

## Practical Freedom: Space, Sovereignty, and the End of Slavery in the United States

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Historians have long struggled to describe the kind of freedom slaves were emancipated into. To answer that impossible question, historians of United States slavery often follow the language of escaped slaves themselves by stating not what freedom was but where it was. Henry Bibb, one of the sharpest autobiographers of the antebellum era, captured the power and elusiveness of slavery in evocative passages where he stood on the bluffs over the Ohio River, “looking over on a free State, as far north as my eyes could see, I have eagerly gazed upon the blue sky of a free North.” For Bibb, the Ohio River’s marking line between slavery and freedom gestured toward the even-brighter division between Canada, “a land of liberty,” and the United States. “Oh! Canada, sweet land of rest—Oh! When shall I get there? Oh, that I had the wings of a dove, that I might soar away to where there is no slavery.”<sup>1</sup> Thinking about freedom as a place made particular sense to Bibb, who eventually lived in the North and farther in Canada. In the regionally fragmented antebellum United States, the notion of a sweet land of liberty (a phrase immortalized in a song written in 1831) seemed unavoidable. As the movement for gradual emancipation ground to a halt at the Mason-Dixon line, Americans of all colors confronted an increasingly divided country, where not just laws but broader ways of conceiving slavery, race, and freedom seemed to be geographically determined. Since patrols denied slaves freedom of movement, the association between a journey and liberty seemed self-evident; escape was claiming the freedom to be able to move toward freedom. Many memoirs drew upon this metaphor, from the Crafts’ *Running a Thousand Miles to Freedom* to William Troy’s *Hair-Breadth Escapes from Slavery to Freedom* to—embedded within longer titles—Frederick Douglass’ *Escape from Bondage* to Louis Hughes’ (partially titled) *From Bondage to Freedom*. In a period saturated with biblical references, the idea of freedom as a place one moved to resonated as well with Exodus’ story of a flight “out from Egypt” and the “house of bondage” (a phrase repeated 22 times in the King James Version of the Bible) and with Psalms’ line that “I walk at liberty.”<sup>2</sup> It would have been hard to write about freedom in the 1840s or 1850s without tying it to real or imagined geographies.

Buttressed by its biblical allusions and a national obsession with freedom talk, this association between space, movement, and freedom long outlived the sectional crisis of the

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<sup>1</sup> Bibb, *Narrative of the Life*, 28-30.

<sup>2</sup> *Psalms* 119:45.

nineteenth century. Martin Luther King Jr. not only spoke of the mountain-top and the Promised Land but titled his memoir of the Montgomery Bus Boycott *Stride toward Freedom*, and Nelson Mandela famously named his memoir *Long Walk to Freedom*. Given these resonances, historians still treat freedom both as a place and the act of moving toward it. Just to pull from some prominent titles in U.S. history, we have *Closer to Freedom*, *Crossroads of Freedom*, *Freedom's Port*, *Terror in the Heart of Freedom*, *Freedom Bound*, *Freedom's Shore*, *South of Freedom*, *Along Freedom Road*, *Bound for Freedom*, *Between Freedom and Bondage*, *Frontiers of Freedom*, *Freedom Just Around the Corner*, and of course the iconic *From Slavery to Freedom*. Although this titling is common in U.S. History, it is not unique to it. We also have *Bitter Road to Freedom* about post-World War II Europe, and Michael Collins' posthumous essays in *Path to Freedom*, among many others.

Of course freedom is too complex to be consigned to any single comparison, but the urge to capture it through analogy is powerful. Another prominent metaphorical language of freedom uses the words of time. Drawing upon the rupture of emancipation and abolition between 1863 and 1865, these works break up an historical moment between slavery-time and freedom-time (*Sick from Freedom*, *Political Worlds of Slavery and Freedom*). Others use quantitative languages, invoking an ideal measure of freedom against which reality is found wanting (*More than Freedom*, *Freedom Is Not Enough*, *Fragile Freedom*, *Shades of Freedom*, *Degrees of Freedom*.) In these freedom is a place and time apart, a nirvana that the world can never match. Each of these metaphors seeks to capture a real but difficult to define essence of freedom. Other possibilities exist, of course. For contemporary academics, perhaps the greatest freedom title is Francesca Polletta's *Freedom Is an Endless Meeting*. Against those stable, if vague, invocations, Eric Foner's fluid conception of freedom as an "essentially contested concept" or keyword eliminates the teleology but at the expense of clarity. Freedom in these terms can mean anything people said it meant even if they seem to be clearly referring to problems that we might more fruitfully group under terms like equality or belonging.<sup>3</sup>

While I admire many of the titles and almost all of the books I mentioned, I come not to praise but to ask if it is time for us to bury the spatial metaphor of freedom. More worrisome than the titles themselves is the way that metaphors of freedom as space or time burrow into our analysis. It was inevitable for writers in a period of sectional crisis to emphasize the spatial nature of freedom, as it was commonsensical for others writing after emancipation to treat freedom as a break in time, but this language obscures what is most central about freedom. What made the metaphors so powerful for King or Mandela or Collins is exactly what makes them so flimsy for historians: their teleology. Social movements rely upon teleologies of future progress to keep people hopeful; scholars, however, depend upon shedding those teleologies. Casting, even metaphorically, freedom as the place we are moving toward either by our steps or through the pull of the river of time makes freedom an end state, not a category of analysis. (In some ways the category of freedom as an ideal measure inverts this problem by reversing the teleology, making freedom a shore we have never and will never reach.) The march of freedom is problematic not just because it is a teleology but because the language draws us toward a thin, individualized, decontextualized understanding of the ideal, rather than practical meaning, of freedom. While scholars creatively create elbow room for nuance within the strictures of language, we may be at a place where the strictures are confining, not inspiring, us.

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<sup>3</sup> "No idea is more fundamental to Americans' sense of themselves as individuals and as a nation than freedom," Foner wrote. Foner, *Story of American Freedom*, xiii, xv. Orlando Patterson historicizes conflicts over freedom without losing sight of the word's ultimate meanings in Patterson, *Freedom in the Making of Western Culture*.

Although there are several problems with seeing freedom as a place or endpoint, three create the most confusion. First, the vision of freedom as a place contributed to a now-stale debate about who freed the slaves that continues to make freedom overly individualized and decontextualized. Second, this vision of freedom as a place obscures what many 19<sup>th</sup> century observers knew to be true about freedom: that it existed only within the arms of a powerful state. In this way the freedom metaphor, and the broader freedom paradigm that shapes emancipation studies, drew from—again with great nuance—a general cultural turn against the state in the 1960s and 1970s, a curling in of leftist and rightist anti-statism upon each other.<sup>4</sup> Finding freedom in individual actions or in collective political organizing, works within this paradigm made actual government policy less relevant than its ideological or cultural origins. Third, this vision of freedom posited an ideal-state, a Promised Land, that helped us define more clearly what did not exist than what did.

Based upon my own work on the interaction between freedpeople and the Army in the period just after the surrenders, I want to investigate a statist vision of freedom that freedpeople and officers developed in tandem, and to explore its utility for understanding what did and did not follow the legal abolition of slavery. Defining freedom posed different problems in 1865 than it had in the 1840s and 1850s. Before the Civil War, geographical metaphors sufficed; people left slavery for the land of freedom. But in 1865, the nearly 3 million slaves still held in bondage at war's end experienced the dawn of freedom in the same places where they had lived as slaves.<sup>5</sup> They also became free in a land where slavery stubbornly refused to die, no matter the proclamations or laws to the contrary.

This at-home freedom in the face of violent efforts to maintain slavery prompted freedpeople to press an extraordinary range of complaints upon federal officers in the South in the months after Appomattox; in turn these complaints and the evidence of slaveowners' violence and disloyalty prodded officers and Bureau agents toward what they called "practical freedom." This statist vision of freedom depended not on geography—for most people were in roughly the same

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<sup>4</sup> The freedom paradigm arose in the 1960s and 1970s as both leftist and rightist critiques of the state shifted toward a broad anti-statism. By the 1990s, Foucault's critique of a nebulous power and his association of liberal state coercion and mid-20<sup>th</sup> century totalitarianism reinforced a tendency to see state action as the instigating event for declension narratives on both the left and right.

