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The Forty Acres Documents: An Introduction

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The Forty Acres Documents

What Did The United States Really Promise The People Freed From Slavery?

DOCUMENTS BY

William Tecumseh Sherman, General

Edwin M. Stanton, Secretary of War

Andrew Johnson, United States President

Henry Adams, Committee Leader

Introduction By
Amilcar Shabazz

Ten Dollars, USA

THE END OF CHATTEL SLAVERY

In the census of 1860, enslaved Afrikans in the U.S. numbered 3,953,760 out of which 97.1 percent lived and labored in the south. The small percentage of Blacks outside of the southern states were mostly in Missouri (114,931), but 29 were in Utah, 18 in New Jersey, 15 in Nebraska, and two in Kansas. The states with the largest number of Blacks included Virginia, followed by Georgia, Mississippi, Alabama, South Carolina, Louisiana, and North Carolina. As for free Blacks, this group numbered 488,070, with about 53 percent residing in the southern states. Close to three-fourths of the free Blacks living outside the south lived in Pennsylvania, New York, New Jersey, Ohio, and Indiana. And with the white population at 26,922,537, Africans were outnumbered sis to one (Negro Population in the United States, 44, 51, 55, 57) This basic demographic profile of the Civil War clearly marks the African population in the U.S. as a land-based organized people.

To speak of these 4.4 million Blacks as a nation is a very difficult problem if the meaning of the term and the history of this group is properly valued. First, what is a nation? Imari Obadele, in his "Marco-Level Theory of Human Organization," explains that a nation comes about" by people, over decades, being welded together by access to a common gene pool, and by a common history, viewed from the same perspective and being identified with a definite land mass" (A Brief History of Black Struggle in America, 8) Obadele emphasizes that nations are forms of identity and socialization that arise from the social structure, not mere forms of false consciousness which ruling classes use to divide and conquer the working class. By 1860, it may be argued that four million-plus Afrikans had begun to evolve into a distinct nation inside the U.S. To further explore this very complex question the reader is encouraged to study the works cited at the end of this introduction, notably those by Dr. Obadele.

The chief idea advanced herein is that when the U.S. split apart in 1861, oppressed Blacks had national aspirations, or to use Obadele's subtle and appropriate term, they had a national personality, but, the historical context was not then ripe for them to try to forge themselves a state and press for their full national sovereignty. "Revolution or national liberation struggle," Amilcar Cabral states, "is like a dress which must be fit to each individual's body" (Return to the Source, 77). As Blacks heard and saw the rumble of war, they were hopeful and cautiously evaluated whether this was the moment to strike for their freedom. Long years of oppression bred a conservatism in Black folk. Not a reactionary, "family values," kind of conservatism, but a "watch your-back" and consider-all-aspects-of-a-situation demeanor. If ten times the number of white men had perished in the Civil War as did, perhaps then conditions would have suggested the possibility of launching an all out fight for a separate Black nation. This, however, was not the case, and freed people quickly assessed

that survival "by any means necessary" was still the order of the day. Throughout the war years, their fight for freedom largely remained a matter of taking inches rather than ells or miles.

In contrast to Black southerners' quiet accommodation of the plantation system for the three decades that followed Nat Turner's insurrection, the actions of enslaved and free Blacks during the war seem bold and heroic. But measured against the distance they needed to travel to be truly free and independent, Blacks were just getting deep into the political-military mix when white southerners and northerners ended their war. History, however, is never written in the subjunctive mood. Black people did the best they could, given the circumstances, to realize their national aspirations of a separate land, where they would rule themselves for themselves. The testimony of Brother Henry Adams before the U.S. Senate speaks to this reality. He enlisted in the armed forces of the U.S.A. because of the way "our people had been treated…the way our people was [sic] opposed." He was not concerned with the security of the United States nor was he worried about proving himself worthy of U.S. citizenship. Like many other Blacks who joined the army, Adams' foremost interest was the condition of his people. His "colonization council" took as its first step the petitioning of President Ulysses Grant and Congress "to help us out of our distress, or protect us in our rights and privileges." This was the age-old call to pharaoh to stop his oppression or else "let my people go." Adams' questioner had to ask: "You preferred to go off somewhere by yourselves?" Adams answered simply and clearly: "Yes." But where would they go?

