

II

Of the Dawn of Freedom

Careless seems the great Avenger;
History's lessons but record
One death-grapple in the darkness
'Twixt old systems and the Word;
Truth forever on the scaffold,
Wrong forever on the throne;
Yet that scaffold sways the future,
And behind the dim unknown
Standeth God within the shadow
Keeping watch above His own.

LOWELL.*



THE problem of the twentieth century is the problem of the color-line,*—the relation of the darker to the lighter races of men in Asia and Africa, in America and the islands of the sea. It was a phase of this problem that caused the Civil War; and however much they who marched South and North in 1861 may have fixed on the technical points of union and local autonomy as a shibboleth, all nevertheless knew, as we know, that the question of Negro slavery was the real cause of the conflict. Curious it was, too, how this deeper question ever forced itself to the surface despite effort and disclaimer. No sooner had Northern armies touched Southern soil than this old question, newly guised, sprang from the earth,—What shall be done with Negroes? Peremptory military commands, this way and that, could not answer the query; the Emancipation Proclamation

seemed but to broaden and intensify the difficulties; and the War Amendments* made the Negro problems of to-day.

It is the aim of this essay to study the period of history from 1861 to 1872 so far as it relates to the American Negro. In effect, this tale of the dawn of Freedom is an account of that government of men called the Freedmen's Bureau,*—one of the most singular and interesting of the attempts made by a great nation to grapple with vast problems of race and social condition.

The war has naught to do with slaves, cried Congress, the President, and the Nation; and yet no sooner had the armies, East and West, penetrated Virginia and Tennessee than fugitive slaves appeared within their lines. They came at night, when the flickering camp-fires shone like vast unsteady stars along the black horizon: old men and thin, with gray and tufted hair; women, with frightened eyes, dragging whimpering hungry children; men and girls, stalwart and gaunt,—a horde of starving vagabonds, homeless, helpless, and pitiable, in their dark distress. Two methods of treating these newcomers seemed equally logical to opposite sorts of minds. Ben Butler,* in Virginia, quickly declared slave property contraband of war, and put the fugitives to work; while Fremont,* in Missouri, declared the slaves free under martial law. Butler's action was approved, but Fremont's was hastily countermanded, and his successor, Halleck,* saw things differently. "Hereafter," he commanded, "no slaves should be allowed to come into your lines at all; if any come without your knowledge, when owners call for them deliver them." Such a policy was difficult to enforce; some of the black refugees declared themselves freemen, others showed that their masters had deserted them, and still others were captured with forts and plantations. Evidently, too, slaves were a source of strength to the Confederacy, and were being used as laborers and producers. "They constitute a military resource," wrote Secretary Cameron,* late in 1861; "and being such, that they should not be turned over to the enemy is too plain to discuss." So gradually the tone of the army chiefs changed; Congress forbade the rendition of fugitives, and Butler's "contrabands" were welcomed as military laborers. This complicated rather than solved the problem, for now the scattering fugitives became a steady stream, which flowed faster as the armies marched.

Then the long-headed man with care-chiselled face who sat in the

White House saw the inevitable, and emancipated the slaves of rebels on New Year's, 1863. A month later Congress called earnestly for the Negro soldiers whom the act of July, 1862, had half grudgingly allowed to enlist. Thus the barriers were levelled and the deed was done. The stream of fugitives swelled to a flood, and anxious army officers kept inquiring: "What must be done with slaves, arriving almost daily? Are we to find food and shelter for women and children?"

It was a Pierce of Boston* who pointed out the way, and thus became in a sense the founder of the Freedmen's Bureau. He was a firm friend of Secretary Chase; and when, in 1861, the care of slaves and abandoned lands devolved upon the Treasury officials, Pierce was specially detailed from the ranks to study the conditions. First, he cared for the refugees at Fortress Monroe; and then, after Sherman had captured Hilton Head, Pierce was sent there to found his Port Royal experiment* of making free workingmen out of slaves. Before his experiment was barely started, however, the problem of the fugitives had assumed such proportions that it was taken from the hands of the over-burdened Treasury Department and given to the army officials. Already centres of massed freedmen were forming at Fortress Monroe, Washington, New Orleans, Vicksburg and Corinth, Columbus, Ky., and Cairo, Ill., as well as at Port Royal. Army chaplains found here new and fruitful fields; "superintendents of contrabands" multiplied, and some attempt at systematic work was made by enlisting the able-bodied men and giving work to the others.