Foner's nuance saved Reconstruction from some of the excesses of other fields, but the trend toward portraying atomized individuals beset by an intrusive state does play out in Reconstruction historiography. With more distance from both 1960s anti-statism and 1990s critiques of power, it is now time for a reading of Reconstruction that treats freedom, once again, as embedded in the state, not just in opposition to it. On the broader question of anti-statism on both left and right since the 1960s, see, Katz, "Was Government the Solution or the Problem?"; Katz, "The Existential Problem of Urban Studies"; Rodgers, *Age of Fracture*.

<sup>5</sup> Historians estimate that 474,000 former slaves were in federally sponsored free labor as soldiers, laborers, camp residents, or farmworkers on government-run plantations. The Freedmen and Southern Society Project estimates that about 125,000 of these ex-slaves lived in the Mississippi Valley, 98,000 in southern Louisiana, 48,000 on the Atlantic coast, 74,000 in tidewater Virginia and North Carolina, 40,000 in the Washington D.C. area, about 37,000 in middle and east Tennessee and northern Alabama, and about 52,000 in the border states. In the winter of 1864-1865, the border states of Missouri, Maryland, and West Virginia eliminated slavery; this freed perhaps another 185,000 people, not counting black soldiers already enlisted from those states. Andrew Johnson's Tennessee government likewise ended slavery in early 1865, freeing perhaps 200,000 more people. While Arkansas and Louisiana's loyal governments abolished slavery, they had at best limited control over large sections of their states, and soldiers found people held in slavery there deep into the summer. The number of slaves who reached the north or who were actually freed by Arkansas or Louisiana is unknown, but we might estimate that perhaps 1 million of the nation's 4 million slaves had been actually freed by Appomattox. Of those somewhat less than 200,000 remained in unencumbered legal slavery in the loyal states of Kentucky and Delaware. The remaining two and three quarter million slaves were largely scattered across the Confederacy's vast interior, in regions that the United States Army either had not reached or had quickly passed through. Berlin, *The Wartime Genesis of Free Labor*, 74-80.

place where they had been enslaved—or upon magical chronological transformation—for proclamations did not stop slaveowners' violent efforts to restrain them—but instead upon recognition. Freedom was not a place or an historical break in time; it was a status claim, an acknowledgement of “acquired rights,” and a pledge of future action, all in one. Thus, freedom was inherently dynamic, interactive, and dependent upon both the assertions of freedpeople and the presence of agents of the state, in this case almost exclusively officers, soldiers, and Bureau agents.

I am going to explore this understanding of freedom first through a narrative written in the post-war period about a freedom that arrived months after Appomattox. Then I will extend the ideas advanced in this narrative using segments of my longer work on the post-war period. Looking at the still relatively understudied memoirs of ex-slaves who became free at the end of the war puts new languages and analyses of freedom on the table for people who no longer necessarily looked toward Canada or the Far North when they tried to define freedom. One of the most-exquisite post-war efforts to balance slave agency and federal authority in shaping emancipation came from the pen of Louis Hughes, who was a slave in Mississippi and Alabama during the war. Hughes had tried to escape four times, but still found himself still enslaved a month after Johnston's surrender to Sherman. Well into June, he waited and “tried to be content” as U.S. soldiers were “still raiding all through that section. Every day some town would be taken, and the slaves would secretly rejoice.” The wait was lengthy, however. While U.S. soldiers had a large presence in Memphis 100 miles away, they were just beginning to exert control over the section of northern Mississippi around Panola County through a detachment in Senatobia. Although the U.S. Army had occupied and burned Oxford—30 miles distant—during the war, it did not report a post-surrender detachment there until July 1865, two months after the Confederate surrenders at Appomattox and Durham.

Rather than collapsing after surrender, slavery constricted. “We were held with a tighter rein than ever. We were not allowed to outside of the premises.” His owners enforced control over the region more rigorously than ever and continued to stop neighbors' slaves on the highway to inspect their passes. “Just think of the outrage upon those poor creatures in forcibly retaining them in slavery long after the proclamation making them free had gone into effect beyond all question!” Hughes wrote. This consistent enforcement led him to question the idea that the war's end would naturally bring emancipation. “If we listen to them we shall be here until Christmas comes again,” Hughes told a fellow slave named George Washington. Although Hughes' wife feared that he would be killed if he escaped, he and Washington “talked considerably about the Yankees, and how we might get away. We knew it was our right to be free, for the proclamation had long been issued—yet still they held us...We knew that Memphis was headquarters for the Union troops, but how to reach it was the great question.” One day in late June 1865, he and Washington left. “The parting was heart-rending, for we knew the dangers were great, and the chances were almost even that we should not meet again.” They reached Memphis a day later and waited in a long line of black people to speak with the officer in charge of freedpeople. “We want protection to go back to Mississippi after our wives, who are still held as slaves,” they told him. To this, the officer replied that they needed no permission as “You are both free men to go and come as you please.” But the officer's conception of freedom did not capture their reality. “Why,” Hughes replied. “Colonel, if we go back to Mississippi they will shoot the gizzards out of us.” The officer was sympathetic but unable to help because he could not spare any soldiers. As they walked back into Mississippi, Hughes and Washington met two soldiers who sketched out the range of responses that slaves met from United States troops. The captain at nearby Senatobia, they warned Hughes, was not trustworthy because he had “been sweetened by the rebel farmers.” Instead they directed Hughes to ask two sympathetic soldiers in the “last tent on the line in the camp.”

In exchange for ten dollars and a promise of ten more, those Senatobia soldiers slipped away and rode to the master's house with them. There they told a servant named Frank, "Go in and tell your master . . . to come out, we want to see him." Here, the soldiers told a crucial and revealing lie. They said they would need feed for 75 horses. In this falsehood, the soldiers revealed that force, not just vague authority, shaped their understanding of their power. They did not rely upon their uniforms but upon the lie that there was an entire company of cavalry coming behind them. Hughes wondered at the soldiers' courage. Victory, he knew, had not sheathed them in invincibility in a "country of which they knew nothing except that every white man living in it was their enemy." Had their master "thought that there were but two soldiers, it is certain that they would have endeavored to prevent us getting away again, and one or more of us would undoubtedly have been killed." While Hughes' and Washington's wives loaded belongings into the wagon, the master's son threatened to kill them. Meanwhile, the master and the parish minister stood guard by the road "to keep the slaves from running away to the Yankees." The soldiers confronted them, asking, "Why have you not told these two men, Louis and George, that are free men—that they can go and come as they like?" With nine other slaves following, Hughes and Washington headed toward Senatobia, where they paid the soldiers, and the men "cheered us, and seemed glad that they had rendered us service." They arrived in Memphis, "the city of refuge," around the 4<sup>th</sup> of July with "thousands of others, in search of the freedom of which they had so long dreamed." There was a reason why people fled to Memphis. "Everywhere you looked you could see soldiers." Reflecting on the incident three decades later, Hughes understood that "it is true that we should have been free, sooner or later," but the soldiers' intervention had kept Hughes and Washington's families together. Later in the summer when freedom came more broadly to northern Mississippi, many families were separated, some forever.<sup>6</sup>

In Hughes' story, we see the enormously complex nature of post-surrender emancipation. Even after surrender, owners patrolled, checked passes, and asserted power over their slaves. Hughes' story therefore illuminates the deep interconnection between force and emancipation. Running away was for him necessary but not sufficient; he ran not to escape but to find people who could recognize and defend his family's freedom. To do this, Hughes needed not just the two soldiers but also their ruse of a whole company behind them in order to escape with his family.

What they needed was not just a proclamation but the power to enforce it. The soldiers' response also suggests the critical role of individual sympathy in driving the military reaction to enslavement. Not all soldiers were sympathetic; the captain at Senatobia was a rebel sympathizer. Even those soldiers who were sympathetic, like the officer in Memphis, often could not help. But sympathetic soldiers were crucial to Hughes' escape with his family. Finally, the story directs us toward the magnetic allure of cities and towns with Army outposts. While Hughes did not stay in Memphis, he went there not just because it was a city but because it was a city full of soldiers. His freedom had emerged through his personal bravery but in their presence and it would be defended both by his actions and their recourse.

While contemporary discussions of freedom typically set the concept in opposition to a coercive state, the war and the stubborn power of slavery after surrender taught both white officers and black freedpeople to accept the role of a state violence in making freedom possible and sustainable. Rather than freedom from coercion, emancipation was by necessity freedom through continuing coercion of slaveowners. Slavery could not end with dramatic laws or proclamations. As Hughes and many officers and freedpeople recognized, pronouncements were never self-enforcing.

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<sup>6</sup> Hughes, *Thirty Years a Slave*, 172-87.

