

Oh Shenandoah! The Northern Shenandoah Valley's Black Borderlanders Make  
Freedom Work during Virginia's Reconstruction, 1865-1870

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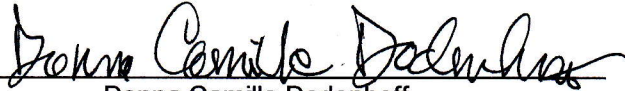
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## APPROVAL PAGE

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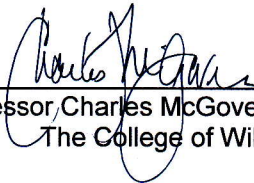


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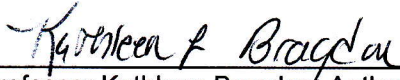
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## ABSTRACT PAGE

During Virginia's Reconstruction, the freedpeople of the Northern Shenandoah Valley experienced an uneven oppression. They took full advantage of a stable Reconstruction regime and the advocates they found among local Republican reformers, northern missionary society representatives and Freedmen's Bureau agents to make their freedom meaningful. The control the freedpeople gained over their labor, as well as the success they enjoyed in reclaiming their children from white households and establishing independent institutions assured their status as a free people rather than as emancipated dependents. Nor were the freedpeople plagued with persistent, organized white terrorist tactics. But they did not achieve equal treatment before the law. Moreover, despite the diversity of political sentiments among area whites, there was never a broad consensus among whites that the freedpeople should enjoy full citizenship equality. This study also explores how its regional distinctiveness and its borderland location influenced the course Reconstruction took in the Northern Valley. Based on the hundreds of complaints the freedpeople filed with the Valley's Freedmen's Bureau agents, the study also examines the ways in which their efforts to achieve racial progress on one front advanced their progress on other fronts.

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## Introduction

With Congressional Reconstruction well underway in July of 1867 and with African American men participating for the first time in Virginia elections, Aaron Crane, editor of the Republican *Winchester Journal*, articulated his understanding of their freedom journey this way: “They want peace and repose, they want a clear field for industry and enterprise; they want the protections of their government, and necessary thereto, participation in it.”<sup>1</sup>

In the Civil War’s aftermath those African Americans who remained in the Northern Shenandoah Valley were determined to sink their roots even deeper and build lives of meaningful freedom. The Valley’s Freedmen’s Bureau agents consistently described them as a family-oriented, hard-working people desirous of living in peaceful coexistence with whites. Even before the Republican Congress took over the governance of a recalcitrant South and imposed military rule, the freedpeople of the Northern Valley counties of Frederick, Clarke, Shenandoah and Warren had begun taking advantage of the opportunities the area offered for their journey into freedom. They were becoming wage earners in the favorable job market the area’s resilient agricultural economy afforded them. They could count on the Valley’s Freedmen’s Bureau agents to advocate for them as they sought to reunite their families and assert their rights as free laborers. Republican Party operatives in the area worked with them to secure their civil entitlements. Representatives of northern missionary societies collaborated with Valley Freedmen’s Bureaus to establish schools for the freedpeople.

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<sup>1</sup> *The Winchester Journal*, July 12, 1867.

Yet, even as they capitalized on the advantages a stable Reconstruction regime and the area's robust economic recovery afforded them, the freedpeople's progress during Reconstruction could best be described as one of uneven oppression. In the War's aftermath, the existential terror the freedpeople had initially experienced as whites denied them wages or arbitrarily evicted them from rental dwellings had subsided; nor were they subjected to what W. E. B. Dubois described as Reconstruction's "reign of terror," the persistent, organized terrorist tactics of Ku Klux Klan night riders or white para-military groups that freedpeople were victimized by elsewhere in the South.<sup>2</sup> But even with the Bureau agents as their advocates, the freedpeople of the Northern Shenandoah Valley never received the color blind justice before the law necessary to defend their federally granted civil rights. Moreover, although a substantial number of area whites were Union loyalists and, although the Republican Party had gained a foothold in the area, there was no broad consensus among area whites that African Americans should share citizenship equality with them in this borderland's emerging postemancipation social order.

In order to better understand the freedpeople's own concerns as they journeyed into freedom, from its inception this study of the Northern Valley's Reconstruction period was a "ground up" community oriented study. The backbone of the study are the hundreds of records filed with the Shenandoah Valley Freedmen's Bureaus. They are a rich deposit of information. These records reveal, for example, that securing housing arrangements was a high priority for the

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<sup>2</sup> W. E. B. DuBois, "Reconstruction and its Benefits," *The American Historical Review*, 15:4 (July 1910), p. 781.

freedpeople in the Civil War's aftermath. Dealing successfully with the housing crisis was, in turn, closely linked to the freedpeople's gaining control over their terms of labor, since the provision of housing was often part of their labor agreements with white employers. Having stable housing arrangements also strengthened their leverage in claiming their children from white households and shielded family members from being picked up as vagrants. In sum, the freedpeople's resistance to white recalcitrance on this front had an impact on other fronts as the freedpeople moved forward, advancing their racial progress in solidarity.

