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***“Freedmen not Freeman”:***  
**The Freedmen’s Bureau and Black Land Ownership**  
**in Arkansas**

Eric Johnson

AMST 4900: Senior Seminar

29 April 2022

**Abstract**

When slavery ended at the close of the Civil War, there was no universal answer for where former slaves were to live. The type and quality of freedom Black Southerners would experience during Reconstruction would be largely determined by where they lived. Many freedpeople and Republicans desired for widespread Black land ownership across the South. “Forty acres and a mule” was a common phrase that spread throughout the South and represented the hope that the United States government would ensure that all former slaves would be given land to own and live on.

The Freedmen’s Bureau, which was created under President Abraham Lincoln just a month before his assassination, was the federal agency that oversaw the prospect of Black land ownership most prominently and directly. While the agency operated throughout the former Confederacy, its operations in Arkansas have been uniquely overlooked as compared to its work in other states.

After operating in Arkansas from 1865-1868, the results from the Freedmen’s Bureau’s effort to secure widespread Black land ownership were mixed. In the conduct of the Freedmen’s Bureau concerning Black land ownership in Arkansas, there are three major developments to consider: President Andrew Johnson’s Amnesty Policy, the Southern Homestead Act of 1866, and the emergence of the sharecropping labor arrangement. In the end, most Black Arkansans did not obtain land ownership during this time period. However, there were limited successes as well, particularly due to the Southern Homestead Act.

In the story of the Freedmen’s Bureau and Black land ownership in Arkansas, one sees exactly how early ambitious plans for Reconstruction failed to actualize. The immediate consequence of this failure was continued discrimination and oppression of African Americans in Arkansas. This paper tells a brief, often overlooked part of this larger story.

## **Acknowledgements**

There are several individuals that need to be recognized for their contributions do this paper. First of all, the opportunity to complete a project such as this would not have been possible if not for the leadership and guidance of Dr. James Huff, and therefore I want to begin by thanking him. Secondly, I want to thank the members of my thesis committee for their time and feedback. Particularly, I want to thank Dr. J.R. Duke and Dr. Nathaniel Wiewora for meeting with me multiple times to discuss my paper. Finally, I want to thank the multiple individuals who helped me translate Freedmen's Bureau records that I was unable to interpret. These individuals include Harding librarian Amelia Brister and my mother Kim Johnson.

## I. Introduction

The following conversation between a Union general named John B. Sanborn and a Black freedman in Fort Smith, Arkansas was recorded in a congressional report from the Joint Committee on Reconstruction that was published in 1866:

Freedman: Sir, I want you to help me in a personal matter.

Sanborn: Where is your family?

Freedman: On Red river.

Sanborn: Have you everything you want?

Freedman: No, sir.

Sanborn: You are free!

Freedman: Yes sir, you set me free, but you left me there.

Sanborn: What do you want?

Freedman: I want some land; I am helpless; you do nothing for me but give me freedom.

Sanborn: Is that not enough?

Freedman: It is enough for the present; but I cannot help myself unless I get some land, then I can take care of myself and family; otherwise, I cannot do it.<sup>1</sup>

The issue of which this Black freedman speaks was perhaps the most critical challenge that Black Southerners faced after emerging from slavery in the early years of Reconstruction. As the Civil War ended, so did the institution of slavery in the United States. But what exactly life post-slavery would look like for the four million Black men, women and children who were living in the South at the time of emancipation was initially unclear. What would freedom from slavery really look like? What distinct changes would mark the differences? When answering

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<sup>1</sup> United States Congress, *Report of the Joint Committee on Reconstruction*, p.77

this question, many look to changes in labor, citizenship status, and civil rights to illustrate the difference between life under slavery and freedom. However, the question of where former slaves would live after emancipation is arguably one of the most important issues to consider when analyzing what freedom from slavery really meant for Black Southerners during Reconstruction.

During slavery, slaves typically lived on the property of their respective masters.<sup>2</sup> When slavery ended, there was no universal answer or assumption for where former slaves were to go (if they even sought to leave their masters' property at all). Several proposals and ideas were debated by political leaders, freedpeople, and former slave-holders alike. Some wanted to establish Black colonies abroad; others wanted to establish segregated Black communities within the United States.<sup>3</sup> Some never even seriously anticipated a future where freedpeople left the lands on which they had always lived. However, many others envisioned a future where Black Americans were free to buy and own their own property in the South, in the same way any other citizen could.

Land ownership would not only allow Black Southerners to escape life on the plantations, overcrowded freedmen camps, and home farms, but it would provide the type of economic security that was to be expected for the type of freedom many anticipated. Freedom from slavery without land ownership would be a very qualified and limited freedom indeed.

The agency of the federal government that dealt with the issue of Black land ownership during Reconstruction most directly and prominently was the Freedmen's Bureau. The Bureau of

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<sup>2</sup> Thomas A. DeBlack, *With Fire and Sword: Arkansas, 1861-1874* (Fayetteville: University of Arkansas Press, 2003), 1.

<sup>3</sup> Claude F. Oubre, *Forty Acres and a Mule: The Freedmen's Bureau and Black Land Ownership* (LSU Press, 1978), 1-8.

Refugees, Freedmen, and Abandoned Lands (nicknamed “the Freedmen’s Bureau”) was created in 1865 and was tasked with managing all matters related to the freedpeople living in the South. The Freedmen’s Bureau performed many different tasks for freedpeople, including the provision of food, education, medical care, and legal service. The historical importance and uniqueness of the Freedmen’s Bureau has been widely recognized. W.E.B. DuBois called the Freedmen’s Bureau “one of the most singular and interesting attempts made by a great nation to grapple with vast problems of race and social conditions.”<sup>4</sup> Historian Randall M. Miller has called it “the most ambitious (if also temporary) experiment to date in extending federal authority into the states.”<sup>5</sup> While it was a vast program that provided a variety of services, “no issue proved more vexing for the Bureau and Reconstruction than land and labor.”<sup>6</sup>

Despite the radical ambitions that marked early anticipations for what the Freedmen’s Bureau could accomplish, the agency overall failed to bring about the type of social, political, and economic advancement it sought to implement for Black Southerners. Such is the common story of Reconstruction at large.<sup>7</sup> The Bureau’s failure on the issue on Black land ownership has been recognized as being a central piece of this story. For about the past sixty years, historians have generally agreed that one of the key shortcomings of Reconstruction at large was the failure to secure widespread land ownership for freedpeople.<sup>8</sup> However, the particular history of the

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<sup>4</sup> W. E. Burghardt Du Bois, “The Freedmen’s Bureau,” *The Atlantic* (1901).

<sup>5</sup> Randall M. Miller, “The Freedmen’s Bureau and Reconstruction: An Overview,” in *The Freedmen’s Bureau and Reconstruction*, ed. Paul A. Cimballa and Randall M. Miller (New York: Fordham University Press, 1999), xv.

<sup>6</sup> *Ibid.*, xx.

<sup>7</sup> Mainstream interpretations of Reconstruction have drastically changed over the past 150 years, but for the past sixty years or so, scholars have generally agreed that Reconstruction was tragic in that it failed to instill lasting Black advancements in the South.

<sup>8</sup> Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1989), xxiii.

Freedmen's Bureau and Black land ownership in Arkansas is a topic that has not received much scholarship.

When looking at the Freedmen's Bureau and Black land ownership in Arkansas, there are three major developments to consider: Johnson's amnesty plan, the Southern Homestead Act of 1866, and the emergence of the sharecropping labor arrangement. Overall, these developments failed to secure land ownership for the vast majority of freedpeople. Some of the reasons for this were out of the control of the Freedmen's Bureau. However, an overall lack of administrative organization and individual interest amongst key Bureau agents were influential factors as well. Despite the overall shortcomings of the Freedmen's Bureau, it is undeniable that Black land ownership in Arkansas increased during this period as a direct result of key Bureau actions and actors. Hundreds of Black families obtained land ownership during this time and these settlements were often, if not always overseen by Bureau agents.