Ending slavery would require consistent enforcement that could only be provided by the Army with the assistance of the much-smaller number of Bureau agents.

If law and amendments could not end slavery, at least not until the 13<sup>th</sup> Amendment was ratified in December 1865, then the end of slavery depended upon force. This meant the continuation of war powers on the ground. For this reason, and others, President Andrew Johnson continued the state of war well past the surrenders. Even as he appointed provisional governments, he sustained military power over civil law throughout the summer and much of the fall of 1865. The war could not end in May and June of 1865 because slavery had not ended. Throughout the late spring and summer, commanders found pockets of open slavery. Without military force, either slavery or a drastically curtailed notion of freedom would prevail throughout much of the rebel states. In my longer work, I write about the different stages of this post-surrender but still-wartime occupation of the rebel states that emerged after the U.S. rejected General William Sherman's peace terms at Durham, North Carolina. Although an Appomattox myth of reconciliation suggests that the United States at first expected an easy time of it, the Army in fact did not retreat following the surrenders. Instead, immediately, the Army expanded its geographic coverage of the rebel states. From 120 towns occupied in March 1865, the Army eventually reached at least 650, reaching out into the southern countryside through the summer and fall of 1865 in order to displace stubborn rebel leaders and prevent the reimposition of slavery. Beyond the scope of this paper, this occupation and the extension of war powers raises questions about the way we think about Reconstruction. Rather than presiding over a quiescent Presidential Reconstruction, President Andrew Johnson baffled his would-be southern allies by again and again sustaining military power on the ground, even as he also began to feud with Congress. With the immensely important exception of confiscated lands, Johnson kept a great deal of power in the hands of the Army even as he appointed provisional governments. Grappling with the mechanics of occupation on the ground, instead of with Johnson's overheated rhetoric, helps us see continuities between so-called Presidential and Congressional Reconstruction, as many Republicans self-consciously in 1866-1867 took up Johnson's tools but extended them beyond his timetable. As Republicans faced the limits of both the law and the vote to remake the south, factions of them became increasingly attached to war powers on the ground in the south as the only means of remaking the rebel lands and tried to both extend wartime past 1870 and to embed as many powers of war into normal peacetime as they could. Framing Reconstruction in these ways allows us to connect Michael Les Benedict's earlier work on the period with John Fabian Witt's new work on war powers during the Civil War. With new data about the reach and force of this post-surrender but wartime occupation, we can see the crucial question was when peace legally arrived, the crucial tools were largely the tools of war, and the crucial limitation upon Reconstruction to be limitations not of ideology but of force.<sup>7</sup>

Even months after Appomattox, Army officers, Bureau agents, and ex-slaves reported that the institution survived in regions that U.S. soldiers had not reached. Of the nearly 4 million slaves in the United States in 1860, the vast majority—perhaps two and three-quarter million—were still

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<sup>7</sup> Benedict, *Compromise of Principle*; Witt, *Lincoln's Code*; Grimsley, *Hard Hand of War*.

On occupation after surrender, see, especially, Cimbala, *Under the Guardianship of the Nation*; Sefton, *The United States Army and Reconstruction, 1865-1877*; Hyman, *A More Perfect Union*; Simpson, *The Reconstruction Presidents*; Dawson, *Army Generals and Reconstruction*; Bradley, *Bluecoats & Tar Heels Soldiers and Civilians in Reconstruction North Carolina*; Blair, "The Use of Military Force to Protect the Gains of Reconstruction"; Engs, "The Missing Catalyst"; Grimsley, "Wars for the American South." For studies of pre-surrender occupation, see, especially, Capers, *Occupied City; New Orleans under the Federals, 1862-1865*; Maslowski, *Treason Must Be Made Odious*; Ash, *Middle Tennessee Society Transformed, 1860-1870*; Ash, *A Year in the South*; Ash, *When the Yankees Came*; Sutherland, *Seasons of War*; Grimsley, *The Hard Hand of War*, 88; Browning, *Shifting Loyalties the Union Occupation of Eastern North Carolina*; Whites and Long, *Occupied Women*.

held in bondage as the Confederates armies surrendered. Of course the terms of that slavery had changed. With the wartime breakdown of plantation discipline, some planters shifted to wages or sharecropping, and some slaves stopped working or refused to plant cash crops. Appomattox did inspire some planters to announce the end of slavery and make new arrangements with the freedpeople, and some slaves responded to the news by claiming freedom for themselves, but in many places it was soldiers who finally signaled the end of the institution.<sup>8</sup>

Throughout the summer of 1865, soldiers confronted open slavery in areas that had not yet been occupied by United States troops. When German-born Colonel Charles Bentzoni reached eastern Arkansas with his 56<sup>th</sup> U.S. Colored Infantry, he found “slavery everywhere.” Their “former masters and mistresses say that they have raised them or that they have hired for them and that they understand that slavery will remain in some form or other.”<sup>9</sup> In a series of exasperated letters, Bentzoni captured slavery’s tenacious survival against both state laws and Army policies. Unless “slavery is broken up by the strong arm of the Government,” he wrote, “it will continue to exist in its worst forms all law and proclamations to the contrary.”<sup>10</sup> Throughout July, August, and September, agents and officers in Arkansas reported persistent slavery without surprise or explanation; their reports are sometimes outraged but never shocked. Only in November did a soldier who discovered two slave girls explain the situation as anomalous.<sup>11</sup> Arkansas’s rugged geography, relative isolation, poor railroads, and guerrilla warfare helped slavery survive, but the state was no anomaly. From many parts of the South, soldiers reported that slavery endured. In South Carolina, Sherman’s mighty army of invasion blasted through the coastal region and Columbia, but as late as July General Quincy Adams Gillmore thought “that in remote sections the relation of master and slave does, in some cases, practically exist.”<sup>12</sup> In isolated Eastport, Mississippi, 100 miles from other outposts, a general dismissed the power of proclamations. “I have

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<sup>8</sup> The most-careful historians estimate that 474,000 encountered federally sponsored free labor, whether as soldiers, laborers, camp residents, or farmworkers on government-run plantations. The Freedmen and Southern Society Project estimates that about 125,000 of these ex-slaves lived in the Mississippi Valley, 98,000 in southern Louisiana, 48,000 on the Atlantic coast, 74,000 in tidewater Virginia and North Carolina, 40,000 in the Washington D.C. area, about 37,000 in middle and east Tennessee and northern Alabama, and about 52,000 in the border states. In the winter of 1864-1865, the border states of Missouri, Maryland, and West Virginia eliminated slavery; this freed perhaps another 185,000 people, not counting soldiers already enlisted from those states. Andrew Johnson’s Tennessee government likewise ended slavery in early 1865, freeing perhaps 200,000 more people. While Arkansas and Louisiana’s loyal governments abolished slavery, they had at best limited control over large sections of their states, and soldiers found people held in slavery there deep into the summer. As we cannot pin down the precise number of slaves who reached the north or who were actually freed by Arkansas or Louisiana, we might estimate that perhaps 1 million of the nation’s 4 million slaves had been actually freed by Appomattox. Of those somewhat less than 200,000 remained in unencumbered legal slavery in the loyal states of Kentucky and Delaware. The remaining two and three quarter million slaves were largely scattered across the Confederacy’s vast interior, in regions that the United States Army either had not reached or had quickly passed through. Berlin et al, *Freedom: A Documentary History: The Wartime Genesis of Free Labor: The Lower South*, Series I, Vol. III, 74-80.

<sup>9</sup> Charles Bentzoni to Dear Sir, July 7, 1865, RG 107, M 752, Reel 13, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>10</sup> Charles Bentzoni to John Levering, July 3, 1865, enclosed in J. J. Reynolds to O. O. Howard, July 13, 1865, RG 107, M 752, Reel 16, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>11</sup> J. M. Bowmler to Chas. E. Howe, Nov. 23, 1865, RG 107, M 752, Reel 22, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Oct. 1865-Feb. 1866.