The timeframe chosen for the study is necessarily arbitrary. Reconstruction was a process, not an event. Race relations in Virginia evolved over time; enslaved African Americans negotiated their terms of bondage with their white owners through the antebellum period. After their emancipation, their freedom struggle did not come to a close when Virginia's Reconstruction formally ended in January of 1870. Nevertheless, by limiting this study to the timeframe from the Civil War's end in April of 1865 to Virginia's reentry into the Union in January of 1870, the study brackets the short, intensive period during which Reconstruction's players in the area -- the freedpeople, Republican Party operatives, area whites and northern missionary society representatives -- sought to influence the contours of the Northern Valley's emerging postemancipation society.

In contrast, as the study evolved, its geographical borders became more porous. Although the study was originally limited to Frederick and Clarke Counties, it came to include the Northern Valley counties of Shenandoah and, to a lesser

extent, Warren. But ultimately the Northern Valley became more a focus than a border for the study. Winchester Freedmen's Bureau agents collaborated with agents throughout the Valley in helping the freedpeople reunite their families and locate jobs; no one area of the Valley could be isolated by drawing an arbitrary borderline.

Perched on the edge of the Upper South, the Northern Shenandoah Valley constituted a borderland area that provided a distinct geographical context for the course Reconstruction took in the area. African Americans took advantage of the Northern Valley's location on the edge of the Upper South to migrate out to mid-Atlantic, Northeastern, and Midwestern states during and after the Civil War. The Northern Shenandoah Valley never recovered from this population depletion. But their diminished numbers advantaged those freedpeople who were committed to remaining in the area. With the Northern Shenandoah Valley's labor force reduced as the area experienced an economic recovery, black laborers who remained had greater bargaining leverage as they negotiated employment terms with their white employers. As oral histories taken in Clarke and Frederick Counties reveal, over time the connections maintained by those who left and those who staid placed area African American within a larger, extra-regional network. African Americans who remained in the area took advantage of that network in pursuing educational and employment opportunities beyond the Northern Valley and in stretching their experiential horizons as they visited relatives in such nearby cities as Washington and Baltimore.

As the urban hub of the Northern Valley, Winchester was a magnet for African

Americans remaining in the Valley. In this urban environment the freedpeople could build on the institutional foundations of their community life as they erected more churches to complement those black churches with antebellum roots. They began attending schools co-sponsored by the Freedmen's Bureau and northern missionary societies. The city would also become headquarters for their political activities, with both the Winchester Union League and the Republican newspaper, the *Winchester Journal*, energizing their organization as a black working class contingent of the Virginia Republican Party. Moreover, in the city African American men had more occupational options as skilled and semi-skilled workers and single black women could expect to find plentiful work as domestics as well as a supportive community.

The Northern Shenandoah Valley's economic and social makeup also influenced its emerging postemancipation society. The Shenandoah Valley's agricultural economy had played a role in defining its regional distinctiveness from its late eighteenth century settlement period.<sup>3</sup> Early on the Valley's diversified grain and livestock farm economy bore more resemblance to a northern agricultural model than to the agricultural economies of Tidewater and Piedmont Virginia. As northern farmers, Valley farmers were predominantly middle income, ethnically diverse freeholders. On average, however, Valley farmers owned larger farms with more uncultivated acreage than did northern farmers. The one

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<sup>3</sup> See generally Hofstra, Warren Hofstra, *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore and London: the Johns Hopkins University Press, c2004), Hofstra and Kenneth F. Koons, editors, *After the backcountry: Rural Life in the Great Valley of Virginia, 1800-1900*. (Knoxville: University of Tennessee Press, 2000), and Michael Publisi, ed., *Diversity and accommodation: essays on the cultural composition of the Virginia frontier* (Knoxville: University of Tennessee Press, c. 1997).

exception was southern Clarke County, a plantation enclave with landholdings, on average, larger than those of landowners in the northern portion of Clarke County or in Frederick and the other Northern Valley counties.

With wheat as their chief cash crop, Valley farmers, as northern and mid-Atlantic farmers, produced commodities that integrated them into regional markets. Valley farmers developed trade ties with such mid-Atlantic markets as Baltimore and Alexandria rather than marketing their commodities and livestock further eastward in the Virginia Piedmont and Tidewater. Valley farmers' integration into a market economy had, in turn, a significant influence in creating both occupational and class diversity in a commercial farm economy relying on the skill of artisans, semi-skilled and common laborers, as well as the merchants and professional men who handled commercial transactions and professionals who provided services in the towns and villages dotting the Valley's landscape.

The wealth produced by the Valley's commercial farm economy was, then, much less concentrated than that produced in areas of the South dominated by planters with large landholdings. As the urban hub of the Northern Valley, Winchester served as the mercantile center for the consumerism fueled by the surplus wealth the Valley's commercial agriculture generated. Despite the toll the War had taken on Valley farmers' property, the area's resilient farm economy began rebounding soon after the Civil War's close, with unobstructed trade routes facilitating transport of their farm products and livestock to regional markets. By 1880 the former breadbasket of the Confederacy was exceeding pre-War agricultural output. In contrast, areas of the cotton-growing Deep South were