Thus, the story of the Freedmen's Bureau and Black land ownership in Arkansas reflects the overall trend one finds in Reconstruction for Black Southerners as a whole: limited gains amongst larger trends of disappointment. Considering the vital importance of land ownership for freedpeople, the widespread inability to obtain land for Black Arkansans greatly limited the freedom they experienced in the early years of Reconstruction.

## **II. Background Context**

In order to properly understand the Freedmen Bureau's handling of Black land ownership in Arkansas, it is essential to first recognize some relevant background context. In particular, there are two key developments of the early 1860s that must be reviewed: the conditions of early emancipation in Arkansas and the political creation of the Freedmen's Bureau in Washington, D.C. These are important to review because it is critical to understand both what the conditions

for Black Arkansans were at the time the Freedmen's Bureau was created and also what the Freedmen's Bureau was authorized to do. In addition to these two key historical developments, it is also necessary to address the varying expectations for Black land ownership that existing amongst relevant parties during Reconstruction. It would be imprudent to study the topic of Black land ownership during this time without reviewing what prevailing ideas and opinions existed at the time.

### *Emancipation in Arkansas*

Emancipation in Arkansas consisted of three distinct stages, all of which were overseen by the U.S. army. While this is a role that the army was at times not initially prepared to play, it played it nonetheless. In the first stage of emancipation, the Union army initiated the downfall of the institution in slavery in Arkansas upon its arrival into the state. The second stage lasted from this first moment of emancipation until 1865 when the Freedmen's Bureau was created by Congress. During this second stage, the Union army oversaw Black Arkansans' first steps out of slavery., and A third stage of emancipation and Reconstruction in Arkansas was inaugurated when the Freedmen's Bureau was created in 1865. In this stage, the federal government addressed the social, political, and economic struggles of Black Reconstruction more comprehensively by creating an agency whose sole purpose was to handle these issues.

Before addressing this first stage of emancipation in Arkansas, a brief overview of what slavery in the state looked like on the eve of the Civil War would be beneficial. In 1860, there were 110,000 slaves in Arkansas, which accounted for one quarter of the total state population.<sup>9</sup> As there were only 144 "Free Blacks" in the state at the start of the Civil War, the slave

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<sup>9</sup> Kelly Houston Jones, "Emancipation," *Encyclopedia of Arkansas*.

population made up practically the entire Black population in Arkansas.<sup>10</sup> The majority of these slaves lived and labored on large cotton plantations in the southern and eastern lowlands of the state. By 1850, 70 percent of the state's slaves lived in this Arkansas Delta region. While most Arkansas slaves lived on plantations in this region, the planter class that owned these large plantations only accounted for 12 percent of Arkansas slaveholders.<sup>11</sup> Over half (51%) of Arkansas slaveholders owned less than five slaves and lived throughout the state in 1860. So, while slavery existed in almost every county and looked differently throughout the state, most Arkansas slaves lived on large plantations in the delta and picked cotton. Cotton had been the main cash crop in Arkansas since it became a state in 1836, and its production was expanding when the Civil War broke out. For Arkansas planters especially, slaves were considered a vital economic necessity for the state's thriving and immensely profitable cotton business.<sup>12</sup>

The first stage of emancipation first began to come to these slaves in early 1862 when Union General Samuel R. Curtis chased a Confederate army out of Missouri and into northwest Arkansas. Curtis and his men were the first Union army presence to enter the state during the Civil War.<sup>13</sup> Acting under the authority of the First Confiscation Act of 1861, which authorized "the confiscation of property, including slaves, of anyone found in sympathy and support of the

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<sup>10</sup> Ashlie Perry, "Free Blacks," *Encyclopedia of Arkansas*.

<sup>11</sup> "Planter" refers to a class of slaveowners that owned twenty or more slaves.

<sup>12</sup> DeBlack, *With Fire and Sword*, 1-2; Carl H. Moneyhon, *The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin* (Fayetteville: University of Arkansas Press, 2002), 71.

<sup>13</sup> Moneyhon, *Civil War and Reconstruction*, 124.

rebellion,” Curtis began issuing hundreds of “certificates of freedom” to Arkansas slaves.<sup>14</sup>

These were the first slaves freed by the Union army during the Civil War in Arkansas.<sup>15</sup>

The Union army continued to act as a liberating force of sorts in Arkansas, as historian Thomas DeBlack notes that, “Throughout the remainder of the war, wherever the Federal army went, the institution of slavery crumbled.”<sup>16</sup> The responses of the freed slaves varied. Many stayed on their plantations.<sup>17</sup> Many others fled to Union lines. “Contraband camps” were formed by the army to house these refugee slaves. Refugee slaves initially flocked to eastern Arkansas, but after the Emancipation Proclamation was issued, the number of refugee slaves and contraband camps increased throughout the state.<sup>18</sup> The resources available in the contraband camps were vastly inadequate, and conditions were so deplorable that some left to go return to their old plantations. Starvation and disease were rampant.<sup>19</sup>

The second phase of emancipation in Arkansas started in the spring of 1863 with the arrival of Adjunct General Lorenzo Thomas. In this phase, the federal government became more involved with creating policy to address the plight of refugee slaves.<sup>20</sup> Thomas was sent to the

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<sup>14</sup> William L. Richter, *American Reconstruction, 1862-1877* (Santa Barbara, Calif.: ABC-CLIO, 1996), 151; Jones, “Emancipation;” Moneyhon, *Civil War and Reconstruction*, 137. The Confiscation Act was meant to apply only to slaves who supported the rebellion and was meant to authorize the Union Army to hold onto these slaves as “contrabands of war.” Curtis applied this more liberally in Arkansas and issued “free papers” to practically any slave he came across. Not all Union Army leaders in Arkansas were as enthusiastic or loose with emancipation.

<sup>15</sup> The question of when exactly the slaves were freed is a complicated one. One might argue that these first slaves to flee to Union lines were not truly free, as they were still recognized as “contraband” by the Union army. Furthermore, one might point to the Emancipation Proclamation and the 13<sup>th</sup> amendment as the moments when slaves truly became free.

<sup>16</sup> Thomas A. DeBlack, “Civil War through Reconstruction, 1861 through 1874,” *Encyclopedia of Arkansas*.

<sup>17</sup> Moneyhon, *Civil War and Reconstruction*, 136.

<sup>18</sup> Ryan Jordan, “Contraband Camps,” *Encyclopedia of Arkansas*.

<sup>19</sup> Moneyhon, *Civil War and Reconstruction*, 140.

<sup>20</sup> Carl H. Moneyhon, “From Slave to Free Labor: The Federal Plantation Experiment in Arkansas,” *The Arkansas Historical Quarterly* 53, no. 2 (1994), 139.

Mississippi Valley to recruit Black troops and organize Black labor. Under the guidance of Thomas, 5,500 Black Arkansans enlisted in the Union army and a free labor system of working on leased plantations was developed.<sup>21</sup> This leased-plantation program was based off of models already in existence in other states such as Tennessee and Mississippi, where the federal government leased abandoned plantations to eligible applicants (mostly loyal White men from the North) who would then hire Black laborers to work the land.