<sup>12</sup> Q. A. Gillmore to O. O. Howard, July 2, 1865, RG 107, M 752, Reel 15, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

grown satisfied that there is and can be no such thing as the actual immediate emancipation of a large mass of plantation slaves,” he wrote in June. “To announce their freedom is not to make them free.”<sup>13</sup> As late as October 1865 Texas slave owners still “bought and sold them as in former years.”<sup>14</sup> Planters aimed to hold on to their social power in hopes they could restore slavery legally in the fall. Declaring that the “ceasing of hostilities had made void the Emancipation proclamation”<sup>15</sup> many planters at the end of the summer of 1865 believed that slavery could be “restored in full sway in 18 months” through lawsuits and political lobbying.<sup>16</sup>

If we take seriously the notion that slavery endured, we quickly see that the end of slavery could not come either through high legal proclamations or escaping slaves by themselves. Instead, freedom arrived for many in the interaction between freedpeople and soldiers. Using wartime powers that still existed after surrender, officers like Colonel Bentzoni had a simple prescription. “This evil can be suppressed at once by sending a military officer in every county with a small force.”<sup>17</sup> From Alabama, another officer wrote “if you mean freedom, it is your power that will insure it.”<sup>18</sup> Northern officers and agents disseminated this statist view of freedom as they marched through the former Confederacy. The only solution was dissemination through taking “trips into the country,” and talking to freedpeople where they were on large plantations and small towns.<sup>19</sup>

Soldiers’ struggles against slavery explain the ongoing occupation of the South. In the immediate weeks after Lee and Johnston surrender, U.S. troops spread out across the South, occupying in the months after surrender more than 400 county seats and market towns in the ex-Confederacy as they disestablished or re-established local governments. Having either engaged with magistrates or appointed police, these Army outposts might have shrunk back into capital cities in summertime, but instead they maintained their reach over the South, holding on to more than 400 outposts into the Fall of 1865. Establishing mechanisms for civil law and delegating authority to local agents turned out to be the easy part of occupation. Dismantling slavery involved soldiers in longer-standing and more-dispersed interaction with farming counties. Rather than dwindling, the Army continued to spread out into the countryside, especially into regions with significant ex-slave populations. Over the summer outposts expanded in Virginia from 32 to 50, Louisiana from 26 to 33, South Carolina from 29 to 37, Mississippi from 20 to 39, Georgia from 22 to 75. In Florida and Texas, just in the process of being occupied as the summer began, the numbers rose starkly but more slowly. In Florida from 7 in April to 18 in June to 24 in September to 37 in October; Texas had two in April, 8 in June, and 21 in September and would not peak until May 1866. By the

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<sup>13</sup> Edward Hatch to W. D. Whipple, June 22, 1865, H28 MDT 1865, RG 393, Part 1, U.S. Army Continental Commands, 1821-1920, Entry 926, Department of the Cumberland, Division and Department of Tennessee, 1862-1870, Box 1, Letters Received, 1865 (A-H), NA, DC.

<sup>14</sup> Bergeron, ed., *Papers of Andrew Johnson*, Vol. 9, 263-64.

<sup>15</sup> D. W. Whittle to O. O. Howard, June 8, 1865, RG 107, M 752, Reel 18, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>16</sup> Bergeron, ed., *Papers of Andrew Johnson*, Vol. 9, 45.

<sup>17</sup> Charles Bentzoni to Dear Sir, July 7, 1865, RG 107, M 752, Reel 13, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>18</sup> Samuel S. Gardiner to O. O. Howard, July 28, 1865, RG 107, M 752, Reel 15, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>19</sup> C. W. Buckley to Thomas W. Conway, June 1, 1865, RG 107, M 752, Reel 13, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

summer of 1865, the Army reported 409 outposts. Rather than shrinking, the number stayed steady through the fall, dropping only to 403. In Georgia, the Army continued to pulse outward, covering 90 locations in the fall. In others there was stability between summer and fall, as Virginia fell only from 59 to 55, and South Carolina rose from 42 to 47. Of the 11 Confederate states, six had more outposts in the fall than in the summer, and only Tennessee, North Carolina, and Mississippi experienced notable declines. The Army held its grip on the Southern countryside in order to pry slavery's hands from power. (See Maps One to Four and Table One) Even these numbers understate the spread of forces through the countryside, as they do not include standalone Bureau offices or short-term trips to speak at plantations.

Geographical reach, rather than just pure numbers, shaped the military's response to slavery. Soldiers had to spread out in order to reach slavery where it was in the countryside. An occupation that proceeded along Sherman's vision of holding central cities, railroad depots, and ports would have left much of slavery untouched. Absent any effective mechanism to recognize rights in the countryside, the federal government faced a peculiar spatial challenge to its claims of sovereignty. To make itself felt, it needed both proximity and force.<sup>20</sup> This drove the geographically expansive, if also numerically limited, effort to send soldiers into the countryside, not just to deliver news of emancipation to plantations but to serve as the government's eyes and ears on the ground. The follow up to the pronouncement, when ex-slaves journeyed to posts to complain about their treatment, was crucial to the end of slavery. In the process, the government tried to ramify federal rights into a rural, agrarian society. But these rights depended upon access, and so upon what would prove to be an ephemeral federal presence.

While many slaves ran to liberty, most defined their final freedom through announcements after Appomattox. This was particularly true for women, children, and older slaves who could not or would not leave their families to run to U.S. lines but worked to keep communities intact and alive at home. This does not mean slaves were passive recipients of freedom; it means they worked to understand and acquire freedom as they also recognized the importance of government recognition in securing freedom.<sup>21</sup> This was true, as one Montgomery agent wrote, not because they were slaves but because they were human beings. As Senator Charles Sumner said in the 1865 debates on the Freedmen's Bureau, all people were "under the general superintendence of the police, to which we may appeal for protection in case of need." Government defined the freedom not just of freedpeople but of all people. Imagining that slaves could make their own freedom makes slavery too weak, government too obscure, freedom too vague. It does not capture the experience of freedpeople or of contemporary scholars, whose freedom also depends upon their imbrication within government powers they do not always see.

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<sup>20</sup> For different ways of conceiving of space and sovereignty, see Benton, *A Search for Sovereignty*; Scott, *The Art of Not Being Governed*.

<sup>21</sup> In the 1980s and 1990s, arguments over who freed the slaves created rigid positions that ended up shedding more heat than light. Since then, the work of scholars associated with the Freedmen and Southern Society Project have added enormous depth and clarity to our understanding of slaves' actions and beliefs. With the success of that work, this is now a propitious time to step back and once again assess the questions of freedom's arrival. By tying their social history to a broader understanding of the role of the state in defining freedom and to new work in military history, it is now possible to depict an interactive model of freedom that relies neither on high policy nor on individual action but on their points of intersection through agents of the government at work among the freedpeople. For the older debate, see McPherson, "Who Freed the Slaves?"; Fields, "Who Freed the Slaves?" For the FSSP, see Berlin et al, *Freedom a Documentary History*; Fields, *Slavery and Freedom on the Middle Ground*; O'Donovan, *Becoming Free in the Cotton South*.

Slaves recognized this; they ran to soldiers not just because they had guns but also because they could provide the recognition that freedom demanded. However our own actions support our freedom, freedom properly defined does not exist internally; it exists when recognized by the other. The reason for this is obvious; freedom alone does not bring any guarantees of its endurance. A freedom without fear of infringement has never and will never exist. To be meaningful, freedom requires recognition because true freedom carries the promise that violations will be met with force, even if smoothly functioning societies obscure this central fact. Slaves needed soldiers not because they were afraid at the moment of emancipation but because they needed to know where they should turn when their freedom was attacked.

In the thrill and agony of emancipation, slaves and soldiers revealed the central role of the state in shaping both slavery and freedom. While most ex-slave autobiographies were not as nuanced and descriptive as Hughes', many of those published after the war described the crucial role of U.S. soldiers and agents in ending slavery. Booker T. Washington was a nine-year-old boy in southwestern Virginia at the end of the war. Washington separated the anticipation of freedom and the arrival of freedom in his landmark *Up from Slavery*. No one needed Northerners to teach them what freedom was or why it mattered or how it related to the war. "Freedom was in the air, and had been for months," he wrote. Slaves sang freedom songs more boldly, no longer "afraid to let it be known that the 'freedom' in their songs meant freedom of the body in this world." Washington's neighbors had invested a great deal of time and effort in talking through the meaning of freedom, but still the performance mattered. "The most distinct thing that I now recall in connection with the scene was that some man who seemed to be a stranger (a United States soldier, I presume) made a little speech and then read a rather long paper—the Emancipation Proclamation, I think," Washington wrote. "After the reading we were told that we were all free, and could go when and where we pleased. My mother...explained to us what it all meant, that this was the day for which she had been so long praying, but fearing that she would never live to see." Then "there was great rejoicing, and thanksgiving, and wild scenes of ecstasy." Soon, Washington wrote, the day turned solemn, as people pondered "the great responsibility of being free, of having charge of themselves, of having to think and plan for themselves and their children."<sup>22</sup> Washington—and in his memoir his neighbors—dated freedom not from the day they sang the songs but from the day they heard the news. Washington's people understood the limits of their power; they had not after all made themselves slaves. Freedom was something that some—especially men—could take for themselves, but for the old, the young, and the people who kept families together, freedom was something that someone in power had to confer on them in order to be complete.