experiencing a slow recovery and, after 1869, economic recession.<sup>4</sup>

Slavery had played a significant role in producing the Valley's agricultural wealth early on. But slavery's uneven dispersal in the Northern Valley meant that it was not an everyday reality for all Northern Valley folk. Among Shenandoah County's predominantly German-descended inhabitants African Americans accounted for only six percent of the overall population in 1860. On the other hand, as descendants of Tidewater planter families, southern Clarke County's planter class had continued depending on an enslaved labor force into the Civil War period. In Clarke County African Americans, mostly enslaved, made up to 50 percent of the total population. Clarke County's planter class continued their Tidewater forbearers' tradition of demanding deference from their bondspeople as well as whites of lesser status. In Frederick County farmers typically relied on their families' labor, or the labor of several hired farmhands or a few bondspeople or slave hires. Overall, African Americans accounted for approximately 20 percent of Frederick's population in 1860 and up to 35 percent of those African Americans were free blacks. In Warren County African Americans made up to 40 percent of the county's total population and, of these, up to 85 per cent were enslaved.

In the Northern Shenandoah Valley race relations were not, however, solely influenced by slavery. By the early nineteenth century, the religious convictions of Protestant Anglo-Virginians and Quakers had led some of them to manumit their bondspeople. During the 1850s, as the Civil War loomed on the horizon, the religious fervor sweeping across the Northern Valley brought large numbers of

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<sup>4</sup> In Dallas County Alabama, for example, the 1870 federal census shows that the value of all farms plummeted from \$9,311,714 in 1860 to \$3,112,373 in 1870.



both black and white converts into the denominational folds of the Baptist and Methodist faiths. Among the Methodists particularly, the races' shared religious faith proved empowering for African Americans, Black Methodist preachers, while not permitted to be ordained ministers, enjoyed a color blind respect as charismatic preachers. By the late antebellum period, African Americans in Winchester were worshiping in their own Methodist church as well as the church of an independent black denomination, the African Methodist Episcopal (A.M.E.) Church.

During Reconstruction, while whites tolerated the freedpeople's claims on civic space for their holiday celebrations and special commemorations, the freedpeople's sense of belonging as a citizenry derived more from the congregational life they shared with white Protestants. In Clarke County, Bethel Baptist Church continued holding services for its biracial congregation into the 1870s, when white members helped black members build their own church. A.M.E. preachers held special interracial services in downtown Winchester. Historian Donald Mathews notes that, in the context of nineteenth century Southern race relations, the races' shared religious culture moderated race relations, serving as a bridge for interracial discourse and cooperation not possible in a civic culture that reinforced white supremacy.<sup>5</sup> This was certainly the case in the Northern Valley.

Black and white evangelical Protestants' interracial congregational life, while it moved in the direction of a biracial civic culture, fell short of the Republicans' commitment to rebuilding the area's postemancipation society as a biracial one in

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<sup>5</sup> See generally Donald, Mathews *Religion in the Old South* (Chicago and London: University of Chicago Press, ppb. ed., c. 1977), "To Proclaim Liberty to the Captives," pp. 237-268

which the freedpeople enjoyed full citizenship equality. But the Northern Valley's post-War economic progress was moving the area along a trajectory compatible with the Republicans' free labor reforms. In their studies of the nineteenth century Republican Party, historians Eric Foner and David Montgomery depict a party whose reform impetus embodied Reconstruction's promise of a more broad-based democracy, with prosperity more widely spread amidst a free labor force<sup>6</sup>. As a populist movement, the Republican Party also advocated tax relief for poor whites and African Americans, universal free public education, governmental reforms to broaden the base of representative government, and an unfettered press to promote open, uncensored discussion of civic affairs. The Virginia Republican Party identified itself as the anointed agent of reforms necessary to complete Virginia's free labor revolution and broaden the base of democratic participation among both black and white working classes: "[T]he Republican Party is the real party of Reconstruction....[T]here can be no permanent and just restoration of the state except through its instrumentality."<sup>7</sup>

Virginia Republican Party operatives saw an opportunity to gain a foothold in a southern borderland with a tolerant public culture and substantial numbers of Union loyalists who constituted the Party's most promising white constituency. Over the course of Reconstruction, at any one time, no fewer than three local newspapers broadcast editorial views ranging from those of the radical Republican

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<sup>6</sup> See Eric Foner's *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper Collins Publishers, Inc., ppb. ed., c.1988) and *Free Soil, Free Labor, Free Men* (New York: Oxford University Press, 1976). See David Montgomery's *Beyond Equality: Labor and the Radical Republicans, 1862-1872* (New York: Alfred A. Knopf, 1967) and *Citizen Worker: The Experience of workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge: Cambridge University Press, 1993)

<sup>7</sup> *The Winchester Journal*, March 18, 1869.

*Winchester Journal* to those of the ultra-Conservative *Clarke County Courier*. As a result, Northern Valley folk were participating in a more open public discourse than were Virginians in such communities as Norfolk, where hostile whites savaged the city's Republican newspaper. As broadcast in the pages of the *Winchester Journal*, the class warfare the Republicans were waging with the planter class, whom they believed had too long retarded the South's progress, undoubtedly found sympathetic readers in an area where middleclass farmers, urban businessmen and professionals, and common and skilled laborers predominated over the planter class concentrated in southern Clarke County. The economic progress the Republicans promoted as essential to bringing Virginia into "modern," industrializing America found allies among a borderland people accustomed to practicing progressive farm methods and who had the kind of capitalist mindset receptive to northerners' investments in the area's industrial development.