Then came the Freedmen's Aid societies, born of the touching appeals from Pierce and from these other centres of distress. There was the American Missionary Association, sprung from the *Amistad*,* and now full-grown for work; the various church organizations, the National Freedmen's Relief Association, the American Freedmen's Union, the Western Freedmen's Aid Commission,—in all fifty or more active organizations, which sent clothes, money, school-books, and teachers southward. All they did was needed, for the destitution of the freedmen was often reported as "too appalling for belief," and the situation was daily growing worse rather than better.

And daily, too, it seemed more plain that this was no ordinary matter of temporary relief, but a national crisis; for here loomed a labor problem of vast dimensions. Masses of Negroes stood idle, or,

if they worked spasmodically, were never sure of pay; and if perchance they received pay, squandered the new thing thoughtlessly. In these and other ways were camp-life and the new liberty demoralizing the freedmen. The broader economic organization thus clearly demanded sprang up here and there as accident and local conditions determined. Here it was that Pierce's Port Royal plan of leased plantations and guided workmen pointed out the rough way. In Washington the military governor, at the urgent appeal of the superintendent, opened confiscated estates to the cultivation of the fugitives, and there in the shadow of the dome gathered black farm villages. General Dix* gave over estates to the freedmen of Fortress Monroe, and so on, South and West. The government and benevolent societies furnished the means of cultivation, and the Negro turned again slowly to work. The systems of control, thus started, rapidly grew, here and there, into strange little governments, like that of General Banks* in Louisiana, with its ninety thousand black subjects, its fifty thousand guided laborers, and its annual budget of one hundred thousand dollars and more. It made out four thousand pay-rolls a year, registered all freedmen, inquired into grievances and redressed them, laid and collected taxes, and established a system of public schools. So, too, Colonel Eaton,* the superintendent of Tennessee and Arkansas, ruled over one hundred thousand freedmen, leased and cultivated seven thousand acres of cotton land, and fed ten thousand paupers a year. In South Carolina was General Saxton,* with his deep interest in black folk. He succeeded Pierce and the Treasury officials, and sold forfeited estates, leased abandoned plantations, encouraged schools, and received from Sherman, after that terribly picturesque march to the sea, thousands of the wretched camp followers.

Three characteristic things one might have seen in Sherman's raid through Georgia, which threw the new situation in shadowy relief: the Conqueror, the Conquered, and the Negro. Some see all significance in the grim front of the destroyer, and some in the bitter sufferers of the Lost Cause. But to me neither soldier nor fugitive speaks with so deep a meaning as that dark human cloud that clung like remorse on the rear of those swift columns, swelling at times to half their size, almost engulfing and choking them. In vain were they ordered back, in vain were bridges hewn from beneath their feet; on they trudged and writhed and surged, until they rolled

into Savannah, a starved and naked horde of tens of thousands. There too came the characteristic military remedy: "The islands from Charleston south, the abandoned rice-fields along the rivers for thirty miles back from the sea, and the country bordering the St. John's River, Florida, are reserved and set apart for the settlement of Negroes now made free by act of war." So read the celebrated "Field-order Number Fifteen."*

All these experiments, orders, and systems were bound to attract and perplex the government and the nation. Directly after the Emancipation Proclamation, Representative Eliot had introduced a bill creating a Bureau of Emancipation; but it was never reported. The following June a committee of inquiry, appointed by the Secretary of War, reported in favor of a temporary bureau for the "improvement, protection, and employment of refugee freedmen," on much the same lines as were afterwards followed. Petitions came in to President Lincoln from distinguished citizens and organizations, strongly urging a comprehensive and unified plan of dealing with the freedmen, under a bureau which should be "charged with the study of plans and execution of measures for easily guiding, and in every way judiciously and humanely aiding, the passage of our emancipated and yet to be emancipated blacks from the old condition of forced labor to their new state of voluntary industry."

Some half-hearted steps were taken to accomplish this, in part, by putting the whole matter again in charge of the special Treasury agents. Laws of 1863 and 1864 directed them to take charge of and lease abandoned lands for periods not exceeding twelve months, and to "provide in such leases, or otherwise, for the employment and general welfare" of the freedmen. Most of the army officers greeted this as a welcome relief from perplexing "Negro affairs," and Secretary Fessenden, July 29, 1864, issued an excellent system of regulations, which were afterward closely followed by General Howard.* Under Treasury agents, large quantities of land were leased in the Mississippi Valley, and many Negroes were employed; but in August, 1864, the new regulations were suspended for reasons of "public policy," and the army was again in control.

