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The Politics of Terror : Enforcing Reconstruction in Louisiana's Red River Valley

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3. Between Too Much and Not Nearly Enough

The Freedmen's Bureau, Free Labor Ideology, and Freedmen's Rights, 1865-1868

Just after sunset, on April 17, 1867, gunshots rang out near Benton, the parish seat of Bossier Parish. Some white men quickly went to investigate and found Sullivan Drew, a local freedman, shot in his leg and abdomen. Drew died from his wounds that same night. Nearby bootprints matched a pair that William A. Hargus had purchased shortly before, along with a bottle of whiskey also found at the scene. Civil authorities quickly issued warrants for the arrest of Hargus and his companion James McCanly. Though initially apprehended, they escaped before a justice of the peace could hear their case, and made their way to Arkansas. Although Hargus and McCanly had done the shooting, no one in Benton doubted that Lee Arick, a local planter, had hired both men to commit the murder. He had resented Drew ever since the freedman had married Arick's former slave Charity, with whom the planter had, in her words, had intercourse "as man and wife […] occasionally and sometimes twice a week before the surrender."

Once free, Charity had insisted that they either end the relationship, or that Arick "live with me and let other women alone." He refused, fearing for his reputation if he openly lived with a black mistress. Charity, by necessity, continued to live on his place, since "I was sickly and had no home and did as he wanted me to." In the summer of 1866, however, she met Sullivan, who proposed to live with her, to which she consented on condition that he get a license and legally marry her. When Arick heard of her plans, he threatened to beat her if she married a colored man, but she did so anyway on November 1. A few weeks later, Arick told the freedman Andrew Scott that "Charity is doing me wrong, such men as [Sullivan Drew] ought to be killed. If you will break it up between them I will give you twenty-five dollars or more. [Drew] must and shall be killed." Although Scott refused the offer, a few months later, Sullivan Drew lay dead.[1]

Despite Radical Republicans' political victories over President Johnson and the passage of the Reconstruction Act just a month prior to Sullivan Drew's murder, limited security in fact existed for the freedpeople in remote areas of the rural South. Conservative whites not only controlled local government, they also monopolized the resources that

[1] 'April 30, 1867, Shreveport, Flood to Sterling,' NARA, RG 105, M1905, reel 100, frame 391; Solomon K. Smith, "The Freedmen's Bureau in Shreveport : The Struggle for Control of the Red River District," *Louisiana History* 41, no. 4 (2000): 442–443.

provided de facto political power: land, arms, money, education, and military training and experience. Although the federal government had made a formal commitment to protect the freed slaves, the army was preoccupied with its own demobilization and not suited to such a police task. In many places, the only institution that stood between the recently freed black population and Southern whites' desire to reestablish their political, economic, and social dominance was the Bureau of Refugees, Freedmen, and Abandoned Lands, better known as the Freedmen's Bureau.

We must thank the diligent work of local Freedmen's Bureau agents that testimonies such as Charity Drew's have been preserved. In the Bureau's absence, she and countless other freedpeople would have had no appeal from the nearly indiscriminate terror perpetrated by conservative whites who wished to reestablish their racial hegemony. At the same time, the Bureau's records testify to the inherent weaknesses of the agency. Despite the good intentions and conscientious efforts of many local officers, they could often do little more than record the victims' testimony. In the Drew case, as in so many others, there is no record of the perpetrators facing any formal legal proceedings for their crime.

Dunningite historians saw the Bureau as an oppressive agent of Northern and Radical Republican domination of the South. In Louisiana, Ficklen concluded, it was both "a failure and as an unwelcome agent between employer and employee." Fleming is slightly more nuanced, admitting the good intentions of at least the senior leadership and lauding the Bureau's economic relief efforts – at least for whites – in the immediate aftermath of the war. The supposed incompetence, Republican partisanship, and greed of most local agents, however, ensured that "it failed to exert a permanently wholesome influence" and contributed to the "alienation of the two races […] and the ill feelings then aroused were destined to persist into a long and troubled future."[2]

George R. Bentley's 1955 overview of the Bureau's history offered a somewhat more nuanced perspective, but over the following decades revisionist scholars radically reevaluated the institution. Two years before the publication of Bentley's study, John and La Wanda Cox had already concluded that "even the most friendly studies of the Bureau have exaggerated its weaknesses and minimized its strength." Subsequent revisionists praised the Bureau for its support of the freedmen, while others reversed the Dunningite narrative entirely and accused the Bureau of not being Radical enough. This development exemplifies the rapid development

[2] Ficklen, *Reconstruction in Louisiana through 1868*, 137; Fleming, *Sequel of Appomattox*, 15, 117, and chapter 4.

in Reconstruction and Freedmen's Bureau historiography in just a few short decades. Whereas earlier authors had criticized the Bureau for interfering too much in the South, many revisionist scholars believed its greatest fault lay in not doing enough to help the emancipated slaves.[3]

From the 1970s on, historians of the Freedmen's Bureau began to take a more moderate approach to their subject. This new Freedmen's Bureau historiography paralleled the post-revisionist developments in the broader field of Reconstruction scholarship. It emphasized institutional and ideological constraints that hampered the Bureau, the essentially moderate character of even its more radical programs, and increasingly studied the functioning of the Bureau at the state and local level, rather than its national leadership. Robert Harisson, in a review of this recent literature, concludes that although the Bureau "made an important difference to the lives of freedpeople and left its mark on the social and economic institutions of the postbellum South," the Bureau nevertheless failed to achieve many of its original goals. This failure was "as much a consequence of the 'almost insuperable obstacles' that the agency faced as of its own inadequacies."[4]

Such a critical narrative, which emphasizes the Bureau's shortcomings, raises an analytical conundrum of its own. If the Freedmen's Bureau and its agents acted as moderates who sought to mediate an equitable and balanced compromise between the interests of laborers and landowners, why then did contemporaries in the South, both white and black, view them primarily as allies of the recently freed slaves? In reality, as Foner notes, "most Southern whites resented the Bureau as […] a barrier to the authority reminiscent of slavery that the planters hoped to impose," while blacks remained committed "to the Bureau as an embodiment of the nation's responsibility." To understand the firm commitment of the freedpeople to the Bureau and the Southern whites equally passionate hatred, involves more

[3] George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia: University of Pennsylvania Press, 1955); John Cox and LaWanda Cox, "General O. O. Howard and the 'Misrepresented Bureau,'" *The Journal of Southern History* 19, no. 4 (1953): 428; McFeely, *Yankee Stepfather*, especially 304–316. Other works in this vein include: Oubre, *Forty Acres and a Mule*; Martin Abbott, *The Freedmen's Bureau in South Carolina, 1865-1872* (Chapel Hill: University of North Carolina Press, 1967); John A Carpenter, *Sword and Olive Branch: Oliver Otis Howard* (New York: Fordham University Press, 1999); LaWanda Cox, "The Promise of Land for the Freedmen," *The Mississippi Valley Historical Review* 45, no. 3 (1958): 413–40.

[4] The term 'New Reconstruction historiography was coined by John David Smith: "'The Work It Did Not Do Because It Could Not': Georgia and the 'New' Freedmen's Bureau Historiography," *The Georgia Historical Quarterly* 82, no. 2 (1998): 331–49. For a recent collection of essays that reflect these developments see: Paul A. Cimbala and Randall M. Miller, eds., *The Freedmen's Bureau and Reconstruction : Reconsiderations* (New York: Fordham University Press, 1999). For Louisiana: Howard A White, *The Freedmen's Bureau in Louisiana* (Louisiana State University Press, 1970). An overview of this historiography can be found in Robert Harrison, "New Representations of a 'Misrepresented Bureau': Reflections on Recent Scholarship on the Freedmen's Bureau," *American Nineteenth Century History* 8, no. 2 (2007): especially 212, 213.

than a reference to "the irreconcilable interests of former masters and former slaves as each sought to define the meaning of emancipation." While undoubtedly true, such 'irreconcilable interests' merely explain why the kind of mediation the Bureau attempted failed, not why Southerners of both races consistently felt that it operated to the benefit of the freedpeople, regardless of how moderate or even conservative its policies may appear in retrospect.[5]

To resolve this apparent paradox, we must take into account the fundamentally asymmetrical power relations that characterized racial relations in the postwar South. In the immediate aftermath of slavery, the black population lacked the economic, educational and institutional resources necessary to negotiate effectively with the landowners, even in the absence of endemic racism. Without federal interference, Southern whites could and would quickly have reduced the freedpeople to a condition that, in Charles Schurtz's words, "would not be exactly the re-establishment of slavery in its old form, but as for the practical working of the system with regard to the welfare of the freedmen, the difference would only be for the worse." Under such conditions, any federal interference that sought to provide some measure of economic and legal security for the freedpeople encroached on what Southern whites considered both their interest and their prerogative. As Ted Tunnell puts it, whenever an "agent balanced a landowner's word on the scales of truth against a freedman's, he transgressed a cardinal rule of white supremacy. Even if the agent decided in his favor, he was unlikely to be grateful."[6] Indeed, no matter how equitably the Bureau agents tried to balance the interests of the freedpeople and the planters, the result of their interference inevitably gave more to the black population than they would have obtained in its absence.

This returns us to the case of Sullivan Drew's murder. The case is drawn from a report by the Shreveport Bureau agent Martin Flood and reflects the kind of dilemmas agents faced time and again in adjudicating conflicts between freedpeople and planters. Although slavery had ended, Lee Arick used his economic leverage, as employer and landlord, to pressure Charity into remaining as his occasional concubine against her expressed will. Charity, meanwhile, clearly understood emancipation to entail freedom from such sexual exploitation but had no course of appeal open to her. The arrangement was hardly likely to have been

[5] Foner, *Reconstruction*, 143, 168, 169, 170.. Foner himself notes the tension between the critical assessment of the Bureau by many revisionist scholars and the "unrelenting hostility" that Southern whites felt towards it. His conclusion that the Bureau acted as "the agent of the northern free labor ideology" however places too much emphasis on conflicting ideologies, while ignoring the fundamental power asymmetry and racial antagonism that was the context of Southern labor relations. Eric Foner, *Politics and Ideology in the Age of the Civil War* (New York: Oxford University Press, 1980), 101.

[6] CSS, 39-1, Sen. Ex. 2, 24; Ted Tunnell, "Marshall Harvey Twitchell and the Freedmen's Bureau in Bienville Parish," *Louisiana History* 33, no. 3 (1992): 249.

formalized in a contract, placing it beyond the cognizance of the Bureau agent. She hoped to find security from Arick by marrying Sullivan Drew, but even then their economic situation made them vulnerable to retribution, as they continued, from necessity, to live on Arick's plantation. He could easily mobilize his resources, reach out to desperadoes, and have Sullivan Drew murdered in cold blood.

While his hired thugs fled the state, Arick himself left for New Orleans where he could avoid any difficult questions Flood might wish to ask him. Flood urged his superiors to have all the parties involved arrested and tried in New Orleans, since they "never will be brought to justice by Civil Authorities" in Shreveport. No record exists, however, of the case being prosecuted, and given the Bureau's limited resources it is unlikely that Hargus and McCanly were ever caught. Given the circumstantial nature of the evidence against Arick, moreover, even a federal court would have difficulty convicting him, so long as at least one white juror sat on his case. Flood therefore, despite his best intentions, could do little more for Charity than record her testimony and urge his superiors to forceful action that he most likely knew would be futile.

Despite his apparent powerlessness, the whites involved would still have seen the Bureau as an unwarranted interference. In its absence, Arick, had he not been able to prevent the marriage in the first place, might have avoided the expense of hiring others to do his killing for him. Neither would he have needed to take the troublesome precaution of leaving for New Orleans after the fact. Less tangible, but perhaps even more important, the Bureau offered black victims such as Charity a venue to legitimately and officially present their grievances. However limited its subsequent actions, the Bureau thus helped substantiate the freedpeople's claim to citizenship by giving official sanction to their voice. In such ways, despite the obvious shortcomings of the Bureau from our twenty-first century perspective, it nevertheless acted as a curb on the impunity with which whites otherwise might dominate the recently freed slaves.

A Promise Betrayed

Before his appointment as the first assistant commissioner for the Freedmen's Bureau in Louisiana, Thomas Conway had gained much relevant experience as head of the wartime Bureau of Free Labor, with responsibility for the freedpeople in Union areas of the state. His final report on the Freedman's Bureau's institutional predecessor offers a tantalizing preview of many of the problems and dilemmas which the Bureau's agents would face on a much

larger scale, as well as reminding us of the potential for significant change which the Bureau embodied and which its later shortcomings tend to obscure. [7]

Conway complained of a lack of funding and other resources at his disposal, despite his responsibility for "thousands of destitute freedmen [that] came through our lines." He nevertheless succeeded in establishing four 'home colonies,' plantations on which freedmen worked for their own account. The large crops produced there, "showed a triumph of the free labor system," proving the "freedmen to be not idlers but industrious." Conway had high hopes for future prosperity based on the redistribution of at least 60,000 acres of land to the freedpeople, which promised "greater profits, and by far more happiness, to the white and colored populations of the State, under the influence of free labor, and in a very few years, than was ever before enjoyed."