In his seminal revisionist study of the Virginia Republican Party's role during Reconstruction, Richard Lowe makes a persuasive case for the Party's strong reform impetus. This study examines the ways in which, on the local level, Republican Party reformers, more of whom were local men than transplanted "carpetbaggers," shared a common commitment to the freedpeople's progress. In the Northern Valley the freedpeople's progress consisted of more than resistance to white recalcitrance, then. They had allies as they readjusted race relations. The Republican *Winchester Journal*, for example, blew the whistle on white employers' labor abuses, while the Freedmen's Bureau agents mediated the freedpeople's complaints against white employers' mistreatment of black workers. Both Bureau

agents and Republican Party operatives supported black Union League members' right to a political affiliation representing their own, rather than their employers,' class interests. Whether or not locals agreed with the *Journal's* editorial positions, they would find its coverage of laws and policies issuing from Washington useful as the federal government extended its reach into local communities.

As Reconstruction ran its course in the Valley, the advocates the freedpeople most counted on were the Valley's Freedmen's Bureau agents. During the 1865 to 1869 period the Freedmen's Bureau operated in Virginia, the U. S. Army officers who served as Bureau agents had a huge job to perform. They provided rations and clothing to both destitute freedpeople and white Virginians in the Civil War's aftermath. Using the Bureau's extensive network of agencies throughout the South, the agents helped the freedpeople locate family members and provided travel funds to reunite them or to help them relocate to areas where they had secured better jobs. The Bureau established schools for the freedpeople in the Valley in collaboration with northern missionary societies. Bureau agents mediated the freedpeople's labor arrangements with white employers as well as handling the many complaints the freedpeople brought against whites who mistreated them or who did not deal fairly with them in labor arrangements.

The agents also had other duties not dealt with in this study. They provided medical care to the freedpeople, distributed firewood and garden seeds to them and tracked the pension requests of black Union Army soldiers and their relatives, as well as handling the mounds of paperwork required of a department of the U. S. Army. Although Bureau offices in the Valley were often understaffed, military

protocol required the agents to carry out with dispatch the many orders and circulars they received from Virginia Bureau headquarters in Richmond.

The many complaints and communications the freedpeople filed with the Valley's Bureau headquarters in Winchester, as well as with the other offices in each Valley county, show that the freedpeople did not hesitate to approach the Bureau with their complaints against whites. For the first time they had a third party to mediate their complaints. Unlike agents in other areas of the South experiencing economic distress and overpopulation, such as the Virginia Peninsula, the agents in the Valley did not place restraints on the freedpeople's freedom of movement. Nor did they force the freedpeople to sign labor contracts or condone the apprenticeship system as a legal means of re-enslaving black youths.<sup>8</sup>

The Virginia Freedmen's Bureau considered the freedpeople's economic self-sufficiency foundational to their lives in freedom. In his first communication to them in July off 1865, Orlando Brown, head of the Virginia Bureau, informed the freedpeople that they should not expect the federal government to redistribute land to them. In a nation where the majority of workers were propertyless hirelings, New England reformers like Brown expected the freedpeople to establish their economic independence and get ahead as workers by embracing a strong work ethic.

For their part, the freedpeople in the Northern Valley wasted no time in

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<sup>8</sup> For abuses of the apprenticeship code in the Southern states see Laura F. Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana and Chicago: University of Illinois Press, 1997), pp 47-54; Donald G. Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, New York: KTO Press, 1979), pp.78, 137-138; and Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, ppb. ed., c. 979), pp. 237-8..

taking measures to establish their economic self-sufficiency. Acting on the Republicans' free labor ideology, the freedpeople were using the property they had in their value as laborers to drive a bargaining wedge between themselves and their white employers. The Republicans' free labor ideology, in fact, enjoyed a new life when transplanted to the Northern Shenandoah Valley. Black farm workers were capitalizing on both their value as laborers as well as a favorable labor market to gain greater control over their terms of labor and make better wages on average than black farm workers in other areas of Virginia.

Rather than agitating for "forty acres and a mule," that is for the federal government's redistribution of land to them for centuries of their uncompensated labor as bondspeople, the Valley's emancipated black laborers bargained with white employers to get the best work terms possible and to quit jobs when they were being mistreated or when they received better job offers. To minimize employers' failure to pay them, they signed no Bureau-mediated labor contracts with white landowners after the first post-War planting season. Since they did not routinely work in gangs with the exception of harvest time, they took advantage of the plenitude of work in the area's recovering farm economy to cobble together their own work schedules, making short-term as well as longer term labor arrangements with white employers.