Adams and his comrades wanted freedom: "Our idea was then to ask them to set apart a territory in the United States for us, somewhere we could go and live with our families." They did not wanted paper citizenship, the high ideas of the white founding fathers, nor any integration into a social order that would not accept, love, and deal with them on terms of equal rights and justice. They wanted a nation where they could be a part of a family of men and women, not social outcasts to be used and exploited for the betterment of another people's condition. Adams was not specific in where his council felt such a territory should be located. One is tempted to think they had no ideas about where their colony should be and would have taken anywhere, even Alaska, Oklahoma, or Arizona. We cannot say what specifically Adams felt about where a separated territory for his people should have been set up. We do, however, know something about how freedpeople viewed the land and land ownership. Ira Berlin, Thavolia Glymph, Steven Miller, Joseph, Leslie Rowland, and Julie Saville explain in the introduction to Freedom: A documentary of Emancipation, 1861-1867 the distinctive way Black folks claimed land:

Not even those Yankees most sympathetic with aspiration of the former slaves viewed landownership precisely as they did. Land, ex-slaves and Northerners concurred, could provide subsistence and foster independence from former owners. But their agreement usually ended. Former slaves, like many of their contemporaries throughout the world, generally did not view land as property in the abstract or as a commodity whose worth was determined by the market. Instead, they

valued it in proportion to labor expended and suffering endured. Given a choice, they preferred to own or occupy not just any plot of ground, but land where they and their forebears had invested so much blood and sweat. Land was a link to generations past and future and a foundation for family and community among the living.

Freedpeople, thus, could have claimed land across the Old South from East Texas and Louisiana eastward to Virginia. Did this mean they would have usurped the land native peoples of the area, like the Seminoles, Choctaw, Cherokee, Creek, and Chickasaw? It is unlikely they would have, since freedpeople did not fully subscribe to Northern concepts of absolute property. Instead, rights to particular tracts might bear little resemblance to the specifications of a deed. When left to their own devices, freedpeople often allowed for overlapping rights in any one property; conversely, an individual's use rights might encompass several parcels, not necessarily contiguous. Nonetheless, under terms of the Yankee occupation, freedpeople desiring to obtain control over land to comply with the incongruous conventions of the Northerners (Freedom,59).

This point underscores another issue. How did freedpeople feel about the U.S. government confiscating the land of the former rebels and turning it over to them? To be sure, many Afrikans might have harbored a vengeful spirit, but ultimately their analysis of the situation was more politically sophisticated and again, more cautious. How would they, a numerical minority (in the U.S. as a whole) without seed and plow of their own to work the land, defend their land against a hostile white mass? Without the presence and support of the U.S. military they would be defenseless. This was shaky ground on which to build a Black nation-state, unless there was significant international backing, as for example, was the case for Isreal after 1948. Today's Israelis gained their independence, expropriated Palestinian land, and defended themselves against their Arab neighbors only through massive foreign assistance (and reparations!) from the U.S. and Europe. Conversely, Afrikans at the middle of the nineteenth century had no powerful allies to help win the independence of their nation and confiscate the land of their ex-slaveholding, confederate enemy. For the sake of survival, an accommodation had to be made. Through the Civil War Blacks ended chattel slavery, but they did not fully free themselves.

Without Land, "What's de use of being free?"