Conway also reported on the numerous obstacles he encountered, most of which could be traced to the persistent resistance by the local white population to policies aimed at substantiating the liberty of their former slaves. A meeting of planters in November of 1864 drew up a series of rules and regulations to govern labor relations, which, according to Conway, "*would have brought the freedmen again into bondage, in fact, if not in name*." These regulations gave planters complete control over the laborers, who could not leave the plantation, own stock, or grow produce for their own account except with the permission of the landowner. Although light offenses might be punished by fines, the planters insisted on the necessity of corporal punishment in "obstinate cases" on the premise that "the whole study, aim and object of the negro laborer now is, how to avoid work, and yet have a claim for wages, rations, clothes, etc."

Instead of these regulations, the commanding general, Stephen A. Hurlbut, issued orders which closely resembled General Banks's wartime system of contract labor. These orders incorporated what officials considered a reasonable wage to working freedpeople, in addition to prohibiting corporal punishment and guaranteeing them "just treatment, wholesome rations, comfortable clothing, fuel and medical attendance, and the opportunity of instruction of children." On the other hand, the system compelled the freedpeople to work faithfully for the planter they contracted with, by withholding half their wages until the end of the year as well as instituting a system of fines and penalties for time lost. Such a system was

[7] The following paragraphs derive from: Thomas W. Conway, *Final Report of the Bureau of Free Labor, Department of the Gulf, to Major General E.R.S. Canby, Commanding* (New Orleans: Times Book and Job Office 1865).

a far cry from the free labor idyll of small farmers working independently on redistributed lands that Conway envisioned for the future. Instead, it aimed to balance the interests of both laborers and planters in order to get cotton production up and running again in the wake of the war.

Although many planters expressed public support for Hurlbut's system when proposed, they opposed its implementation, in particular the collection of a three dollar poll tax on every hand employed, two-thirds of which the planters had to pay. Those who had been the strongest supporters of the Confederacy, "with sons in the rebel army as Colonels, Generals, etc." objected most forcefully to the new labor system and complained most bitterly of oppression by the federal government. They paid the freedpeople their wages grudgingly and where possible would take "advantage of the freedmen, and the freedmen, knowing this, distrusted them." Nor could the freedpeople expect succor from the state authorities who ignored "the orders of the Commanding General of the Department, the laws of Congress, and the orders of the War Department […] as far as they could." Conway feared that "if the freedmen were left to the mercy of the people who formerly owned them as slaves, or to officers of their selection, we might with one count of the fingers of our hands number the years which the race would spend with us."

Despite these obstacles, Conway expressed a decidedly optimistic prospect for the future of free labor. Under the guidance of the Bureau, and the influence of entrepreneurial and unprejudiced Northern planters, he believed the free labor system would bring to the South greater prosperity than it had ever known under slavery.[8] Early developments in the Red River region seemed to support Conway's optimistic prognosis. In early July, a month after Kirby Smith's surrender, Conway's subordinates in Alexandria and Shreveport found a white population highly resistant to the very idea of free labor. Whites anonymously threatened their peers who might hire black labor for wages and made sure they informed the agent in Shreveport of the freedpeople's "incapacity to take care of himself; of his indolence, stupidity, his thievish disposition, his utter disregard of all forms of law and order, of the impracticability as well as the impossibility of cultivating the country without some means of 'controlling' the persons of the laborers."

[8] Conway also noted the presence of Northerners who came to the South out of sheer opportunism, caring only for their own "pecuniary interests," precisely the class which Southern propagandists would soon deride under the 'carpetbagger' moniker.

Not much later, however, the same officer reported that under the Bureau's pressure to get the freedpeople back to work on their former plantations, the planters and freedmen had entered into written contracts for the remainder of the year, either on the basis of cash wages or for a share of the crop. If such strides could be made so quickly in a region that had held out against the Union effort longer than any other in the South, Conway indeed might have felt justified in predicting "greater profits, and by far more happiness, to the white and colored populations of the State, under the influence of free labor, and in a very few years, than was ever before enjoyed."[9]

After the Bureau of Free Labor had become part of the Freedmen's Bureau, the transition from slave to free labor would prove far more difficult and ultimately less successful than Conway had envisioned. One of his earliest circulars as assistant commissioner warned that "many men go about inflicting personal violence upon freedmen, and, in some instances, murdering them." He ordered his agents to have the Emancipation Proclamation read aloud at every plantation, authorized them to adjudicate "in all cases arising within their respective districts, between freedmen themselves, or between freedmen and white persons, when the civil officers, by reason of old codes, fail to do the impartial justice."[10]

A month later, on August 10 1865, an optimistic Conway forwarded to his agents in the field a directive from Commissioner Howard which set aside confiscated lands "for the use of loyal refugees and freedmen." They would receive up to forty acres, and "be protected in the use and enjoyment of the land" for three years, during or after which period they might purchase the land and "receive such title thereto as the United States can convey." For this purpose, Howard and Conway explicitly exempted abandoned and confiscated property "set apart for refugees and freedmen" from those lands to be returned to planters under Johnson's proclamation of amnesty.[11]

The wording 'as the United States can convey' indicates that Howard foresaw possible legal and political difficulties in redistributing confiscated and abandoned lands. As it was, just six weeks later President Johnson forced Howard to issue a circular revoking the above

[9] 'Extract from Report of Lieut. Stickney, Assistant Superintendent at Shreveport, July 2, 1865,' 'Extract from Another Report by the Same Officer,' 'Extract from Report of Lieut. L. S. Butler, Asst. Supt. Of Freedmen, Alexandria, La., July 10, 1865,' in Conway, *Final Report*, 20-22.
[10] 'July 14, 1865, New Orleans, Headquarters Freedmen's Bureau, Circular 2,' in *Rights of freedmen : Circulation of Emancipation Proclamation, Duties of Superintendents of Freedmen* (New Orleans: Freedmen's Bureau, 1865) [Hereinafter: *Rights of Freedmen*].
[11] 'August 10, 1865, Conway and Howard, Circular No. 7,' in CSS, 39-1, HOR. Ex. 70, 16-18.

policy and giving priority to restoration of abandoned lands to their original owners. Conway, seeing his more radical ambitions frustrated, instructed his agents to temper the freedpeople's expectations, as to "avoid the evils attaching the belief, now almost universal among freedmen of the state that the government is going to divide up the greater portion of the abandoned land in its possession to them." Instead, Bureau agents were to encourage the freedpeople to "make agreements with all who offer them fair wages and good treatment."[12] Nevertheless, land redistribution had been no pipe-dream peddled by unscrupulous Republican politicos to gullible freedpeople. However briefly, it had constituted official Bureau policy in Louisiana.

Even before the bitter conflict over land reform, the conservative Governor Wells had complained to his ally Andrew Johnson regarding Conway's labor policies. Wells assured the president that the vast majority of whites in Louisiana accepted abolition as "fixed and irreversible," and wished to give the system of free labor "a fair trial by strict compliance with all its regulations." Conway, however, undermined the planters' good will by

> allowing the negroes to go where they please and to work for whom they please. The effect of the order will be to utterly demoralize the negroes, besides the ruin brought on the planters in withdrawing the labor necessary to the gathering of their crops now in the ground, to say nothing of the dangerous and vengeful spirit that idleness and want may engender in the breasts of the negroes towards the whites.[13]

Free labor, in Wells's interpretation, implied a system that bound laborers to their employer for the duration of the planting season, regardless of whether such a condition had been contractually stipulated. Wells went on to recommend Conway's removal as assistant commissioner of the Louisiana Bureau, painting him

> A radical negro suffrage man – [who] thinks the black better than the white man [...] Inoculated as he is with these ideas, he cannot perform the part of an impartial agent in representing the general government and particularly under the conservative policy of your administration, Mr. President, who, while securing to the black man his rights as a freeman, have emphatically told him 'that freedom means work.'[14]

[12] 'September 25, 1865, Howard, approved by Johnson, Circular No. 16,' NARA, RG 105, M1905, reel 53, frame 920.
[13] 'July 28, 1865, New Orleans, Wells to Johnson,' Wells Microfilm.
[14] Ibid.

Johnson agreed, and by the fall ordered Conway relieved of his duties and temporarily replaced him with his trusted associate James S. Fullerton. Fullerton proceeded to stake out a far more conservative policy in an extensive 'Address to the Freedmen of Louisiana.' His harsh admonishment and condescending tone illustrate the limited conception of freedom he - and by extension Johnson, Wells, and the vast majority of Southern whites - envisaged for the former slaves. Although Fullerton himself served but very briefly in Louisiana, his program neatly encapsulates the conservative vision that would set the relatively narrow policy limits within which Bureau agents would subsequently have to operate:

> The government has made you free. You can now work for such employers as you may desire; you can control and use your own wages, and you can sue and obtain justice in the state courts […] For what more can you ask? […] Slavery has passed away and you are now placed on trial. It is for you to prove that you are able to take care of yourselves, and that you deserved to be made free. […] It is not the intention of the officers of the Bureau to nurse and pamper you, to feed and to cloth you, or to give you any privilege that others do not enjoy. […] You cannot always have this help which a generous government has offered you. Soon it will be withdrawn, and if you cannot then live without it you do not deserve to be free.
>
> […]
>
> Do not believe the idle and malicious stories that have been told you by bad men as to what the government intends to do for you. All had been done for you that you can expect. […] <u>No land will be given to you.</u> Already a large quantity of land […] had been returned to its owners, and even if it had not been returned to its owners it would not have been given you nor divided among you.[15]

Fullerton's remarks regarding the redistribution of land appear particularly disingenuous, as he castigates the freedpeople for believing what but a few months earlier had been promulgated as official government policy.

The few extant Bureau reports from this period from northwest Louisiana illustrate how poorly Fullerton understood – or wished to understand – the reality of race relations in the state. A few days after Fullerton issued his address, D. H. Reese, agent for the Bureau in Shreveport, reported that planters near the Texas border forced illegal contracts on the

[15] 'New Orleans, October 20, 1865, Fullerton, Circular 24, Address to the Freedmen of Louisiana,' NARA, RG 105, M1905, reel 53, frame 925.

freedpeople and he requested mounted troops to arrest the parties involved. While Fullerton emphasized that the freedpeople needed to expect no more from the government than their white neighbors, Marshall Harvey Twitchell, the agent for Bienville, dryly noted that "an equal number of free white laborers subjected to similar treatment at work for the same pay, forced into contracts the content of which in many cases were entirely concealed form, or grossly misrepresented to them, would have given their employers and the authorities trouble much more serious than have the freedmen."[16]

Fullerton paid scant attention to such reports, blaming them on the prejudices of his agents. In his final report to Howard, he decried their "want of tact, conciliation, and sound judgment […] it appears as though they went to the south to foster disunion, rather than to cure and heal." Such agents, he continues "listen to the story or the complaint of the black man alone, refusing to hear his white neighbor on the same subject, or if they did listen, with the determination not to believe."[17] He cared little for the fate of the freed slaves. Instead, he strove to achieve a rapid reconciliation of the white population and restoration of southern states to full participation in the union.

Although Fullerton only headed the Bureau in Louisiana for two weeks in October 1865, his brief tenure had a huge impact, permanently undermining the more radical course set out by Conway. Louisiana Bureau historian Howard White and army historian Joseph Dawson agree that Absalom Baird, Joseph Mower, and Robert C. Buchanan, who headed the Bureau for most of the following years, were moderate to radical.[18] However, with the possibility of land reform off the table, Bureau courts severely restricted (see below), and the threat of removal by Johnson a permanent reality, they could do little more than oversee the fairly rapid transition to a contract labor system based on sharecropping, while attempting to protect the freedpeople from the worst excesses of violence and abuse perpetrated by their former masters.