The leased-plantation system began in 1864 and was the dominant system in function at the time the Freedmen's Bureau was created. Thomas hoped this system would begin to introduce a free labor economy for Black workers, as labor was to be conducted under signed contracts and cash wages were promised to be paid. However, the system that emerged proved disappointing for all parties involved and functionally was not significantly different than slave conditions. Some farms were leased to black farmers, and while they received more autonomy and control over their labor, they also were defrauded and economically abused by creditors.<sup>22</sup> A key impact of the leased-plantation system in Arkansas was that it put Black Arkansans back in the fields picking cotton. In this regard, the federal government's conduct during this period was criticized by some for not immediately distributing the abandoned lands to freedpeople. In a notable editorial that criticized the leased-plantation system, the editor of the *New Orleans Tribune* wrote, "The moment they [the planters] had departed, the government should have taken possession of the lands, divided them out into five acre lots, and distributed them among those persons who had, by dint of daily and long continued toil, created all the wealth of the South."<sup>23</sup>

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<sup>21</sup> Randy Finley, *From Slavery to Uncertain Freedom: The Freedman's Bureau in Arkansas, 1865-1869* (Fayetteville: University of Arkansas Press, 1996), 2.

<sup>22</sup> Moneyhon, *Civil War and Reconstruction*, 146- 150.

<sup>23</sup> Oubre, 12.

As this labor scheme was being implemented, Colonel John B. Eaton Jr. was appointed as General Superintendent of Freedmen for the Department of Tennessee and the State of Arkansas.<sup>24</sup> In January 1864, Eaton appointed Major William G. Sargent as superintendent of the freedmen in Arkansas.<sup>25</sup> Establishing offices in Little Rock, Helena, Pine Bluff, De Valls Bluff, and Fort Smith, Sargent and freedmen's department effectively served as the precursor to the Freedmen's Bureau in Arkansas. Sargent's freedmen's department quickly became primarily occupied with overseeing the leased plantations system and organizing Black labor. Notably, Sargent created "Home Farms" to provide better care for the thousands of refugee slaves crowded behind Union lines. Those who could not serve in the army or work on leased plantations were forced to work in Contraband camps and Home Farms, often as cooks, hospital attendants, or woodcutters.<sup>26</sup> Thus, while a few were leased farms during this period, most Black Arkansans lived either in on leased-plantations, with their former masters, or in temporary housing camps created by the army at the end of the Civil War.

Such were the conditions for most Black Arkansans from 1862-1865. Similar conditions existed throughout the Confederacy at the close of the Civil War. The combination of a devastated Southern economy, little resources available for the newly freed slaves, a determined interest amongst Southern planters to reassert control over their labor force, and no organized government policy, led politicians in D.C. to act.

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<sup>24</sup> Moneyhon, "From Slave to Free Labor," 143-144.

<sup>25</sup> Thomas S. Staples, *Reconstruction in Arkansas, 1862-1874* (Gloucester, Mass.: Peter Smith, 1923), 186.

<sup>26</sup> Finley, *From Slavery to Uncertain Freedom*, 3.

*The Creation of the Freedmen's Bureau*

A Freedmen's Bureau bill was first introduced in 1863 by Congressman T.D. Eliot of Massachusetts. That same year, Secretary of War Edwin Stanton created the American Freedmen's Inquiry Commission and tasked the three-member panel to tour the South and "investigate the plight of the Freedmen."<sup>27</sup> During their tour, the commissioners conducted field interviews with military personnel, former slaves, and former slave owners.<sup>28</sup> In the commission's final report, published May 1864, the authors wrote:

The sum of our recommendations is this: Offer the freedmen temporary aid and counsel until they become a little accustomed to their new sphere of life; secure to them, by law, their just rights of person and property; relieve them, by a fair and equal administration of justice, from the depressing influence of disgraceful prejudice; above all, guard them against the virtual restoration of slavery in any form, under any pretext, and then let them take care of themselves. If we do this, the future of the African race in this country will be conducive to its prosperity and associated with its well-being. There will be nothing connected with it to excite regret or inspire apprehension.<sup>29</sup>

On March 3, 1865, the Freedmen's Bureau Act passed by a vote of 21 to 9 in the Senate, with 22 members abstaining. The House followed soon after with a confirmation vote, and President Abraham Lincoln signed the bill into law the same day.<sup>30</sup> Just weeks before, on January 31, Congress had passed the 13<sup>th</sup> amendment, outlawing slavery throughout the country. Therefore, the Freedmen's Bureau bill can be seen as a supplement meant to aid the slaves that had just been constitutionally freed.<sup>31</sup> The first sentence of the act reads as such:

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<sup>27</sup> Finley, *From Slavery to Uncertain Freedom*, 6.

<sup>28</sup> Jeff Strickland, "The American Freedmen's Inquiry Commission, 19th-Century Racial Pseudoscience, and the False Assessment of Black America, 1863–1864," *Society for History in the Federal Government* 11 (2019), 127.

<sup>29</sup> United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington: Govt. Print Off., 1880-1901), series III, volume III, 382.

<sup>30</sup> United States Senate, "Freedmen's Bureau Acts of 1865 and 1866."

<sup>31</sup> Congress passed the 13<sup>th</sup> amendment on January 31, 1865, but it was not ratified by the states until December 6, 1865.

There is hereby established in the War Department, to continue during the present war of rebellion, and for one year thereafter, *a bureau of refugees, freedmen, and abandoned lands* [emphasis added], to which shall be committed, as hereinafter provided, the supervision and management of all abandoned lands, and the control of all subjects relating to refugees and freedmen from rebel states.<sup>32</sup>

As this excerpt indicates, the Freedmen's Bureau was originally only authorized to function for one year after the end of the Civil War. In July of 1866, a second Freedmen's Bureau bill was passed which, along with expanding of the Bureau's powers, extended the life of the Bureau for two more years. In July of 1868, two more bills were passed which collectively dictated that "all Bureau operations would be closed down on 1 January 1869 [sic]." This is the date that most Bureau activity ended, including the Bureau in Arkansas.<sup>33</sup>

The Freedmen's Bureau was placed under the control of the War Department, and therefore it was a military agency, comprised of army personnel, and had military chain of command.<sup>34</sup> At the top of the Bureau's chain of command was Oliver Otis Howard, who was appointed Bureau Commissioner on May 12, 1865. Howard was a veteran of the Civil War who was commonly known as the "Christian general" due to his strong connections with freedmen's aid societies.<sup>35</sup> W.E.B DuBois called Howard a man "with rather too much faith in human nature."<sup>36</sup> The personnel just below Howard on the Bureau chain of command were the assistant commissioners. Section 3 of the Freedmen's Bureau Act stipulated that an assistant

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<sup>32</sup> United States Congress, Freedmen's Bureau Act, 1865.

<sup>33</sup> Richter, *American Reconstruction*, 177-178. Educational functions of the Bureau continued to operate until 1873.

<sup>34</sup> John Cox and LaWanda Cox, "General O. O. Howard and the 'Misrepresented Bureau,'" *The Journal of Southern History* 19, no. 4 (1953), 429.

<sup>35</sup> Foner, 142; Staples, *Reconstruction*, 194.

<sup>36</sup> DuBois, "The Freedmen's Bureau."

commissioner would be assigned to each state to “aid in the execution of the provisions of this act.”<sup>37</sup> Assistant commissioners then appointed local Bureau agents in their respective states.