The bargaining leverage black farm workers in the Northern Shenandoah Valley exercised was not universally enjoyed among the South's emancipated workers. Differences in regional economies influenced the degree to which black workers could exert some control over their terms of labor. In their studies of the

Deep South's postemancipation black labor force, historians Jay Mandle and Jonathan Weiner find that slavery's abolition did not elevate black laborers above a servile class of dependent workers. Planters who retained their landholdings after the Civil War continued to be the dominant class in society, wielding authority that excluded laborers' rights to bargain their terms of employment; their work terms continued to be dictated by the planters who employed them. Even as black workers attempted to gain greater autonomy through sharecropper arrangements, Mandel points out, they ultimately sank into debt peonage. They became dependent on credit extended them by planters and merchants. Their debts often consumed what little profit they might make even in a good crop year.<sup>9</sup>

Regional and local influences in southern farm economies made for what historian Susan O'Donovan describes as "a welter of freedoms."<sup>10</sup> In *Becoming Free in the Cotton South*, O'Donovan examines the journey into freedom of African Americans who worked in the cotton fields of southwest Georgia. Although these cotton field workers established independent households and organized politically, asserting their rights as laborers, their efforts were doomed as Southwest Georgia's cotton economy began experiencing an economic downturn in 1868. This downturn effectively quashed their push for greater control of their terms of work. As their "wages plummeted and violence skyrocketed," she notes, planters effectively reduced their black workers to economic re-enslavement. In another, more prospering area of the South, black workers were terrorized under different

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<sup>9</sup> Jay R. Mandle, *Not slave, not free: the African American economic experience since the Civil War* (Durham: Duke University Press, 1992); and Jonathan M. Wiener, *Social Origins of the New South: Alabama, 1860-1885* (Baton Rouge and London: Louisiana State University Press, 1978).

<sup>10</sup> Susan O'Donovan, *Becoming Free in the Cotton South* (Cambridge: Harvard University Press, 2007), p.180.

circumstances. In North Carolina where an alliance of Southern planters and northern capitalists was rebuilding the railroad system linking Virginia, the Carolinas and Georgia by rail, Scott Nelson examines the ways in which Ku Klux Klan leaders mobilized resentment of African American railroad workers' growing economic and political empowerment.<sup>11</sup> In the Virginia Tidewater town of Hampton black workers fared better. Robert Engs relates that, during the Civil War, hundreds of African Americans fled their masters and came to Union Army-occupied Fortress Monroe where they were granted status as contraband of war or as refugees.<sup>12</sup> Even before the Civil War ended black Hamptonians were becoming wage earners and establishing independent communities.

Whatever challenges and advantages they dealt with in the southern communities they lived in, the freedpeople's labor continued permeating every aspect of their lives after, as before, their emancipation. In the Northern Shenandoah Valley's emerging postemancipation society, as they gained greater control over their work arrangements, the freedpeople were redirecting their labors to the benefit of their families and communities. The Valley Bureau agents regarded the black family as the essential unit of social stability, giving the freedpeople an incentive to be productive laborers and societal stakeholders. The agents therefore encouraged, and occasionally strong armed, the freedpeople to form stable civil unions. The agents worked to ensure black men earned a wage sufficient to support their families.

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<sup>11</sup> Scott R. Nelson, *Iron Confederacies: Southern Railways, Klan Violence, and Reconstruction* (Chapel Hill and London: The University of North Carolina Press, c. 1999).

<sup>12</sup> Robert Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861-1891* (Philadelphia: University of Pennsylvania Press, 1979),



The Bureau's model of black family stability did not, however, conform with the realities confronting the freedpeople as they reunited their families. A closer examination of the emerging patterns of family and community organization in the Northern Shenandoah Valley, particularly Clarke and Frederick Counties, reveals the toll the slave trade took in the Valley. Although across the South black women were withdrawing from white households to take care of their own families, in the Northern Shenandoah Valley a substantial number of self-supporting women had to struggle on meager wages to provide for themselves and their children. Some black partners never reunited and many black children entered freedom as orphans. The strength of black community networks and the intergenerational living arrangements in many black households served as a social safety net as the freedpeople transitioned out of slavery. Intergenerational black households were also crucial to wealth accumulation. Household members pulled together to get ahead. Among those black households in Clarke and Frederick Counties reporting some surplus wealth in 1869, the overwhelming majority were intergenerational, with members working as common laborers for the most part.

Although white in other areas of the south used the apprenticeship system to re-enslave black youths, this was not a common practice in the Shenandoah Valley. As the freedpeople established independent households they could, for the most part, count on the Valley's Bureau agents to help them reclaim their children from white households. Even though some whites resisted the freedpeople's efforts to claim their children, the freedpeople were usually successful in asserting the guardianship rights granted them with the Virginia legislature's passage of the

Marriage Legitimization Act. Out of economic necessity freedpeople were, however, willing to arrange short term work arrangements for their children. For their part, whites were often unwilling to employ black youths too young to be useful workers.

Not all of the Valley's black youths were reunited with family members, but, as the official guardian of orphaned black youths, the Bureau did not have to send many of these youths to the Washington, D. C. orphanage for them or to apprentice them to white families. White as well as black families provided homes for black orphans, averting what could have otherwise been a humanitarian crisis. William C. Cross, emancipated at age nine in Clarke County, was a typical case. After the Civil War, William staid on the Shenandoah River plantation of his former master, growing up there to become a tenant farmer in the county. Of his grandfather's situation on being emancipated, grandson William Cross related: "He was all by himself when emancipated. They kept him on. He didn't have no reason to leave. That was his home. Couldn't of went no where. Didn't have nowhere to go. If he'd went somewhere, someone would have to take him in and feed him."<sup>13</sup> This former slave's son, John Cross, became one of Clarke County's earliest landowners.