In interviews conducted 70 years later, many elderly former slaves remembered soldiers' participation in a ritual of emancipation that simultaneously proclaimed freedom and undermined the masters' power. While scholars sometimes dismiss their stories because they were relayed decades later by people who were children at emancipation and were frequently talking to white Southern interviewers, the records offer access to women and barely literate men whose stories are not recounted in memoirs. Mary Anderson, a slave in Franklinton, North Carolina, captured the many layers of knowledge that slaves possessed of freedom. During the war, the "news went from plantation to plantation," and slaves "prayed for freedom." One day, they heard loud booming sounds, and their master told them, "Men, women and children, you are free. You are no longer my slaves. The Yankees will be here." For an hour, everyone waited until they saw a long line of United States marching from Louisburg. "They called the slaves, saying, 'You are free.'" While Anderson did not mention the response to the master's statement, the soldier's announcement

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<sup>22</sup> Washington, *Up From Slavery*, 19-23.

unleashed a deep excitement. “Slaves were whooping and laughing and acting like they were crazy. Yankee soldiers were shaking hands with the Negroes and calling them Sam, Dinah, Sarah, and asking them questions.”<sup>23</sup> The moment of emancipation was a complex exchange between slaves and soldiers. When soldiers announced emancipation on Sallie Paul’s plantation near Marion, South Carolina, they captured both the importance and the limits of the ritual. “Yankees tell de colored people dey was free as dey was, but just didn’t know it.” The soldier did not claim he brought freedom; it preceded him. Instead, he brought recognition of freedom.<sup>24</sup> The gap between slaves’ self-knowledge and the freedom announcement perplexed Sara Brown. As she watched the soldiers proclaim freedom, the slaves “was just a kickin up dey heels en shoutin,” but Brown didn’t “See why dey want to carry on like dat for. I been free all de time.”<sup>25</sup> When soldiers did not arrive, freedpeople often sought out freedom rituals by traveling to neighboring towns in search of provost marshals, post commanders, or the newly arriving Freedmen’s Bureau agents. After troops passed by the plantation where a Georgia slave named Willis lived, he went to “Augusta to de Freedman’s Bureau to see if it twas true we wuz free. I reckon dere was over a hundred people dere. De man got up and stated to de people: ‘You all is jus’ as free as I am. You ain’t got no mistis and no marster. Work when you want.’” When his master later told the slaves that they were free and offered them contracts, Willis refused. “If I is already free, I don’t need to sign no paper,” he said.<sup>26</sup>

Depending upon soldiers to ratify freedom made the end of slavery piecemeal and disjointed. John Collins claimed that soldiers never reached what he called the “dark corner” on the border of Chester and Fairfield counties north of Columbia, South Carolina, and they did not found out about their freedom until 1867.<sup>27</sup> On Mattie Logan’s plantation in Mississippi a Northerner came to the plantation and told the slaves in the field that they were free “But he didn’t know about the cabin we lived in and didn’t tell my folks nothing about it.” A while later the master called her parents in and told they were free.<sup>28</sup> Ambrose Douglass, held a slave in North Carolina, captured the perils of tying emancipation to soldiers’ presence. “I guess we musta celebrated ’mancipation about twelve time....Every time a bunch of No’thern sojers would come through they would tell us we was free and we’d begin celebratin’. Before we would get through somebody else would tell us to go back to work, and we would go.”<sup>29</sup> Other planters tried to keep ex-slaves working on the land by announcing their freedom before soldiers arrived.

Although wage labor and marriage shaped part of the definition of freedom, other aspects of freedom also mattered. Drawing upon the expansive local governments of the increasingly wage-labor North, the persistent power of Whig ideological support for a strong central state, and the exigencies of war, many Republicans developed a broad vision that freedom depended upon attachment to a state that restrained everyone. As Northern officers and agents moved southward, their experience with slavery gave weight to the Hobbesian roots of American ideology, the belief that a strong government was necessary to restrain disorder and chaos. To them, freedom and unrestrained liberty therefore seemed increasingly like opposites, not just because Northern soldiers feared black people wandering around as vagrants, but also because they came to believe freedom existed only through government restriction. With their eye upon the state, they made freedom and order not contradictory but complementary. As they defined the acquired rights of freedom, slaves

<sup>23</sup> *Slave Narratives: A Folk History of Slavery*, North Carolina, Vol. XI, Part 1, 23-24.

<sup>24</sup> *Slave Narratives: A Folk History of Slavery*, South Carolina, Vol. XIV, Part 3, 234-35.

<sup>25</sup> *Slave Narratives: A Folk History of Slavery*, South Carolina, Vol. XIV, Part 1, 142-43.

<sup>26</sup> *Slave Narratives: A Folk History of Slavery*, Georgia, Vol IV, Part 4, 170-71.

<sup>27</sup> *Slave Narratives: A Folk History of Slavery*, South Carolina, Vol. XIV, Part 1, 225-26.

<sup>28</sup> *Slave Narratives: A Folk History of Slavery*, Oklahoma, Vol. XIII, 190-91.

<sup>29</sup> *Slave Narratives: A Folk History of Slavery*, Florida, Vol. 3, 103.

and masters began with self-ownership, movement, marriage and contracts. Some turned to metaphors of birds leaving cages and prisoners being set loose, but these metaphors only opened up additional questions about where the birds might fly. Some soldiers used the obvious available comparison when they told slaves they were as free as white people, but this raised even more questions. In the petitions they signed and in their later recollections, many ex-slaves defined freedom broadly to include economic equality or land.

As they struggled to define the freedom that would signal peacetime, provost marshals, post commanders, and Bureau agents tried to determine what infringements demanded a response. Could free people be whipped by their employer? Was a right to testify integral to freedom? Did freedom demand a general sense of fair play? Were people subject to intensifying campaigns of violence truly free? If not, then who could guarantee freedom and by what means? Over and over again, freedpeople brought these questions to Bureau agents and Army outposts, asking whether their condition constituted freedom. While the question of property ownership would be settled later in the summer by the President, many other policies were worked out on the ground in the interactions between officers and freedpeople.

Across the South, Army officers and Freedmen's Bureau agents created a notion of freedom as defensible rights through the complaints they received from freedpeople. In the Army posts or in standalone Bureau offices, agents responded to complaints about the treatment of freedpeople by expanding the meaning of freedom and developing a newly concrete notion of defensible rights. After Bureau agents worked through the continued existence of slavery and distributed contracts, they began to wrestle with the persistence of "plantation discipline" through whipping or other forms of ritual punishment.<sup>30</sup> Turning from actual enslavement to the feel of freedom, agents and officers warned that unchecked planter power "would render the position of the negro more grievous than before."<sup>31</sup> Military officials in turn used war powers to ban whipping, dispatched troops into the countryside to respond to complaints of bad treatment, overruled discriminatory laws, and arrested violent planters. These rights, Colonel Bentzoni wrote from Arkansas, supported not just legal but "practical freedom." Practical freedom, however, was military freedom; freedpeople only possessed it "within the line of permanent military occupation" because those rights depended upon proximate defenders. This posed a problem, however. If practical freedom depended upon the proximity of the Army, what would happen when the Army went home? To this question, Bentzoni proposed a simple solution: soldiers should never leave but instead reside in permanent military colonies in the Southern states as a massive reserve force. "The black people would through it become free in deed."<sup>32</sup> Bentzoni's proposal of course went nowhere.

While there would be no permanent wartime, the Army's posts in the South shaped the timing and meaning of emancipation for the years after Appomattox. Creating practical, not abstract, rights the United States depended on and created, in the words of the aptly named Major

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<sup>30</sup> Charles C. Soule to O.O. Howard, June 12, 1865, RG 107, M 752, Reel 17, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865; Thomas W. Conway to Howard, May 26, 1865, RG 107, M 752, Reel 14, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>31</sup> T. W. Conway to Howard, July 21, 1865, RG 107, M 752, Reel 14, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>32</sup> Charles Benztoni to Dear Sir, July 7, 1865, RG 107, M 752, Reel 13, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

General Manning F. Force, a “general policy of ramifying these small posts through the country.”<sup>33</sup> This meant ongoing occupation at outposts where the soldiers changed both freedpeople’s organizing strategies and their sense of the power of the national government. Freedpeople taught soldiers to define occupation through the defense of rights. In turn access to officers gave leading freedpeople a rare practical good they could deliver to their potential constituents.