Black reparations and the national aspirations of Afrikans in the U.S. were trapped in a crucible of race, political economy, and other social and cultural forces. John Boles, the author of Black Southerners, 1619-1860 (1994), explicates many of the complexities of the American crucible and synthesizes much of the relevant historical literature on the Black experience into a compelling narrative. On the Civil War and Reconstruction period, however, his discussion is uneven. For instance, he points out "the [B]lacks withdrew from their old churches; they were not initially excluded. Many whites tried to persuade the freedmen not to separate, both because whites feared losing still more control over them" and because they did not think Blacks were capable of proper Christian worshipping on their own. "But freedmen," writes Boles, "had chafed under white control – even well-intentioned white Paternalism – for too long. Black faith was strong, Black

leaders were able, and the Black need for self-direction and autonomy was manifest. Consequently southern churches became significantly more segregated after the Civil War, and the move away from joint worship was instigated by Blacks though separation was later applauded by whites" (Black Southerners, 202). Here, Boles is somewhat on target. He debunks older works that stressed how "happy darkies," the south's, "faithful retainers" were want to stay close to their beloved white folks.

On the question of what it would have meant if freedpeople in masse had gotten land, Boles is pessimistic and thoroughly reductive: "The wrenching economic conditions in the Postwar South were so severe that land ownership would probably not have made a substantial difference in the long run unless Blacks had opted for a peasant like existence outside the market-crop economy, (Black Southerners, 203). Whitelaw Reid, during his tour of the south, noted Black's desire for land in the moment of one elder: "What's de use of being free if you don't own land enough to be buried in? Might juss as well stay slave all yo, days" (After the War, 564). He and many other emancipated Afrikans knew better than Boles the difference landownership could make in their lives in both the short-and long-run. Their white contemporaries must have also had some reason for their reluctance- and sometimes their adamant refusal to allow Blacks to become more of a landowning class. Roger Ransom and Richard Sutch in **One Kind of Freedom: The Economic Consequences of Emancipation** make the case (along with other historians like Jonathan Wiener, Roger Shugg, Robert Higgs, and Jay Mandle) that the major difference in a pre- and post-emancipation plantation was the elimination of gang labor, not the concentration of control in a small elite of white landowners. The "planter elite," Ransom and Sutch contend, "preserved intact the social and political hegemony of the antebellum era. The reason, of course, that emancipation and the demise of the plantation did not destroy the planter class was that they retained firm control over the primary form o productive capital in the southern economy. Indeed, the only way the dominance of the planter class might have been ended would have been through a sweeping redistribution of land to the freedmen at the time of their emancipation" (One Kind (Freedom, 80).

Whether Blacks would have been a national minority of peasant cultivators if true agrarian reform had been carried out is impossible to determine. Too many economic and political variables would have to be held constant to make any statement at all. Even educated guesses must rely on a set of reasonable assumptions. What we do know is that freedpeople wanted land (which many felt was their due for the years of white coercion and theft of their labor power); they wanted that land in the very southern areas where they toiled, and, if protected from white predations and interference in their affairs, they would have been better off on their own land in comparison to sharecropping.

The federal government's "experiments" in land reform furnish case studies of freedpeople on their own land. From the early days of the war, especially off the coast of South Carolina and Georgia, and across the south, attempts were made to settle Blacks on abandoned or confiscated land. The U.S. army attracted thousands of Black refugees to their camps. These

Blacks were ignominiously referred to as "contrabands". Many of these self-emancipated Blacks were returned to their former slaveholders as a rule. "Honest Abe" Lincoln gave his word in his inaugural address on March 4, 1861: "I have no purpose, directly or indirectly, to interfere with the institution of slavery in the states where it exists. I believe I have no lawful right to do so, and I have no inclination to do so" (The Collected Works of Abraham Lincoln, hereafter CWAL, Vol. IV; 263). Military necessity and political wrangling in his party would change Lincoln' posture over time.

