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THE ARMY AND THE NEGRO DURING TEXAS RECONSTRUCTION, 1865-1870

by William L. Richter

The primary issue of Reconstruction was the Negro and his relationship to the white majority in American society. The Civil War had begun over secession and culminated in freedom for the slaves. Reconstruction promised a revolution in the entire social structure of American society. It was over the issue of equality that the South drew the final battle line—and won because the North lacked the commitment necessary to force the issue to a successful end.¹ The history of the Negro in Texas after the Civil War provides a graphic illustration of this point.

During the Civil War, Texas had remained pleasantly remote from the horrors of the battlefields. There were few engagements, no massive cavalry raids, and good crop conditions. Missouri, Arkansas, and Louisiana, however, did not fare so well, and when the Yankees invaded these states, their slaveholders saw Texas as a haven from the ravages of war. Slowly at first, then in droves, the residents of the Trans-Mississippi area sent their bondsmen to Texas for safekeeping. There were 275,000 slaves in Texas in 1861. By 1865 the black population had risen to 400,000.²

To solve the problems brought on by the end of the war and emancipation, Congress set up the Bureau of Refugees, Freedmen, and Abandoned Lands. This agency, more commonly known as the Freedmen's Bureau, was established on March 3, 1865 to last for the duration of the war and one year thereafter.³ Even though it was theoretically separate from the Army, its commissioner was Major General Oliver Otis Howard, and many sub-assistant commissioners of the Bureau were Army officers. In Texas, if a post area had no Freedmen's Bureau representative, the commanding officer of the nearest Army detachment automatically assumed those duties in addition to his troop assignment.⁴

The Freedmen's Bureau in Texas was headed by five men,⁵ and all of them were conservative in action, if not words, in their approach to the Bureau's responsibilities.⁶ The most controversial head of the Texas Bureau was its first assistant commissioner, Major General Edgar M. Gregory. Howard appointed him to the Texas position because he was fearless, and Howard felt that Texas was a post of great peril. Gregory was the only one of the state commissioners who was a radical abolitionist, a fact which did not endear him to the white population of the state.⁷

Gregory had conflicting ideas about the character of the ex-slaves. He felt they were respectable people with an unquestionable right to social and political equality. They were also docile and patient, thought the assistant commissioner, "strongly impressed with religious sentiment, and their morals are equal if not superior to those of a majority of the better informed and educated" in Texas. At the same time, however, the general felt that he personally was superior to any black. Gregory saw as his prime task the establishment of a free labor system and he made an extensive tour of the former slaveholding areas of Texas to speak to whites and blacks. He encouraged the Negroes to stay at home and work and to sign labor contracts as well as to work for a share of the crop or wages. On his speaking tour, Gregory passed out printed copies of "acceptable" contracts to serve as guides for the planters and fieldhands during labor negotiations. Above all, he attempted to still the persistent rumor that the freedmen would receive forty acres and a mule at Christmas.⁸

Although Gregory did little more than encourage the Negro to stay at home, sign a contract, and work for his former master, his reports to Washington and his assertions that the blacks were equal, if not superior, to the Texas whites caused him immediate trouble. Gregory was also unpopular because he increased Army patrols in plantation areas and enforced contract terms at the point of a bayonet. In short, he was much too conscientious, and complaints of his conduct flooded military headquarters in Galveston,

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New Orleans, and Washington. Howard asked for an investigation to be undertaken by General Wright, commander of the District of Texas. Wright remarked that Gregory was a good officer who worked hard at his job, but he felt there was no denying that the assistant commissioner was a highly unpopular man and that someone with more tact might fare better in the position. Shortly thereafter, David G. Burnet, an important pre-war Texas politician, accused Gregory of fomenting racial unrest with his anti-white speeches and of being too inclined to accept the freedman's side of a controversy. Burnet's accusations reached President Andrew Johnson who referred them to Howard. The commissioner of the Bureau personally never doubted Gregory's integrity, but he succumbed to the political pressures brought against him and promoted Gregory to an inspector general's position, thus removing him from Texas. Gregory's greatest sin was trying to make the ex-slave free in fact, not just on paper. The joy of Texans at his removal can be seen in the one sentence comment which appeared in the conservative *Galveston Daily News*: "Gen. Gregory left yesterday for New Orleans!"⁹

Gregory's replacement was Brigadier General Joseph B. Kiddoo. Like his predecessor, Kiddoo was a civilian who had joined the Army in 1861 and advanced to the rank of general. He had received a severe spinal injury during the war which sometimes affected his ability to handle the rigors of his job. The new assistant commissioner concentrated his efforts on Negro education. He felt that the Negro needed an education to better prepare him for his new life of freedom. Black education was spasmodic at first, but Kiddoo formalized and expanded the school system. He absorbed various missionary association teachers into the Bureau structure and arranged for both the churches and the government to pay them. In this manner, he hoped to attract good personnel with higher salaries. Kiddoo established a black normal school at Galveston and began a program to educate the colored troops along the Rio Grande. The general wanted those soldiers to stay in Texas and teach after their muster-out. Kiddoo also abolished Gregory's tuition plan and set up free schools.¹⁰

Kiddoo's desire to educate the blacks met severe opposition in the state. Texans resented the evangelical fervor of the Yankee teachers who felt that they were God's chosen instruments to "save" the South. Texans claimed that the Negroes were too sub-human to be educated successfully and resented the Yankees proving them wrong. The whites also believed that those who taught Negroes placed themselves on a social level with their students. The state newspapers ridiculed the blacks' ignorance and attempted to show the freedmen to be no more than uneducable children. At the same time, schools were burned out, teachers threatened, and students intimidated. One woman in Houston reportedly said that she would sooner put a bullet in a Negro than see him educated.¹¹