Also notable is that Congress appropriated no money for the Bureau. Revenue was expected to come from the government selling off abandoned lands.<sup>38</sup> Section 4 of the Freedmen’s Bureau Act authorized assistant commissioners to rent out parcels “not more than forty acres” of abandoned lands to freedpeople and refugees. After three years, the tenants would be allowed to purchase these tracts of land. Thus, while the original Freedmen’s Bureau Act did not give away free land, it did provide a legal route for freedmen to acquire homes from the abandoned lands that fell under the ownership of the Freedmen’s Bureau.<sup>39</sup> Historian LaWanda Cox has noted the importance of this bill’s position on Black land ownership for the postbellum South:

Implicit in the decision [for the Freedmen’s Bureau to have the authority to set apart land for the freed slaves] was the acceptance of the fact that the freedman would not be colonized abroad, as Lincoln and many others less concerned with the Negro’s welfare had wished, nor even colonized in designated areas within the home boundaries, but that he should remain a basic economic and social element in his southern homeland.<sup>40</sup>

The life and work of the Freedmen’s Bureau was greatly influenced by its relationship with the President. President Abraham Lincoln was killed only a month after the Freedmen’s Bureau was created, and thus the future of the Bureau was subject to the attitudes and actions of President Andrew Johnson. In short, Johnson was not a friend to the Bureau. Johnson vetoed the first draft of the second Freedmen Bureau’s act in March 1866 and issued a lengthy statement on

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<sup>37</sup> United States Congress, Freedmen’s Bureau Act, 1865.

<sup>38</sup> DuBois, “The Freedmen’s Bureau.”

<sup>39</sup> Oubre, *Forty Acres and a Mule*, 21.

<sup>40</sup> LaWanda Cox, “The Promise of Land for the Freedmen,” *The Mississippi Valley Historical Review* 45, no. 3 (1958), 413.

why he disapproved of the actions of the Bureau.<sup>41</sup> After Lincoln's death, the Freedmen's Bureau become a subject that divided the President and Congress and this administrative conflict greatly hindered the capability of Bureau workers to achieve their stated goals.

*Expectations for Black Land Ownership*

Securing Black land ownership was among the most critical issues that fell under the authority of the Freedmen's Bureau. To many, it was an integral part of the definition of true freedom. Such a desire for land ownership was widespread among the freed slaves in both Arkansas and across the South. In particular, there was a general hope amongst many Black Southerners that the government would use the lands that had been seized during the Civil War for Black homes. This would include breaking up large plantations.

As early as 1862, Lincoln saw to it that thousands of acres of land on the Sea Islands of South Carolina were confiscated and given to (along with other White families) Black families.<sup>42</sup> General William T. Sherman's Special Order No. 15, which designated 400,000 acres of coastal land for "the settlement of the negroes," is a notable example of a wartime measure that did much to perpetuate the "forty acres and a mule" legend.<sup>43</sup> Since the Freedmen's Bureau assumed control of all abandoned and confiscated lands when it was created, if any such land distribution was to take place (at least from the federal government) after the war, it was going to come from the Freedmen's Bureau.

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<sup>41</sup> In 1866, Congress sent two Freedmen's Bureau bills to Johnson—one in February and one in July. Johnson vetoed both, but the second was overridden by Congress.

<sup>42</sup> Oubre, 8-11.

<sup>43</sup> Ibid, 18-19. The "forty acres and a mule" legend refers to the idea that the army would distribute to each freedperson/family a land plot of forty acres and also provide tools and livestock, hence the "mule." No government document ever explicitly included this phrase.

Additionally, the prospect of Black Southerners owning their own land was important to the Northern Republican lawmakers who were guiding the policies of the Freedmen's Bureau and Reconstruction at large. For Republicans, the ability for labor to move freely and independently was fundamental to their vision of a New South. Agricultural workers tied to their land would be incompatible with this vision. Black land ownership would be a crucial step in achieving this goal, as it would provide a great deal of economic independence. While most Republicans subscribed to this broad free-labor ideology, there was significant disagreement concerning how this ideology ought to be implemented on the reconstructing South. Therefore, a clearly defined and specific Republican policy concerning Black land ownership policy never existed.<sup>44</sup>

### **III. The Freedmen's Bureau and Black Land Ownership in Arkansas**

#### *The Freedmen's Bureau in Arkansas*

The Freedmen's Bureau in Arkansas began on June 13, 1865 when Brigadier General John W. Sprague was appointed as the first assistant commissioner for the district of Arkansas and Missouri. In October, this district was restricted to only include the state of Arkansas and the headquarters was moved from St. Louis to Little Rock.<sup>45</sup> Sprague would be the first of three assistant commissioners to lead the Arkansas Freedmen's Bureau during its lifetime. The second assistant commissioner, General Edward Ortho Ord, succeeded Sprague on October 26, 1866, and only served in this position for five months. In March 1867, Congress passed the First Military Reconstruction Act which divided the former Confederacy into five military districts. On March 11, 1867, Ord was appointed commander of the Fourth Military District, comprising

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<sup>44</sup> Oubre, 18-19.

<sup>45</sup> Staples, 195.

the states of Arkansas and Mississippi.<sup>46</sup> With Ord leaving the Bureau, Brevet Major General Charles H. Smith was chosen as his replacement. Smith served as assistant commander until the Bureau ceased its operations in 1869.<sup>47</sup>

Seventy-nine local agents served in the Arkansas Freedmen's Bureau during its existence: thirty-six civilian and forty-three army officers.<sup>48</sup> The Arkansas Bureau had notably more civilian agents than other Southern states. This was due to the fact that Sprague thought that appointing local citizens would lead to better results than outsider army appointments. In a letter, Sprague admitted that this experiment had failed to yield the type of superior results he had hoped for.<sup>49</sup> Agents were assigned to thirty-six locales around the state. Bureau office location was determined by considering the size of the local Black population and proximity to cotton plantations and major rivers. The average Arkansas Bureau agent worked for nine and a half months.<sup>50</sup> Of the non-civilian officers, many came from the North.<sup>51</sup>

When these agents began to establish the Freedmen's Bureau presence in Arkansas, the existing conditions for Black Arkansans were largely unfavorable. First of all, the agents found that slavery had not been entirely eradicated. In Ouachita County, agent Lewis Carhart found "slaves still in bondage." Jacksonport agent William Tisdale insisted that "Slavery is to all intents and purposes just as strong as ever in those sections in which our troops have not

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<sup>46</sup> Bernarr Cresap, *Appomattox Commander: The Story of General E.O.C. Ord* (San Diego: A.S. Barnes, 1981), 247.

<sup>47</sup> Randy Finley, "Personnel of the Freedmen's Bureau in Arkansas," in *The Freedmen's Bureau and Reconstruction*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham University Press, 1999), 94-97.

<sup>48</sup> DeBlack, *With Fire and Sword*, 152-153.

<sup>49</sup> Bureau of Refugees, Freedmen, and Abandoned Lands (BRFAL), "Reports of Bureau Operations, Monthly and Quarterly Reports of Operations, 1865-1868," *Freedmen's Bureau: Arkansas Assistant Commissioner Records*. Washington, D.C.: National Archives and Records Administration.

<sup>50</sup> DeBlack, *With Fire and Sword*, 153.

<sup>51</sup> Finley, "Personnel in Arkansas," 99.

penetrated.”<sup>52</sup> In his first written report to Bureau Commissioner Howard, Sprague expressed the same sentiment as Tisdale.<sup>53</sup> On July 7, 1865, it was necessary for Colonel Charles Bentzoni to issue an order for the District of East Arkansas that reminded planters that “all former slaves have been free since the 1<sup>st</sup> of January, 1863, and where they have been restrained from their liberty, the parties who have employed them since that time will be required to pay them their wages back.”<sup>54</sup> Bureau agents were still freeing Black Arkansans from slavery throughout 1866 and 1867.<sup>55</sup>

The continued existence of slavery in Arkansas is just one example that speaks to how urgent and complicated social conditions for freedpeople in the state were when the Bureau was establishing itself. It became clear quickly that a strong and widespread army presence would be necessary for the Bureau to effectively make progress on its stated goals. Unfortunately, a shortage of agents is a complaint that would persist throughout the life of the Bureau in Arkansas.<sup>56</sup> In an 1865 letter, Sprague claimed that more agents needed to be stationed in more counties to prevent a complete return to slavery.<sup>57</sup> In a March 1867 letter, Assistant Commissioner Ord complained: “I have just ten men to the thousand square miles, and not more than one of these is mounted.”<sup>58</sup>

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<sup>52</sup> Finley, *From Slavery to Uncertain Freedom*, 70.