Meanwhile Congress had turned its attention to the subject; and in March the House passed a bill by a majority of two establishing a Bureau for Freedmen in the War Department. Charles Sumner, who had charge of the bill in the Senate, argued that freedmen and

abandoned lands ought to be under the same department, and reported a substitute for the House bill attaching the Bureau to the Treasury Department. This bill passed, but too late for action by the House. The debates wandered over the whole policy of the administration and the general question of slavery, without touching very closely the specific merits of the measure in hand. Then the national election took place; and the administration, with a vote of renewed confidence from the country, addressed itself to the matter more seriously. A conference between the two branches of Congress agreed upon a carefully drawn measure which contained the chief provisions of Sumner's bill, but made the proposed organization a department independent of both the War and the Treasury officials. The bill was conservative, giving the new department "general superintendence of all freedmen." Its purpose was to "establish regulations" for them, protect them, lease them lands, adjust their wages, and appear in civil and military courts as their "next friend." There were many limitations attached to the powers thus granted, and the organization was made permanent. Nevertheless, the Senate defeated the bill, and a new conference committee was appointed. This committee reported a new bill, February 28, which was whirled through just as the session closed, and became the act of 1865 establishing in the War Department a "Bureau of Refugees, Freedmen, and Abandoned Lands."

This last compromise was a hasty bit of legislation, vague and uncertain in outline. A Bureau was created, "to continue during the present War of Rebellion, and for one year thereafter," to which was given "the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen," under "such rules and regulations as may be presented by the head of the Bureau and approved by the President." A Commissioner, appointed by the President and Senate, was to control the Bureau, with an office force not exceeding ten clerks. The President might also appoint assistant commissioners in the seceded States, and to all these offices military officials might be detailed at regular pay. The Secretary of War could issue rations, clothing, and fuel to the destitute, and all abandoned property was placed in the hands of the Bureau for eventual lease and sale to ex-slaves in forty-acre parcels.

Thus did the United States government definitely assume charge of the emancipated Negro as the ward of the nation. It was a

tremendous undertaking. Here at a stroke of the pen was erected a government of millions of men,—and not ordinary men either, but black men emasculated by a peculiarly complete system of slavery, centuries old; and now, suddenly, violently, they come into a new birthright, at a time of war and passion, in the midst of the stricken and embittered population of their former masters. Any man might well have hesitated to assume charge of such a work, with vast responsibilities, indefinite powers, and limited resources. Probably no one but a soldier would have answered such a call promptly; and, indeed, no one but a soldier could be called, for Congress had appropriated no money for salaries and expenses.

Less than a month after the weary Emancipator passed to his rest, his successor assigned Major-Gen. Oliver O. Howard to duty as Commissioner of the new Bureau. He was a Maine man, then only thirty-five years of age. He had marched with Sherman to the sea, had fought well at Gettysburg, and but the year before had been assigned to the command of the Department of Tennessee. An honest man, with too much faith in human nature, little aptitude for business and intricate detail, he had had large opportunity of becoming acquainted at first hand with much of the work before him. And of that work it has been truly said that “no approximately correct history of civilization can ever be written which does not throw out in bold relief, as one of the great landmarks of political and social progress, the organization and administration of the Freedmen’s Bureau.”

On May 12, 1865, Howard was appointed; and he assumed the duties of his office promptly on the 15th, and began examining the field of work. A curious mess he looked upon: little despotisms, communistic experiments, slavery, peonage, business speculations, organized charity, unorganized almsgiving,—all reeling on under the guise of helping the freedmen, and all enshrined in the smoke and blood of war and the cursing and silence of angry men. On May 19 the new government—for a government it really was—issued its constitution; commissioners were to be appointed in each of the seceded States, who were to take charge of “all subjects relating to refugees and freedmen,” and all relief and rations were to be given by their consent alone. The Bureau invited continued coöperation with benevolent societies, and declared: “It will be the object of all commissioners to introduce practicable systems of compensated

labor," and to establish schools. Forthwith nine assistant commissioners were appointed. They were to hasten to their fields of work; seek gradually to close relief establishments, and make the destitute self-supporting; act as courts of law where there were no courts, or where Negroes were not recognized in them as free; establish the institution of marriage among ex-slaves, and keep records; see that freedmen were free to choose their employers, and help in making fair contracts for them; and finally, the circular said: "Simple good faith, for which we hope on all hands for those concerned in the passing away of slavery, will especially relieve the assistant commissioners in the discharge of their duties toward the freedmen, as well as promote the general welfare."