In spite of the obstacles, Lieutenant E. M. Wheelock, the Bureau's superintendent of education, reported that one hundred-eighty schools had been established in the state with 4,400 students. When he turned the schools over to the Reverent Joseph Welch in 1867, Wheelock was pleased with the results and estimated that 10,000 Negroes had learned to read and write. As the educators persisted, white Texans began to support the black schools cautiously for the first time. By June 30, 1870, when the Freedman's Bureau withdrew from the state, the schools remained its only successful program.¹²

Kiddoo, however, did not last as long as his schools. He suffered from uncooperative civil authorities who resented his unwillingness to condone the Black Codes. Major General Samuel P. Heintzelman, commander of the District of Texas, sided with the state government and removed several of Kiddoo's staff officers, thus severely limiting the Bureau's effectiveness. Finally the Bureau was being placed under more direct control by the Army. This entailed joining together the office of district commander and assistant commissioner. When this was done, Kiddoo resigned rather than be subordinate to the regular chain of command. "Gen. Kiddoo had managed the Bureau rather

satisfactorily," commented the Galveston *Daily News* when the general left the state, "which we think is more than can be said of any other of the heads of the Bureau."¹³

The next assistant commissioner was the new commander of the Department of Texas, Major General Charles Griffin. Griffin's chief contribution to the work of the Bureau was the extension of its tentacles of control into every corner of the vast state. At the same time, however, he abolished free schools and reintroduced a tuition system which severely curtailed attendance. The expansion of the Bureau was also hindered by the focus of attention in Texas on the political demands placed on the South by Congress. The passage of the Reconstruction Acts and the consolidation of the offices of the army district commander and the assistant commissioner into one position caused the Bureau post to lose its identity in the mass of problems involving voter registration, law and order, and black representation on juries. The job was really too much to expect of one man and Griffin and his successor, General Reynolds, tended to ignore Bureau duties to concentrate on the military aspect of the job. The situation deteriorated even further when the officer in charge of the Fifth Military District (Louisiana and Texas), Major General Winfield Scott Hancock, prohibited Bureau authorities from interfering with civil courts, and separated local troop units from Bureau control. With the readmission of Louisiana into the Union in 1868, Reynolds was forced to assume command of the Fifth Military District in addition to his other duties—one more burden that cost the Bureau his attention. On December 31, 1868, all functions of the Freedmen's Bureau except education were ended in Texas. Four months later, Howard notified the general that the position of assistant commissioner in Texas had been discontinued.¹⁴

If the assistant commissioners were relatively conservative, other factors must explain the condemnation the Bureau received in Texas. Part of the answer lay in the fact that the overburdened commissioners relied heavily on local agents to formulate and carry out policy. Texas had sixty-eight sub-assistant commissioners—more than any other state. Even so, because the state was so large, the efforts of these men to regulate labor were likened to "tickling a rhinoceros with a straw." Although there were many kinds of agents, southern whites accused all of them of dishonesty and mismanagement. Given the circumstances under which they had to work, the local agents found it an almost impossible task to maintain impartiality between the races.¹⁵

The catalogue of complaints against the sub-assistant commissioners was lengthy. "We have borne patiently and silently for some time, the arrogant assumption of arbitrary power by the Freedmen's Bureau," wrote a Galveston editor, "until we can no longer hold our peace . . ." The editor was upset about the arrest of a white man because he had orally condemned the Bureau to the devil. The citizen had had a quarrel with a Negro over the possession of a turkey. The black obtained a Bureau order giving him the turkey but the white man refused to comply. This type of encounter and the Bureau's willingness to arrest any white over a seemingly trivial matter was a typical complaint. In Tyler a white man claimed a Negro had intentionally pushed his "big fat wife" against a white woman causing her to fall down on the sidewalk. When the white man seized and hit the Negro, the Freedmen's Bureau agent had him arrested for assault. To Texans who were used to settling personal affronts without troubling the law, this was tyranny.¹⁶

In another case William Burton of Houston testified that he had been confined indefinitely without bail after having been tried for the murder of three freedmen. He asked that the legal process be completed or that he be released on parole. In other cases, Bureau agents were accused of shielding blacks from civil courts; the agent in Bosque County released a Negro charged with rape even though his decision was based on hearsay evidence; the same agent threatened the county sheriff with military arrest when he protested the release; a black indicted for assault in Matagorda County was released in

a similar manner; and the Grimes County sheriff was denied permission to extradite a prisoner who had escaped to the Freedmen's Bureau headquarters in nearby Harris County. While there may have been extenuating circumstances, the white citizens saw the Bureau as a biased force which prevented justice.¹⁷

There were numerous protests against the Bureau's interference with private property. John Corbett of Galveston indignantly wrote Governor A. J. Hamilton that the "so-called Freedmen's Bureau" had seized some land he had bought in 1859 from a free woman of color. The woman told the Bureau that Corbett had expropriated the property, but Corbett insisted that he paid \$2,800 for it and that her lawyer had drawn up the agreement. From Corpus Christi came a letter from Mrs. Margaret E. Love asking for a relief from the Army for \$2,500 worth of her property which had been seized by the Bureau. Other seizure complaints and an accusation that a sub-assistant commissioner suspended a court order relative to the will of the estate of a Robertson County man were received. It is possible some of this property may have been confiscated from Unionists during the war and sold by the Confederate government. In such cases the Freedmen's Bureau was assigned the task of recovering the loss.¹⁸