<sup>53</sup> BRFAL, “Letters and Telegrams Sent, vol. 1-2, June 1865-May 1869,” *Freedmen's Bureau: Arkansas Assistant Commissioner Records*. Washington, D.C.: National Archives and Records Administration.

<sup>54</sup> “The Contrabands in Arkansas,” *The New York Times* (July 21, 1865).

<sup>55</sup> Finley, *From Slavery to Uncertain Freedom*, 79.

<sup>56</sup> *Ibid.*

<sup>57</sup> BRFAL, “Letters Sent.”

<sup>58</sup> Moneyhon, *Civil War and Reconstruction*, 218.

The particular attitudes held by Bureau agents in Arkansas concerning proper Reconstruction policy were diverse. In general, there were two dominant views, which applied to army officials across the country. The first view was that a major Reconstruction of Southern society was necessary and desirable. Bureau Commissioner Howard was a proponent for this view, which sought to restructure Southern society in order to empower and uplift Black Southerners. Black land ownership was an important goal of this first view. The second view was much less ambitious and much more popular. Most in the army saw Reconstruction “primarily as a problem of management.”<sup>59</sup> After ensuring that slavery had been abolished, returning Black workers to the plantation fields quickly under new labor contracts was the more common view amongst army officials.<sup>60</sup>

Therefore, some Freedmen’s Bureau agents in Arkansas fought hard for Black land ownership, while others not so much. For Black Arkansans, the willingness and interest of the local agent to be an effective advocate was a critically important factor in determining the success of Black Arkansans seeking land ownership. In light of this, one can see how “the success or failure of the Freedmen’s Bureau in Arkansas was determined largely by the mindset and actions of the [sic] local agents.”<sup>61</sup>

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<sup>59</sup> Miller, xxiii.

<sup>60</sup> Ibid.

<sup>61</sup> Whyne, Jeannie M, Thomas A DeBlack, George Sabo, and Morris S Arnold. *Arkansas: A Narrative History* (version Second edition.). Second ed. (Fayetteville: University of Arkansas Press, 2013).

*Johnson's Amnesty Plan*

As stated earlier, the initial land policy of the Freedmen's Bureau was to see that the abandoned lands under their control were set aside for the use and settlement of freedpeople.<sup>62</sup> However, the Bureau's legal claim to these lands was seriously complicated on May 29, 1865 when President Johnson issued his "Proclamation of Amnesty and Reconstruction." Johnson issued this just seventeen days after Howard was appointed Bureau Commissioner. In this proclamation, Johnson pardoned "all persons who have, directly or indirectly, participated in the existing rebellion, except as hereinafter excepted, amnesty and pardon, *with restoration of all rights of property* [emphasis added]," as long as these persons took an oath of loyalty.<sup>63</sup> The restoration provision in this proclamation meant that many abandoned lands would be removed from the Bureau's control and returned to their pre-war owners.

Johnson included fourteen exceptions to this blanket amnesty proclamation for ex-Co federates, but individuals who fell into these categories were allowed to petition Johnson personally for a direct pardon. The thirteenth enumerated exception excluded all ex-Confederates with taxable property valued over \$20,000 from the presidential pardon. Forty-eight planters in Arkansas who fell under Exception 13 sent petitions to Johnson to restore the rights to their land. Johnson pardoned all forty-eight.<sup>64</sup>

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<sup>62</sup> Staples, 199-200. The Freedmen's Bureau technically had legal control over three types of land: abandoned, confiscated, and captured Confederate property. Abandoned lands were defined as those where the owner was voluntarily absent and engaged in the Rebellion. Confiscated lands referred to land taken by the Union army under the two Confiscation Acts passed by Congress in 1861 and 1862, respectively. As historian Thomas Staples has noted, since "the Confederacy owned no real estate in Arkansas, the only hope of the bureau officials lay in abandoned or confiscated real estate which had belonged to individuals."

<sup>63</sup> Andrew Johnson, "Proclamation of Amnesty and Reconstruction," May 29, 1865.

<sup>64</sup> Richard B. McCaslin, "Reconstructing a Frontier Oligarchy: Andrew Johnson's Amnesty Proclamation and Arkansas," *The Arkansas Historical Quarterly* 49, no. 4 (1990), 323-324.

One of these pardoned men was Elisha Washington. Washington was a planter in Chicot County and, with 12,000 acres of land and 543 slaves before the war, was the largest slaveowner in the state and one of the largest in the entire South. After the war, Washington received a personal pardon from Johnson and was restored ownership of his four plantations. During this process, Walker and even retained much of his antebellum labor force.<sup>65</sup>

Another major planter in Arkansas who received a personal pardon was David Walker. Before the war, Walker was a prominent lawyer and political figure in northwestern Arkansas. In 1860, Walker owned twenty-three slaves and a thousand-acre farm outside of Fayetteville. Despite his initial unionist sympathies, Walker became the president of the Arkansas Secession Convention and, at its second gathering in May 1861, supported secession. After the convention, Walker returned to his farm in Fayetteville and remained there until 1862. Due to the entrance of the Union army into the state and Lincoln's Emancipation Proclamation, Walker fled his farm and made his way to Lewisburg. On May 1, 1863, he accepted a commission as Colonel of the Cavalry and Judge of the Military Court in the Confederate Army. In a diary entry written that same month, Walker reflected on the current state of the rebellion and his standing within it:

Whatever may have been the policy of the Federal Government at the outset, there can *now* be no doubt but that it is its fixed and settled purpose to free the negroes and to settle them permanently in the slave holding states...they will proceed to arrest, imprison, try and execute the prominent and true men of the South and to confiscate their property...Our cotton fields are to be cultivated by free negro labor [sic] under the superintendence of abolition landlords or their agents, for the exclusive use of the Northern manufacturers.<sup>66</sup>

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<sup>65</sup> DeBlack, *With Fire and Sword*, 157; McCaslin, 324.

<sup>66</sup> George H. Thompson, *Arkansas and Reconstruction: The Influence of Geography, Economics, and Personality* (Port Washington, N.Y.: Kennikat Press, 1976), 52-53.

At the end of the war, Walker fled Arkansas (fearing arrest) and relocated to Texas. On September 15, 1865, Walker submitted a petition to Johnson and received an unqualified pardon a month later. Walker thus returned to Fayetteville and restored ownership of his farm. In 1866, Walker was elected Chief Justice of the Arkansas Supreme Court.<sup>67</sup>

This process of land restoration did not go unchallenged by the Freedmen's Bureau. Two months after Johnson's amnesty proclamation, Bureau Commissioner Howard issued Circular 13, which stated that all abandoned and confiscated lands under the control of the Bureau were to be "set apart for the use of loyal refugees and freedmen."<sup>68</sup> This essentially restated what the initial Freedmen's Bureau act had dictated. However, in the wake of Johnson's amnesty proclamation, this reminder appeared to directly violate the existing policy of the President. Howard addressed this in Section 6 of the circular: "The pardon of the President will not be understood to extend to the surrender of abandoned or confiscated property which by law has been "set apart for Refugees and Freedmen."<sup>69</sup>

In this circular, Howard was attempting to interpret Johnson's amnesty policy in such a way that would allow the Bureau to maintain control over the land it owned at the time.<sup>70</sup> Howard had not consulted Johnson before issuing this circular and thus was attempting to challenge the land restoration policy of Johnson's amnesty plan. Unsurprisingly, Johnson ordered that Circular 13 be withdrawn within weeks.<sup>71</sup> Howard complied by issuing Circular 15

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<sup>67</sup> Thompson, 51-56

<sup>68</sup> BRFal, "Printed Circulars and Circular Letters," *Freedmen's Bureau: Arkansas Assistant Commissioner Records*. Washington, D.C.: National Archives and Records Administration.