In part as a result of Johnson's unwillingness to adequately fund the Bureau, agents in the field faced numerous practical obstacles to achieving even these modest goals. Local agents had to operate under a limited and often ambiguous mandate, with few means to enforce what authority they did have. The Bureau, even more than the army, suffered from a

[16] 'October 25, 1865, Shreveport, Reese to Parsons,' NARA, RG 105, M1905, reel 100, frame 367; 'December 1, 1865, Bienville, Twitchell to Baird,' NARA, RG 105, M1027, reel 13, frame 225.
[17] 'December 2, 1865, Washington, DC, Fullerton to Howard,' in CSS, 39-1, HOR. Ex. 70, 393-403: 394.
[18] White, *The Freedmen's Bureau in Louisiana*, 25, 28; Dawson, *Army Generals and Reconstruction*, 38, 66, 75–76.

chronic shortage of funds and resources, most notably manpower and adequate transportation.[19] In Bienville Parish, bureaucratic obstructionism took Kafkaesque forms after the Bureau's horse there died in November 1867. Successive agents made almost weekly requests for either a replacement or funds to hire a horse locally, but to no avail. At the end of June, 1868, Edward Bean finally received a note from his superiors asking him to sign a receipt for a new horse, but the animal itself did not arrive for another six weeks. For ten months the agents in the parish had been unable to inspect plantations or investigate various crimes reported, including the attempted murder of William Honneus, a former Union soldier who had run for Sheriff on the Republican ticket.[20]

Bureau agents also faced a local white population that fundamentally questioned the agency's legitimacy. Michael Ryan, district judge of Rapides parish, neatly summed up conservative whites' attitudes towards the Bureau in his charge to a Rapides grand jury in October 1865. He generously admitted that the local agent was in no way objectionable and had performed his duties admirably. However, "the institution itself is calculated to render unhappy the former slave now made free; to put him in some particulars above the white race." The grand jury, in their report a week later, parroted Ryan's praise of the local Bureau agent and then proceeded to condemn "the obnoxious, oppressive, crudely digested, and inefficient *Law*, unproductive of *real good* to anyone whilst it is multitudinously productive of injury and evil to all, and against the *Institution* created under it." They judged the contract system enforced by the Bureau a farce, claiming the agents lacked either the means or the will to enforce performance of contractual obligations on the freedpeople.[21]

The conservative press evinced a similar opposition to the Bureau. After the Louisiana legislature passed the Black Codes, the *Bienville Messenger* accused the Bureau of "providing special agents to see that the negro is not swindled; while they are further robbing the down trodden poverty-stricken white laborers in their own highly civilized communities."[22] A few months later, in its commentary on Johnson's veto of the bill to extend the Bureau's life, the

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[19] 'Veto of the Second Freedmen's Bureau Bill' in Bruce Frohnen (ed.), *The American Nation: Primary Sources* (Indianapolis: Liberty Fund, 2008), http://oll.libertyfund.org/title/2282/216252; Randall M. Miller, "Introduction," in *The Freedmen's Bureau and Reconstruction : Reconsiderations*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham University Press, 1999), xvi–xix; Harrison, "New Representations of a 'Misrepresented Bureau,'" 214–219.

[20] 'May 31, 1868, Sparta, Bean to Warren,' 'June 10, 1868, Sparta, Bean to Warren,' 'June 30, 1868, Sparta, Bean to Bemon,' and 'August 15, 1868, Sparta, Bean to Bemon,' NARA, RG 105, M1905, reel 102, frames 22, 24, 27, 34; CSS, 41-2, HOR. Misc. 154, part 1, 656-657; 'October 25, 1867, Sparta, Dewees, Finnegan, and Twitchell to Flanders,' enclosed in, 'n.d., n.p., Flanders to Hancock,' NARA, RG 393, part 1, entry 4575, Box2.

[21] LD, 65-10-11, 65-10-18.

[22] BM, 66-01-20.

editor of the *Louisiana Democrat* proudly proclaimed his ignorance of the particular provisions of the bill. He nevertheless praised the President for his veto and its accompanying message, "pregnant with meaning, and […] full of hope for the Southern people."[23]

White conservatives did not necessarily disapprove of the Bureau because of any of its particular policies, but because it symbolized their defeat and powerlessness. With the rapid demobilization of the army, Bureau agents rapidly replaced soldiers as the visible token of Northern interference in local affairs. Nevertheless, while editors and other spokesmen for white political sentiment lambasted the Bureau, many planters – albeit often grudgingly - sought out agents' assistance in organizing, regulating and disciplining their newly free labor force.[24] By 1868, as opposition to Reconstruction became increasingly violent, the *Bossier Banner*, in an attempt to undermine such cooperation with a hated institution, urged planters to decline Bureau aid and to let their crops fail rather than become dependent on its assistance.[25]

While conservative whites broadly rejected the legitimacy of the Bureau in principle, they differed as to their practical attitude to the agency and its personnel while in place. The Editors of the *Louisiana Democrat* leavened their harsh criticism of the Bureau in general with surprisingly generous praise for the actual conduct of local agents, while the *Natchitoches Times* simply urged its readers to avoid difficulties by having Bureau agents approve contracts as required. The *Bossier Banner* took a far harsher line, calling Bureau agents "Australian rats" and "good-for-nothing, lazy, lousy, mangy curs." The *Banner* insisted that the Bureau not only harmed the interest of the white planters, but was equally obnoxious to the freedpeople, who would be as glad as the whites to see the agents leave:

> You [i.e. Bureau agents] will never have an opportunity of swindling, robbing, oppressing and lying to [the freedpeople] again. [...] The sight of your bloated carcasses will never again disgust our citizens. No longer will the 'saddle-colored' maidens court your smiles, or the dark-hued sip nectar from your whiskey-perfumed lips.[26]

[23] LD, 66-02-28.
[24] See, for example, 'July 24, 1866, Lodi Plantation, Wells to Williams,' NARA, RG 105, M1905, reel 53, frame 449; 'March 11, 1867, Monett's Ferry, Bost to Cromie,' NARA, RG 105, M1905, reel 91, frame 396
[25] BB, 68-03-07.
[26] LD, 66-11-28, NT, 66-02-07, BB, 66-07-07, 68-02-29.

In DeSoto Parish, opposition to the Bureau was so fierce that, after one agent had been run out of the parish, his successor, Edward Henderson, pretended to be a Democrat and refused to do anything to help the blacks for fear of having his "chunk put out." [27]

Besides organizational problems and white opposition, their own ideological perspective constrained the officers of the Freedmen's Bureau at all levels. Foner has emphasized how the ideology of free labor influenced the activities of the Bureau, which "was not, in reality, the agent of the planters, nor was it precisely the agent of the former slaves. It can best be understood as the agent of the northern free labor ideology itself." Its introduction into the former slave states, however, fundamentally altered the nature of the free labor doctrine. Originally, its supporters had emphasized the importance of "independence founded on land ownership," an interpretation to which the freedpeople continued to adhere. But with land reform effectively off the table by late 1865, most Bureau agents stressed a more conservative strain of free labor thinking that posited an essential community of interest between laborers and planters. They believed – or at least hoped - that a system of labor contracts would ensure both the economic and social stability of the region as a whole, while simultaneously guaranteeing the interests of all classes equally.[28]

Free labor thus evolved "from a doctrine that championed the ownership of productive property as the bedrock of economic independence to one that celebrated the freedom of the laborer to sell his or her labor for the best possible terms on a free and open market."[29] Many Northerners, including Secretary of War Edward Stanton, worried more about guarding "against a national system of pauperism that might foster a horde of idle officials or dishonest agents, and engender vice, sloth, and improvidence among a large class of persons," than they did about protecting the freedpeople from violent persecution and enforcing their civil and political rights. The ambiguity in this interpretation of free labor is encapsulated in an early circular order from Conway, instructing his subordinates "in all cases [to] give the freedmen to understand that they are entirely free to work where and for whom they please, and at the same time that a life of idleness will not be encouraged or allowed." President Johnson well

[27] CSS, 41-2, HOR. Misc. 154, part 1, 474, 674.
[28] Lanza, "Freedmen's Bureau, Reconsiderations," 67; Eric Foner, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (New York: Oxford University Press, 1970); Foner, *Politics and Ideology in the Age of the Civil War*, 101, chapter 6; Foner, *Reconstruction*, chap. 4; Michael Les Benedict, "Free Labor Ideology and the Meaning of the Civil War and Reconstruction," *Reviews in American History* 9, no. 2 (1981): 179–185; Miller, "Introduction," xix–xx.
[29] John C. Rodrigue, "The Freedmen's Bureau and Wage Labor in the Louisiana Sugar Region," in *The Freedmen's Bureau and Reconstruction : Reconsiderations*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham University Press, 1999), 199.

understood the conservative implications of such an interpretation of free labor, when he argued in his First Annual Message to Congress that the interdependence between (black) labor and (white) capital in the South might better guarantee the protection of the freedpeople than direct federal supervision. The assembled Representatives and Senators, he urged, ought to "avoid hasty assumptions of any natural impossibility for the two races to live side by side in a state of mutual benefit and good will."[30]

With Few Acres and No Mules

Some planters refused to acknowledge the legality of emancipation even after the Confederate armies were defeated. On July 7, 1865, for instance, E. V. Tully gave the freedman Calvin a note, permitting him to " hire to whom he pleases, but I shall hold him as my property until set free by Congress."[31] Despite such recalcitrance, the inevitable realization that the black population really was free sank in soon enough. Once the Christmas Day Insurrection Scare of late 1865 had passed, the vast majority of Southerners of both races also realized that the federal government had no intention of redistributing large amounts of land among the freed slaves. With re-enslavement and redistribution both ruled out, the future of free labor revolved around a system of landless black laborers working for white landlords. For the next few years, officers of the Bureau spent the bulk of their time approving contracts between freedpeople and planters and adjudicating conflicts that inevitably arose between both classes.

Contracts based on a share of the crop, rather than a fixed wage, soon dominated in the Red River region.[32] Only sporadic evidence exists regarding labor relations in 1866, but that evidence indicates that the share system took root from the very start of Reconstruction. In November of that year, Flood, the Shreveport agent, noted that most freedmen in his district worked on shares. Charles Miller in Natchitoches received complaints early in 1867 from various freedmen who did not receive the share agreed upon for the year past. Montfort Wells, the brother of Louisiana's governor and one of the largest planters in Rapides, also contracted on shares with his laborers, although in this parish such an arrangement was still the exception, with a minority of the plantations adopting the system. In Bienville, in August and September

[30] CSS, 39-1, HOR. Ex. 1, 47; 'July 14, 1865, New Orleans, Freedmen's Bureau Headquarters, Circular 2,' *Rights of Freedmen*; Andrew Johnson: 'First Annual Message, December 4, 1865,' Gerhard Peters and John T. Woolley, *The American Presidency Project*: http://www.presidency.ucsb.edu/ws/?pid=29506.
[31] CSS, 39-1, Sen. Ex. 2, 23.
[32] On the development of sharecropping in the South and its implications see: Ransom and Sutch, *One Kind of Freedom*; Ralph Shlomowitz, "The Origins of Southern Sharecropping," *Agricultural History : The Quarterly Journal of the Agricultural History Society* 53, no. 3 (1979): 557–75.

of 1866, an unnamed agent intervened in a few disputes, where the "written contract was informal and illegal," requiring the freedpeople to do any and all work the planter required without stating their recompense. In all these cases the agent formalized the agreement guaranteeing the laborers a share of the crop.[33] By 1867 and 1868, the system had become ubiquitous throughout the region. Bureau officers from Winn, Rapides, Bienville, Natchitoches, and Shreveport reported all or most freedmen to be working on the basis of shares.[34]

John C. Rodrigue has shown that the freedpeople in the sugar planting areas of Southern Louisiana succeeded, with support of the Freedmen's Bureau, in negotiating a relatively advantageous wage labor system. This provided them with a reasonable income and relative autonomy in the first decades following emancipation. Rodrigue's argument contradicts Ralph Shlomowitz's claim that sharecropping "represented, in large measure, a convergence of the interests of planters and freedmen." In fact, sharecropping arrangements that developed in the cotton growing areas, such as the Red River Valley, had less to offer the black population than cash wages, both in terms of material rewards and substantive freedoms.[35] The freedpeople themselves readily perceived the advantages of "stipulated monthly wages" and Bureau agents advised them to contract for monthly pay rather than shares whenever possible, "as there is less opportunity for embesslement [sic.] if planter is so disposed." After crop failures in 1866 and 1867 deprived planters of the ready cash needed to pay monthly wages, Bureau agents conceded that sharecropping remained the only viable option, even if they believed it detrimental to the freedpeople.[36]

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[33] 'November 30, 1866, Shreveport, Flood to Hayden,' NARA, RG 105, M1905, reel 100, frame 384; '20 January, 1867, Natchitoches, Miller, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 627; 'March 23, 1866, Wellswood, Wells to Butler,' NARA, RG 105, M1905, reel 53, frame 354; 'Cases of differences between freedmen and their employers left to the decision of the agent of the Bureau, [entries for August 10, August 17, September 14],' NARA, RG 105, M1905, reel 102, frames 169-170; 'Butler, Inspection Report for February 1866,' and 'Butler, Inspection Report for March 1866,' NARA, RG 105, M1027, reel 28, frames 181, 462.

[34] 'January 10, 1867, Alexandria, Williams to Sterling,' NARA, RG 105, M1027, reel 27, frame 685; 'January 31, 1868, Alexandria, Butrick to Warren,' NARA, RG 105, M1905, reel 52, frame 494; 'January 10, 1868, Montgomery, White - trimonthly report,' NARA, RG 105, M1905, reel 89, frame 396; '31 January, 1868, Natchitoches, Miller, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 718; 'January 31, 1868, Shreveport, Monroe, trimonthly report,' NARA, RG 105, M1905, reel 100, frame 414. The sources generally do not provide enough detail to determine whether these arrangements involved sharecropping, share tenancy or share wages as distinguished by Ransom and Sutch, *One Kind of Freedom*, 90–92.