In making sense of freedpeople’s encounters with the military, we face a problem of balancing facts. On the one hand, the Army in some places—especially Charleston and Savannah and for a time in Richmond—treated freedpeople cruelly. There was certainly no shortage of racist soldiers. On the other hand, the Army moved units and even commanders who mistreated freedpeople, and many racist soldiers seemed to hate Confederates much more than freedpeople as they witnessed violent attacks on freedpeople, white Northerners, and even soldiers.<sup>34</sup> Through it all freedpeople were “always fleeing to the nearest Military post and seeking protection of the law.”<sup>35</sup> In Mississippi freedpeople stayed on plantations in the river belts that had been occupied during the war, but fled from other regions where there was “no civil or military law” to get “to the nearest military post with all their children and effects.”<sup>36</sup> Although almost all United States soldiers attracted freedpeople’s attention, black soldiers particularly captured ex-slaves’ imagination. The image of former in uniform signaled the revolutionary impact of the war, buttressed their hopes for future equality, and hosted schools and churches in the barracks.

A particularly observant traveler through Georgia captured the complexity of depending upon soldiers’ presence to define freedom. He had no illusions that soldiers would always use their power wisely; he knew of terrible stories of “outrages” by cavalry in Savannah. Still, he saw that freedpeople flocked to the outposts, viewing soldiers as imperfect but available vessels for justice. As he pondered the centrality of troops, he, like Bentzoni, wondered what would follow their departure. The Army opened up a new vision for him of rights-making that reached into every precinct and crevice “with power in the national executive, to enforce it in behalf of every American citizen. We are establishing an American nationality; let us at the same time establish an American citizenship.” To be meaningful it would have to be both enforceable and present. “Let it not be subject to the prejudices and caprices of sections but give it the right to assert itself everywhere.” He could see only one hope for the future, the extension of war powers into peacetime. “The protection we have now only under the abnormal war powers of the President....should become part of the fundamental law of the nation.”<sup>37</sup>

Instead of creating anything like perfect freedom or smoothly defended rights, the occupation created patchwork sovereignties. As Stephen Ash described during the war, the post-surrender period was one where there distinct zones of control. Where soldiers were placed, they made a difference. People who had never seen a federal officer other than a postmaster suddenly

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<sup>33</sup> Gen. M. F. Force to Capt. J. Warren Miller, Sept. 25, 1865, F 139 Dept Miss 1865, RG 393 Part 1, U.S. Army Continental Commands, 1821-1920, Entry 2433, Department of Mississippi, Box 1, Letters Received, 1864-1865 (A-M), NA, DC.

<sup>34</sup> After decades of skepticism about Army officers’ commitment to anti-slavery, recent work has emphasized the role of the war in turning previously moderate or even conservative officers into committed emancipators by 1863 and 1864. See, especially, Manning, *What This Cruel War Was Over*.

<sup>35</sup> C. H. Van Wyck to Major Burger, Sept. 1, 1865, enclosed in George Meade to Secretary of War, Sept. 20, 1865, A 1370, RG 94, M 619, NA, DC.

<sup>36</sup> Samuel Thomas to O. O. Howard, Oct. 12, 1865, RG 107, M 752, Reel 22, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Oct. 1865-Feb. 1866.

<sup>37</sup> *Army and Navy Journal*, Oct. 21, 1865, 130-31.

found companies of troops in crossroads villages and county seats. Their company commanders represented the first effective face of federal power to reach these or any other villages and rural areas in the country. Their ubiquity was not a prelude to their power; their ubiquity was itself their power. This was particularly true because of the localized life of much of the rural South. The South's railroad lines, never equivalent to the north, had been decimated by war. Southerners with horses might ride out as far as 30 or even 50 miles, far enough perhaps to reach a railroad depot. Many Southerners, white and black, who did not own a horse measured their lives in more restrained terms by how far they could walk. Many of them knew the world through radiuses. Within five miles of them, they might know many of the people. From five to ten miles was a region they might visit sporadically. Beyond that, lay lands almost unknown. Placing these posts within walking distance made the Army suddenly, shockingly present. As white and black southerners struggled to define their rights and powers in the period after surrender, the Army figured in these conversations, and in some areas powerfully reshaped them, not just because the Army had guns but because the Army was there. Through its proximity the Army impacted almost every aspect of Southern life, but in no area would it intervene as forcefully as in the redefinition of freedom and the ultimate destruction of slavery.

But where soldiers did not reach or in regions they left behind, rebels and freedpeople fought openly and bitterly for control.<sup>38</sup> Immediately after surrender in South Carolina, Arkansas, Texas, and Louisiana, white bands assaulted slaves. Over 1866 and 1867, a series of insurgent movements arose, most famously the Ku Klux Klan, to regulate areas beyond the vision of the soldiers. The awe that soldiers generated was meaningful but geographically limited. Before a garrison arrived in Attala County, Mississippi, it was "the theatre of gross outrages," but the troops restored "tranquility and order." When the soldiers left, however, "no sooner was the garrison withdrawn when four murders happened in quick succession, two of white Union men and two of negroes.... A bad spirit was prevailing there," "the garrison succeeded in checking it," and "the withdrawal of the garrison was the signal for a fresh installment of murderous outbreaks."<sup>39</sup> In Opelousas, Louisiana, a soldier was killed while visiting a friend a few miles away from a post. "The protection afforded to loyal men by the presence of the Federal troops does not extend to the whole country," a resident complained.<sup>40</sup> In the early fall, soldiers at Tuskegee, Alabama controlled that town but had little impact on neighboring Tallapoosa County. There, "where there are no troops and civil authority not reestablished," murder was "almost dissolving society."<sup>41</sup> In the area around Macon, Georgia, much of the state was quieted by the late summer except for an unprotected area around Columbus, "where the shooting of negroes by whites is not unfrequent."<sup>42</sup>

This permanent extension of wartime into peace was, of course, not to be. Even the most-active Radicals did not wish a long-term occupation of the South but hoped that federal laws, amendments, and enfranchisement would create defensible rights. In some ways, of course, they

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<sup>38</sup> On the white insurgency in the South, see, Grimsley, "Wars for the American South"; Rable, *But There Was No Peace*; Trelease, *White Terror; the Ku Klux Klan Conspiracy and Southern Reconstruction*; Egerton, *The Wars of Reconstruction*.

<sup>39</sup> Simpson, ed., *Advice after Appomattox*, 108-9.

<sup>40</sup> Hugh P. Beach to E. M. Stanton, July 29, 1865, RG 107, M 752, Reel 13, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>41</sup> Wager Swayne to O. O. Howard, Aug. 21, Sept. 11, 1865, RG 107, M 752, Reel 17, Registers and Letters Received by the Commissioner of the Bureau of Refugees, Freedmen, and Abandoned Lands, 1865-1872: Letters Received, Mar.-Oct. 1865.

<sup>42</sup> Simpson, ed., *Advice after Appomattox*, 90-91.

were prescient; the framework of federal protection of freedom established between 1866 and 1875 became the prototype for the 1950s and 1960s establishment of civil rights. While scholars sometimes blame the Supreme Court for thinning those rights in the 19<sup>th</sup> century, in fact the primary challenge was not the lack of abstract rights but of recognition. In a Justice Department that barely existed (the Attorney General employed two clerks in 1865), there was no mechanism for enforcement, and the Enforcement Acts against the Ku Klux Klan quickly ran up against problems. If practical freedom meant acquired rights that would be defended by proximate allies, parts of that freedom evaporated in the 1870s through 1900s not because the rights did not exist or because freedpeople did not assert them but because they lacked proximate allies.