<sup>69</sup> Ibid.

<sup>70</sup> Hans L. Trefousse, "Andrew Johnson and the Freedmen's Bureau," in *The Freedmen's Bureau and Reconstruction*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham University Press, 1999), 32-33.

<sup>71</sup> Ibid.

on September 12, 1865, which began by rescinding Circular 13. Section 14 of Circular 15 dictated that “Abandoned Lands held by this Bureau may be restored to owners pardoned by the President.” Additionally, Circular 15 stipulated the conditions under which Bureau agents would properly restore lands. An application for land restoration must include (1) a presidential pardon or oath of amnesty, and (2) proof of title.

Under these conditions, in tandem with Johnson’s amnesty declaration, Freedmen’s Bureau agents in Arkansas set about restoring land to antebellum owners. Most confiscated and abandoned lands not being used by the government were restored quickly.<sup>72</sup> In an 1866 report, Sprague stated that 105 dwellings and 96, 443 acres of land had been restored to the prewar owners.<sup>73</sup>

In the cases where Freedmen had established themselves on abandoned lands in Arkansas, responses varied. In the case of Confederate General Gideon J. Pillow’s plantation in Phillips County, Bureau officials saw to it that his land was restored and that the Black laborers who had been residing there were removed from the property, all by the fall of 1865.<sup>74</sup> Sprague reported that many “aged and helpless [were] driven from their homes.”<sup>75</sup> Ultimately, Johnson’s amnesty plan and his intervention in Bureau policy returned most nearly all abandoned and confiscated plantations back to their original owners and largely squashed any hopes for large-scale land distribution in Arkansas.

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<sup>72</sup> Moneyhon, *Civil War and Reconstruction*, 222-223.

<sup>73</sup> *Ibid*, 212.

<sup>74</sup> *Ibid*, 223.

<sup>75</sup> BRFAL, "Letters Sent."

In conclusion, “the restoration of property rendered many freedmen homeless.”<sup>76</sup> In 1866, Black Arkansans owned less than one percent of land in any given county in the state.<sup>77</sup> Additionally, it left the future of the Freedmen’s Bureau’s engagement with Black land ownership in limbo. Not only did the Bureau’s role regarding land policy significantly diminish, but its major source of funding (selling off abandoned lands) had been stripped. Howard spoke to these issues in an 1865 report: “The uncertainty of the tenure of the Bureau over property which is the immediate result of the policy of restoration adopted, has rendered the division and assignment of land to refugees and freedmen impractical [sic].”<sup>78</sup>

### *Southern Homestead Act of 1866*

When President Johnson signed the Southern Homestead Act into law on June 21, 1866, a new door for Black land ownership in Arkansas was opened. This act opened 46 million acres of public lands in Alabama, Arkansas, Florida, Louisiana, and Mississippi for settlement. While this act was meant to supplement the Homestead Act of 1862, it notably specified that “no distinction or discrimination shall be made in the construction or execution of this act on account of race or color.”<sup>79</sup> The Southern Homestead Act marks “the first time that any legislation included such a stipulation.”<sup>80</sup> Applicants had to be either the head of a family, at least twenty-one years old, or have performed military service for the United States, and could make entries

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<sup>76</sup> Oubre, 79.

<sup>77</sup> Bobby L. Lovett, “African Americans, Civil War, and Aftermath in Arkansas,” *The Arkansas Historical Quarterly* 54, no. 3 (1995), 340.

<sup>78</sup> LaWanda Cox and John H Cox, *Reconstruction: The Negro, and the New South*, (Columbia: University of South Carolina Press, 1973), 319.

<sup>79</sup> *Congressional Globe*, 39<sup>th</sup> Congress., 1<sup>st</sup> sess.

<sup>80</sup> Michael L. Lanza, “‘One of the Most Appreciated Labors of the Bureau’: The Freedmen’s Bureau and the Southern Homestead Act,” in *The Freedmen’s Bureau and Reconstruction*, ed. Paul A. Cimbala and Randall M. Miller (New York: Fordham University Press, 1999), 68.

for plots up to 80 acres. Registration cost five dollars, and certificates of ownership could be received after five years of settlement.<sup>81</sup> Additionally, ex-Confederates were barred from applying for land until January 1, 1867. Therefore, there would be a six-month period where loyal White and Black Southerners had exclusive rights to homesteading.<sup>82</sup> With this act, the focus for Black land ownership in Arkansas shifted from abandoned lands to homesteading.

The Freedmen's Bureau quickly became involved with the future and fate of this act.<sup>83</sup> On July 2, 1866 (eleven days after the passage of the Southern Homestead Act), Howard issued Circular No. 7, which instructed assistant commissioners to "make themselves familiar with all the provisions of this [Southern Homestead] Act" and to assist freedpeople in submitting entries for land as a matter of urgent importance.<sup>84</sup> After receiving these orders, Sprague appointed Dr. W.W. Granger as surveyor and locating land agent for the Bureau in Arkansas on July 9.<sup>85</sup> Granger would be a highly influential figure in the struggle for Black homesteading in the state.

In a follow-up letter to the assistant commissioners of the five states with land included in the new Homestead act, Howard insisted that, "There is no reason why the poor whites and freedmen of the South cannot take advantage of the present homestead law, and enter a career of prosperity, that will secure them fortunes, elevate them socially and morally, add to the general prosperity of the country, and settle the many vexed questions that are now arising."<sup>86</sup>

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<sup>81</sup> *Congressional Globe*, 39<sup>th</sup> Congress., 1<sup>st</sup> sess.

<sup>82</sup> *Ibid.*

<sup>83</sup> Lanza, 69.

<sup>84</sup> BRFal, "Printed Circulars and Circular Letters."

<sup>85</sup> Oubre, 103.

<sup>86</sup> Lanza, 70.

In Arkansas, reactions to this new homesteading law were defined by both significant interest and confusion. Many Black Arkansans made requests for land with local Bureau agents. The land office registrar in Washington, Arkansas, William Carruth, wrote in September 1866 that freedpeople were “anxious (many of them) to purchase a homestead for actual settlement, and applications from them are hourly made at this office.”<sup>87</sup> In the same month, Captain Charles Banzhaf reported that around five-hundred freedpeople had held a meeting in Fort Smith to inquire about and discuss land acquisition opportunities under the new federal law.<sup>88</sup>

In addition to local interest, Arkansas’ available public lands attracted Black Southerners from other states. Howard made an early attempt to facilitate such migration, as he wrote to Sprague on July 19 asking for information on the public lands available for homesteading in his state. Howard stated that he wanted to share this information with assistant commissioners in states that did not have public lands available.<sup>89</sup> Notably, two parties of Black Georgians came to Arkansas: one group consisted of 150 families and settled in the Fort Smith area, while the other consisted of 18 families and settled near Clarksville.<sup>90</sup> This migration of Black Georgians was discussed and coordinated by the assistant commissioners of the respective states. Ord, who was assistant commissioner in Arkansas during this time, warned his counterpart in Georgia that “there is only a small portion of any of the State where the immigration of Freedmen would be looked upon with favor...I do not wish to discourage immigration but think it right that Freedmen coming here should be informed they must not expect to be received with

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<sup>87</sup> DeBlack, *With Fire and Sword*, 154; Lanza, 71.

<sup>88</sup> Warren Hoffnagle, “The Southern Homestead Act: Its Origins and Operation,” *The Historian* 32, no. 4 (1970), 621.