[35] Rodrigue, *Reconstruction in the Cane Fields*; Rodrigue, "Bureau and Wage Labor," 201–204, 209–212; Ralph Shlomowitz, "'Bound' or 'Free'? Black Labor in Cotton and Sugarcane Farming, 1865-1880," *The Journal of Southern History* 50, no. 4 (1984): 596.

[36] 'February 29, 1868, Sparta, Schayer to Warren,' 'March, 10, 1868, Sparta, Schayer to Warren,' and 'June 30, 1868, Sparta, Bean to Chase,' NARA, RG 105, M1905, reel 102, frames 6, 9, 28; 'January 20, 1868, Shreveport, Monroe to Lee,' and 'January 31, 1868, Shreveport, Monroe to Lee,' NARA, RG 105, M1905, reel 100, frames

Labor conditions in northwestern Louisiana had such an abysmal reputation throughout the state, that when Caddo and Bossier parishes experienced an acute shortage of labor in early 1868 freedmen from Concordia refused to come up the Red River, despite widespread unemployment in that parish.[37] In Rapides, labor was available, but planters refused to offer any contracts, hoping to force the freedpeople to accept lower wages. Only when agents from other parishes, mostly in the sugar region, came north to snatch up the surplus labor did planters hire freedpeople for the ensuing year. In one case, the Bureau agent in Alexandria sent 200 laborers to Lafourche Parish to help break a strike, because, as the local Bureau agent put it, "the negroes in this section have been enormously misled and demand enormous wages & refuse to enter into contracts altogether."[38]

Sharecropping entailed three distinct risks for the freedpeople. First, as planters often advanced them their rations, clothing and other necessities throughout the year, a poor crop could easily leave the laborer with little or no cash, or even indebted to his employer, at the end of the year. Second planters, who controlled the sale of the crop, often defrauded their laborers, by refusing to pay their share under some pretext or another. Finally, and particularly in the northernmost parishes, planters routinely resorted to violence against their laborers. They drove the freedpeople from the plantation once the work was completed, leaving them not only without their rightful wages, but also destitute and homeless.

Both freedpeople working for wages as those on shares risked finding themselves indebted to the planters they worked for at the end of the year for advances made. Those working on shares, however, faced the additional risk of losing their entire income due to floods, drought or cotton worm, leaving them with nothing at year's end but an unpaid bill. Moreover, those on wages often received part of their wages each month, allowing them to purchase provisions for cash, rather than on expensive credit. Those working on shares, on the other hand, found themselves at the mercy of planters, who did not hesitate to take advantage of the freedpeople's lack of education and experience in doing business. Bureau agents often found it impossible to dispute the accounts kept by planters and one agent even accused his

413, 414; 'February 20, 1868, Natchitoches, Miller, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 728.

[37] 'February 10, 1868, Shreveport, Monroe to Warren,' and 'February 29, 1868. Shreveport, Monroe to Warren,' NARA, RG 105, M1905, reel 100, frames 415, 417.

[38] 'January 30, 1868, Alexandria, Buttrick to Warren,' NARA, RG 105, M1905, reel 52, frame 494; 'January 14, 1868, Thibodeaux, Sterling to Buttrick,' 'January 3, 1868, Thibodeaux, Gaude to Sterling,' and 'January 17, 1868, New Orleans, Warren to Buttrick,' NARA, RG 105, M1905, reel 53, frames 253, 255, 264.

colleagues of taking bribes from planters in return for adjudicating disputes in their favor. The Bureau records reveal numerous complaints from freedpeople for non-payment of wages, where on investigation the agent found that the freedpeople actually owed their employers money. Laborers who found themselves destitute after toiling for a year were naturally distraught, and even when they "acknowledge that they owe the farmers what is charged against them, they seem to think that they should have some money coming them."[39]

Freedmen's Bureau agents often blamed the freedpeople's penury on their supposed extravagance, rather than on the inherently unfair system under which they worked. Even though Delos W. White in Winn Parish realized that laborers' indebtedness resulted from "the failure of the cotton crop (with which they expected to pay their debts)," he nevertheless concluded that "the great fault with all is their extravagance." In Natchitoches, James Cromie, sub-assistant commissioner for the fourth district, reported in the summer of 1867 that those working for shares "lost all from the overflow". His subordinate, Charles Miller, responsible for the Natchitoches office, nevertheless considered the main problem to be that the laborers "have lived very extravagantly and their advances during the present year exceed their shares."[40]

This 'root, hog or die' attitude reflected agents' free labor conviction that, as Foner puts it, "participation in the marketplace honed those very qualities that distinguished northern labor from that of the slave – efficiency, productivity, industriousness." This ideology pervaded the Bureau throughout the Red River Valley and agents feared the potential disorder that might result from the freedpeople's unrealistic expectations of receiving land from the government. In 1867, S. G. Williams, the agent in Alexandria, harshly criticized William B. Phillips, an aspiring young Republican politician, for "having misguided the colored people by deceiving promises" including "forty acres land, two horses and faring implements, also one hundred dollars in cash." The agent immediately visited the areas where

[39] January 20, 1867, Shreveport, Flood to Sterling,' NARA, RG 105, M1027, reel 27, frame 772; 'September 10, 1868, Sparta, Bean to Warren,' 'Daily Journal of Business [entry for May 12, 1867],' and 'Bienville Register of Complaints [entry for September 8, 1867],' NARA, RG 105, M1905, reel 102, frames 36, 248, 257; 'April 19, 1867, Smith to Williams,' and 'September 30, 1867, Alexandria, trimonthly report,' NARA, RG 105, M1905, reel 53, frame 685, 966; 'January 14, 1867, Red Plains, McKnight to Cromie,' NARA, RG 105, M1905, reel 91, frame 350; 'December 31, 1867, Shreveport, Monroe to Lee,' NARA, RG 105, M1905, reel 100, frame 412; ; 'Rapides Register of Complaints [entries for October 25, 1866 and April 3, 1867],' NARA, RG 105, M1905, reel 54, frames 198, 203; 'October 30, 1867, Montgomery, White trimonthly report,' NARA, RG 105, M1905, reel 89, frame 388.

[40] 'October 30, 1867, Montgomery, White trimonthly report,' and 'December 30, 1867, Montgomery, White, trimonthly report,' NARA, RG 105, M1905, reel 89, frames 288, 395; 'July 31, 1867, Natchitoches, Cromie to Parker,' NARA, RG 105, M1905, reel 90, frame 61; 'November 10, 1867, Natchitoches, Miller, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 687.

Phillips had given speeches to disabuse the freedpeople of any such expectations and notified him to refrain from making promises on behalf of the federal government which he could not possibly deliver on.[41]

As agent for the Bureau in Bienville, Twitchell - who would go on to become the Republican leader of Red River Parish and see most of his family murdered by the White League - similarly urged planters and laborers to compromise and cooperate. He issued a number of circulars emphasizing that, while planters were to treat the blacks as free laborers, the freedpeople themselves ought not to count on redistribution of land nor rely on government charity, but instead should find employment to support themselves. The conservative *Bienville Messenger* gratefully accepted his support in disciplining the newly freed labor force and urged its readers to have their employees attend a meeting organized by Twitchell

> for the purpose of instructing them in regard to their duty toward their employers, and advise them, for their own good, not to labor under the belief that the government will give them lands or render them any pecuniary assistance, whatever; but as long as they are able to work they shall earn their living by their own industry, and instruct them to seek employment for the coming year.[42]

Many Bureau agents combined a sincere empathy with the plight of the freedpeople with a profoundly held belief in the efficacy of the free market. In January 1867, Martin Flood, the Bureau's agent in Shreveport, applauded the discipline of the market when labor shortages induced higher wages and prevented abusive planters from finding enough hands to work their land. "It is a source of satisfaction to all lovers of justice, to see cases of outrages upon the freedmen, which could not be reached and punished by the proper authorities, punished more severely and surely, by the stern and unbending laws that govern labor and capital in all free countries."[43] The same logic, however, precluded agents from interfering when market forces increasingly pressured the freedpeople into signing disadvantageous contracts for shares rather than cash wages.

While Bureau agents did little to prevent planters from exploiting their advantageous bargaining position, they did intervene whenever possible to protect the freedpeople from

[41] Foner, *Politics and Ideology in the Age of the Civil War*, 101. 'September 20, 1867, Alexandria, Williams, trimonthly report,' NARA, RG 105, M1905, reel 53, frame 963; 'September 18, 1867, Alexandria, Williams to Phillips,' NARA, RG 105, M1905, reel 52, frame 601.
[42] BM, 65-10-28, 65-11-11, 65-11-25.
[43] 'January 25, 1867, Shreveport, Flood to Sterling,' NARA, RG 105, M1027, reel 27, frame 807.

outright fraud on the part of their employers, since fraud undermined the free labor contract system they sought to promote. In October 1867 White, the agent for Winn, wrote an impassioned note to a local justice of the peace accusing planters of inflating their laborers' debt, as "chicanery to procure the labor of the freedmen free for the ensuing year." The freedpeople, "a much more honest class […] than those who are trying to get their labor and not pay them for it," placed far too much confidence in the honesty of their employers. Two weeks later, he reported, somewhat optimistically, that "the freedpeople have been cheated so much since the close of the Rebellion that they look out for themselves much better than heretofore." Without access to the civil courts, however, there was little they could do to procure their rightful dues.[44]

The scope of fraud is most clearly revealed in the complaints registered in the Bienville Parish office's 'Journal of Business' by Edward W. Dewees between April 1867 and February 1868.[45] The very first entry, on April 10, 1867, relates a complaint by the freedman Ben Champion. In 1866 Champion furnished 18 hands, who made 19 bales of cotton and 1040 bushels of corn for planters named Howell and Bradwell in Jackson Parish, who now refused to pay him. Although Dewees took the complaint seriously, there was little he could do as Jackson lay beyond his jurisdiction and the bureau had no agent stationed there. In cases within his jurisdiction Dewees had more success. He regularly noted securing payment for freedpeople who came to him for help. If planters still refused to pay up what they owed, Dewees might call on the military authorities, have property seized, or assist the freedpeople in civil court by entering a suit on their behalf.[46]

Complaints increased markedly around late June and July, when the planting season ended, and again from late October through Christmas, after crops had been harvested. With relatively little work to be done around the plantation during the summer months, planters wished to avoid the expense of housing, feeding, and clothing idle hands and when it came time to settle up in the winter they hoped to keep as much of the proceeds from the cotton sold for themselves. They either dismissed their hands without pay, or refused them their share based on trumped up charges and expenses. Generally, Dewees insisted that planters

[44] 'October 15, 1867, Montgomery, White Parker,' and '30 October, 1867, Montgomery, White, trimonthly report,' NARA, RG 105, M1905, reel 89, frames 307, 388.
[45] 'Journal of Business, April 1867 – November 1868', NARA, RG 105, M1905, reel 102, frames 246-284. Although Dewees's successors, Schayer and Bean, continued to update the journal through November 1868, they took far less interest in freedpeople's complaints and their entries mostly concern routine administrative matters.
[46] 'Ibid., passim and especially April 10, 1867, June 14, 1867, July 7, 1867, frames 246, 248, 251; 'May 10, 1867, Sparta, Dewees to Flood,' Ibid., frame 91.

keep hands on for the full year, or at the very least he tried to make sure that they received their rightful wages for time already worked. In one typical case, Louis Madry complained in September 1867 that his employer, A. M. Wallen, still owed him 60 dollars for his work in 1866. Dewees threatened Wallen with a lawsuit if he refused to settle, but the freedman returned two weeks later complaining that his employer now refused to pay him his share for the current year, claiming a charge of 100 dollars for "board and washing." The Bureau agent promptly voided the bill as the contract stated that Wallen was to provide these services.[47]

The following summer, Dewees's successor, Edward Bean, had a similar experience. In the summer he reported several cases "in which employers have taken advantage of the ignorance of the freedmen, to purchase their shares of the crop for little or nothing," as well as cases "in which planters have endeavored to make the most trivial offense of the freedmen cause for breaking their contracts with them, and sometimes without any cause have endeavored to drive them from their places hoping thereby to possess themselves of the entire crop."[48] In September he found that both planters and merchants tried to sell the crops and keep the proceeds, despite laborers' first lien provided by law.[49] In Neighboring Natchitoches, E. H. Hosner received numerous complaints in the fall from freedpeople turned off on some pretext or another "now that the crops are made. It seems that many employers have recently discovered that certain laborers would not work, were impudent, useless, and not to be endured." Hosner saw no other explanation, except an effort among planters "to swindle or defraud the freedmen out of their just dues."[50]

Although less detailed than the Bienville records, a register of complaints from Alexandria, stretching from the summer of 1866 through the spring of 1868, reveals many similar complaints. As in Bienville, freedpeople complained of planters refusing to pay wages agreed upon, providing insufficient or unwholesome rations, firing freedmen for no apparent reason and without pay.[51] Although agents had little formal power to coerce planters, they could act on freedpeople's behalf to ensure them reasonably fair treatment within the civil