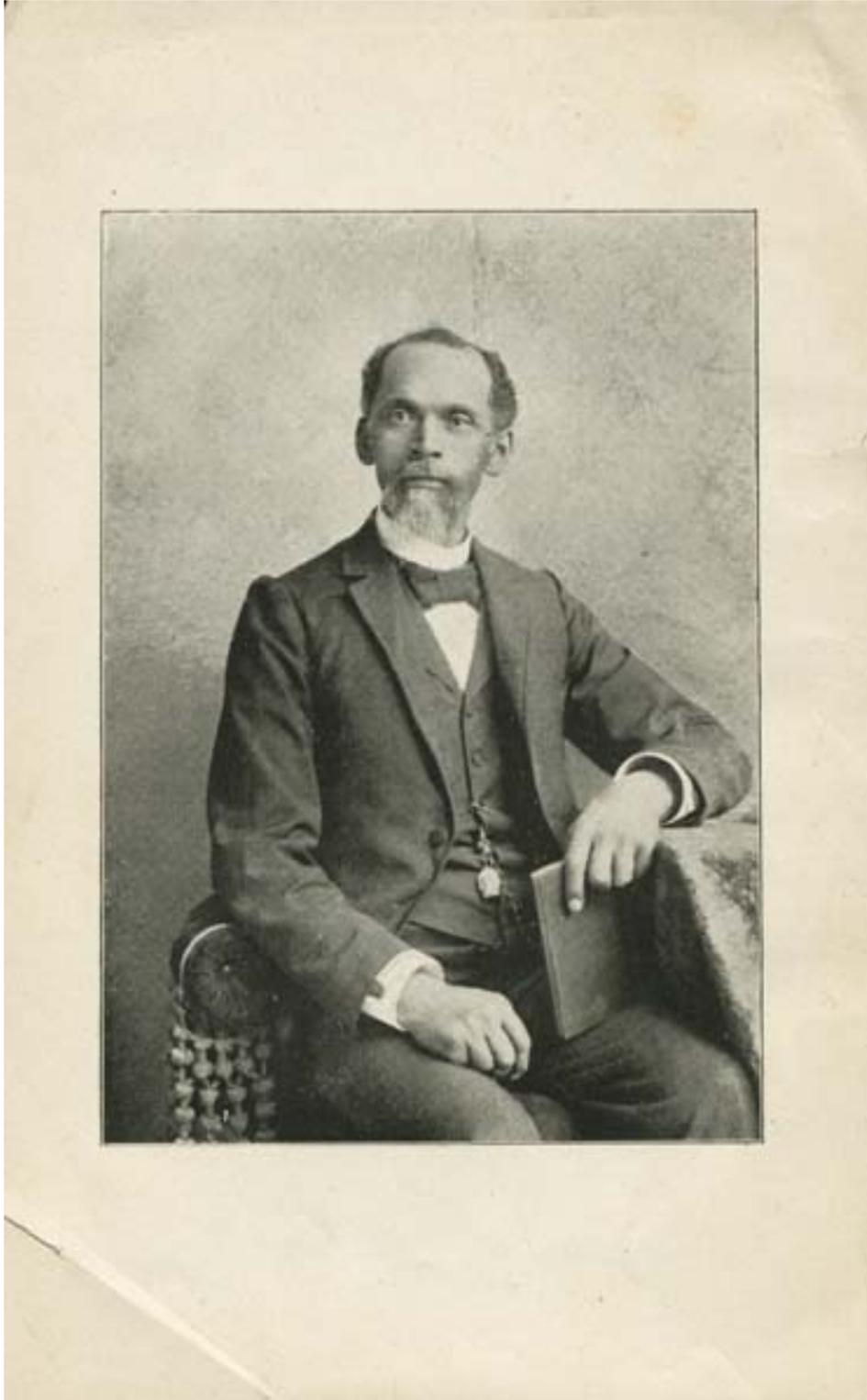
By thinking about the relationship between freedom and force, we can shed the alluring tug that metaphors of a land of freedom or time of freedom exert, sometimes, unconsciously, over our analysis. Instead of freedom as an endpoint toward which we are inexorably drawn or an ideal we can never match, we might capture the particular definition of freedom on the ground at war's end, the interactive nature of freedpeople's engagement with soldiers, and the challenge of sustaining a freedom built upon access to defenders who would not remain. Despite American attachment to constitutionalism on both the left and the right, freedom fell not because of imperfectly crafted amendments but because of what John Hope Franklin defined a half-century ago as a basic lack of force. Thinking about the limitations of freedom through the lens of enforcement may help construct new narratives of emancipation and Reconstruction and to once again wrest Reconstruction from the pull of the Civil Rights Movement narrative and to permit us to see it on its own terms, with its peculiar problems of governance and state-building. At the same time, this emphasis on enforcement may also be a useful prod to a Civil Rights Movement literature that at times emphasizes grassroots mobilizing and high legal pronouncements, that celebrates Brown over the 101<sup>st</sup> Airborne (and nationalized Arkansas National Guard) that cleared the streets and opened the doors in Little Rock. While it is understandable that we might wish to elide the role of force in making rights, and to see the limitations of the past in ideological or cultural terms, we will not be able to make sense of the gains and limits of emancipation and Reconstruction until we wrestle with the painful, contradictory, but compelling interrelationship between freedom and coercion.<sup>43</sup>

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<sup>43</sup> The great triumph of Reconstruction and for that matter United States historiography is Foner, *Reconstruction*. Despite Foner's unparalleled capacity to show the interaction of social, political, and economic history, the emphasis upon ideology reduced the Army to the margins once the book moves past Appomattox. Although the Army occasionally appears in the post-surrender sections, it takes a decided backseat to the much-smaller Freedmen's Bureau. This was a sharp turn from early Reconstruction history when virulently critical historians like Dunning School member Walter Fleming and journalist Claude Bowers used the Army's occupation as proof of the folly of Reconstruction in sections titled "The Military Occupation" or the "Army of Occupation." Where Fleming saw post-surrender occupation as tyrannical, revisionist 1960s scholars like John Hope Franklin and Kenneth Stampp called it non-existent. Although Richard Bense credited military rule for protecting the vote, the point was undermined by his search for "reasons" why "Reconstruction failed." Bowers, *The Tragic Era; the Revolution after Lincoln*; Fleming, *The Sequel of Appomattox*; Bense, *Yankee Leviathan*, 305, 379–88; Foner, *Reconstruction*.

**Image One:**

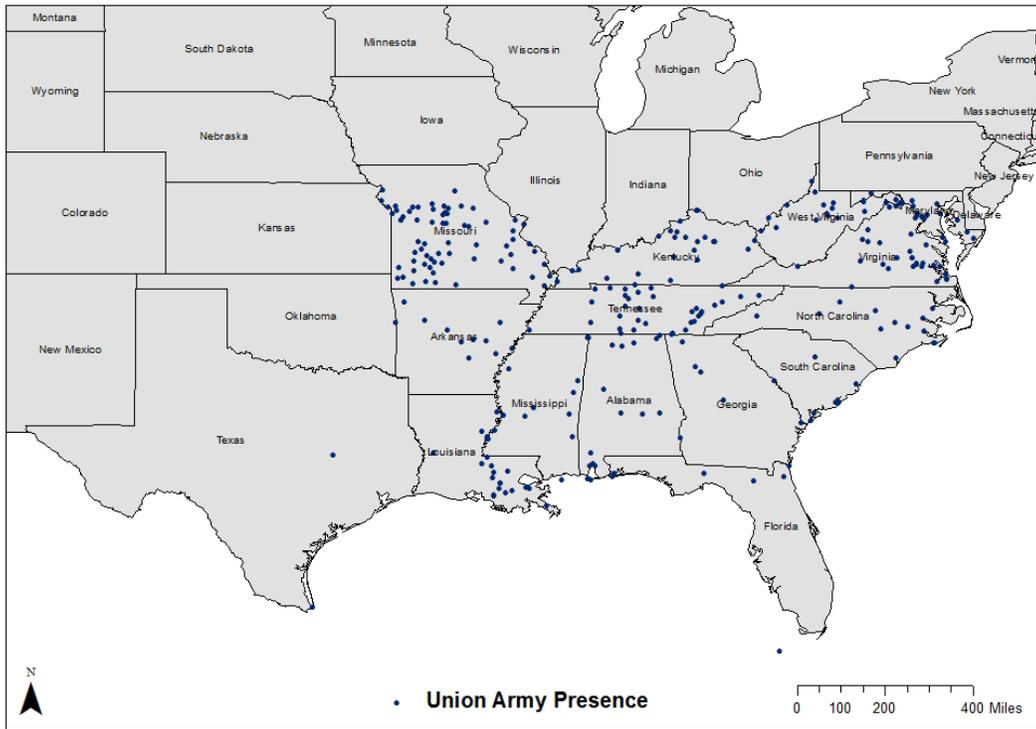
Louis Hughes, from Hughes, *Thirty Years a Slave*