No sooner was the work thus started, and the general system and local organization in some measure begun, than two grave difficulties appeared which changed largely the theory and outcome of Bureau work. First, there were the abandoned lands of the South. It had long been the more or less definitely expressed theory of the North that all the chief problems of Emancipation might be settled by establishing the slaves on the forfeited lands of their masters,—a sort of poetic justice, said some. But this poetry done into solemn prose meant either wholesale confiscation of private property in the South, or vast appropriations. Now Congress had not appropriated a cent, and no sooner did the proclamations of general amnesty appear than the eight hundred thousand acres of abandoned lands in the hands of the Freedmen's Bureau melted quickly away. The second difficulty lay in perfecting the local organization of the Bureau throughout the wide field of work. Making a new machine and sending out officials of duly ascertained fitness for a great work of social reform is no child's task; but this task was even harder, for a new central organization had to be fitted on a heterogeneous and confused but already existing system of relief and control of ex-slaves; and the agents available for this work must be sought for in an army still busy with war operations,—men in the very nature of the case ill fitted for delicate social work,—or among the questionable camp followers of an invading host. Thus, after a year's work, vigorously as it was pushed, the problem looked even more difficult to grasp and solve than at the beginning. Nevertheless, three things that year's work did, well worth the doing: it relieved a vast amount of physical suffering; it transported seven thousand fugitives from congested

centres back to the farm; and, best of all, it inaugurated the crusade of the New England school-ma'am.*

The annals of this Ninth Crusade are yet to be written,—the tale of a mission that seemed to our age far more quixotic than the quest of St. Louis seemed to his.* Behind the mists of ruin and rapine waved the calico dresses of women who dared, and after the hoarse mouthings of the field guns rang the rhythm of the alphabet. Rich and poor they were, serious and curious. Bereaved now of a father, now of a brother, now of more than these, they came seeking a life work in planting New England schoolhouses among the white and black of the South. They did their work well. In that first year they taught one hundred thousand souls, and more.

Evidently, Congress must soon legislate again on the hastily organized Bureau, which had so quickly grown into wide significance and vast possibilities. An institution such as that was well-nigh as difficult to end as to begin. Early in 1866 Congress took up the matter, when Senator Trumbull, of Illinois, introduced a bill to extend the Bureau and enlarge its powers. This measure received, at the hands of Congress, far more thorough discussion and attention than its predecessor. The war cloud had thinned enough to allow a clearer conception of the work of Emancipation. The champions of the bill argued that the strengthening of the Freedmen's Bureau was still a military necessity; that it was needed for the proper carrying out of the Thirteenth Amendment, and was a work of sheer justice to the ex-slave, at a trifling cost to the government. The opponents of the measure declared that the war was over, and the necessity for war measures past; that the Bureau, by reason of its extraordinary powers, was clearly unconstitutional in time of peace, and was destined to irritate the South and pauperize the freedmen, at a final cost of possibly hundreds of millions. These two arguments were unanswered, and indeed unanswerable: the one that the extraordinary powers of the Bureau threatened the civil rights of all citizens; and the other that the government must have power to do what manifestly must be done, and that present abandonment of the freedmen meant their practical re-enslavement. The bill which finally passed enlarged and made permanent the Freedmen's Bureau. It was promptly vetoed by President Johnson as "unconstitutional," "unnecessary," and "extrajudicial," and failed of passage over the veto. Meantime, however, the breach between Congress and the

President began to broaden, and a modified form of the lost bill was finally passed over the President's second veto, July 16.