Many complaints against the Bureau concerned its courts which had been organized by General Kiddoo although they had operated sporadically prior to this time. According to the rules, the courts had jurisdiction only in cases involving Negroes or in those in which the civil court system was deemed untrustworthy or prejudiced against black testimony. The courts ruled in favor of blacks in certain areas and whites in others, depending on local circumstances. One historian finds that out of 286 cases heard in fifteen Bureau courts, 194 were settled in favor of Negroes and ninety-two in favor of whites. General Griffin felt that the lack of uniform procedure in the Bureau courts resulted in valid criticism and therefore withdrew much of the authority of local agents to conduct trials. The process was further limited by General Hancock who transferred all cases involving legal questions to the civil courts in Louisiana and Texas. Hancock warned Bureau agents not to interfere with civil authorities in such instances. This meant the sub-assistant commissioners could seize property only if there was "clear and positive" evidence that the landholder had tried to cheat his laborers out of their wages and after the state authorities had refused to act.¹⁹

The Freedmen's Bureau and the civil government of Texas were at odds with each other throughout the Bureau's sojourn in the state. "While I am ready to acknowledge that many wanton wrongs are perpetrated upon black people," remonstrated the elected governor, James W. Throckmorton, to General Griffin, "yet I cannot but mention it is a singular fact that while it is notorious that the blacks themselves commit many wrongs and offer many provocations, still there is scarcely a mention of such occurrences . . ." Throckmorton was glad the Freedmen's Bureau wanted justice for all men, but he decried the fact that the Bureau courts trusted black testimony alone and assumed the Negroes "are a guiltless, unoffending, and immaculate race." Throckmorton wanted the freedmen treated fairly; something he himself could not impress upon local civil officers despite the many letters he wrote asking that justice be done "every class of the people."²⁰

The governor was also incensed at the lack of respect shown toward civil authorities by the Bureau agents. Whenever a sub-assistant commissioner was charged with a crime by local officials, the Army would protect him from prosecution. Undoubtedly many of the charges were false, but even obvious cases of criminal activity were shielded from state action. In desperation the governor once wrote Griffin and implored that the "negro or officer in charge" be directed to deliver the Bureau agent of Wharton County to a local court. When an Army officer in Seguin was indicted, the Bureau agent, also an Army officer, seized and burned the court records to prevent a trial. At Victoria, Negroes on their way to the state prison were taken from a peace officer by a Bureau

agent who said that they had been convicted on insufficient evidence.²¹

Texans felt the Freedmen's Bureau to be biased not only in its legal proceedings but also in its tampering with politics. General Sheridan, for example, used the Bureau to set up voter registration districts, recommend people for positions as registrars, and distribute information on political rights to eligible voters. Freedmen's Bureau agents and Yankee school teachers were instrumental in organizing branches of the Union Loyal League, a Republican political front. While they may have had the purest of motives, white Texans felt the political instruction was designed to make the Negroes "soured, dissatisfied, and hostile" with the white population.²²

Not all Freedmen's Bureau agents, however, were interested in forwarding the conditions of the black race. An officer of the Twelfth Illinois Cavalry reported that the agent at Livingston did little to assist Negroes in his district. He was a resident of the town and feared reprisals from his neighbors if he acted. The agent at Marshall, Lieutenant I. M. Beebe, was pleasantly surprised at the favorable reception he received—particularly because northeastern Texas was a graveyard for most Bureau agents who served there. Beebe's popularity probably hinged on the fact that he had prevented Negroes from leaving their old plantation quarters to wander along the roads. The sub-assistant commissioner at Centerville was understandably popular with the local citizens. He was courting an attractive widow who lived near town and helped her with disciplinary problems by tying up "runaways" by their thumbs.²³

The Freedmen's Bureau also suffered because of the whites' attitudes and beliefs about the Negro. The whites were not only determined to keep the freedman in an inferior social and economic position, but they even had some reservations about freeing the slaves at all after the war. In June 1865 when Major General Gordon Granger arrived at Galveston to assume command of the District of Texas, he issued General Orders No. 3, which declared the slaves free by executive order of the President. Although the *San Antonio News* expected little opposition to Granger's order, General Gregory found it necessary to repeat its provisions in a new dictate which he published four months later as the first circular of the Freedman's Bureau. Gregory had good reason to reissue the freedom order since Texans looked upon emancipation as an unwise and arbitrary confiscation of private property. Planters vainly hoped that they would be compensated for the loss of their slaves or that the Supreme Court or the election of 1866 would overturn the Republicans' majority in Congress. In addition, there was a cotton crop to bring in that fall. For these reasons, the planters forced their ex-bondsmen to stay on the plantation as slaves in fact, if not in name. To achieve this end, the farmers liberally employed whipping and murder. Blacks who fled their old masters were hunted down with bloodhounds just as before the war. Negroes were still sold as slaves throughout 1865 and, until Union soldiers arrived in the area, slavery continued without interruption, especially east of the Trinity River.²⁴

Those planters who had read Granger's freedom order to their Negroes introduced few changes in the plantation routine. Free Negro labor was seen as an experiment that would probably fail because the innate qualities of the blacks made them unfit for any other station in life. Texans believed their Negroes were childlike, inherently inferior, irresponsible, in need of discipline, and incapable of living as freedmen. Whites feared the only way the blacks could be elevated was through racial amalgamation, a disquieting thought to any "right-thinking" southerner. "Then the kinky hair, the mellow eye, the artistic nose, the seductive lips, the 'emotional heart,' the gambrol shins, the hollowness of foot, the ebony skin and bewildering odor will be ours," moaned one editor, "all ours, ours, ours." The only alternative was to keep the Negroes "in their places."²⁵