# Downs/Practical Freedom

Map 1, U.S. Troop Outposts, U.S. South, Seasonal, March-April 1865

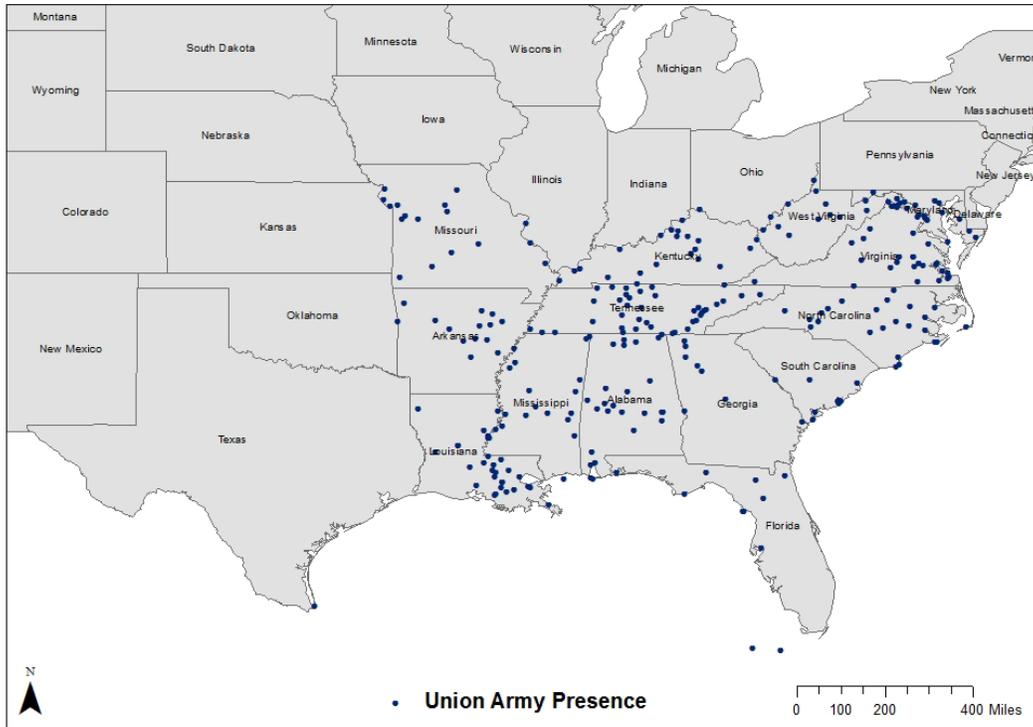
## United States Army Presence, March - April 1865



Downs/Practical Freedom

Map 2, U.S. Troop Presence, May 1865

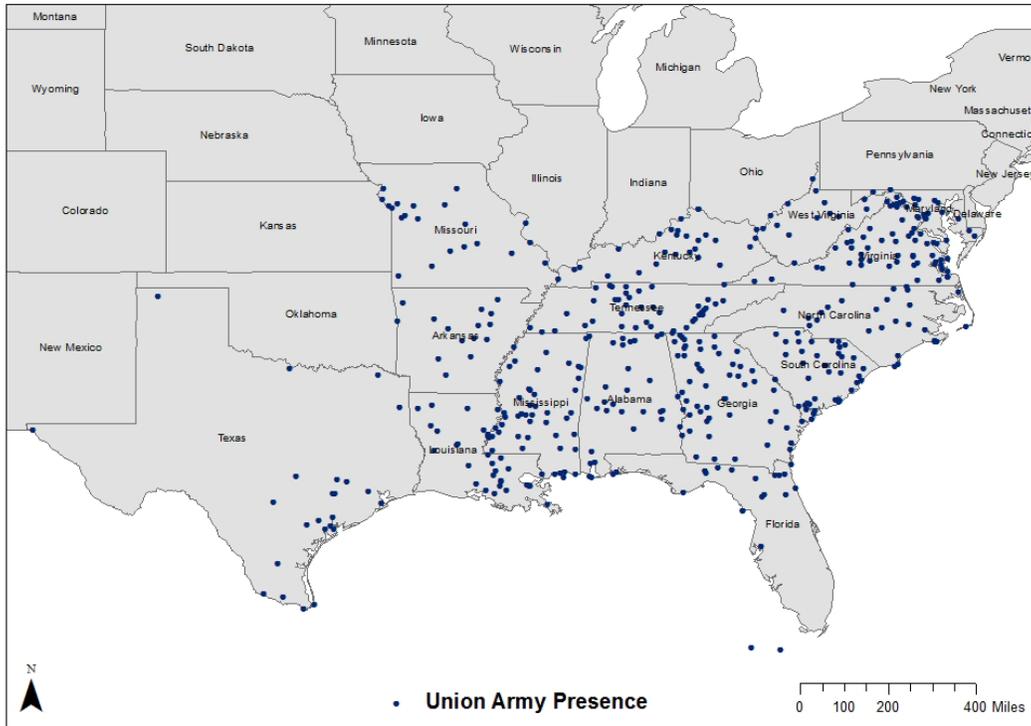
**United States Army Presence, May 1865**



Downs/Practical Freedom

Map 3, U.S. Troop Presence, Summer 1865 (June-August)

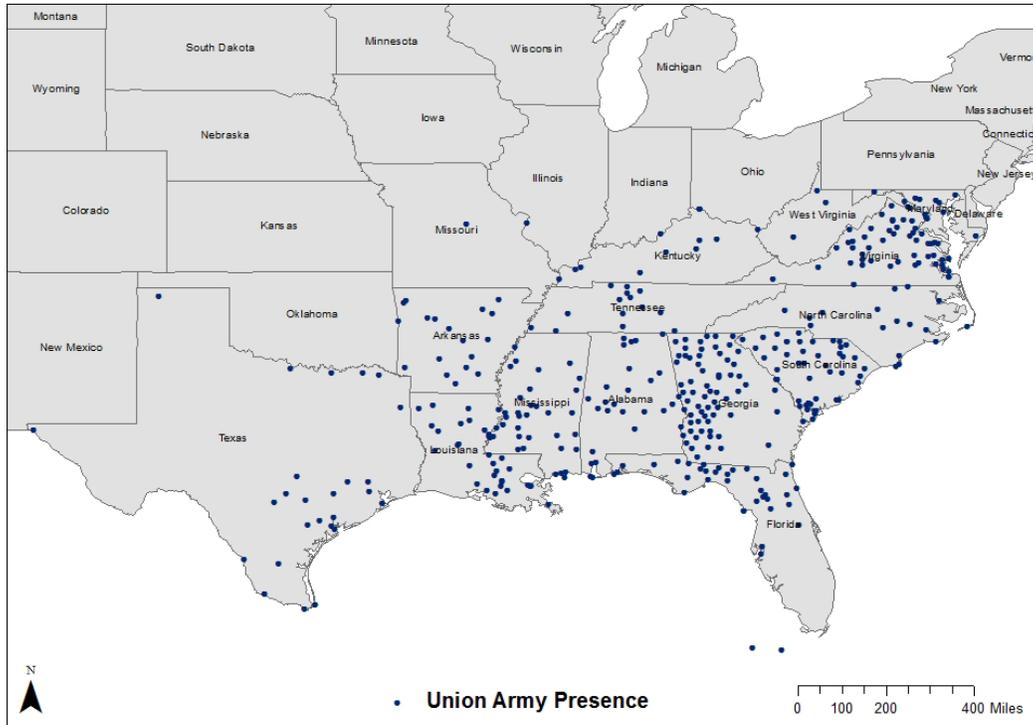
**United States Army Presence, June - August 1865**



**Map Four:**

U.S. Army Outposts, Fall 1865

**United States Army Presence, September - November 1865**



Downs/Practical Freedom

**Table One:**

Total Posts by Season, 1865

<b>Quarterly posts</b>				
	March/April 65	May 1865	Summer 65 (June- Aug)	Fall 65 (Sept-Nov)
North Carolina	13	25	26	17
South Carolina	8	8	42	47
Mississippi	12	18	50	36
Georgia	7	9	69	90
Alabama	17	26	30	25
Tennessee	35	40	40	13
Arkansas	12	17	18	19
Virginia	31	33	59	55
Louisiana	23	30	30	34
Florida	7	11	21	40
<b>Confed NO TEXAS</b>	165	217	385	376
Texas	2	1	24	27
<b>ALL CONFED W TEXAS</b>	167	218	409	403
Kentucky	25	22	28	12
<b>CONFED PLUS KY</b>	192	240	437	415