The act of 1866 gave the Freedmen's Bureau its final form,—the form by which it will be known to posterity and judged of men. It extended the existence of the Bureau to July, 1868; it authorized additional assistant commissioners, the retention of army officers mustered out of regular service, the sale of certain forfeited lands to freedmen on nominal terms, the sale of Confederate public property for Negro schools, and a wider field of judicial interpretation and cognizance. The government of the unreconstructed South was thus put very largely in the hands of the Freedmen's Bureau, especially as in many cases the departmental military commander was now made also assistant commissioner. It was thus that the Freedmen's Bureau became a full-fledged government of men. It made laws, executed them and interpreted them; it laid and collected taxes, defined and punished crime, maintained and used military force, and dictated such measures as it thought necessary and proper for the accomplishment of its varied ends. Naturally, all these powers were not exercised continuously nor to their fullest extent; and yet, as General Howard has said, "scarcely any subject that has to be legislated upon in civil society failed, at one time or another, to demand the action of this singular Bureau."

To understand and criticise intelligently so vast a work, one must not forget an instant the drift of things in the later sixties. Lee had surrendered, Lincoln was dead, and Johnson and Congress were at loggerheads; the Thirteenth Amendment was adopted, the Fourteenth pending, and the Fifteenth declared in force in 1870. Guerrilla raiding, the ever-present flickering after-flame of war, was spending its force against the Negroes, and all the Southern land was awakening as from some wild dream to poverty and social revolution. In a time of perfect calm, amid willing neighbors and streaming wealth, the social uplifting of four million slaves to an assured and self-sustaining place in the body politic and economic would have been a herculean task; but when to the inherent difficulties of so delicate and nice a social operation were added the spite and hate of conflict, the hell of war; when suspicion and cruelty were rife, and gaunt Hunger wept beside Bereavement,—in such a case, the work of any instrument of social regeneration was in large part foredoomed to failure. The very name of the Bureau stood for a thing in

the South which for two centuries and better men had refused even to argue,—that life amid free Negroes was simply unthinkable, the maddest of experiments.

The agents that the Bureau could command varied all the way from unselfish philanthropists to narrow-minded busy-bodies and thieves; and even though it be true that the average was far better than the worst, it was the occasional fly that helped spoil the ointment.

Then amid all crouched the freed slave, bewildered between friend and foe. He had emerged from slavery,—not the worst slavery in the world, not a slavery that made all life unbearable, rather a slavery that had here and there something of kindness, fidelity, and happiness,—but withal slavery, which, so far as human aspiration and desert were concerned, classed the black man and the ox together. And the Negro knew full well that, whatever their deeper convictions may have been, Southern men had fought with desperate energy to perpetuate this slavery under which the black masses, with half-articulate thought, had writhed and shivered. They welcomed freedom with a cry. They shrank from the master who still strove for their chains; they fled to the friends that had freed them, even though those friends stood ready to use them as a club for driving the recalcitrant South back into loyalty. So the cleft between the white and black South grew. Idle to say it never should have been; it was as inevitable as its results were pitiable. Curiously incongruous elements were left arrayed against each other,—the North, the government, the carpet-bagger, and the slave, here; and there, all the South that was white, whether gentleman or vagabond, honest man or rascal, lawless murderer or martyr to duty.

Thus it is doubly difficult to write of this period calmly, so intense was the feeling, so mighty the human passions that swayed and blinded men. Amid it all, two figures ever stand to typify that day to coming ages,—the one, a gray-haired gentleman, whose fathers had quit themselves like men, whose sons lay in nameless graves; who bowed to the evil of slavery because its abolition threatened untold ill to all; who stood at last, in the evening of life, a blighted, ruined form, with hate in his eyes;—and the other, a form hovering dark and mother-like, her awful face black with the mists of centuries, had aforetime quailed at that white master's command, had bent in love over the cradles of his sons and daughters, and closed in death the

sunken eyes of his wife,—aye, too, at his behest had laid herself low to his lust, and borne a tawny man-child to the world, only to see her dark boy's limbs scattered to the winds by midnight marauders riding after "cursed Niggers." These were the saddest sights of that woful day; and no man clasped the hands of these two passing figures of the present-past; but, hating, they went to their long home, and, hating, their children's children live to-day.

Here, then, was the field of work for the Freedmen's Bureau; and since, with some hesitation, it was continued by the act of 1868 until 1869, let us look upon four years of its work as a whole. There were, in 1868, nine hundred Bureau officials scattered from Washington to Texas, ruling, directly and indirectly, many millions of men. The deeds of these rulers fall mainly under seven heads: the relief of physical suffering, the overseeing of the beginnings of free labor, the buying and selling of land, the establishment of schools, the paying of bounties, the administration of justice, and the financiering of all these activities.