The actions of the blacks during the first six months of freedom made the whites more steadfast in their opinion of free Negro labor. In the same order that had freed the slaves, General Granger had warned the blacks against gathering "at military posts" and

informed them "that they will not be supported in idleness either there or elsewhere." Granger asked the freedmen to "remain quietly at their present homes and work for wages." The Negroes, however, had different ideas. They left the plantations and took to the roads, wandering aimlessly, congregating at Army camps and in cities. Some of those brought into Texas during the war set out for their old homes in Louisiana and Arkansas. Negroes with cruel masters took the opportunity to flee the lash. Black artisans moved to the cities to look for work. Others left for strange places to start a new life without the painful memories of a past bondage continually staring them in the face. For these people, it was easier to feel free if they were not obliged to habitually say "Mastah" and "Missus" each day, but most merely wished to test their freedom and to have the joyful experience of going where they pleased without restriction.²⁶

Those Negroes who returned or stayed at home showed a great reluctance to sign labor contracts. They preferred to wait for the promised forty acres and a mule which they expected would be given at Christmas 1865. The Army did its best to discourage this expectation, but to no avail.²⁷ As Christmas approached, worried whites began to fear that disappointed freedmen might forcefully divide up their plantation when they discovered the forty acres were not forthcoming. To be prepared for any contingency, the planters organized a temporary police force.²⁸ The Negroes' idleness and reluctance to sign contracts had led the planters to concoct a scheme to introduce immigrants into the state to replace the black laborers. The Texas Land, Labor, and Immigration Company sent Thomas Affleck to Europe to induce settlers to come to the state. The project failed, however, because Europeans hesitated to come to the politically unstable South; moreover, the planters slowly became aware that Negro labor would be practicable under free conditions.²⁹

The most controversial attempt to facilitate the use of former slaves as free laborers came in the fall of 1866 when the Eleventh Legislature passed a series of measures collectively known as the "Black Codes." The Army played a conservative role once again by allowing all of the acts to stand except one.³⁰ Because Texas had been late in reorganizing its government after the war, she had the benefit of northern criticism leveled at Black Codes passed by the other southern states. In many cases she used this to her own advantage by enacting Army orders as state laws. The state act "to provide for the punishment of persons tampering with, persuading or enticing away . . . laborers of apprentices under contract . . ." was quite similar to Freedmen's Bureau Circular No. 14, of May 15, 1866. The Texas law stated that anyone "who shall persuade, or entice away from the service of an employer, any person who is under a contract of labor to such an employer" was liable to be punished by a fine or imprisonment in the county jail or both. Any person who employed a laborer before his contract to another employer had expired would receive similar punishment. To protect an apprentice's rights, an employer who discharged him had to pay a fine unless he gave the apprentice a written certificate of discharge to enable him to find a new position. Circular No. 14 did not go into as much detail but it did provide that those who enticed away a laborer or apprentice under contract would suffer a fine. In addition, the Bureau circular provided that the laborer who allowed himself to be enticed away could be fined and the amount withheld from his wages.³¹

The Army also helped entrench the lien and share-cropping system in agriculture. General Gregory ordered any labor contract to constitute a lien on the crop in the fall of 1865. The state legislature passed a lien law one year later providing that any provisions, tools, stock, or cash advanced to make a crop constituted a lien on that crop. The lien had preference to any other debts that might be contracted except the rent of the land. Two months later, in December 1866, the Bureau issued Circular No. 25 which ordered agents to recommend that Negroes work for a share of the crop rather than wages. With the Bureau's approval, the lien and share-cropping were well established in the state by

1869, and the Negro was doomed to be a tenant at the mercy of his economic betters.³²

For these reasons, the Army acquiesced in a strict vagrancy law designed to make plantation work more attractive than idleness to the freedmen. The act defined a vagrant as any "idle person, living without any means of support, and making no exertions to obtain a livelihood, by any honest employment." Included in this definition were gamblers, prostitutes, habitual drunkards, "or persons who stroll idly about in the streets of towns or cities, having no local habitation, and no honest business or employment..." Such persons, when convicted, could be fined and put to labor on public works until their debts were paid off. Those who refused to work for the municipality could be lodged in the town jail and live on bread and water until they changed their minds. Their sentences would not begin until such time as they began to work them off. The Freedmen's Bureau believed that vagrancy laws were a valid means of dealing with Negroes who refused to sign labor contracts, as long as the laws were applied equally to whites and blacks. General Gregory was very strict in this matter and he defined any black away from his employer more than one day "without just cause" a vagrant.³³

The Army, however, had grave doubts about the November 1 law, "An Act Regulating Contracts for Labor." Unlike the other laws, the military believed this measure obviously applied only to the freedmen.³⁴ Parts of the act followed earlier Freedmen's Bureau directives. Contracts binding on all family members were made with heads of families; they were to be written out in triplicate with copies for the employer, the laborer, and the county records; they constituted a lien on the crop; and the employee could not leave his place of work without his employer's permission.³⁵ Other sections of the act, however, hinted at a re-enslavement of the colored laborers. If the laborer feigned sickness, an amount equal to double his wages could be deducted for the lost time. Any disobedience by the laborer incurred a fine for each offense. Losses due to theft were to be restored to the employer at double their value. Most importantly, the employer was allowed to assess these fines himself although the laborer then had the right to appeal to the nearest justice of the peace. Another especially offensive demand was that laborers be on call twenty-four hours each day with the stipulation that "it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests . . ." ³⁶

General Kiddoo disliked the discriminatory sections of the labor act, and on January 3, 1867, he ordered that it be disregarded by state courts. There evidently was some problem in forcing the state courts to ignore the labor law because General Griffin had to reissue the order seven months later. By January 1868, however, General Hancock's policy of relying on civil authorities to enforce the laws had severely undercut the Bureau's ability to regulate labor contracts. Once again, the Army had acted to preserve planter control of Negro labor.³⁷