In addition to giving the feedpeople sole legal guardianship of their children, The Virginia legislature's passage of the black Marriage Legitimization Act in 1866 granted the freedpeople the right to enter state sanctioned civil unions. Without this legal underpinning for their unions, African Americans would have been no better off in freedom than slavery, when whites could separate their families with

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<sup>13</sup> Donna Dodenhoff's July 28, 2006 interview with William Cross in Berryville, Virginia.

impunity. In addition to establishing legally inviolate households., African Americans took advantage of the Act to boost their citizenship standing. Designated households heads by the Act, black men gained leverage in negotiating their families' labor arrangements and, as they gained the right to vote, achieved the full "manhood" status that enfranchised white men enjoyed. The cloak of respectability the legitimization of their marriages gave black women served them well as they contributed to their own household economies and became civic activist as church women. As historian Amy Dru Stanley has observed, while white women considered marriage a form of civil death, for emancipated black women their civil unions were a form of civil empowerment.<sup>14</sup>

The work of historians Laura Edwards, Hannah Rosen, Nancy Cott, Thavolia Glymph, Rebecca Sharpless, Tera Hunter and Jacquelyn Jones, among others, has opened fertile new territory for exploring the ways in which black women were expressing their citizenship status during Reconstruction.<sup>15</sup> At a time when the public and domestic spheres were separately configured in American society, these historians have explored the intersection of black women's domestic and civic roles as they affirmed their standing as free women. For example, in her

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<sup>14</sup> Amy Dru Stanley, *From bondage to contract Wage labor, marriage and the market in the age of Slave emancipation* (Cambridge and New York: Cambridge University Press, 1997), "Ch. 4: The Testing Ground of Home Life," pp. 138-174.

<sup>15</sup> See Edwards, *Gendered Strife*; Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2009); Rebecca Sharpless, *Cooking in other women's kitchens: domestic workers in the South, 1865-1960* (Chapel Hill: University of North Carolina Press, c. 2010); Thavolia Glymph, *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge and New York: Cambridge University Press, c. 2008), pp. 167-203; Jacqueline Jones, *Labor of Love, labor of Sorrow: black Women, Work and the Family, from Slavery to the Present* (New York: Vintage Books, 1986), "Freed Women: The Civil War and Reconstruction," pp. 44-78; Tera Hunter, *To 'Joy My freedom* (Cambridge and London: Harvard University Press, 1997); and Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Massachusetts: Harvard University Press. c. 2000).

study, *Out of the House of Bondage*, Thavolia Glymph provides insights into the ways in which white households became the political landscape on which white mistresses and their black servants began readjusting the balance of power in their relations. In the Northern Shenandoah Valley, as they took their complaints of mistreatment by both whites and black men to the Freedmen's Bureau, black women were asserting their right to be protected by the federal government from which their rights flowed. As Reconstruction came to a close, the freedwomen of Clarke County organized a temperance unions and black women across the Northern Valley asserted their rights as wage earners, as well as participating in the community-building work of their churches.

The freedpeople's resistance strategies as bondspeople, and their efforts to make their lives in freedom different from their lives in bondage, invite reconsideration of Reconstruction as less an event than an ongoing process of racial advancement. This study embraces a view of Reconstruction as a process rather than as an event. In writing revised histories of Reconstruction after the Civil Rights Movement of the 1950s and 1960s, John Hope Franklin and Eric Foner, among other historians, laid the groundwork for this understanding of Reconstruction as an "unfinished revolution."<sup>16</sup> Virginia's own political history, in fact, upends the narrative of Reconstruction as a politically polarized time whose 1877 endgame resulted in the final withdrawal of all federal troops from the South. .With the rise of Virginia's populist Readjustor Movement in the late 1870s and early 1880s, African Americans, as a Republican voting bloc supporting the Readjustors, exerted leverage in shaping the Party's reform agenda, Moreover, in

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<sup>16</sup> Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*.

assessing the larger context of the late nineteenth century South's political landscape, historian Peter Wallenstein has pointed out that black officeholders, in defiance of the southern states' initial rejection of the 14<sup>th</sup> Amendment guaranteeing their civil equality, continued to be elected to the legislatures of all the southern states beyond both 1870 and 1877 <sup>17</sup>

Although the legislatures of Virginia and the other southern states had rewritten their constitutions by the early twentieth century to effectively deny African Americans their full civil rights, the freedpeople never lost sight of what the federal government's earliest declaration of their freedom meant to them. In an 1888 flyer advertising the organization of an annual celebration of the Emancipation Proclamation in Richmond, they declared: "Praise to God for the blessings of our freedom."<sup>18</sup> During Reconstruction, the freedpeople of the Northern Shenandoah Valley had secured a number of those blessings. They had gained greater control over their terms of labor, becoming in the process more than emancipated dependents. They lived within their households as inviolate family units and had laid the foundations of strong, supportive community networks and institutions. Their aspirational culture, fueled by a system of good public schools and the less restrictive horizons of opportunity afforded by their proximity to mid-Atlantic cities, sustained them through the Jim Crow era. Dismissing the gains African Americans made as citizens below the bar of legal citizenship entitlements is to dismiss the hard-won progress they made as they resisted slavery's afterlife in

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<sup>17</sup> Peter Wallenstein, presentation at the Virginia Forum, March 4, 2016, "Reconstruction and Virginia: Reconsidering Virginia's Place in the long Reconstruction of the Post-Civil War South."