<sup>89</sup> Lanza, 70-71

<sup>90</sup> Oubre, 107; Lanza, 75.

cordiality.”<sup>91</sup> Administrative complications awaited these migrants and therefore their settlement in Arkansas was delayed for many and rejected for others. One Georgia man, Henry C. Pettus, successfully became the owner of an eight-acre farm.<sup>92</sup>

Significant obstacles existed for Black Arkansans seeking homesteads. First of all, it appears that no clear understanding of precisely what public lands in Arkansas were truly open for settlement ever existed. Maps and land records were often in disarray and inconsistent. Some lands had not been surveyed for twenty years.<sup>93</sup> Sizeable portions of land that were initially classified as public land open for homesteading turned out to have already been given to railroad companies for construction or were swamplands that belonged to the state and therefore were not open for settlement.<sup>94</sup> In a 1867 report, Granger spoke of a Black family that settled on a presumed homestead plot of thirty-five acres. After spending a year and hundreds of dollars on clearing, improving, and cultivating the land, they learned that they were a mile and a half away from where they thought and were actually on land owned by a railroad company. Mistakes of this nature happened to other Black families. Granger wrote that in these cases of misinformation, the freedman “who labors on [land] and buys improvements, or makes them, on what he mistakenly supposes to be public land, is always victimized & generally demoralized by the result.”<sup>95</sup>

Secondly, the majority of public lands in Arkansas were not conducive to farming. An investigation conducted by Granger found that 75% of the 9 million acres of public lands in

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<sup>91</sup> Lanza, 73-74

<sup>92</sup> Lovett, 340.

<sup>93</sup> Lanza, 73.

<sup>94</sup> Ibid, 76.

<sup>95</sup> Lanza, 77.

Arkansas were “worthless for farming.”<sup>96</sup> Granger also found that, after examining the records of 427 townships, only 1.5 million acres of public land were actually available for entry. Of these 1.5 million acres, only 450,000 were recommended for homesteading.<sup>97</sup>

Thirdly, several factors prevented many freedpeople from taking advantage of the initial six-month period where they, alongside loyal White Arkansans, had exclusive rights to homestead. When the homestead act first passed, most freedpeople that had the resources to acquire homesteads were already under labor contracts that did not expire until the end of the year.<sup>98</sup> Due to the binding nature of these contracts, these freedpeople could not inquire into homesteads until the beginning of 1867, and thus missed out on the initial six-month period of preferential opportunity.<sup>99</sup> Sprague recognized this effect, and in an 1866 report stated that he “regretted that the exclusive privilege of entering Government lands now secured to loyal Whites and Freedmen [sic], was not extended for at least another year.”<sup>100</sup> Another delaying factor was the fact that the Little Rock land office was the only operational office in the state until one in Clarksville opened mid-1867.<sup>101</sup>

Despite these difficulties, the Southern Homestead Act led to an increase in Black land ownership in Arkansas. In an annual report written on September 30, 1867, Granger stated that of the 243 land tracks he had surveyed, 143 were fit for settlement. Of these 143 tracks,

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<sup>96</sup> DeBlack, *With Fire and Sword*, 154.

<sup>97</sup> Lanza, 76.

<sup>98</sup> One of the key changes in Black labor that the Freedmen’s Bureau helped implement in Arkansas as well as throughout the South was the legal recognition of labor contracts. After slavery, many freedpeople continued working in the same or similar type of work, but now under labor contracts. A major job of local Bureau agents was to mediate disputes that arose from these labor contracts.

<sup>99</sup> DeBlack, 154.

<sup>100</sup> Hoffnagle, 621.

<sup>101</sup> Oubre, 108; Lanza, 76.

freedpeople entered 116 of them.<sup>102</sup> While this report highlighted the difficulties that complicated the homesteading process, such as poor land office records in Little Rock, Granger concluded the letter stating:

I am able to repeat that most of those who entered Homesteads in time to do so, have made gratifying progress in their improvement, and towards that personal independence which nothing assures better than land ownership. With favorable opportunities, their interest in the subject, and the number of entries made, will doubtless continue to increase.<sup>103</sup>

Granger's prediction in this letter would prove to be overly optimistic. The gains made in this first year can largely be attributed to the proactive leadership of Assistant Commissioner Ord. Two key examples exemplify Ord's interest in the matter. First, Ord sought to address a major issue that faced potential Black homesteaders: a lack of tools. Ord wrote to Howard on January 22, 1867 and argued that the army ought to supply freedpeople with tools in the same way that they did with Native Americans at that time. After Howard informed Ord that the tools provided for Native Americans were authorized under a special Congressional appropriation, Ord petitioned that Congress appropriate \$100,000 to buy tools for freedpeople. Ord's petition was unsuccessful.<sup>104</sup>

A second example of Ord's advocacy for Black land ownership was his employment of a survey expedition. This action was in direct response to a complaint expressed by Granger. The lacking quality of existing land records seriously delayed homesteading progress, as Granger could not quickly direct applicants to available, suitable land. Granger had to wait until enough applicants gathered to create a party and go search the land themselves. Due to lacking funds and

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<sup>102</sup> Lanza, 77.

<sup>103</sup> Ibid.

<sup>104</sup> Oubre, 104-105.

labor contract requirements, most freedpeople could not effort to take the time off to participate in these parties. In response, Granger requested that an organized survey expedition be assembled in order to improve efficiency. A survey expedition, as described by Granger in a February 1867 letter, would head to the available public lands in the state and “report, from personal examination the character of every forty acres in a given area, and [sic] tell applicants at once where, what kind, and what number of homesteads could be formed.”<sup>105</sup> By the end of that February, Ord employed a four-person survey expedition to survey the valleys along the tributaries of the Arkansas River. These lands were found to be very suitable for farming, and by June 1867, forty family were settled there.<sup>106</sup>

In these two examples, one can see how Ord led the Bureau to be active in the plight of Black homesteading.<sup>107</sup> However, Ord’s tenure with the Bureau was short, and in March 1867, Charles H. Smith became the final assistant commissioner in Arkansas. Smith was not as activist as his predecessor and therefore Black homesteading progress dwindled after Ord’s departure. Overall, Smith thought it more important for Black Arkansans to stay on plantations than become land owners. In a January 1868 letter, Smith reported his intention to “keep the freedmen on the plantation where they will be needed and will find employment another year.”<sup>108</sup> When a group of freedmen approached Smith about purchasing a farm, they were told to work another year under contract.<sup>109</sup> In addition to his desire to keep Black laborers on the plantations, Smith

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<sup>105</sup> Oubre, 108.

<sup>106</sup> Ibid.

<sup>107</sup> Oubre, 103-105. It should be noted that Ord believed Black Arkansans should move away from White Arkansans due to the widespread racial violence being perpetuated against them. This led Ord to support Black colonization in Arkansas in areas separate from White residence.

<sup>108</sup> Hoffnagle, 622

<sup>109</sup> Ibid.

did not believe that Black Arkansans were ready to own their own land. In a 1868 letter to Howard, Smith claimed that the freedpeople were not able “to operate successfully upon their own resources at the present time.”<sup>110</sup>

While Smith’s leadership did lead to less freedpeople entering homesteads during his time as assistant commissioner, Black homesteading in Arkansas did not end entirely. Granger, other Bureau agents, and certain ambitious freedpeople continued to work diligently at securing homesteads. The difference between Smith’s policy and attitude from his predecessors points to how Black homesteading in Arkansas efforts were heavily influenced, but not entirely dependent, on the leadership of the assistant commissioner.