Up to June, 1869, over half a million patients had been treated by Bureau physicians and surgeons, and sixty hospitals and asylums had been in operation. In fifty months twenty-one million free rations were distributed at a cost of over four million dollars. Next came the difficult question of labor. First, thirty thousand black men were transported from the refuges and relief stations back to the farms, back to the critical trial of a new way of working. Plain instructions went out from Washington: the laborers must be free to choose their employers, no fixed rate of wages was prescribed, and there was to be no peonage or forced labor. So far, so good; but where local agents differed *toto caelo** in capacity and character, where the *personnel* was continually changing, the outcome was necessarily varied. The largest element of success lay in the fact that the majority of the freedmen were willing, even eager, to work. So labor contracts were written,—fifty thousand in a single State,—laborers advised, wages guaranteed, and employers supplied. In truth, the organization became a vast labor bureau,—not perfect, indeed, notably defective here and there, but on the whole successful beyond the dreams of thoughtful men. The two great obstacles which confronted the officials were the tyrant and the idler,—the slaveholder who was determined to perpetuate slavery under another name; and the freedman who regarded freedom as perpetual rest,—the Devil and the Deep Sea.

In the work of establishing the Negroes as peasant proprietors, the Bureau was from the first handicapped and at last absolutely checked. Something was done, and larger things were planned; abandoned lands were leased so long as they remained in the hands of the Bureau, and a total revenue of nearly half a million dollars derived from black tenants. Some other lands to which the nation had gained title were sold on easy terms, and public lands were opened for settlement to the very few freedmen who had tools and capital. But the vision of "forty acres and a mule"—the righteous and reasonable ambition to become a landholder, which the nation had all but categorically promised the freedmen—was destined in most cases to bitter disappointment. And those men of marvellous hindsight who are to-day seeking to preach the Negro back to the present peonage of the soil know well, or ought to know, that the opportunity of binding the Negro peasant willingly to the soil was lost on that day when the Commissioner of the Freedmen's Bureau had to go to South Carolina and tell the weeping freedmen, after their years of toil, that their land was not theirs, that there was a mistake—somewhere. If by 1874 the Georgia Negro alone owned three hundred and fifty thousand acres of land, it was by grace of his thrift rather than by bounty of the government.

The greatest success of the Freedmen's Bureau lay in the planting of the free school among Negroes, and the idea of free elementary education among all classes in the South. It not only called the schoolmistresses through the benevolent agencies and built them schoolhouses, but it helped discover and support such apostles of human culture as Edmund Ware, Samuel Armstrong, and Erastus Cravath.* The opposition to Negro education in the South was at first bitter, and showed itself in ashes, insult, and blood; for the South believed an educated Negro to be a dangerous Negro. And the South was not wholly wrong; for education among all kinds of men always has had, and always will have, an element of danger and revolution, of dissatisfaction and discontent. Nevertheless, men strive to know. Perhaps some inkling of this paradox, even in the unquiet days of the Bureau, helped the bayonets allay an opposition to human training which still to-day lies smouldering in the South, but not flaming. Fisk, Atlanta, Howard, and Hampton* were founded in these days, and six million dollars were expended for educational work, seven hundred and fifty thousand dollars of which the freedmen themselves gave of their poverty.

Such contributions, together with the buying of land and various other enterprises, showed that the ex-slave was handling some free capital already. The chief initial source of this was labor in the army, and his pay and bounty as a soldier. Payments to Negro soldiers were at first complicated by the ignorance of the recipients, and the fact that the quotas of colored regiments from Northern States were largely filled by recruits from the South, unknown to their fellow soldiers. Consequently, payments were accompanied by such frauds that Congress, by joint resolution in 1867, put the whole matter in the hands of the Freedmen's Bureau. In two years six million dollars was thus distributed to five thousand claimants, and in the end the sum exceeded eight million dollars. Even in this system fraud was frequent; but still the work put needed capital in the hands of practical paupers, and some, at least, was well spent.