<sup>18</sup> Marie Tyler-McGraw, *At the Falls: Richmond, Virginia, and Its People* (Chapel Hill: The University of North Carolina Press, 1994), p. 210.

the earliest days of their emancipation, as well as the progress they made in collaboration with their allies, chief among whom were the Valley's Freedmen's Bureau agents.

After Reconstruction, the second class citizenship that the Valley's black borderlanders were relegated to had less to do with southern whites' organized terrorist tactics than the cultural strategies whites deployed in reasserting a white supremacist social order. Whites in the Northern Valley played an important role in the winning of what Richmond journalist Edward A. Pollard regarded as the second Civil War, that is, the war of ideas following the North's military victory.<sup>19</sup> In this second cultural War following the North's victory in the Civil War, southerners construed their "lost cause," not as the death of slavery, but as the defeat of the Southern states' efforts to secure states' rights against northern aggressors. Winchesterite Mary Magill Tucker influenced several generations of Virginia school children with her *History for use in the Schools*. First published in 1873, the primer was required reading for fourth and fifth graders in the state for over 40 years. In the primer, which she claimed to be a "a faithful record of the past history of the old mother of states and statesmen," Tucker allotted all of five pages to the Reconstruction era. Her short, emotionally overwrought narrative described post-War Virginia as "dismembered and bleeding," but serving as an "uncrowned queen sitting among the ruins of her homes, weeping the loss of her children, held down under the military rule of the Union she helped to make."<sup>20</sup> The Ladies

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<sup>19</sup> Edward A. Pollard, *The Lost Cause: A New Southern History of the War of the Confederates* (New York: E. B. Treat & Co., Publishers, 1866).

<sup>20</sup> Mary Tucker Magill, *A History of Virginia for the Use of Schools* (Lynchburg, VA: J. P. Bell Co., 1881) Ch. XVI: 1865-1890, p. 364. Fred Arthur Bailey describes white Virginians' efforts in the late

Memorial Association, inaugurated by Winchester women to establish memorials, ceremonies and cemeteries for slain Confederate soldiers, quickly spread across the South, giving further impetus to the “lost cause” movement.<sup>21</sup> Through the work of historians writing revisionist histories of Reconstruction and the interpretive programming of such organizations as the Virginia Foundation for the Humanities, African Americans voices and perspectives on their journey into freedom have begun to emerge. This history of the Northern Valley’s Reconstruction period joins that project.

The opening chapters of this study narrate the freedpeople’s efforts to secure housing, reunite their families and exert greater autonomy as free laborers. The final chapters explore their role as engaged citizens who sought racial progress in collaboration with the Freedmen’s bureau agents, Republicans and representatives of northern missionary societies as they worked to establish their standing as equal citizens in the postemancipation society whose contours they had a role in shaping.

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nineteenth and early twentieth centuries to interpret the meaning of the Civil War and Reconstruction as “the Virginia campaign for historical revisionism. In Virginia, and throughout the south the region’s ‘best families’ felt their social class threatened by the aspirations of lesser whites and long-oppressed African Americans. Southern elites once again manned the parapets to defined their status, not on the bloody ground of Gettysburg or Shiloh but in interpreting of the past. They sought to inculcate into schoolchildren their historical ideology, a tinted account that was supposed to ensure that all southerners would respect their properly ordained leaders.” Bailey, “Free Speech and the Lost Cause in the Old Dominion,” *The Virginia Magazine of History and Biography*, 103:2 (April 1995), pp. 237-266.

<sup>21</sup> See generally Caroline E. Janney, *Burying the Dead But Not the Past: Ladies’ Memorial Associations & the Lost Cause* (Chapel Hill: University of North Carolina Press, c. 2008).





## Chapter 1: Reaping the Whirlwind: The Freedpeople's Search for Housing in the Civil War's Aftermath

*"I wonder if America will ever have a place for poor (black) people. It appears they are doomed to be eternal transients." Alice Walker on her brother's leaving and returning to the South<sup>22</sup>*

### Overview

In the Civil War's aftermath many of those African Americans who remained in the Northern Shenandoah Valley and who were committed to rebuilding their lives there as an emancipated people confronted an immediate challenge; they had to secure a roof over their heads. As those with few or no financial resources, African Americans had to scramble to find shelter in the war-torn Northern Valley. By the Civil War's end, the ravages of the intense conflict waged in the Shenandoah Valley, as well as financial hardship, had inevitably left housing shortages that knew no color line. However, since African Americans were more likely to inhabit deteriorated dwellings, they were also more vulnerable to homelessness resulting from condemned housing. Freedman Lewis and his ill wife had to leave their Water Street home in Winchester after the city scheduled the dwelling for demolition.<sup>23</sup>

The eviction crisis arose from whites' unwillingness to deal fairly with the freedpeople as renters or as squatters on abandoned lands being reclaimed by landowners. In Clarke and Frederick Counties white property owners often arbitrarily evicted the freedpeople from rental housing. A new capitalist order had arrived as property owners abandoned any pretense of paternal benevolence in

<sup>22</sup> Alice Walker, *In Search of Our Mothers' Gardens: Womanist Prose* (San Diego: Harcourt Brace Janovich, c. 1983), p.198.