In spite of the Army's conservative role on the labor problem, its very presence as a third force in the state was resented by the planters. Thomas Affleck wanted to draw up a five-year contract with his Negroes but feared the Army would not allow it. "Yankee-like, they will not give up their assured right (the right of might) to interfere between me & the negroes at all times," wrote Affleck, "and that, after a contract is made, I will not tolerate."³⁸

The history of the Negro in Texas Reconstruction is the tale of how a defeated state achieved the principles for which it had seceded from the Union. "We hold as undeniable truths that the governments of the various states, and of the confederacy [the United States] itself, were established exclusively by the white race, for themselves and their posterity." declared the secession document, "that the African race had no agency in their establishment . . . and can only exist as an inferior and dependent race." The declaration continued, "that in this free government, ALL WHITE MEN ARE AND OF RIGHT OUGHT TO BE, ENTITLED TO EQUAL CIVIL AND POLITICAL RIGHTS . . ." The Army acquiesced in these principles more than the epithet "Military Rule" might suggest.³⁹

NOTES

¹See C. Vann Woodward, "Equality: The Deferred Commitment," *The American Scholar*, XXVII (1958), 459-72.

²These figures are in round terms. See H. H. Bancroft, *History of the North Mexican States and Texas* (2 vols., San Francisco, 1889), II, 480. The figures in Ernest Wallace, *Texas in Turmoil* (Austin, 1965), 153, 200,000 for 1861 and 400,000 for 1865, are closer to the 1860 census which lists 182,566 slaves. Joseph C. G. Kennedy (comp.), *Population of the United States in 1860 . . .* (Washington, 1864), 479, 483. The historian of Matagorda County claims that so many Negroes were sent there from the rest of the South during the war, that it took until 1910 for the whites to obtain a majority in numbers. John Columbus Marr, "The History of Matagorda County, Texas" (Unpublished M.A. thesis, University of Texas, Austin, 1928), 163. The 1870 census, however, shows a substantial decrease in Negro population when compared to the 1865 figures. Francis A. Walker (comp.), *The Statistics of the Population of the United States . . .* (Washington, 1972), 65.

³*U. S., Statutes at Large*, XIII, 507. General works on the Bureau include Oliver Otis Howard, *Autobiography* (2 vols., New York, 1908); Paul Skeels Pierce, *The Freedmen's Bureau: A Chapter in the History of Reconstruction* (Iowa City, 1904); W. E. Burghardt Du Bois, "The Freedmen's Bureau," *Atlantic Monthly*, LXXVII (1901), 354-65; John and La Wanda Cox, "General Howard and the 'Misrepresented Bureau,'" *Journal of Southern History*, XIX (1953), 427-56; George R. Bentley, *A History of the Freedmen's Bureau* (Philadelphia, 1955); John A. Carpenter, *Sword and Olive Branch: Oliver Otis Howard* (Pittsburgh, 1964); William S. McFeely, *Yankee Stepfather: General O. O. Howard and the Freedmen* (New Haven, 1968). On Texas, the standard study of the Bureau is Claude Elliott, "The Freedmen's Bureau in Texas," *Southwestern Historical Quarterly*, LVI (1952-53), 1-24. An excellent analysis of the Texas Bureau personnel is Lonnie Sinclair, "The Freedmen's Bureau in Texas: The Assistant Commissioners and the Negro" (Unpublished paper submitted to the Institute of Southern History, The Johns Hopkins University, Baltimore, July 22, 1969, manuscript in the author's possession). The author would like to express his thanks to Mr. Edward Rademaker of the History Department of Louisiana State University for drawing his attention to this paper.

⁴Circ. 3, February 1, 1867, Printed Orders, District of Texas, R. G. 94, National Archives. Some Texas civilians asked to be made sub-assistant commissioners. See G. M. Martin to Gov. A. J. Hamilton, August 1, 1865, Governor's papers (Hamilton), Archives, Texas State Library; Sam L. Earle to Hon. James H. Bell, October 13, 1865, James H. Bell papers, Archives, University of Texas; Throckmorton to Brig. Gen. J. B. Kiddoo, October 25, 1866, J. W. Throckmorton papers, *ibid.*

⁵The five heads of the Bureau in Texas and their dates of appointment are as follows: Maj. Gen. Edgar M. Gregory, September 21, 1865; Brig. Gen. Joseph B. Kiddoo, April 2, 1866; Maj. Gen. Charles Griffin, January 24, 1867; Maj. Gen. Joseph J. Reynolds, September 21, 1867, and April 8, 1869; and Maj. Gen. E. R. S. Canby, January 18, 1869. Canby served less than three months and had little influence on Bureau policy in the state. See Pierce, *Freedmen's Bureau*, 47-48, 174; Bentley, *History of the Freedmen's Bureau*, 216.

⁶The goals of the Bureau were to introduce and promote a system of compensated

labor, provide for the destitute, aged, and sick, establish Negro schools, protect loyal white refugees, and adjudicate differences between blacks and whites when civil courts proved inadequate. There were few abandoned lands in Texas, and the white refugees in the state tended to depend upon the regular Army, not the Bureau agents. See Elliott, "Freedmen's Bureau in Texas," 3; Pierce, *Freedmen's Bureau*, 53; Howard, *Autobiography*, II, 243; Charles W. Ramsdell, *Reconstruction in Texas*, (New York, 1910), 74-75.

⁷Bentley, *History of the Freedmen's Bureau*, 60; McFeely, *Yankee Stepfather*, 72-73; Elliott, "Freedmen's Bureau in Texas," 2; Howard, *Autobiography*, II, 218. Gregory's military career is outlined in Francis B. Heitman, *Historical Register and Dictionary of the United States Army, From Its Organization, September 29, 1789 to March 2, 1903* (2 vols., Washington, 1903), I, 477.