The most perplexing and least successful part of the Bureau's work lay in the exercise of its judicial functions. The regular Bureau court consisted of one representative of the employer, one of the Negro, and one of the Bureau. If the Bureau could have maintained a perfectly judicial attitude, this arrangement would have been ideal, and must in time have gained confidence; but the nature of its other activities and the character of its *personnel* prejudiced the Bureau in favor of the black litigants, and led without doubt to much injustice and annoyance. On the other hand, to leave the Negro in the hands of Southern courts was impossible. In a distracted land where slavery had hardly fallen, to keep the strong from wanton abuse of the weak, and the weak from gloating insolently over the half-shorn strength of the strong, was a thankless, hopeless task. The former masters of the land were peremptorily ordered about, seized, and imprisoned, and punished over and again, with scant courtesy from army officers. The former slaves were intimidated, beaten, raped, and butchered by angry and revengeful men. Bureau courts tended to become centres simply for punishing whites, while the regular civil courts tended to become solely institutions for perpetuating the slavery of blacks. Almost every law and method ingenuity could devise was employed by the legislatures to reduce the Negroes to serfdom,—to make them the slaves of the State, if not of individual owners; while the Bureau officials too often were found striving to put the "bottom rail on top," and give the freedmen a power and independence which they could not yet use. It is all well enough for

us of another generation to wax wise with advice to those who bore the burden in the heat of the day. It is full easy now to see that the man who lost home, fortune, and family at a stroke, and saw his land ruled by "mules and niggers," was really benefited by the passing of slavery. It is not difficult now to say to the young freedman, cheated and cuffed about, who has seen his father's head beaten to a jelly and his own mother namelessly assaulted, that the meek shall inherit the earth. Above all, nothing is more convenient than to heap on the Freedmen's Bureau all the evils of that evil day, and damn it utterly for every mistake and blunder that was made.

All this is easy, but it is neither sensible nor just. Some one had blundered, but that was long before Oliver Howard was born; there was criminal aggression and heedless neglect, but without some system of control there would have been far more than there was. Had that control been from within, the Negro would have been reenslaved, to all intents and purposes. Coming as the control did from without, perfect men and methods would have bettered all things; and even with imperfect agents and questionable methods, the work accomplished was not undeserving of commendation.

Such was the dawn of Freedom; such was the work of the Freedmen's Bureau, which, summed up in brief, may be epitomized thus: For some fifteen million dollars, beside the sums spent before 1865, and the dole of benevolent societies, this Bureau set going a system of free labor, established a beginning of peasant proprietorship, secured the recognition of black freedmen before courts of law, and founded the free common school in the South. On the other hand, it failed to begin the establishment of good-will between ex-masters and freedmen, to guard its work wholly from paternalistic methods which discouraged self-reliance, and to carry out to any considerable extent its implied promises to furnish the freedmen with land. Its successes were the result of hard work, supplemented by the aid of philanthropists and the eager striving of black men. Its failures were the result of bad local agents, the inherent difficulties of the work, and national neglect.

Such an institution, from its wide powers, great responsibilities, large control of moneys, and generally conspicuous position, was naturally open to repeated and bitter attack. It sustained a searching Congressional investigation at the instance of Fernando Wood in 1870. Its archives and few remaining functions were with blunt

discourtesy transferred from Howard's control, in his absence, to the supervision of Secretary of War Belknap in 1872, on the Secretary's recommendation. Finally, in consequence of grave intimations of wrong-doing made by the Secretary and his subordinates, General Howard was court-martialed in 1874. In both of these trials the Commissioner of the Freedmen's Bureau was officially exonerated from any wilful misdoing, and his work commended. Nevertheless, many unpleasant things were brought to light,—the methods of transacting the business of the Bureau were faulty; several cases of defalcation were proved, and other frauds strongly suspected; there were some business transactions which savored of dangerous speculation, if not dishonesty; and around it all lay the smirch of the Freedmen's Bank.

Morally and practically, the Freedmen's Bank was part of the Freedmen's Bureau, although it had no legal connection with it. With the prestige of the government back of it, and a directing board of unusual respectability and national reputation, this banking institution had made a remarkable start in the development of that thrift among black folk which slavery had kept them from knowing. Then in one sad day came the crash,—all the hard-earned dollars of the freedmen disappeared; but that was the least of the loss,—all the faith in saving went too, and much of the faith in men; and that was a loss that a Nation which to-day sneers at Negro shiftlessness has never yet made good. Not even ten additional years of slavery could have done so much to throttle the thrift of the freedmen as the mismanagement and bankruptcy of the series of savings banks chartered by the Nation for their especial aid. Where all the blame should rest, it is hard to say; whether the Bureau and the Bank died chiefly by reason of the blows of its selfish friends or the dark machinations of its foes, perhaps even time will never reveal, for here lies unwritten history.