[47] 'Journal of business [September 16, 1867, October 3, 1867],' frames 258, 262.
[48] 'July 31, 1868, Sparta, Bean to Warren,' NARA, RG 105, M1905, reel 102, frame 32.
[49] 'September 20, 1868, Sparta, Bean to Warren,' and 'September 30, 1868, Sparta, Bean to Hutchins,' NARA, RG 105, M1905, reel 102, frames 37, 38.
[50] 'September 30, 1868, Natchitoches, Hosner to Warren,' NARA, RG 105, M1905, reel 90, frame 658.
[51] 'Register of Complaints,' NARA, RG 105, M1905, reel 54, frames 194-232. No such comprehensive record of fraudulent dealings has been preserved from other offices in the Red River Valley, but incidental records reveal similar patterns throughout the region, see, inter alia: 'October 10, 1867, Natchitoches, Miller, trimonthly report,' NARA, RG 105, M1905, reel 91, frame 677; 'June 2, 1868, Mansfield, Cary to Flood,' NARA, RG 105, M1905, reel 84, frame 302; 'January 28, 1867, Shreveport, Flood to Shastler,' NARA, RG 105, M1905, reel 100, frame 390.

courts. Usually the threat of legal action proved enough to persuade planters to settle amicably, but sometimes they stubbornly resisted the Bureau's informal pressure. In October 1866 Richard Anthony complained to the Bureau that his employer, Mr. Morris, owed him four months wages and 19 bushels of corn and at the agents request the matter was settled. Anthony returned in May of 1867 because Morris owed him 80 dollars in wages and 27 dollars for corn and molasses. He promised to pay, but three months later, Anthony had not received a dime and this time the agent referred the matter to a local justice of the peace. The outcome of this case is not recorded, but in at least one similar case where planters owed over 100 dollars in back wages the agent succeeded in procuring a judgment for nearly the entire amount for the freedman involved.[52]

While the vast majority of complaints of fraud came from freedmen, Bureau agents did not blindly choose sides in favor of the former slaves. Whites, particularly in Rapides and Natchitoches parishes, also requested the Bureau's assistance in cases where freedpeople did not honor their contracts. Even in cases brought by blacks, agents might on investigation decide the complaint to be unfounded. In Alexandria, on August 6, 1866, Williams received three separate complaints from freedpeople claiming to have been fired without cause. In two cases there was no proof that the freedpeople involved had violated their contract and he ordered the planters to take them back. In the case of Hannah Biddy, who worked as a cook, it turned out she had stolen rations and he let the dismissal stand.[53]

Albeit reluctantly, many planters accepted the mediating role agents might play. Though many planters disapproved of the Bureau on principle, they quickly realized that having its agents adjudicate disputes could provide legitimacy in the eyes of the freedpeople, making an appeal to the Bureau the surest and cheapest way to discipline their labor force. Shortly after the surrender, Lieutenant L. S. Butler had accused Montfort Wells, the governor's brother and a leading conservative voice in Rapides, of sending off his former slaves once the crop was 'laid by' in the summer. The following year, however, Wells and his overseer regularly called on Butler and his successor Williams for assistance in disciplining their labor force. Generally, such complaints concerned laborers who refused to work and instead lived by stealing and poaching. He requested Williams to visit his plantation "and look into their conduct and the conduct of several others. I can drive them off but I do not

[52] 'Register of Complaints [October 1, 1866, May 9, 1867, August 6, 1867, August 26, 1867]' NARA, RG 105, M1905, reel 54, frames 197, 205, 213, 215.
[53] 'Register of Complaints [August 6, 1866, April 3, 1867, May 9, 1867]' NARA, RG 105, M1905, reel 54, frames 196, 203, 205.

wish to do so. I hope to get them to work again. And might with your assistance if they were told by you that they could be taken up as vagrants they would go to work."[54]

The very success of the Bureau's contract system depended on convincing often skeptical planters that they could indeed depend on market forces, rather than physical coercion, to discipline their labor force. One Rapides planter, complaining of carelessness, indifference and disobedience among his hands, wrote to Williams in Alexandria that he hoped "a lecturing from you and some friendly advice would be of great advantage to them." In Natchitoches, Cromie received a plea from a local planter, who complained that "I have dealt fairly with them. I have paid them every cent I owe them up to this time and the most of them their entire wages. I never tried harder to deal fair and satisfy hands and yet they quit when they please, without any complaint or saying anything to me." A year later, Cromie's successor, Hosner, wrote that

> a Mr. Fontenot asked me to come to his plantation and settle a difference with the freedmen. The contract, read twice to the freedmen, gave them one fourth of the corn crop but they now claimed half. Witnesses to contract were not interested in the matter and Fontenat has reputation among freedmen and whites as just man. Thus ordered the contract complied with and freedmen accepted my decision.[55]

The Bureau had good reasons to attend to such complaint by planters, in order to prove the efficacy of the free labor ideology it espoused. In Bienville, Dewees, who vigorously defended the freedpeople against abuse by their employers, was clearly angered when Oliver Sanders contracted with a local justice of the peace, Mr. Noles, only to abscond to Natchitoches the next day, after receiving a part of his wages in advance. He wrote an urgent note to his colleague Cromie, asking him to arrest and return Sanders, as "something should be done to make both the planters and freedmen stand to their agreement."[56] By early 1867, these efforts began to have an effect. Even the conservative *Natchitoches Semi-Weekly Times*, which until only weeks earlier had staunchly advocated replacing black labor in the South by white immigrants, admitted that the freedpeople "are beginning to comprehend at

[54] 'Extract from Report of Lieut. L. S. Butler, Asst. Supt. Of Freedmen, Alexandria, La., July 10, 1865,' in Conway, *Final Report*, 22; 'April 11, 1866, n.p., Wells to Butler,' 'April 21, 1866, Wellswood, Calvit to Butler,' 'May 14, 1866, Wellswood, Calvit and Justin to Butler,' and 'July 20, 1866, n.p., Wells to Williams,' NARA, RG 105, M1905, reel 53, frames 360, 368, 393, 440.
[55] 'October 25, 1866, Holt Plantation, Hutches to Williams,' NARA, RG 105, M1905, reel 53, frame 531; 'May 14, 1867, Henelworth Plantation, Chapman to Cromie,' NARA, RG 105, M1905, reel 91, frame 434; 'September 20, 1868, Natchitoches, Hosner to Warren,' NARA, RG 105, M1905, reel 90, frame 653.
[56] 'January 4, 1867, Sparta, Dewees to Cromie,' NARA, RG 105, M1905, reel 91,' frame 344.

last that freedom does not by any means imply emancipation from the necessity of labor, and a glimmering idea of thrift and of moral responsibility seems to be dawning upon their dull intellects."[57]

While planters appealed to the Bureau's authority when it appeared in their interest, they did so reluctantly and often intimated that they much preferred more 'traditional' means of controlling the black labor force. Since the Bureau itself made that impossible, or at least difficult, planters turned to its agents as the next best alternative. Planters' deference to Bureau authority thus remained conditional at best. In one instance a planter simply informed an agent that he had had to run an employee off the plantation for insubordination. In other cases, planters accompanied a request for assistance with a threat to "take the law in my own hands" if the agents efforts proved insufficient or unsuccessful.[58]

What such a threat might entail becomes clear once we turn our attention to the northern part of the Red River region. Although violence and the threat of violence pervaded the entire area, there was a marked difference between the downriver parishes of Natchitoches and Rapides and the upriver parishes of Caddo, Bossier, DeSoto, and Winn, with Bienville falling somewhere in between. In the former, planters were willing to at least try the contract system. Although fraud was endemic in these parishes, and planters might attempt to dismiss their laborers for no good reason, they generally acquiesced in Bureau agents' judgments and did not routinely resort to violence against their employees. Upriver, however, Bureau records teem with references to freedpeople being whipped, shot, beaten, and driven from the plantation at gunpoint.

In these parishes, whites attempted to restore their dominant position through force. While in 1868 violence would take on more overtly political tones, in the first years it was directed mostly at reestablishing economic and social control over the former slaves. In December of 1865, just six months after the surrender of Kirby-Smith in Shreveport, the agent in that city reported that "the militia organized in the parishes of Caddo and Bossier […] are now going through the parishes above and therein committing gross and outrages depredations upon freedmen." They not only systematically confiscated their arms, but also

[57] NT, 67-01-09, 67-01-19, 67-02-13.
[58] 'November 19, 1866, Cedar Grove, Milly to Williams,' and 'March 21, 1867, Holt Plantation, Wells to Williams,' NARA, RG 105, M1905, reel 53, frames 567, 653.

committed flagrant acts of highway robbery, in once case taking "by force […] thirty-five dollars from a freedman."[59]

By the summer of 1866 violence had become commonplace and the Bureau struggled to maintain its authority. Flood, the Shreveport agent, began a register of complaints in June of 1866 and recorded abuses on a nearly daily basis. One planter drove an elderly freedwoman from his place because she claimed to be physically unable to plough and asked him to be allowed to hoe the fields instead. She had been on the place since Christmas and he paid her only ten dollars for six months work. Dozens of freedpeople, from Caddo, Bossier, and especially DeSoto parishes similarly reported being whipped and beaten or driven off the land without recompense for minor infractions or for no apparent reason at all. One planter blandly refused to acknowledge the reality of emancipation and stated "he should continue to whip his hands when he chose to do so." On William Ayer's plantation, the overseer Cloy Holt felt the same way. He hit one freedwoman over the head with a stick, threatened to slash a freedman's throat and gave another six or seven lashes for failing to properly measure a cotton stalk. Even when an employer did not maltreat his laborers himself, freedpeople could not expect protection from violence. A freedman by the name of Walker reported being whipped with a hickory stick by a neighboring planter and then beaten senseless with a fence railing by a white employee of the plantation. He reported these incidents to his employer, Dr. Cary, who replied simply that "that was good for him."[60]

Only the presence of US soldiers allowed the Bureau agent for Bossier and Caddo to restore order. By the end of 1866, he could report that

> the feeling existing between the freedmen and whites […] is rapidly approaching the condition desired by the government. The change is a great one from [slavery] to citizenship. The entire public sentiment of a country does not change in a day, it may in a year. A very great change has taken place since last June in the public mind with regard to the freedmen.

Although both freedpeople and whites as yet had but "an indistinct idea of the rules that govern free labor," Flood believed that the races would learn to cooperate based on their mutual economic interests. Despite the flare-up of political violence surrounding the 1868 elections, the Shreveport agent continued to report improvements in relations between

[59] 'December 22, 1865, Shreveport, Horrigan to Fenno,' NARA, RG 105, M1905, reel 100, frame 376.
[60] 'Register of Complaints, June – September 1866,' NARA, RG 105, M1905, reel 100, frames 760-806, passim and especially frames 768, 777, 786, 793.

freedpeople and planters, as the latter "learn it is in their interest to treat them fairly and kindly."[61]

Not all Bureau agents, however, succeeded equally well in enforcing the contract system. In May of 1867, the agent in Bienville relayed reports from Winn that "the citizens compel [the freedpeople] to work, whip them at their pleasure, refuse to pay them, and threaten to shoot them if they report them." The next month, Delos White established a Bureau office in the parish. Initially he succeeded in calming the tempers and within a year "the little feeling that existed between the whites and the freedmen [….] has greatly diminished, and now there seems to be the best of feelings and the freedmen by their industry and good character have done much towards doing away with the ill feelings." By August of 1868, White continued to report good feelings between the races and successful establishment of a freedmen's school. But in the violence that accompanied the November 1868 elections the school was broken up by angry whites and what progress White had achieved quickly collapsed in the face of renewed violence. By the end of the year, following the murder of one of Winn's leading black Republicans and threats against his own life, White had fled the Parish.[62]

Nowhere, however, did the Freedmen's Bureau fare as poorly as it did in DeSoto. Local whites blatantly disregarded the Bureau's authority and abused the freedmen with near impunity. In June 1866 Flood reported that

> continual complaint is being made to this Bureau by freedmen from the parish of DeSoto. I have done all I could to remedy those crying evils and […] defiance of the US authority, for I consider it to be such, by a portion of the whites of that parish. It is so far removed from this office, that it is impossible to effectually reach them under the present arrangement of the troops.

He insisted that only with cavalry and temporary martial law might the federal government restore order and allow the Bureau to resume functioning in that parish. Meanwhile, "in case the freedmen become dissatisfied with their employers from violation of contracts on the part of the whites and leave contracts made by themselves they are pursued by armed parties who

[61] 'November 30, 1866, Shreveport, Flood to Hayden,' and 'December 10, 1868, Shreveport, Monroe to Hutchinson,' NARA, RG 105, M1905, reel 100, frames 384, 436.'