⁸Circ. 1, October 12, 1865, Texas Freedmen's Bureau, R.G. 105, National Archives; Sinclair, "Freedmen's Bureau in Texas," 2-3; Elliott, "Freedmen's Bureau in Texas," 1-3; Ramsdell, *Reconstruction in Texas*, 72-73.

⁹Gregory later took over the Bureau's operations in Maryland. See Sinclair, "Freedmen's Bureau in Texas," 4-6; Elliott, "Freedmen's Bureau in Texas," 10-11; Bentley, *History of the Freedmen's Bureau*, 121; McFeely, *Yankee Stepfather*, 68-70; *Galveston Daily News*, January 28, 1866, June 20, 1866. Gregory's policy can be seen in his report to Howard, December 9, 1865, January 31, 1866; Brig. Gen. William E. Strong to Howard, January 1, 1866, Dr. L.J.W. Mintzer to Gregory, January 31, 1866, all in *House Executive Documents*, 39th Cong., 1st Sess., No. 70, 304-13, 374-77.

¹⁰Sinclair, "Freedmen's Bureau in Texas," 8; Elliott, "Freedmen's Bureau in Texas," 12-14; Howard, *Autobiography*, II, 195-96; Circ. 20, August 31, 1866, Texas Freedmen's Bureau. See also, Henry Lee Swint, *The Northern Teacher in the South, 1862-1870* (Nashville, 1941), 26-32. For Kiddoo's career, see Heitman, *Historical Register*, I, 596.

¹¹The Negro schools were a favorite target for Ku Klux Klan raids. See William Garrott Brown, "The Ku Klux Klan Movement," *Atlantic Monthly*, LXXXVII (1901), 642; Howard, *Autobiography*, II, 377, 384-85; Bettie Hayman, "A Short History of the Negro of Walker County, 1860-1942" (Unpublished M.A. thesis, Sam Houston State College, Huntsville, 1942), 18-19; D. J. Baldwin to Hamilton, November 7, 1865, Governor's papers (Hamilton); Elliott, "Freedmen's Bureau in Texas," 21-24.

¹²Elliott, "Freedmen's Bureau in Texas," 7-10, 16-18, 24.

¹³Sinclair, "Freedmen's Bureau in Texas," 10-11; *Galveston Daily News*, February 5, 1867.

¹⁴Reynolds to AAG, February 19, 1868, Letters Received, Fifth Military District records, R.G. 303, National Archives; Sinclair, "Freedmen's Bureau in Texas," 11-19; Elliott, "Freedmen's Bureau in Texas," 14-16; Howard, *Autobiography*, II, 342-43; Wallace, *Texas in Turmoil, 157*; McFeely, *Yankee Stepfather*, 293, calls the Army officers who took over the Bureau "ill-disposed to the freedmen." Undoubtedly some were, but in Texas Griffin and Reynolds were less "ill-disposed" than overworked. Both men tried to develop a private company to help Negroes sell their crops independently from the planter, but their failure was due more to their preoccupation with other tasks

than it was to lack of sympathy with the blacks' condition. This may also explain why the later assistant commissioners appeared to support President Johnson's policy of ignoring the potential power of the *Bureau* (*ibid.*, 196-97).

¹⁵Bentley, *History of the Freedmen's Bureau*, 136, 137, 139; McFeely, *Yankee Stepfather*, 72.

¹⁶Galveston *Daily News*, January 8, 1867; Sue Estella Moore, "Life of John Benjamin Long" (Unpublished M.A. thesis, University of Texas, Austin, 1924), 55-56.

¹⁷John R. Chite to AAG, January 7, 1868, Anonymous to AAG, January 9, 1868, Letters Received, Civil Affairs, Fifth Military District records; Throckmorton to Kiddoo, November 7, 1866, Throckmorton to Griffin, December 18, 1866, Throckmorton papers; Throckmorton to Johnson, December 22, 1867, Andrew Johnson papers, Manuscripts Division, Library of Congress; Kiddoo to Throckmorton, January 3, 1867, in "Transcript of Records, 1838-1869," Texas Adjutant General's Office, Archives, University of Texas; Elliott, "Freedmen's Bureau in Texas," 19.

¹⁸John Corbett to Hamilton, December 7, 1865, Governor's papers (Hamilton); D. H. Crisp to R. V. Cook to AAG, October 10, 1867, Margaret E. Love to AAG, January 27, 1868, S. J. Adams to AAG, February 19, 1868, Letters Received, Civil Affairs, Fifth Military District records. For an authorized seizure of property belonging to an alleged Unionist, see GO 71, April 20, 1867, District of Texas, *House Executive Documents*, 40th Cong., 2nd Sess., No. 342, 204-205.

¹⁹Andrew M. Moore to AAG, December 25, 1867, Samuel M. Scott to AAG, December 30, 1867, Letters Received, Civil Affairs, Fifth Military District records; Elliott, "Freedmen's Bureau in Texas," 12; Bentley, *History of the Freedmen's Bureau*, 159, 161, 166; Wallace, *Texas in Turmoil*, 157.

²⁰Throckmorton to Griffin, February 7, 1867, Throckmorton to Chief Justice, Panola County, February 8, 1867, Executive Correspondence, Archives, Texas State Library.

²¹Fred Barnard to Hamilton, December 25, 1865, Col. Edward Colyer to J. J. Cunningham, March 5, 1866, Cunningham to Hamilton, March 8, 1866, Governor's papers (Hamilton); Throckmorton to Griffin, December 22, 1866, Throckmorton papers; Throckmorton to E. D. Townsend, January 8, 1867, Johnson papers; Griffin to Throckmorton, January 28, 1867, Governor's papers (Throckmorton); Throckmorton to Griffin, February 7, 22, 1867, Executive Correspondence.