Some of the federal actions that concerned enslaved Blacks the most included: 1) Congress passed the Confiscation Act (August 6, 1861) warning slaveowners that they would lose their claim to the labor of any Blacks "employed in hostile service against the government" of the United States; 2) Lincoln ordered John C. Fremont (September 11, 1861 to modify his proclamation of August 30, in which he extended freedom to all Blacks enslaved by persons resisting the Union; 3) Secretary of War Simon Cameron gave limited authorization to General Thomas W. Sherman to "employ fugitive slaves in such (non-military) services as they may be fitted for" (October 1861) On November 7, 1861, the Yankee invasion of Port Royal Sound, a strategic position between Charleston, SC, and Savannah, GA, commenced one of the first wartime examples of virtual self-ruled by a community of persons who had been held as slaves; 5) March – April 1862, Lincoln signed an act ending the use of the army to return Black refugees to their "slaveowners," approved a gradual emancipation plan compensating loyal slaveholders for each Afrikan they emancipated, and abolished slaver in Washington, D.C. 6) May 19, 1962, Lincoln issued a proclamation revoking General David Hunter's May 9, order which declared persons "heretofore held as slaves" in Georgia, Florida, and South Carolina "forever free" (CWAL) Vol. V, 222), and he also disbanded Hunter's First South Carolina Regiment which was composed of Black troops; 7) June 19, 1862, Lincoln signed a measure outlawing slavery in the territories; 8) July 17, 1862, Congress passed a second Confiscation Art and the Enlistment Act which set up a discriminatory wage scale for Black and white Soldiers; 9) Autumn, 1862, Lincoln served notice (in his preliminary Emancipation Proclamation) that he would emancipate all persons held in bondage in those states at war with the U.S. government; he also gave Blacks permission to enlist in the army to a limited extent; 10) Lincoln signed the Emancipation Proclamation of January 1, 1863, declaring that "all persons held as slaves" within any rebellious state" are, and henceforward shall be free: and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons" (CWAL, Vol VI, 30-31).

These developments reveal the up and down, exigency-driven path along which the federal government came to oppose the institution of slavery. By the war's end the central issue for the U.S. government was "what to do with the negro?' Black troops, dramatically increasing their numbers after the Emancipation Proclamation, effected a fundamental alteration in the meaning of the sectional struggle. Participating in nearly every aspect of military service, 178,895 persons of Afrikan descent became Union soldiers, most of whom were southern-bred. With a 40 percent greater chance of being killed than

white soldiers, Black troops fought courageously. Upwards of 38,000 Blacks gave their lives in the great cause of ending slavery **(Black Southerners, 214).**

In the final year of the war, the U.S. government took its boldest initiatives on behalf of Black freedom and independence. Lincoln died toying with schemes to relocate the freedpeople outside of the U.S. – he had aborted his Chiriqui Plan to move Blacks to Panama after encountering opposition from several Latin American countries, but he then placed his hopes on appeasing northern whites with a pilot project to resettle 5,000 Black volunteers on Haiti's Isle of Vach **(With Malice Toward None, 338-9, 359).** Meanwhile, General W.T. Sherman issued his Special Field Order No. 15 (January 16, 1865) which offered military assistance to freedpeople who wanted land to "establish a peaceful agricultural settlement." Lincoln made no move to countermand this order. Indeed, Lincoln was probably beginning to see that removal programs were not the answer. Blacks were in the south and there to stay. On March 3, 1865, Congress approved the original Freedman's Bureau Act (see document below) he articulated the dominant white viewpoint that exists to the present: "A system for the support of indent persons in the United States was never contemplated by the authors of the Constitution: nor can any good reason be advanced why… it should be founded for one class or color of our people more than another." This is the white man's brain damage or historical amnesia at work. For them, a decade of unrequited toil is not a good enough reason why Black folks should get any reparations. The federal government has never given poor whites "who are honestly toiling from day to day for their subsistence" any land, schools, or hospitals, so why should poor Black folks get a break? Johnson's words should be studied in every history classroom in this country. Students should discuss and vigorously critique the assumptions that undergird his veto message of February 19, 1866.

