally, I end with a call for further appreciation and critical investigation of black resistance, which has continually challenged the injustices of freedom for us all.

### *The study of ideas*

This project has explicated a compelling case that confirms the importance of rhetorical analysis and, especially, the careful study of ideas. As Kirt Wilson has noted, relatively few rhetorical scholars have focused their critical attention on public discourse in the emancipation and early Reconstruction era. However, closer examination of this period can highlight "the incongruities in America's attitudes and discursive norms that would shape future judgments and race relationships into the next century" and beyond.<sup>6</sup> In other words, the present study provides an important entry point into critical

investigations of *freedom*, but it is certainly not the final word on the richness of this idea. Other studies are needed to deepen our critical understanding of the ways in which freedom's legacy animated civil rights discourse in the mid-twentieth century, for example, or continues to inspire contemporary black artists like Jermaine Lamarr Cole to sing, "All we want to do is break the chains off. All we want to do is be free."<sup>7</sup> As scholars, we must insist upon critical engagement with the "configurations of language" that constitute freedom in complex ways, fraught with contradictions and laden with lasting ideological implications.<sup>8</sup>

My findings regarding rhetors' strategic use of freedom rhetoric in the post-war context prompt me to invite other scholars to similarly explore the rhetorical depth and density of other ideas, as well. As this project has clearly demonstrated, the various contours or nodes of an idea may persist across space and time, but they are activated differently by different groups. In this case, both Bureau agents and *New Orleans Tribune* writers expressed shared commitments to land, labor, education, and justice; however, they advanced different arguments about emancipation era policies and black freedom. Similarly, both Bureau agents and U.S. congressmen relied on natural rights and earned rights perspectives, but they ultimately presented varying views on the extent to which the state should or would supervise freedmen's transition from bondage to freedom. This project has therefore affirmed that ideational analysis must attend not only to an idea's "nuances of meaning," but also to how such nuances are connected and arranged through argument.<sup>9</sup> By examining ideas in this way, we can uncover how even progressive agendas and ideals can be used to justify exercises of power and domination. If we ignore

them, we resign ourselves to the ever-present threat that “liberation from the top down [will] go only so far as the interests of the dominant groups permi[t].”<sup>10</sup>

### *The legacy of the Freedmen’s Bureau*

This project has also made a significant contribution to existing literature about the Freedmen’s Bureau. According to Barry A. Crouch and Larry Madaras, historians have generally approached the agency from two perspectives. Earlier studies often indicted the Bureau as a mere instrument of radical Republicans, eager to punish the South and extend Northern power in the wake of the Civil War. Recent work has looked upon the agency more kindly, praising its revolutionary efforts and emphasizing the unavoidable political constraints that limited the Bureau’s ability to meet its goals.<sup>11</sup> The agency has been referred to as former slaves’ “first friend... helping to move [them] from slavery to citizenship” and providing them with an “an equal chance [to] begin their lives as freedmen and –women.”<sup>12</sup> By redefining the Bureau’s work as a rhetorical mission, rather than an administrative one, I have disrupted this binary. I propose, instead, that we consider the Bureau with greater nuance and appreciate the rhetorical complexities of its task. In its time, the Bureau certainly pursued a radical agenda, as it sought to facilitate the transition of former slaves from bondage to freedom—and, by extension, from exclusion to inclusion in American society. However, the Bureau undermined its own agenda by espousing a rhetoric of freedom that helped its agents, as well as other Americans, revert to familiar, antebellum practices and principles that had subjugated black people for generations. By dabbling with both natural rights and earned rights perspectives, their work invoked both progressive and conservative commitments that ultimately discounted the legitimacy of black people’s freedom despite the legal

emancipation afforded by President Lincoln's proclamation and the Thirteenth Amendment.

This project further extends existing literature about the Bureau by highlighting the agency's historic role in perpetuating unjust practices that continue today in various forms. Chapter 2, in particular, identified three specific ways in which the agency asserted the state's power over black people. The Bureau's efforts to classify, confine, and control freedmen cannot be divorced from the contemporary experiences of black and African Americans in the United States.