Of the foes without the Bureau, the bitterest were those who attacked not so much its conduct or policy under the law as the necessity for any such institution at all. Such attacks came primarily from the Border States and the South; and they were summed up by Senator Davis, of Kentucky, when he moved to entitle the act of 1866 a bill "to promote strife and conflict between the white and black races . . . by a grant of unconstitutional power." The argument gathered tremendous strength South and North; but its very

strength was its weakness. For, argued the plain common-sense of the nation, if it is unconstitutional, unpractical, and futile for the nation to stand guardian over its helpless wards, then there is left but one alternative,—to make those wards their own guardians by arming them with the ballot. Moreover, the path of the practical politician pointed the same way; for, argued this opportunist, if we cannot peacefully reconstruct the South with white votes, we certainly can with black votes. So justice and force joined hands.

The alternative thus offered the nation was not between full and restricted Negro suffrage; else every sensible man, black and white, would easily have chosen the latter. It was rather a choice between suffrage and slavery, after endless blood and gold had flowed to sweep human bondage away. Not a single Southern legislature stood ready to admit a Negro, under any conditions, to the polls; not a single Southern legislature believed free Negro labor was possible without a system of restrictions that took all its freedom away; there was scarcely a white man in the South who did not honestly regard Emancipation as a crime, and its practical nullification as a duty. In such a situation, the granting of the ballot to the black man was a necessity, the very least a guilty nation could grant a wronged race, and the only method of compelling the South to accept the results of the war. Thus Negro suffrage ended a civil war by beginning a race feud. And some felt gratitude toward the race thus sacrificed in its swaddling clothes on the altar of national integrity; and some felt and feel only indifference and contempt.

Had political exigencies been less pressing, the opposition to government guardianship of Negroes less bitter, and the attachment to the slave system less strong, the social seer can well imagine a far better policy,—a permanent Freedmen's Bureau, with a national system of Negro schools; a carefully supervised employment and labor office; a system of impartial protection before the regular courts; and such institutions for social betterment as savings-banks, land and building associations, and social settlements. All this vast expenditure of money and brains might have formed a great school of prospective citizenship, and solved in a way we have not yet solved the most perplexing and persistent of the Negro problems.

That such an institution was unthinkable in 1870 was due in part to certain acts of the Freedmen's Bureau itself. It came to regard its work as merely temporary, and Negro suffrage as a final answer to all

present perplexities. The political ambition of many of its agents and *protégés* led it far afield into questionable activities, until the South, nursing its own deep prejudices, came easily to ignore all the good deeds of the Bureau and hate its very name with perfect hatred. So the Freedmen's Bureau died, and its child was the Fifteenth Amendment.

The passing of a great human institution before its work is done, like the untimely passing of a single soul, but leaves a legacy of striving for other men. The legacy of the Freedmen's Bureau is the heavy heritage of this generation. To-day, when new and vaster problems are destined to strain every fibre of the national mind and soul, would it not be well to count this legacy honestly and carefully? For this much all men know: despite compromise, war, and struggle, the Negro is not free. In the backwoods of the Gulf States, for miles and miles, he may not leave the plantation of his birth; in well-nigh the whole rural South the black farmers are peons, bound by law and custom to an economic slavery, from which the only escape is death or the penitentiary. In the most cultured sections and cities of the South the Negroes are a segregated servile caste, with restricted rights and privileges. Before the courts, both in law and custom, they stand on a different and peculiar basis. Taxation without representation is the rule of their political life. And the result of all this is, and in nature must have been, lawlessness and crime. That is the large legacy of the Freedmen's Bureau, the work it did not do because it could not.

* * *

I have seen a land right merry with the sun, where children sing, and rolling hills lie like passioned women wanton with harvest. And there in the King's Highway* sat and sits a figure veiled and bowed, by which the traveller's footsteps hasten as they go. On the tainted air broods fear. Three centuries' thought has been the raising and unveiling of that bowed human heart, and now behold a century new for the duty and the deed. The problem of the Twentieth Century is the problem of the color-line.