The last effort at land reform was the Southern Homestead Act, passed on June 21, 1866. It reserved for freedpeople and loyal refugees nearly 45 million acres of publicly owned land in Arkansas, Mississippi, Louisiana, Alabama, and Florida. Qualified persons could obtain a parcel free of charge and had five years to work the land before having to pay a $5.00 fee. Although this was enough to grant every Black family forty acres, few ever became homesteaders under the measure. Not many freedpeople had the wherewithal to relocate, feed, clothe, and shelter themselves, purchase seed, tools, draft animals, and other supplies, while waiting for the first fruits of the harvest. Black soldiers who mustered out with a little capital and took advantage of the act received land of very poor quality for farming. This policy then, like the others, was a dismal failure (Shugg, 262)

The reasons for the government's tragic betrayal of the freedpeople are diverse and complex. Part of the explanation lies in the inadequacy of their allies in Washington, D.C. Thaddeus Stevens, the Pennsylvanian senator who made famous the call for each person formerly held as a slave to receive forty acres and a mule (namely, in September 6, 1865, speech in Lancaster, PA), showed some concern for Blacks, but was driven by a relentless desire to punish the south.

On biographer, Fawn Brodie, who dubbed Stevens a "Puritan tyrant" and the "scourge of the South," contends he might have done more good for Blacks had he put less emphasis on confiscation southern lands and concentrated his political capital on federal appropriation for them **(Thaddeus Stevens, 231-33, 238, 303-06)**. Regarding General Oliver Otis Howard, another important white figure in the postwar era, one historian concluded "that much of the work of General Howard in the Freedmen's Bureau served to preclude rather than promote Negro freedom" (Yankee Stepfather, 5). Andrew Johnson, who became president after Lincoln was assassinated on April 15, 1868, was a southern-born "poor white trash" turned pro-planter class after the war **(Thaddeus Stevens, 217-33)**. Others in the Republican party made efforts, but none of these men had the interests of Blacks uppermost on the political agenda. Outside the government as well as in, whites sincerely moved by the plight of the freedpeople were caught in a tangle of regional feelings, racial beliefs, gender issues, religious motives, clan ideas, and other factors that mediated their position and that of the "black other." Few whites found it possible to break through the barriers of time, place, and condition, to put themselves in the shoes of Black folk and do unto them as they should have wanted done unto themselves. The empathy just was not there.

Overwhelmed and outnumbered, Blacks could not pull together and liberate themselves any further than they had by the end of the 1860s. Lacking dependable allies, their fight shifted to a defensive posture, one of merely safeguarding the basic human rights and freedoms for which they shed blood. The vision of a land they could call their own and be free, where they could live in peace away from their open enemies, most Blacks had relegated to prayer, to song, to folklore, uncertainly passed on the their children. The heroic work of Tunis Campbell, Henry Adams and his Committee, Edwin McCabe, the exodusters, Chief Alfred Sam, and other movements up to the Honorable Marcus Garvey and the UNIA, these movements would periodically reveal that the vision of independent land had organizational potency. The spirit of a collective Black independence would remain a part of the souls of Black folk, however, primarily in a hidden, masked, locked away, vernacularized, and repressed form. That spirit, that "movin' thing" called Black self-love, self-respect, self-determination, would travel in the whirlwind and surface, from time to tome with greater or lesser intensity. But always the spirit of independence was carried on.

Struck by their heroism on the field of battle, many modern historians lament the fact that the freedpeople were not treated fairly and were insufficiently supported in their desire to be free and to elevate their condition in the postwar period. But lamentations are not what is needed most from professional students of history. People, Black and otherwise, need to be better informed about the upkept promises the U.S. government made to the freedpeople. Like the trail of broken treaties between the U.S. government and the native Red nations, the Black nation, too, has been stunted in its development and kept unfree by the political and economic elite that rule this country as well as by the long-ingrained, emotional commitment to ignorance that infects the masses of white Americans. If the U.S. government someday must face judgment before world opinion for its crimes against

indigenous people and nations inside its blood-marked borders, It must also pay for its crimes against people of Afrikan descent. As the House Bill on Black reparations, H.R. 40, observe: “Sufficient inquiry has not been made into the effects of the institution of slavery on living African Americans and society in the United States” (Reparations Yes!, 1993,94). It is hoped that the present volume will stimulate further investigation into the problem of slavery and the forgotten solution of land reparations.

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