With regards to the enduring impact of classification, The Freedmen's Village records are merely one collection among many that catalog black people as objects, diminishing—if not dismissing outright—their full humanity in the institutional archive.<sup>13</sup> The Bureau's papers corroborate Saidiya Hartman's argument that blackness is most often documented in "a realm of experience which is situated between two zones of... social and corporeal death," where "precarious lives... are visible only in the moment of their disappearance."<sup>14</sup> In such records, "the stories that exist are not about them, but rather about the violence, excess, mendacity, and reason that seized hold of their lives, transformed them into commodities and corpses."<sup>15</sup> The lists and ledgers of former slaves' names amount to "little more than a register of [their] encounter with power," providing only "meager sketch[es] of [their] existence."<sup>16</sup> Thus, institutional archives are often "a death sentence, a tomb, a display of the violated body, an inventory of property" for black people, who are identified as merely "an asterisk in the grand narrative of history."<sup>17</sup> Even if we read "against" the archive in search of "traces" of black humanity and resistance, we glean little from them beyond "what can be extrapolated from an analysis



of the ledger or borrowed from the world of [slaves'] captors and masters and applied to [them].”<sup>18</sup> These historical documents continue to exercise oppressive power, as they put forth narratives in which black people are perpetually destitute, dying, or already dead.<sup>19</sup> They continually invite archivists, historians, scholars, and students to imagine and accept worlds that expunge black people’s experiences at the behest of white power.<sup>20</sup>

The legacy of black confinement, born in slavery and reified upon emancipation, also persists today in various forms. The Bureau detained thousands of former slaves within Freedmen’s Village, delaying their entrance into American society and reviving antebellum commitments to black subordination. Contemporary segregation efforts, like gentrification and school privatization, similarly aim to monitor and constrain black people’s movements within society.<sup>21</sup> The most insidious and aggressive among these initiatives, however, is the mass incarceration of black people in the American carceral state. Douglas A. Blackmon has examined aggressive efforts to arrest and detain black people almost immediately after the emancipation era began, while Michelle Alexander has written extensively about the ways in which the criminal justice system has continued to target black people for institutional confinement and forced prison labor.<sup>22</sup> Both scholars maintain that slavery practices, like those practiced in Freedmen’s Village, evolved in order to restrict black people’s access to employment, housing, education, and democratic participation while simultaneously professing an allegiance to principles of equality and justice. The state’s proclivity for confinement continues to inhibit black people—once slaves, then “freedmen,” and now “criminals”—from exercising their “basic freedom[s],” especially the “right to vote for those who will make the rules and

laws that govern one's life."<sup>23</sup> Once apprehended by the government, black people are once more subject to "all the practices we supposedly left behind."<sup>24</sup>

Finally, the layers of control and surveillance that permeated the Bureau's everyday operations, especially evident in Freedmen's Village, arguably constituted an early form of racialized surveillance, theorized by Simone Browne as "enactments of surveillance [that] reify boundaries along racial lines," often resulting in "discriminatory and violent treatment."<sup>25</sup> The Bureau's records underline Browne's assertion that surveillance is not a practice "inaugurated by new technologies," but rather, a centuries-old mechanism by which the state fixes upon blackness and black people as object, rather than human.<sup>26</sup> The agents' watchful gaze was vital to the Bureau's effort to (re)define racial norms of social and economic behavior in the post-war era, as well as to "define what [was] in or out of place" in American society.<sup>27</sup> Such efforts continue today in new forms, including automated facial recognition, dashboard and body cameras, drone technology, big data surveillance, and closed circuit monitoring. Though all citizens are subject to multiple layers of surveillance in modern America, John Fiske has argued that these practices remain racialized, such that "today's seeing eye is white."<sup>28</sup>

These examples demonstrate the complex legacy of the Bureau's discourse and policies in contemporary race relations. The ways in which the agency and its contemporaries sought to control, dehumanize, and subjugate black people to white power and domination are necessarily linked to modern day injustices. We cannot understand these practices and how they work if we do not grapple with the long history of arguments that has justified, and continues to justify, their existence. In order to dismantle them, we must recognize how these modes of racial injustice are upheld by our

own, and others', seemingly progressive discourse and work towards activism that constructs ideas just as carefully as we may come to critique them.