[62] 'May 10, 1867, Sparta, Dewees to Flood,' NARA, RG 105, M1905, reel 91, frame 91; 'March 10, 1868, Montgomery, White to Warren,' and 'August 31, 1868, Montgomery, White to Warren,' NARA, RG 105, M1905, reel 89, frames 400, 422; CSS, 41-2, HOR. Misc. 154, part 1, 432-434; 'December 10, 1868, Calhoun Plantation, White to Lee,' CSS, 41-1, HOR. Misc. 32, 20.

force them back and by whipping compel them to work for them." Two years later the situation had hardly improved and the local agent complained that without a permanent military presence to enforce his rulings he was "considered a mere humbug in the estimation of the planters of this parish."[63]

The violence in Winn and DeSoto resulted in part from geography, as these parishes were relatively inaccessible by water and far removed from army posts. DeSoto, moreover, lay on the border with Texas where conditions were, if possible, worse. Flood reported in June of 1866 that an armed party came from the neighboring state to DeSoto and forcefully kidnapped a number of freedpeople. Six months later, he reported rumors that planters patrolled the state line to prevent freedpeople fleeing to Louisiana because "the treatment of these people has been such in north-eastern Texas […] that they are trying to escape as they would from death." The violence and anarchy in northeastern Texas easily spilled over into DeSoto, while the state line provided perpetrators with an easy avenue of escape, making infantry forces even less effective than they were elsewhere.[64] The experience of DeSoto and of Winn prior to White's arrival provide an indication as to what the situation for freedpeople might have been like throughout much of the rural South in the absence of the Bureau. It shows that despite the moderate aims of agents and their limited resources, they protected the freedpeople from the worst exploitation by planters and provided a framework for a labor market that, however imperfect, proved a substantial improvement over the virtual reestablishment of slavery envisioned by Southern whites.

The Law of the Land

One of the central tasks of Bureau agents, according to Commissioner Howard, involved "obtaining recognition of the negro as a man instead of chattel before the civil and criminal courts."[65] Local agents often succeeded in arranging a settlement of labor disputes between freedpeople and planters by using a combination of persuasion, moral authority, an appeal to parties' best interests, and the threat of seizure if necessary. If push came to shove, however,

[63] 'June 20, 1866, Shreveport, Flood to Hayden,' NARA, RG 105, M1905, reel 100, frame 377; 'July 31, 1868, Mansfield, Cary to Flood,' NARA, RG 105, M1905, reel 84, frame 311.
[64] 'June 20, 1866, Shreveport, Flood to Hayden,' NARA, RG 105, M1905, reel 100, frame 377; 'January 10, 1867, Shreveport, Flood to Sterling,' NARA, RG 105, M1027, reel 27, frame 719; December 31, 1866, Shreveport, Flood to Sterling,' NARA, RG 105, M1905, reel 100, frame 380.
[65] Quoted in John M. Bickers, "Power to Do What Manifestly Must Be Done: Congress, the Freedmen's Bureau, and Constitutional Imagination, The," *Roger Williams University Law Review* 12, no. 70 (2006 2007): 92.

the Bureau mostly lacked the authority as well the means to enforce its decisions. Occasionally an agent might seize a planter's property, but more often he would refer cases that he could not settle amicably to the local courts. In civil suits, Bureau agents had some success in assisting the freedpeople and using their informal influence to obtain a measure of justice for them. In cases involving violence and other criminal offenses, however, the Bureau had far more difficulty in enforcing equal justice on behalf of the freedpeople.

Like the initial plans for widespread land reform, the Bureau initially pursued an ambitious and quite radical course in securing justice for the freedpeople. On May 30, 1865, Howard issued a circular setting forth the basic rules and regulations for the recently established Bureau. Section VII explicitly authorized officers of the Bureau to adjudicate "all difficulties arising between negroes themselves, or between negroes and whites." But, just as land redistribution had depended on 'such title thereto as the United States can convey,' so Howard limited the Bureau tribunals to such "places where there is an interruption of civil law, or in which local courts, by reason of old codes […] disregard the negro's right to justice before the laws, in not allowing him to give testimony."[66] In Louisiana, as elsewhere in the South, Assistant Commissioner Conway initially ignored these formal limitations and instructed his agents to try any cases involving blacks in case civil authorities denied them substantive justice.[67]

Johnson and his conservative allies soon made it clear that the Bureau might only intervene where the law formally discriminated between whites and blacks. As a result, the Bureau had no authority to organize tribunals in Louisiana, where free blacks had been allowed to testify even before the Civil War, a privilege now theoretically extended to all blacks in the state. As early as September, in response to the Weems case, General Edward Canby wrote the commander of the Western District of Louisiana, that

> neither the law, the regulations of the Freedmen's Bureau, nor military orders warrant any interference with the criminal process of the civil courts of the states if they confine themselves to their appropriate and legal jurisdiction and in the administration

[66] 'May 30, 1868, Washington, DC, Howard, Circular No. 5,' in Paul A. Cimbala, *The Freedmen's Bureau: Reconstructing the American South After the Civil War* (Malabar: Krieger Publishing, 2005), 121.
[67] Donald G. Nieman, *To Set the Law in Motion : The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (New York: Millwood, 1979), 8.

> of justice secure to the negroes equal rights with the whites under the laws of the state, as modified by the laws of the united States and the President's proclamations.[68]

In his last days as assistant commissioner, Conway attempted to compromise with Johnson's demands by instructing agents to allow cases to be tried by civil officers who had shown "by his proceedings that he is disposed to deal as justly with freedmen as with white persons […] The cooperation of such officers assists rather than retards the work of the Bureau." Agents however retained the right to intervene, not only if civil authorities denied black testimony, but also when "by reason of old codes or disregard of new ones, impartial justice is denied on account of the color of the person applying for it." This broad language allowed the Bureau officers ample wiggle room to protect the freedpeople not only from explicitly discriminatory laws, but from what Donald Nieman has termed the "discriminatory administration of justice." Nevertheless, even under Conway's lenient interpretation, a shortage in both quantity and quality of manpower hampered the implementation of his policies in the thinly populated rural areas of the state.[69]

On taking over from Conway, Fullerton quickly put an end to what limited judicial authority the Bureau had. In his address to the freedmen he informed them that they now might "sue and obtain justice in the state courts, as other freedmen did when you were in a state of slavery." With no formal discriminatory statutes in place, the Bureau had fulfilled its mission to "protect you when you were debarred from the benefit of the law." He formally promulgated his new policy ten days later, in a circular to all agents in Louisiana, which stated that "no legal disabilities rest on [the freedmen] due to color. They may sue and be sued in all tribunals."

Fullerton ordered "courts of any description established by officers of this Bureau in Louisiana [to] be abolished." Although Bureau agents might still act as attorney or amicus curiae for freedpeople before the civil courts, they were to refrain from making arrests or otherwise interfering with judicial processes. Only in cases where courts refused to "offer relief or take notice" of outrages against freedmen, might agents report the case to the nearest military commander who then might make an arrest. He also warned the freedpeople to "not take it for granted that the courts will not protect them in their rights, if, in some cases, immediate hearing or justice is not obtained. The delays of the law are proverbial. Judges and

[68] 'September 23, 1865, New Orleans, Canby to Hawkins,' NARA, RG 393, part 1, entry 1783, vol. 79.
[69] Nieman, *To Set the Law in Motion*, 3, 11–17.; 'September 23, 1865, New Orleans, Conway, Circular 15,' NARA, RG 105, M1905, reel 53, frame 920.

juries are not infallible. Where wrong decisions have been made, appeals can be taken or other legal remedies obtained."[70] Considering the pace at which the military was demobilizing itself, however, the army lacked the time or the manpower to effectively police race relations in the South and legal appeals often proved beyond the means of the poor and uneducated freedpeople.

Fullerton hoped that civil officers would act "justly and temperately" towards the freedmen, reminding them that "civil tribunals cannot suffer from being just to all men." In that case "there will no longer be cause or pretext for military interference in such civil matters." Few reports remain from local agents from this period, but those that do show that while local agents were willing to try the new system, many remained decidedly skeptical. Twitchell in Bienville reported a "decided increase" in difficulties between the races "since publication of circular 24." He tried to be present whenever freedpeople brought a case before the local magistrate, but this was not always possible. In Shreveport, D. H. Reese informed the DeSoto provost marshal that he was "perfectly willing civil courts should try cases, even for violating contracts, if they admit the validity of the contracts," but if during civil trials "the legality of the contract is made a question my opinion is that provost courts will have to be established again."[71]

The following year, alarmed by continuing reports of outrages against freedpeople, the Bureau attempted to reclaim some of its judicial authority. In July, General Grant authorized the military to arrest anyone suspected of violence against a Bureau agent or any other citizen where civil courts failed to act. In November, General Sheridan, then in command of the Bureau in Louisiana, issued a circular based on this order, instructing agents in "cases of murder or extreme cruelty committed on freedmen, where the civil authorities neglect to take action [to] call upon the nearest military commander for a sufficient force to arrest the party or parties committing the outrage." The small number of troops, and the almost entire lack of cavalry, took much of the bite out of these measures. Agents were to send anyone thus arrested to New Orleans, to be tried before the only federal court in the state. In practice, the

[70] 'October 30, 1865, New Orleans, Fullerton, Circular 24,' NARA, RG 105, M1027, reel 26 [frame number illegible]; 'November 4, 1865, Shreveport, Reese to Marsh,' NARA, RG 105, M1905, reel 100, frame 369.
[71] 'October 30, 1865, New Orleans, Fullerton, Circular 24;' 'December 30, 1865, Twitchell to Baird,' NARA, RG 105, M1027, reel 13, frame 225; 'November 28, 1865, Shreveport, Reese to MacPherson,' NARA, RG 105, M1905, reel 100, frame 372.

Bureau lacked the means to provide transportation – and presumably the guards needed – for such a trip.[72]

Around the same time, Howard attempted to reinstate Bureau courts. These tribunals would consist of three judges; a representative selected by the whites of the parish, one by the blacks and the agent himself the third member. These tribunals would try smaller cases and turn larger ones over to either the civil authorities or the military. President Johnson did not approve of such an expansion of Bureau authority and Howard, rather than ordering assistant commissioners to establish such courts, merely permitted them to do so. Only in South Carolina, Florida and Arkansas was the project attempted at all. Even there, Bureau courts proved short lived, with Johnson quickly putting an end to them following the *Ex-parte Milligan* decision by the Supreme Court.[73]

When William H. Wood, a lieutenant colonel who briefly headed Louisiana's Bureau in December 1867, issued instructions regarding the judicial powers of local agents, he in fact merely summarized the status quo as it had developed more than a year earlier. Agents were to try and effect amicable settlements of all minor complaints and disputes, but were "not empowered to make final disposition" of any cases cognizable by civil authorities. If no settlement could be reached, they would have to refer the case to the local courts, "and should the exigencies of the case demand it, they will appear as the freedmen's friend, or attorney." In disagreements over payment, the agents were to petition the same courts for a seizure of crops and property, "as may be required to secure the freedmen their just dues." Only in the face of "clear and positive" evidence that "the Civil Courts have failed or refused to take action," might the agents seize and hold crops on their own authority. Agents might still call on military authorities in cases of outrages on freedpeople, but only if "the civil Authorities have failed, or have refused to perform their duties as the law directs."[74]

Despite their limited formal powers, local agents frequently succeed in getting at least a modicum of justice for the freedpeople in civil disputes. In March 1866, General Sheridan informed Oregon Senator and future Attorney General George H. Williams that the Bureau in Louisiana, despite its limited powers, succeeded in providing "a feeling of security to freedmen, by looking after and advocating their interests."[75]Although actual interference by

[72] 'November 23, 1866, Hayden, Circular 12,' NARA, RG 105, M1905, reel 53, frame 912; Nieman, *To Set the Law in Motion*, 14142.
[73] Ibid., 144–147.
[74] 'December 9, 1867, Wood, Circular 18' in Cimbala, *Reconstructing the American South*, 165–167.
[75] '31 March, 1866, New Orleans, Sheridan to Williams,' Sheridan Papers, Reel 2, frame 314.

the military was unlikely, agents used the threat of increased federal interference, as well as their authority to personally seize crops and property if necessary, to pressure civil authorities into granting a fair hearing to the blacks at least some of the time. Moreover, they could pressure planters into making an amicable settlement, rather than risking a potentially costly, time consuming, and embarrassing court case.