²²Bentley, *History of the Freedmen's Bureau*, 185-86, 190, 214, feels that political interference destroyed what little good the Bureau did in the South. Texas historians agree. See Ramsdell, *Reconstruction in Texas*, 77; Rosemary F. Haynes, "Some Features of Negro Participation in Texas History Through 1879" (Unpublished M.A. thesis, Texas Agricultural and Industrial University, Kingsville, 1948), 77; Bertha Atkinson, "The History of Bell County" (Unpublished M.A. thesis, University of Texas, Austin, 1929), 128; Harrel Budd, "The Negro in Politics in Texas, 1867-1898" (Unpublished M.A. thesis, University of Texas, Austin, 1925), 1-2, 7, 31; William D. Wood, *Reminiscences of Reconstruction in Texas and Reminiscences of Texas and Texans Fifty Years Ago* (San Marcos, Texas, 1902), 14-15.

²³Capt. W. H. Redman to Lt. Col. E. H. Powell, April 16, 1866, *House Executive Documents*, 40th Cong., 2nd Sess., No. 57, 124; Lt. I. M. Beebe to AAG, May 26, 1866, Letters Received, District of Texas records, R.G. 303, National Archives; Frances Jane Leathers, *Through the Years, A Historical Sketch of Leon County, and the Town of Oakwood* (Oakwood, Texas, 1946), 53. Frank Brown, "Annals of Travis County," mss. in Frank Brown Papers, Archives, University of Texas, ch. XXVI, 15, notes that the Bureau to Austin required that Negroes handle all civil cases in state courts. There is sufficient evidence of this nature to challenge Ramsdell's statement that as long as the regular Army controlled Reconstruction, "Efforts were made to keep the negroes under strict supervision," but that this ended with the arrival of the Freedmen's Bureau commissioners. Ramsdell, *Reconstruction in Texas*, 48. Too often the Bureau agent and the local post commander were the same person with the same racial attitudes, much to the blacks' dismay. Such evidence also casts doubt on Ramsdell's assertion that the Army "refused to allow coercion on the part of employers" against Negroes. *Ibid.*, 50.

²⁴GO 3, June 19, 1865, Printed Orders, District of Texas; Circ. 1, October 12, 1865, Texas Freedmen's Bureau; San Antonio *News*, June 27, 1865; Bancroft, *History of the North Mexican States and Texas*, II, 481; Ramsdell, *Reconstruction in Texas*, 70; Wallace, *Texas in Turmoil*, 150, 166; Alonzo Bettis Cox, "The Economic History of Texas During the Period of Reconstruction" (Unpublished M.A. thesis, University of Texas, Austin, 1914), 1, 29, 30; W. E. Burghardt Du Bois, *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy, 1860-1888* (New York, 1935), 553. For examples of brutal treatment of Negroes and continued slavery, see the following letters written to Governor Hamilton: Nat Hart Davis, August -, 1865, Thomas Ford, Philip Howard, and L. L. Aicholz, September 6, 1865, S. T. Richardson, September -, 1865, John E. Thompson, October 8, 1865, Governor's papers (Hamilton). See also, Hamilton to President Johnson, October 21, 1865, Johnson papers; Wright to AAG, July 21, 1866, P. H. Sheridan papers, Manuscripts Division, Library of Congress.

²⁵Ramsdell, *Reconstruction in Texas*, 70; Cox, "The Economic History of Texas During the Period of Reconstruction," 31, 38, 40; Hayman, "A Short History of the Negro of Walker County," 13, 21-22; Fred C. Cole, "The Texas Career of Thomas Affleck" (Unpublished Ph.D. dissertation, Louisiana State University, Baton Rouge, 1942), 201-202; Brownsville *Daily Rancho*, April 19, 1867; Thomas Affleck to Alexander Hannay, July 14, 1865, Thomas Affleck papers, Department of Archives and Manuscripts, Louisiana State University. For examples of stories purported to show Negro "inferiority," see John J. Linn, *Reminiscences of Fifty Years in Texas* (New York, 1883), 357-60; W. A. Carter, *History of Fannin County, Texas: History, Statistics, and Biographies* (Bonham, Texas, 1885), 56-57.

²⁶Ramsdell, *Reconstruction in Texas*, 49-50; Bancroft, *History of the North Mexican States and Texas*, II, 480; Cox, "Economic History of Texas," 29, 41; Hayman, "A Short History of the Negro of Walker County," 14-15; Seth Shepard McKay, "Texas Under the Regime of E. J. Davis" (Unpublished M.A. thesis, University of Texas, Austin, 1919), 57; John W. Speer, *A History of Blanco County* (Austin, 1965), 38.

²⁷The "forty acres and a mule" had real potential with Texas Negroes. They may have learned that Senator James H. Lane of Kansas had introduced a bill in 1863 to grant the state's lands between the Colorado and the Rio Grande to black settlers. See *Congressional Globe*, 38th Cong., 1st Sess., 1864, XXXIV, Pt. 1, 672-75. A bill was

passed to grant forty acre allotments to Negroes from abandoned lands in 1864. Such plots were granted to blacks on the South Carolina Sea Islands, and Maj. Gen. W. T. Sherman's famous GO 15 gave all lands within thirty miles of the coast to freedmen, but all of these grants were later negated by the government. See La Wanda Cox, "The Promise of Land for the Freedmen," *Mississippi Valley Historical Review*, XLV (1958), 413-40. See also, Hamilton to President Johnson, October 21, 1865, Johnson papers; Ramsdell, *Reconstruction in Texas*, 71-72; Cox, "Economic History of Texas," 35. Gregory tried to discourage Negro hopes for land. See Circ. 1, October 12, 1865, Texas Freedmen's Bureau.