### *Freedom and black resistance*

This study has affirmed the perseverance of black resistance in the face of overwhelmingly persistent oppression. The first three chapters of this project focused on voices of institutional power, underscoring the sheer force with which the state can harm its people under the guise of protecting and supporting them. As such, we can better appreciate the strategies of black resistance and refusal that are showcased in the final chapter. As so many of their kin had done before, born-free and formerly enslaved black people confronted the racist underpinnings of discourse by and about the Bureau head-on. As Steven Hahn has reminded us, African Americans have always exhibited the courage and capacity to defy those who seek their destruction. They have “continually made and remade their politics and political history in complex relation to shifting events; they did not have their politics and political history made for them.”<sup>29</sup> As such, any history of the emancipation era—and of *freedom*—must appreciate the ways in which black people intervened in dominant discourses to resist and reshape power. The present study suggests that black people, perhaps more so than any others, were willing to take on the rhetorical task presented by emancipation. While Bureau agents and U.S. congressmen fell back upon familiar practices and principles, the *New Orleans Tribune* actively challenged the pervasive notions of black inferiority, exclusion, and dehumanization that sustained freedom rhetoric.

This study, and many others, can still do a better job of appreciating black people's unwavering pursuit of justice and freedom. Numerous scholars have demanded

more critical attention to inventive methods of black resistance, particularly in historical contexts of marked by excessive state control. For instance, Tina Campt's recent work considered "the radical interpretive possibilities of images and stage archives we are most often inclined to overlook," arguing that even photos "produced predominantly for the regulatory needs of the state or the classificatory imperatives of colonialism" can capture black defiance and refusal.<sup>30</sup> Moreover, with regards to environments that continue to value blackness and black people in terms of labor output, Simone Browne reminded us that "microresistances to managerial control" can take on unexpected forms, including "expressing boredom... arriving late, and sometimes not arriving at work at all. Rather than being thought of as unproductive"—or, in the Bureau's view, idleness—"such acts must be understood as disalienating, as they are strategic means of contesting surveillance in the workplace."<sup>31</sup> Following additional scholars like Anjali Arondekar, Avery F. Gordon, and Cheryl Jorgensen-Earp, we must seek opportunities to read "against the archive[s]" that have often sought to silence or exclude black people.<sup>32</sup> Whether in overt expressions of refusal, like in the *Tribune's* numerous editorials and articles, or in mere "traces," black resistance persists.

By aspiring to more critical scholarship, we can support those whose lives continue to be adversely affected by freedom's unjust legacy. According to Charles W. Mills, nonwhites have "always known that the racial contract needs to be resisted," and black people, in particular, have consistently reminded us of the need to reflect on "our democracy's deep historical problems" with the full participation of its people.<sup>33</sup> If we are reaching for freedom, we must altogether join in this effort to question our relationship to our own government, to one another, and to the ideas we uphold. We cannot take ideas of

progress for granted, but rather, work to create liberation, justice, and equality in our everyday lives and arguments. We must remember that “a free state” must be imagined “not as the time before captivity or slavery, but rather as the anticipated future.”<sup>34</sup>

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#### NOTES

<sup>1</sup> Smith, *We Ask Only for Even-Handed Justice*, 2.

<sup>2</sup> Foner, *Nothing But Freedom*, 6.

<sup>3</sup> Foner, 6.

<sup>4</sup> Wrage, “Public Address”; Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*, Race and American Culture (New York: Oxford University Press, 1997), 6.