Most times, such pressure remained implicit, but in July 1866 Flood explicitly threatened a Bossier justice of the peace with military interference if he did not attend to the complaint of an unnamed freedman that a man named Jackson refused to pay him for five months work. Flood "respectfully" reminded the magistrate that "nothing will so much injure the present good feeling existing between the government and this state as any resort to the military at this time in adjusting cases like the above." A year later in Bienville, Dewees also had to call on military authorities to ensure a white man paid a freedman for having rented his wagon and a team of horses. Occasionally, civil and military authorities might even cooperate, as in a case of assault and battery against a freedman from Rapides. The victim reported the incident to the Freedmen's Bureau officer, who ensured that the court issued a warrant under the authority of which the military forces effected an arrest and turned the suspect over to the civil authorities.[76]

In cases involving civil disputes and minor property crimes, Bureau agents usually urged the parties involved to reach an amicable settlement. If that failed, they could petition the civil authorities to issue a writ of provisional seizure to protect the freedpeople's interests. In Natchitoches, in early 1868, the agent recorded several instances in which the court complied with such a request after planters had abandoned the plantation or merchants had taken the crop before settlement was made with the laborers.[77]

Around the same time the conservative judge W. B. Lewis excluded seed cane from such a writ in a case involving around $18,000 in wages owed to the freedmen on A. B. Compton's estate. Since the exclusion effectively nullified the order, Assistant Sub-Assistant Commissioner Buttrick wrote to New Orleans to confirm whether he might seize said seed cane on his own authority, as he considered it "a case in which the Civil authorities have refused to do justice of the freedpeople, as it is impossible to say what could be seized on a

[76] 'July 3, 1866, Flood to Kelly,' NARA, RG 105, M1905, reel 100, frame 378; 'Journal of Business [July 7, 1868],' NARA, RG 105, M1905, reel 102, frame 251; 'August 17, 1867, Alexandria, Williams, trimonthly report,' NARA, RG 105, M1905, reel 53, frame 956.
[77] 'Register of Complaints [January 4, 1868, January 19 1868],' NARA, RG 105, M1905, reel 92, frames 169, 170.

plantation apart from the crop if seed cane cannot." The Bureau's attorney found ambiguities in Louisiana law, to which the agents actions had to conform. He advised Buttrick to seize the seed cane only if it was part of last year's crop and to make a formal exception to Lewis's decision as to allow an appeal to the state Supreme Court. By time these instructions reached Buttrick, however, he had already informed the agent for the estate, T. A. Hyams, that he would seize the seed cane if necessary. This threat had prompted Hyams to make an immediate settlement with the freedmen's attorney, obviating the need for the seizure and rendering the legal question moot.[78]

In criminal matters, particularly those involving violence by whites against blacks, Bureau agents had far less informal leverage. They could do little more than refer the complaint to civil authorities and monitor the subsequent outcome. Usually they would report the incident to a local justice of the peace, who might issue an arrest warrant and hold a preliminary hearing. If he found sufficient cause for the complaint, the justice would then place the suspect under bond to appear at the next term of the district court, which convened in each parish twice a year. They also might bond the defendant to keep the peace. Those who could not afford to post a bond, usually black defendants, would be confined in the parish jail for weeks or months until the district judge arrived in the parish.

In theory, the passage of the Reconstruction Act in March of 1867 placed the civil courts of Louisiana under military supervision. Only in exceptional cases, however, might a suspect be taken to New Orleans for trial by military commission. One such case resulted from the murder on June 3, 1867, in Natchitoches, of the prominent white Republican Cyrus W. Stauffer. The main suspect, John T. Jones, quickly made his escape to Texas after a deputy sheriff refused to arrest him. But his accomplices and brothers, one of them a former state supreme court judge, were confined in the parish jail. Prominent Natchitoches Republicans, including Bureau agent Cromie, immediately got up a letter writing campaign to have them tried by the military, fearing that "these men will either escape or be acquitted" in a parish where three quarters of the grand jurors were recently disenfranchised whites. In a letter to General Sheridan, state Attorney General B. L. Lynch, a friend of Stauffer, listed the numerous difficulties which such a trial before civil authorities in northwestern Louisiana

[78] 'February 18, 1868, Alexandria, Buttrick to Warren,' and 'February 22, 1868, Alexandria, Buttrick to Warren,' NARA, RG 105, M1905, reel 52, frames 486-488; 'February 24, 1868, New Orleans, Boyd to Warren,' NARA, RG 105, M1905, reel 53, frame 291.

confronted.[79] Only a trial by military commission had a chance of bringing the murderers to justice, owing to

> the laxity and inefficiency with which the criminal laws of the state are now administered in many of the parishes on Red River; […] the demoralization and lawlessness of jurors in this parish; the corruption and tricks resorted to in selecting them at communal trials; the social and pecuniary influence brought to bear on them by influential and well to do offenders; the fear of the vengeance by desperate criminals; the poverty and isolation of the widow of the deceased and [his] well known uncompromising principles of loyalty and devotion to the government.[80]

Governor Flanders also endorsed the request, and on June 20 Sheridan ordered both men transferred to military custody and by the end of the month they passed by Alexandria en route to New Orleans, eliciting the outrage of the *Louisiana Democrat*'s editor. The third brother remained in Texas, while a fourth man implicated in the murder succeeded in escaping from the parish jail a few days later.[81] Even such a limited success, however, was an exception. The vast majority of victims of white violence and intimidation, particularly the freedpeople, lacked the social and political connections of Stauffer to influence the military authority. They remained dependent on the civil authorities for whatever justice they might hope to receive.

No records remain from any of the district courts of the Red River area for these years, but a report from the Bureau's state headquarters in New Orleans in March 1867 clearly reveals that blacks could expect little protection from the courts. The Bureau had records on eighty cases of freedpeople murdered by whites and an additional 210 whipped, shot or assaulted. "In not a single of foregoing cases was a white man punished for killing or ill-treating a freedman," though a few remained in jail awaiting trial. "The majority have either been justified by a coroner's jury, acquitted, or admitted to bail." In the northwestern portion of the state, in particular, "many murders and outrages have been committed which will never

[79] 'June 5, 1867, Bullard to sheriff,' Chaplin, Breazeale, and Chaplin Papers, Mss. 952, 967, 1028, LLMVC [Hereinafter: Chaplin Papers], box 2, folder 2; 'June 18, 1867, New Orleans, Flanders to Sheridan,' NARA, RG 393, part 1, entry 4498, box 2; 'June 10, 1867, Natchitoches, Martin et al. to Flanders,' enclosed in Ibid.; 'May 28, 1867, Natchitoches, Stauffer to Lynch,' enclosed in 'June 8, 1867, New Orleans, Jenkins to Lynch,' NARA, RG 393, part 1, entry 4575, box 3; ' 'June 20, 1867, New Orleans, Hartsuff to Mower,' NARA, RG 393, part 3, entry 287, box 1.

[80] 'June 18, 1867, New Orleans, Lynch to Sheridan,' enclosed in 'June 18, New Orleans, Flanders to Sheridan,' NARA, RG 393, part 1, entry 4498, box 2.

[81] LD, 67-07-03; 'June 22, 1867, Natchitoches, Fergusson to Roberts,' NARA, 393, part 1, entry 4575, box 2; 'July 2, 1867, Natchitoches, Cromie to Parker,' NARA, RG 105, M1905, reel 90, frame 56.

be brought to light and it is thought the aggregate number of murders given above would be more than doubled had all the cases been reported to the agents of the Bureau."[82]

In August of 1866, N. B. Blanton, The Bureau's agent for Bienville, had similarly reported that

> Cruelties of all kinds inflicted on the Freedmen are greatly on the increase in the Parish. Complaints are made almost daily of beating, whipping and tuning them off without pay and in nearly every case their lives are threatened if they should dare to report the matter to me, very many cases of cruelty are not reported, having hunted them up myself, and hear of many more not yet investigated. Public opinion is against enforcing the laws against the whites for the protection of the colored people and the whipping and beating of a colored man or woman is considered as no offence worthy of notice

Freedpeople reported being severely beaten for such minor offenses as playing cards, allegedly stealing a chicken, or simply, in the words of Nelson King, to "teach us we are not [free], that we must pick our master and mistress and live with them and get a pass every time we leave home. They said they would not allow black people to leave off to the places, that I must select my master and live in his yard for protection."[83]

Not only did many cases remain entirely unreported, the judicial process also offered whites numerous opportunities to prevent their crimes ever coming before the district court, despite agents' best efforts. In some cases, defendants sought out a sympathetic justice of the peace even before a Bureau agent could get involved and confessed to their offense while pleading extenuating circumstances. Once the magistrate had either acquitted the perpetrator or sentenced him to a symbolic fine, the principle of *double jeopardy* precluded any further action before a justice's court. In Shreveport, for instance, after a man named Rayburn shot and killed the freedman Tom Ford, the killer immediately went to the local justice to make "a voluntary statement which was corroborated by the five men who were with him, claiming that he killed Ford to save the life of one 'Winnie Gouch' whom Ford was assaulting with intent to kill, by chasing him with a large butcher's knife. The justice of the peace rendered a verdict of justified homicide." Bureau agent Thomas Monroe, who had been ordered to have

[82] 'March 9, 1867, New Orleans, unsigned to Thomas,' NARA, RG 105, M1027, reel 34, frame 242.
[83] 'August 31, 1866, Sparta, Blanton to Hayden,' NARA, RG 393, part 1, entry 1756.

Rayburn arrested, could no longer bring him before a different justice, although he might appeal the decision to the grand jury at the next time term of the district court.[84]

In other cases, whites did not hesitate to use intimidation, perjury, or outright violence to shield themselves and each other from criminal prosecution. In DeSoto, the murderers of a freedman named Livo forced the only black witness, James Campbell, to swear a false statement before the justice of the peace that the victim had fired the first shot. Fearing for his life, Campbell fled the Parish the following day, leaving behind his family, his blacksmith tools, and stores of foodstuffs, which whites immediately confiscated under the pretense of his being indebted to merchants. Campbell made his way to Shreveport, where he reported these occurrences to the Bureau officer, who concluded that "his only fault is that of being present at the shooting and they fear his testimony. He left the place for fear he would be assassinated."[85]

In Caddo Parish, after a black man whipped a white man in an altercation over a hog, some twenty whites assaulted the homes of a number of freedmen at night, forcing them to flee to the woods and killing one of their number. The local justice issued warrants for sixteen of the white men involved and the Bureau agent "witnessed the trial throughout." He did not doubt that it was "conducted with impartiality by the magistrate, but the defendants succeeded in securing an alibi in each case." As a result, the justice had no choice but to release them, despite their almost certain guilt.[86]

Even without such shenanigans, Bureau agents depended heavily on the willingness of local magistrates to give cases a fair hearing. At the end of 1866, Flood reported that in the city of Shreveport the civil authorities usually proved willing "to assists and cooperate with me in attaining justice for the freedmen," but in the countryside difficulties abounded: "Neighborhood influences, prejudices of caste, ignorance and inefficiency, corruption and clannishness on the part of those holding the office of justice of the peace in the country all tend to render the protection of the freedmen by said courts almost of no use to them with but few exceptions." William Kelly, for instance, a justice of the peace from Bossier Parish, had the "habit of reading what he calls law" to blacks seeking his advice. His rules resembled nothing so much as antebellum slave codes, including an injunction forbidding blacks "to Carry arms for the purpose of hunting or for any purpose whatsoever, without permission

[84] 'July 31, 1868, Shreveport, Monroe to Warren,' 1905, reel 100, frame 424.
[85] 'Register of Complaints [undated entry],' NARA, RG 105, M1905, reel 100, frame 767.
[86] 'August 10, 1868, Shreveport, Monroe to Warren,' NARA, RG 105, M1905, reel 100, frame 325.

from their owner," and to "go visiting from one plantation to another without permission from their owner." The Bureau was the only institution that stood between the freedmen and such civil officers recruited "from among those who were their former owners and oppressors."[87]

One of the few avenues of influence open to Bureau agents, was to selectively refer cases to certain justices only. Winn magistrate David Hardy refused to take action against white vigilantes who illegally searched the cabins of blacks for stolen goods. In another case he refused to hear a freedman's complaint because he was too busy playing cards. White informed his superiors of these facts and requested that Hardy, who held his position despite being disfranchised, be removed, and in the meantime he referred all cases to other justices.[88]

In Natchitoches, similar reasoning helps explain why the Bureau agents referred nearly every case of violence reported between July 1867 and July 1868 to the same magistrate, Charles Bullard, justice of the peace for ward twelve, which comprised the town of Natchitoches. Bullard was a local white Unionist, whom Governor Wells had appointed in February 1866; in the elections later that year he stood as an independent candidate, receiving support from the white establishment of Natchitoches. He nevertheless retained sufficient respect in the black community to chair a joint meeting of prominent whites with the local Republican Party, which expressed the parish's desire to abide by the terms of the Military Reconstruction Act. When James W. Little, who had pretended to act as constable or deputy sheriff in the area without any legitimate authority, shot and killed a colored man named Jim Harris, Bullard not only had him arrested, but initially confined Little to the parish jail to await his trial. This was rare in cases of whites accused of violence against blacks, even if Little was released on $3000.00 bail a few weeks later.[89]

Even where justices of the peace were willing to hear cases of violence against freedpeople, bringing suspected perpetrators before them could prove difficult. Suspected offenders could easily escape to the numerous marshes and woods surrounding the plantations on the river, or else cross the state line into either Texas or Arkansas. Without an active police force and with no mounted soldiery in the region, agents depended on the cooperation of