Overall, Black homesteading in Arkansas can be seen as a limited success. Under the Southern Homestead Act, 26,395 entries were made in Arkansas and 10,807 of those were carried to completion. The vast majority of these homesteads were claimed by White Arkansans. Historian Claude F. Oubre has estimated that, based on the reports of Granger and other Bureau agents, around a thousand entries were made by Black Arkansans, and that no more than 250 of these applicants gained homesteads.<sup>111</sup> Thus, the vast majority of Black Arkansans gained no land ownership from the Southern Homestead Act.

Nonetheless, important progress was made. While the number is limited, the estimated 250 Black homesteads secured should not be entirely overlooked. A combination of efforts from all chains of command within the Bureau led to Black families acquiring land rights: Howard gave the order to take advantage of the homestead law, Sprague and Ord took actions to see that freedpeople could access the public lands in Arkansas, and Bureau agents such as Granger did

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<sup>110</sup> Hoffnagle, 622.

<sup>111</sup> Lovett, 340; Oubre, 109.

the work on the ground. Not all states with public lands had gains like Arkansas, limited as there were. Historian Thomas DeBlack has asserted that “the performance of Arkansas officials in this regard was probably the best of any of the five Southern states that had public lands.”<sup>112</sup>

### *Sharecropping and Tenant Farming*

The answer to the question of where most Black Arkansans ended up living by the end of the Freedmen’s Bureau era in Arkansas is directly related with the question of labor. After the Civil War, many freedpeople ended up doing the same types of jobs on the same types of lands that they had during slavery.<sup>113</sup> The key difference that differentiated this post-war labor from slavery was the existence and legal recognition of the labor contract. Supervising the entries and adherence to these labor contracts was a primary function served by local Bureau agents. In the first year of Reconstruction in Arkansas, many different types of labor contracts existed. One planter noted that “on twenty plantations around me, there are ten different styles of contracts.”<sup>114</sup> In 1867, however, one type of contract began to emerge as the dominant and most popular: sharecropping.<sup>115</sup>

Also referred to as share tenantry, sharecropping was initially the preferred labor arrangement for both planters and Black laborers alike. Under this system, a landowner would rent out a plot of land to a family to live on and farm independently. Tenants paid rent by giving a share of their crop to the owner. Oftentimes, the landowner would provide the necessary tools

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<sup>112</sup> DeBlack, *With Fire and Sword*, 155.

<sup>113</sup> Both planters and the army discouraged freedpeople from moving to towns. Few job opportunities existed there, they would receive rations and other aid there, and that was counterproductive to the desire to keep freedpeople in the fields as a reliable labor force.

<sup>114</sup> DeBlack, *With Fire and Sword*, 150.

<sup>115</sup> Moneyhon, *Civil War and Reconstruction*, 219.

for tenants as well.<sup>116</sup> Landowners favored this arrangement because they did not have to pay cash wages and it provided the potential for a more stable labor force. Black laborers favored it because it gave them a greater sense of independence and provided the opportunity to save up enough money to buy their own land.<sup>117</sup>

Certain Bureau agents in Arkansas warned of the system's potential for abuse and cheating early on. In a letter written on December 18, 1865, the Bureau agent in Arkadelphia reported that,

A general disposition is prevalent among the Freedmen to become planters by renting land or making crops on shares...They are also in the power of the white man, when he keeps a running account against them for a whole year's expenses, and can bring them in debt to him. This doubtful policy, so pregnant with disputes, and misfortunes to the freedmen, I now discourage...The Freedmen, ignorant and impoverished, are unable to step into the shoes of planters and compete with the whites, unless they have ample means to commence with.<sup>118</sup>

Despite warnings such as this, most Bureau officials began supporting sharecropping contracts in 1867 and it quickly became the dominant labor arrangement in Arkansas. At the beginning of the year, agent A.E. Habicht spoke of the sharecropping arrangement with optimism, stating that with a good season's crop, "[freedpeoples'] dependence on the whites will be materially lessened in our district."<sup>119</sup>

However, Assistant Commissioner Smith began reporting in August of 1867 that landowners were finding various ways to cheat Black tenants. Many Black laborers in this system became quickly indebted to landowners, often due to practices of dishonest management,

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<sup>116</sup> DeBlack, *With Fire and Sword*, 151.

<sup>117</sup> The greater sense of independence is likely due to the fact that they could live in their own space, were not subject to the demands of overseers, and were not forced to labor in gangs (which were the common practices during slave times).

<sup>118</sup> BRFal, "Letters Sent."

<sup>119</sup> Ibid.

and thus became tied to their rented land. In an August 1867 report, Smith acknowledged that “Freedmen in many places are still *freedmen* not *freemen*.”<sup>120</sup> While the Bureau’s policy towards sharecropping was primarily a labor issue, their early support for this arrangement effectively dictated the living conditions that would the majority of freedpeople would experience—renting land from White landowners.

#### IV. Conclusion

The Freedmen’s Bureau arrived in Arkansas with grand ambitions in 1865, particularly concerning the prospect of Black land ownership. When the agency left the state in 1869, the results were mixed. The Bureau’s first policy— redistributing abandoned lands to freedpeople— was thwarted by Johnson’s amnesty proclamation. The restoration of land to antebellum owners was the first major blow to the prospect of Black Arkansans attaining widespread land ownership. When the Southern Homestead Act was passed in 1866, the Freedmen’s Bureau jumped on this opportunity to get a second shot. Due to a multitude of complications, Black Arkansans were unable to acquire more than 250 homesteads in the state. Nonetheless, the work of the Freedmen’s Bureau in Arkansas concerning Black homesteading was a limited success. The final major work of the Freedmen’s Bureau that directly influenced Black land ownership in Arkansas was its support and assistance in implementing sharecropping arrangements throughout the state. Under this arrangement, Black Arkansans would not only not own their own land, but would often become indebted to landlords.

There are a few takeaways that are important to recognize. First, there was active interest from many, but not all, Black Arkansans in these first years of freedom to acquire land ownership. This is significant to recognize for several reasons. First, the disappointing lack of

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<sup>120</sup> Moneyhon, *Civil War and Reconstruction*, 221.

land acquired by Black Arkansans cannot be attributed a lack of public interest or action. Reports indicate that there were in fact many freedpeople who actively inquired about and petitioned for the opportunity to gain land in Arkansas. It should also be noted that by publicly pursuing land ownership, these Black Arkansans were putting their lives on the line. While it has not been a major focus of the presentation, there was particularly intense racial violence and domestic terrorism perpetuated against Black Arkansans during this time period—especially against those who asserted their independence and opportunities for advancement more publicly.

A second takeaway to recognize is that despite the disappointing results, the Freedmen's Bureau represents a serious, and in many ways radical effort by the U.S. government to assist African Americans in their effort to rise from slavery to citizenry. It is undeniable that even less progress for Black Southerners would have been made during this time had Freedmen's Bureau agents not been placed around the South to prevent unchecked abuses. While there are legitimate criticisms to be made against the racist, paternalistic, and disinterested attitudes of many Bureau agents—the fact that such an agency with such a purpose was created at such a time should not be entirely disregarded. If anything, the Freedmen's Bureau represents how misguided the view was that African American freedom and equality was something that could be achieved in the South in just three years after the Civil War.

In conclusion, the story of the Freedmen's Bureau and Black landownership in Arkansas was one of limited gains amongst larger trends of disappointment. While some former slaves successfully gained land ownership rights in Arkansas, most did not, and this lack of independence, protection, and economic security left them exposed to poverty, homelessness, and financial abuse by White landowners. Thus, the type of freedom experienced by many Black Arkansans in the early years of Reconstruction was a freedom that was very qualified and limited.

When the Freedmen's Bureau left Arkansas, most Black Arkansans were, to restate the words of Assistant Commissioner Charles Smith, "*freedmen* not *freemen*."

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