<sup>5</sup> The Three-Fifths Compromise, as codified by Article 1, Section 2, Clause 3 of the U.S. Constitution, was not formally repealed until the passage and ratification of the Fourteenth Amendment, in 1868. However, by abolishing slavery, the Thirteenth Amendment essentially eliminated the legal class of persons to whom the original law referred.

<sup>6</sup> Wilson, *The Reconstruction Desegregation Debate*, xv.

<sup>7</sup> Steven F. Lawson, “Freedom Then, Freedom Now: The Historiography of the Civil Rights Movement,” *The American Historical Review* 96, no. 2 (1991): 456–71; J. Cole Performs “Be Free” Live on *The Late Show with David Letterman*, 2014, <https://www.youtube.com/watch?v=9VzpCmRtCL0>.

<sup>8</sup> Wrage, “Public Address,” 451–54.

<sup>9</sup> Wrage, 451–54.

<sup>10</sup> Zinn, *A People’s History*, 171.

<sup>11</sup> Barry A. Crouch and Larry Madaras, “Reconstructing Black Families: Perspectives from the Texas Freedmen’s Bureau Records,” in *The Dance of Freedom: Texas African Americans during Reconstruction* (Washington, DC: National Archives and Records Administration, 1987), 39–53.

<sup>12</sup> Smith, *We Ask Only for Even-Handed Justice*, 38.

<sup>13</sup> My terminology here is meant to distinguish institutional archives from *community* ones. Community archives have been theorized as sites through which archivists can “build liberatory archival imaginaries... [using] traces of the past not just to recuperate marginalized histories, but to build more just and more equitable futures.” Thus, community archives are necessarily sites of activism, as well as archivism. See Michelle Caswell, “Inventing New Archival Imaginaries: Theoretical Foundations for Identity-Based Community Archives,” in *Identity Palimpsests: Archiving Ethnicity in the U.S. and Canada*, ed. Dominique Daniel and Amalia Levi, Archives, Archivists and Society (Sacramento, CA: Litwin Books, 2014), 35–55; Michelle Caswell, Marika Cifor, and Mario H. Ramirez, “‘To Suddenly Discover Yourself Existing’: Uncovering the Impact of Community Archives,” *The American Archivist* 79, no. 1 (June 1, 2016): 56–81; Jarrett M. Drake, “Liberatory Archives: Towards Belonging and Believing (Parts 1 and 2),” *Medium* (blog), October 22, 2016, <https://medium.com/on-archivy/liberatory-archives-towards-belonging-and-believing-part-1-d26aaeb0edd1>.

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<sup>14</sup> Hartman, "Venus in Two Acts," 12.

<sup>15</sup> Hartman, 2.

<sup>16</sup> Michel Foucault, "Lives of Infamous Men," in *The Essential Foucault*, ed. Paul Rabinow and Nikolas Rose (New York: New Press, 2003), 284.

<sup>17</sup> Hartman, "Venus in Two Acts," 2.

<sup>18</sup> Hartman, 2. This project has not undertaken a specific focus on the critical intersections of race and gender. However, it must be noted that Hartman's conclusions are drawn from a particular engagement with the erasure and silencing of black *women*, which is particularly fitting for this study of the Freedmen's Village archives. Like so many other collections, the Bureau's records dehumanized black people, generally, but denied the existence of black women, especially. While some black women were named, most were identified merely as "wife." And, while the term "freedmen" was used to refer to all men, women, and children formerly held in bondage, it remained gendered. The Bureau's efforts focused primarily on the uplift of black men, in accordance with a patriarchal system that privileged men as laborers, breadwinners, and fathers.

<sup>19</sup> These conclusions draw from the foundational assumption that archives are not mere repositories of primary source documents, nor are they passive receptacles of information. Instead, they function rhetorically as a site of persuasion and meaning-making. See Barbara A. Biesecker, "Of Historicity, Rhetoric: The Archive as Scene of Invention," *Rhetoric & Public Affairs* 9, no. 1 (June 5, 2006): 124–31; Charles E. Morris, "The Archival Turn in Rhetorical Studies; Or, the Archive's Rhetorical (Re)turn," *Rhetoric & Public Affairs* 9, no. 1 (June 5, 2006): 113–15.