[87] 'December 31, 1866, Shreveport, Flood to Sterling,' and 'Register of Complaints [July 25, 1866],' NARA, RG 105, M1905, reel 100, frames, 380, 783.
[88] 'November 21, 1867, Montgomery, White to Hardy,' and 'December 7, 1867, Montgomery, White to Lee,' NARA, RG 105, M1905, reel 89, frames 313, 315.
[89] 'Register of Complaints,' NARA, RG 105, M1905, reel 92, frames 159-172; 'June 18, 1867, New Orleans, Flanders to Sheridan,' NARA, RG 393, part 1, entry 4498, box 2; NT, 66-02-07, 67-05-22; 'May 31, 1868, Natchitoches, Miller to Warren,' and 'June 20, 1868, Natchitoches, Miller to Warren,' NARA, RG 105, M1905, reel 91, frames 766, 776; 'May 26, 1868, Natchitoches, Cromie to Miller,' NARA, RG 105, M1905, reel 90 frame 99.

regular citizens to make an arrest. Southern whites, however, rarely if ever handed over one of their own for crimes committed against the former slaves. Cromie believed the violence against blacks was "in a great measure attributable to the way justice is administered by the civil authorities. As soon as warrants are issued against parties they are informed and make their escape."[90]

Getting justice for the freedpeople often proved a hopeless endeavor. After Joseph Texada shot a thirteen year old colored boy in Rapides Parish, in the spring of 1868, a local magistrate issued a warrant. But the Bureau agent despondently reported that, even though Texada was "a notorious brawler" and had frequently committed assaults upon negroes, he had thus far always eluded punishment at the hands of the civil authorities. A few months earlier, in the same parish, Blas Despalier, accused of stabbing the freedman Westley Thomas to death, made his escape immediately after the murder..[91]

Suspects who did not escape before facing a justice of the peace, often did so after posting bail, which very rarely exceeded a few hundred dollars. In Shreveport, William Leonard was bound to keep the peace for 100 dollars, after he threatened to kill one freedman, Ambrose Eagle, for testifying against him in a trial for attempted murder on another, John Boyd. Ignoring Justice Thomas Beal's injunction, he shot at both freedmen that very night. They returned fire and were arrested immediately. Leonard was left free until the following morning, but he felt no need to flee and eventually he too was arrested and put in jail. Beal admitted to Eagle and Boyd that he could "not protect them further and they must protect themselves." The Bureau agent urged the military to arrest Leonard and take him to New Orleans for trial by military commission, as "justice has not been given to the freedmen and unless the military takes the matter in hand I am afraid something serious will occur."[92]

Even in the rare cases when magistrates confined them to jail, whites often succeeded in escaping. In the case of Little, the pretended constable, the Bureau agent warned that he was lodged in an unsafe jail and urged his superiors to have him moved to a safer place. Eighteen month earlier, Thomas Freeman had escaped from the same Natchitoches jail, where he was confined after he murdered John Blackburn, a freedman in his employ who refused to

[90] 'November 30, 1866, Shreveport, Flood to Hayden,' NARA, RG 105, M1905, reel 100, frame 384; 'August 20, 1867, Natchitoches, Cromie to Parker,' NARA, RG 105, M1905, reel 90, frame 67.
[91] 'April 30, 1868, Alexandria, Buttrick to Sterling,' NARA, RG 105, M1905, reel 52, frame 512; 'Register of Complaints [December 26, 1867],' NARA, RG 105, M1905, reel 54, frame 224; 'December 30, 1867, Alexandria, Buttrick, trimonthly report,' NARA, RG 105, M1905, reel 53, frame 985.
[92] 'July 7, 1867, Shreveport, Monroe to Cutts,' NARA, RG 105, M1905, reel 100, frame 400.

sell Freeman his share of the crop.[93] In Rapides, Thomas McNeely murdered the freedman Ned Jefferson on July 23 1867, putting "fifteen buckshot into the colored man's left side and stomach, killing him almost instantly." J. C. Morantini, a justice of the peace, had him arrested, but refused to admit testimony by Jefferson's wife on the grounds that she was an Native American. Bureau agent Williams ordered the sheriff to rearrest McNeely and report to Colonel Bates, commanding the post at Alexandria in his (Williams') absence. Bates ordered the suspect confined until witnesses could be summoned. That same evening, McNeely escaped with the connivance of the sheriff, who allowed him to leave his presence although he knew his horse stood saddled nearby. Six weeks later was still at large and presumably had left the parish.[94]

The freedpeople not only experienced infinite difficulties in obtaining justice from the civil courts, but simply trying to do so might itself pose grave risks to them. Planters regularly threatened freedpeople with murder if they dared to report lesser offenses to the Bureau or the civil authorities. When Jerry Ford reported being whipped and almost shot by Joseph Texada in May of 1867, the Bureau agent sent him with a letter of referral to the justice of the peace, but before he arrived unknown parties stopped him, took his letter and told him to report the matter in New Orleans, after which the agent heard nothing more from the freedman. A year later, in Bienville, the freedman Simon Peter went to see the Bureau agent after being illegally dismissed by his employer, Dan Norton. En route, two white men on horseback attacked him and shot him in the shoulder. Although two drunken met were arrested on suspicion of the attack, Peter could not positively identify them and the justice of the peace let them go free.[95]

Few freedpeople, however, suffered such severe repercussions for their assertiveness before the Bureau agents and the civil authorities as did Durinda Huffman and her relations near Catahoula Lake in Rapides Parish. She first came to see the Bureau agent in Alexandria on September 16, 1867, after Jefferson Crooks beat her over the head with a corn stalk. The

[93] 'October 20, 1866, Natchitoches, Miller to Warren,' and 'May 31, 1868, Natchitoches, Miller to Warren,' NARA, RG 105, M1905, reel 91, frames 613, 766; 'March 9, 1867, New Orleans, unsigned to Thomas,' NARA, RG 105, M1027, reel 34, frame 242.

[94] 'August 19, 1867, Alexandria, Wilde to Forsyth,' NARA, RG 393, part 1, entry 4575, box 5; 'Register of Complaints [25 July 1867],' NARA, RG 105, M1905, reel 54, frame 211; 'August 10, 1867, Natchitoches, Cromie to Parker,' and 'August 31, 1867, Natchitoches, Cromie to Parker,' NARA, RG 105, M1905, reel 90, frames 65, 69; August 14, 1867, Alexandria, Williams to Cromie,' and 'September 12, 1867, Williams to Parker,' NARA, RG 105, M1905, reel 52, frames 594, 598.

[95] 'June 30, 1867, Shreveport, Monroe to Parker,' and 'Register of Complaints [July 19, 1866],' NARA, RG 105, M1905, reel 100, frames 399, 784; 'Register of Complaints, undated entry [May 1867],' NARA, RG 105, M1905, reel 54, frame 207; 'April 30, 1868, Sparta, Schayer to Warren,' and 'Journal of Business [April 22, 1868, April 23, 1868],' NARA, RG 105, M1905, reel 102, frames 16, 273.

agent referred her to the justice of the peace, who dutifully issued a warrant. A few days later, Huffman's daughter reported that Crooks now threatened her mother's life for reporting him. She too was sent to the justice, who again issued a warrant for Crooks's arrest. Two months later, Huffman again appeared at the Bureau's office. This time a group of white men, led by Larkin D. Cowley, had taken Henry Corlies, who lived in Durinda's house, into the woods. They accused Corlies of stealing a cow belonging to Cowley. Cowley wanted to hang the freedmen on the spot, but the others in his party talked him out of it and instead they turned him over to the justice of the peace. The whites also forced Durinda's husband, Edward Huffman, and another freedman, Spencer Davenport, to accompany them to Pineville to testify. Durinda's action in notifying the Bureau resulted in warrants being issued for the white men, who were bonded to appear at the district court for false imprisonment and Assault and Battery. The justice also placed Corlies under bond, to face charges for theft of a cow. That March, Cowley and three other white men took revenge on Durinda Huffman. They hung her, Corlies, and a third freedman, Mose Huffman. A fourth they shot and killed. Although Justice John Osborne again issued warrants for the whites involved, there is no record that any of them faced trial.[96]

The severe limitations under which Bureau agents operated often frustrated their attempts to get justice done for the freedpeople. Occasionally an agent might make a difference, such as Williams, in Alexandria, who appeared as attorney for a freedwoman accused of biting off the finger of a white man named Watkins. By cross-examining the prosecution's witnesses he proved that "Watkins kicked and beat her first and she did the act in self-defense." The justice of the peace now had no choice but to dismiss the case, while "without my appearance, [he] would have committed her to jail to await trial at term of the district court in May."[97] Agents did not often book such success, however, especially when the roles were reversed and freedpeople accused whites of aggression or abuse. Some months after the above case, Cromie investigated charges from an anonymous source that Williams did not handle freedpeople's complaints adequately and found these charges entirely false, as the blame lay with the civil authorities. "It is a notorious fact that from the lowest to the highest civil officer there is no justice done to the freedmen." Like his colleagues, Williams

[96] 'Register of complaints [September 16, 1867, September 20, 1867, November 22, 1867, 24 March 1868],' NARA, RG 105, M1905, reel 54, frames 217, 218, 223, 227; 'November 30, 1867, Alexandria, Buttrick, trimonthly report,' NARA, RG 105, M1905, reel 53, frame 979; 'March 30, 1868, Alexandria, Buttrick to Warren,' NARA, RG 105, M1905, reel 52, frame 502.
[97] 'February 10, 1867, Alexandria, Williams to Sterling,' NARA, RG 105, M1027, reel 27, frame 888.

referred all cases to the local magistrates who put them under bond to appear at the district court. "Result: grand jury never finds a true bill. Consequence is they go out (I might say) with a license to commit as many outrages as they see proper to do."[98]

In DeSoto, where the Bureau agent held almost no authority, the situation was even worse. Michael Cary reported that a white man, William Pitts, had been before a justice of the peace several times for stabbing a freedman. "It is looked upon by the [justice] as a good joke and dropped at that." White ruffians confronted any freedpeople who complained to Cary, threatening to kill them if they testified in court. "No persuasion on my part would induce the freedmen to give testimony against their would-be murderers. I can give no other reason than the freedmen think me insufficient to protect them, as they see that I am subject to insult myself when I appear on the street." Although whites in DeSoto considered a trial before the civil authorities "an amusement," they still took harsh measures against freedpeople who reported them to the Bureau, fearing that too many complaint would result in the permanent stationing of troops in the parish. They needed not have had such fear, as Cary's superiors responded to his repeated reports of violence that the civil courts were the law of the land and that he must rely on them and not the military in discharging his duty.[99]

Conclusion

Such flagrant disregard of the Bureau and the rights of freedpeople as in DeSoto was an exception. Even so, the Bureau's agents throughout the Red River Valley generally failed in their efforts to provide substantial legal protection to the freedpeople. The Bureau's most important legacy therefore was its economic program. It oversaw the transition from a slave economy to a system of free labor, albeit one based not on small land ownership, but on labor contracts. In the cotton dominated Red River Valley, sharecropping very quickly became the prevailing relationship between planters and laborers. Despite the drawbacks inherent in such a system, the Bureau insured that for the first few years black laborers had at least one impartial institution to which they might appeal when unfairly treated. Often more through informal influence than any formal powers, the Bureau succeeded in restraining the worst abuses by planters of their employees.

[98] 'June 26, 1867, Natchitoches, Cromie to Parker,' NARA, RG 105, M1905, reel 90, frame 52.
[99] 'June 16, 1868, Mansfield, Cary to Warren,' NARA, RG 393, part 3, entry 287, box 3; 'June 30, 1868, Mansfield, Cary to Warren,' and 'August 22, 1868, Shreveport, Bradley to Cary,' NARA, RG 105, M1905, reel 84, frames 307, 486.

Outside the economic arena, Bureau agents' authority remained limited. Only for a few months in late 1865 did they try criminal cases themselves. After that they could only refer matters to the civil authorities, which for the first years of Reconstruction were dominated by the white conservatives. A justice of the peace might place white offenders under a small bond for appearance in the district courts, but white grand juries would be unlikely to indict, white district attorneys unlikely to mount a forceful prosecution, white juries unlikely to convict, and white judges unlikely to pass harsh sentences for crimes committed against the former slaves. Whites could thus shield their own from the full force of law, while at the same time adhering to its formal procedures. Agents could rarely do more than record the freedpeople's complaints and hope that the trouble of legal proceedings, economic interdependence, and the distant threat of military intervention might restrain the worst violence by whites.

Despite these severe limitations and their own ideological moderation, Bureau agents acted as an important curb on the attempts by Southern whites to reestablish unfettered control over their former slaves. DeSoto Parish, where agents never succeeded in establishing their authority, illustrates just how much worse the situation for the freedpeople might have been in the rural South if the Freedmen's Bureau had not operated at all. Although the sharecropping system that developed in the Red River region inherently disadvantaged laborers, Bureau agents ensured that planters could not indiscriminately defraud them of their dues. Even in the arena of criminal justice, where the Bureau's powers were far more limited, the possibility of having atrocities reported to the Bureau probably curbed whites tendency to resort to violence in dealing with the black population. Although a formal conviction and punishment remained unlikely, planters would wish to avoid the inconvenience, and possibly the embarrassment, of having to face a magistrate and possibly even a jury for crimes committed against the freedpeople.