²⁸J. O. Thilly to Hamilton, November 6, 1865, A. P. McCormick to Hamilton, November 13, 1865, Charles B. Stewart to Hamilton, November 27, 1865, Citizens of Liberty County to Hamilton, November -, 1865, W. B. Price to Hamilton, December 23, 1865, Governor's papers (Hamilton).

²⁹Although the whites feared the Negro would not work unless compelled, crop production rose steadily during Reconstruction, in spite of black migration to the cities. See Cox, "Economic History of Texas," 4, 28, 46. See also, Bentley, *History of the Freedmen's Bureau*, 82; John William Rogers, *The Lusty Texans of Dallas* (New York, 1951), 101-103; Flora G. Bowles, "The History of Trinity County" (Unpublished M.A. thesis, University of Texas, Austin, 1928), 51. Berta Lowman, "The Cotton Industry in Texas During the Reconstruction Period" (Unpublished M.A. thesis, University of Texas, Austin, 1927), 73, feels the reliability of Negro labor, the increased industriousness of the white man who was now freed of the onus slavery cast on physical labor, and immigration between 1866 and 1880 are what kept crop production rising in the state. On immigration efforts and their general failure, see Cole, "The Texas Career of Thomas Affleck," 227-446, *passim*. Most of the newcomers to Texas probably came from other southern states. See *Houston Telegraph*, January 4, 1870.

³⁰James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge, 1967), 42-43; Theodore B. Wilson, *The Black Codes of the South* (University, Alabama, 1965), 57-60; Joe M. Richardson, "Florida Black Codes," *Florida Historical Quarterly*, XLVII (1968-69), 369-70.

³¹H. N. P. Gammel (comp.), *The Laws of Texas, 1822-1897* (10 vols., Austin, 1898), V, 998-99; Circ. 14, May 15, 1866, Texas Freedmen's Bureau. Circ. 17, June 19, 1866, *ibid.*, ordered Bureau agents to read Circ. 14 to the Negroes in their area and see to it that the circular was strictly enforced. For the "general apprentice law" which had similar penalties, see Gammel, *Laws of Texas*, V, 979-81. Certain rights were given to Negroes (the right to sue, "to have and enjoy the rights of personal security, liberty and private property"), and certain slave codes were repealed at the same legislative session. *ibid.*, 976, 1049-50.

³²Gammel, *Laws of Texas*, V, 982; Circ. 25, December 21, 1866, Texas Freedmen's Bureau; Cox, "Economic History of Texas," 41.

³³The provost marshal of Galveston had placed "all idle negroes" to work on city streets within two weeks of the Army's arrival, *Galveston Daily News*, June 28, 1865. See also, Gammel, *Laws of Texas*, V, 1020-22; Circular Letter, October 17, 1865, Gregory to Benjamin G. Harris, August 20, 1866, Letters Sent, Texas Freedmen's Bureau records. Local communities followed the state legislature's lead and also established strict vagrancy laws. See Egon Richard Tausch, "Southern Sentiment Among the Texas

Germans During the Civil War and Reconstruction" (Unpublished M.A. thesis, University of Texas, Austin, 1965), 81; Dudley Richard Dobie, "History of Hays County, Texas" (Unpublished M.A. thesis, University of Texas, Austin, 1932), 77.

³⁴Cole, "The Texas Career of Thomas Affleck," 360-61, maintains that the labor laws were introduced by the same men interested in attracting white immigrant laborers to the state. These laws were designed to safeguard the employer's rights when these laborers arrived. Cole feels the laws received little opposition because it was recognized they could be used against Negro labor, but that this was a secondary consideration. The act's sponsors believed free black labor would never be successful and were looking for a practical alternative. Cole's thesis contradicts Ramsdell, *Reconstruction in Texas*, 125, and Du Bois, *Black Reconstruction*, 143.

³⁵The law is in Gammel, *Laws of Texas*, V, 994-97. Similar statements by the Bureau are in Circular Letter, October 17, 1865, Letters Sent, Texas Freedmen's Bureau records.

³⁶Gammel, *Laws of Texas*, V, 994-97. Ramsdell, *Reconstruction in Texas*, 122, sees the Black Codes as an honest attempt by the legislature to provide the "constant watchfulness and semi-coercion" the Bureau used to keep the Negroes at work by providing "a system of regulation more permanent than that of the Bureau professed to be." The labor act went considerably further, however, than the Bureau directives. See also, *ibid.*, 120-21, 125-26.

³⁷There seemed to be some confusion as to just when the act took effect. See San Antonio *Ledger*, November 9, 1866. For the orders cancelling the law, see GO 2, January 3, 1867, GO 25, August 3, 1867, Texas Freedmen's Bureau. See also, A. H. Moore to AAG, January 25, 1868, Letters Received, Civil Affairs, Fifth Military District records. An interesting sidelight occurred when the Black Codes were nullified. The fines were to have gone into a fund to care for pauper children. No further provision had been made by the state legislature for the children which left them wards of the counties. The local governments were slow to help these indigent children, especially if they were black. See Capt. Charles F. Rand to AAG, February 11, 1867, "Transcript of Records, 1838-1869"; Throckmorton to Griffin, March 4, 1867, Throckmorton papers; Throckmorton to Harris County Judge, March 4, 1867, Executive Correspondence.

³⁸Affleck to Hannay, July 14, 1865, Affleck papers.

³⁹Quoted in Louis J. Wortham, *A History of Texas from Wilderness to Commonwealth* (5 vols., Fort Worth, 1924), IV, 391-97, especially 396. For the early adoption of white supremacy by Texans, see also, Barry A. Crouch and L. J. Schultz, "Crisis in Color: Racial Separation in Texas During Reconstruction," *Civil War History*, XVI (1970), 37-49.