<sup>20</sup> Numerous scholars have affirmed the ways in which archives function ideologically and politically to marginalize those that identify outside hegemonic categories of white, male, and heterosexual. These scholars have also called for scholarship that accounts for marginalized voices in the archives. In rhetoric, for instance, Susan Zaeske and Sarah Jedd note the importance of recovering women's voices, as well as critically interrogating the ways in which archives (re)produce gender, while Charles E. Morris has prompted considerations of the ways in which archival practices obstruct or silence sexuality. See Susan Zaeske and Sarah Jedd, "From Recovering Women's Words to Documenting Gender Constructs," in *The Handbook of Rhetoric and Public Address*, ed. Shawn J. Parry-Giles and J. Michael Hogan (Wiley-Blackwell, 2010), 184–202; Charles E. Morris, "Archival Queer," *Rhetoric & Public Affairs* 9, no. 1 (June 5, 2006): 145–51.

<sup>21</sup> Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (New York: Liveright Publishing Corporation, 2017); Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, MA: Harvard University Press, 1993); Pauline Lipman and Nathan Haines, "From Accountability to Privatization and African American Exclusion: Chicago's 'Renaissance 2010,'" *Educational Policy* 21, no. 3 (2007): 471–502; Kristen Buras, "Race, Charter Schools, and Conscious Capitalism: On the Spatial Politics of Whiteness as Property (and the Unconscionable Assault on Black New Orleans)," *Harvard Educational Review* 81, no. 2 (2011): 296–331.

<sup>22</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, Revised edition (New York: New Press, 2012).

<sup>23</sup> Alexander, *The New Jim Crow*, 2. See also James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017); Khalil Gibran

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Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010).

<sup>24</sup> Alexander, *The New Jim Crow*, 2.

<sup>25</sup> Browne, *Dark Matters*, 8.

<sup>26</sup> Browne, 8. In making this claim, Browne draws on Sylvia Wynter's notions of the "sociogenic principle," or "the organizational framework of our present human condition that names what is and what is not bounded within the category of the human." See Browne, 7; Sylvia Wynter, "Towards the Sociogenic Principle: Fanon, Identity, the Puzzle of Conscious Experience, and What It Is Like to be 'Black,'" in *National Identities and Socio-Political Changes in Latin America*, ed. Antonio Gomez-Moriana and Mercedes Duran-Cogan (Routledge, 2013), 39–66.

<sup>27</sup> John Fiske, "Surveilling the City: Whiteness, the Black Man and Democratic Totalitarianism," *Theory, Culture & Society* 15, no. 2 (May 1, 1998): 44.

<sup>28</sup> Fiske, 69.

<sup>29</sup> Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*, Revised edition (Cambridge, MA: Belknap Press, 2005), 7.

<sup>30</sup> Tina Campt, *Listening to Images* (Durham, NC: Duke University Press, 2017), 5.

<sup>31</sup> Browne, *Dark Matters*, 6.

<sup>32</sup> Anjali Arondekar, "Without a Trace: Sexuality and the Colonial Archive," *Journal of the History of Sexuality* 14, no. 1 (2006): 10–27; Anjali Arondekar, *For the Record: On Sexuality and the Colonial Archive in India* (Durham, NC: Duke University Press, 2009); Avery Gordon, *Ghostly Matters: Haunting and the Sociological Imagination* (Minneapolis: University of Minnesota Press, 2008); Cheryl Jorgensen-Earp, *Discourse and Defiance under Nazi Occupation: Guernsey, Channel Islands, 1940–1945* (East Lansing: Michigan State University Press, 2013).

<sup>33</sup> Mills, *The Racial Contract*, 109; Hahn, *A Nation Under Our Feet*, 10.

<sup>34</sup> Hartman, "Venus in Two Acts," 4.

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