<sup>23</sup> Capt. McDonnell to Robert Conrad, mayor of Winchester on February 21, 1868. Records of for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

their dealings with black renters. As part of their work agreements with black laborers, who were often their former bondspeople, white employers began charging a rental fee of \$2.00 to \$2.50 per month for former slave quarters. They also used the threat of eviction as a means of controlling their laborers, whether or not they had made formal labor agreements with them. Exerting their power as property owners, whites refused to honor the freedpeople's right to make binding rental arrangements, dishonoring these agreements just as they dishonored labor agreements they made with the freedpeople.

In arbitrarily evicting the freedpeople from their rental housing, white landlords were, then, asserting a supremacist order in which they retained dominance as property owners. But their power had limits as the freedpeople resisted homelessness. The black tenants white landlords evicted were often also employees whose labor they needed. For their part, in a favorable labor market, the freedpeople could readily secure other employment and housing arrangements when their employers evicted them. Elders, youths and disabled blacks with no job prospects were often taken in by black families who had stable housing arrangements.

The housing crisis was but one of the challenges the freedpeople coped with in the Civil War's aftermath. But dealing with this crisis reinforced their efforts to advance their progress on other fronts. Having a "good home" gave black parents and guardians leverage as they sought to reclaim their children from white households. Freedpeople who had homes to return to also avoided the appearance of being vagrants subject to incarceration and forced labor.

## **Social Upheaval in the Civil War's Aftermath**

In the Civil War's aftermath, large numbers of homeless, destitute freedpeople raised the specter of an unmanageable social crisis. Indeed homelessness was the norm for many black Virginians. They left their former owners in search of better lives elsewhere. Those who had fled to the Union Army during the War could find themselves living as refugees in temporary situations after the War. The Virginia Freedmen's Bureau required monthly reports of all its agents as to "whether they [the freedpeople] are self- supported or not who are in colonies, camps, depots or hospitals or living in government farms or other lands under the control of the Asst. Commissioners."<sup>24</sup> In Staunton, in the Southern Shenandoah Valley, the wives and children of black Union soldiers who had not yet returned from the War were "turned out destitute, and almost naked to beg for their food," Union Brigadier General S. H. Dural reported to Major William Rupell, Jr., the Union officer occupying the Valley.<sup>25</sup>

This humanitarian crisis led to rumors of black insurrections. In September 1865, five months after the War's end, Orlando Brown, head of the Virginia Bureau at the time, queried the Winchester Bureau concerning rumors of black insurrections in the Shenandoah Valley: "Captain, you will please notify these Head Quarters whether you have any evidence or suspicion, that any insurrectionary movement has been thought of or contemplated by the Freedmen within your District." In

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<sup>24</sup> July 11, 1865 Circular No. 10 from the War Dept. in Washington. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 235.

<sup>25</sup> June 9, 1865 communication to Major Wm. Rupell Jr., Army of Shenandoah, fr S. H. Dural Brig. Gen. Commanding. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5710, roll 185, frame 4-5.

Virginia the crisis of homelessness only seemed to worsen as the first post-War winter set in. Brown reported to his agents in late December that “many citizens contemplate turning out of doors the helpless and infirm freedmen on the first of the year.”<sup>26</sup>

### **The Northern Shenandoah Valley’s Eviction Crisis**

The homelessness African Americans experienced in the Northern Valley resulted in part from a post-War housing shortage, but this shortage was exacerbated by white property owners denying the freedpeople secure living arrangements. During the post-emancipation period, their arbitrary evictions of black renters, who were also often their employees, had little to do with their expectation that they would be unreliable renters. Rather the evictions had more to do with the white property owners’ reassertion of their area’s white supremacist social order. Certainly area whites’ long experience with a growing free black population through the pre-emancipation period had demonstrated the reliability of free blacks as workers and as a responsible, family-oriented people. Whites had, in fact, allowed free blacks to purchase land and establish their own communities in both Frederick and Clarke Counties.<sup>27</sup>

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<sup>26</sup> Orlando Brown’s Sept. 10, 1865 communication to Capt. How at the Staunton Freedmen’s Bureau office. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 64.

<sup>27</sup> Clarke County plantation mistress Anne Randolph Page, who had been active in the area’s American Colonization Society (ACS) chapter in the early nineteenth century, told her freed slaves that only by emigrating to Liberia could they fully realize their freed status. In her memoir, published in 1844, she wrote: “Providence, as yet, has opened no way for you to enjoy equal rights; were you nominally free, where freedom is only a name. Anne Randolph Page, *Memoir of Mrs. Anne R. Page* (Philadelphia: W. B. Young Printer, 1844), p.p. 52-53; Mrs. Page’s sentiments were widely shared among whites in nineteenth century America. As late as 1862, a year before he signed the Emancipation Proclamation, President Lincoln had also supported the ACS’s “back to Africa” movement as a more viable path to meaningful black freedom than remaining in the United States. Eric Foner, *New York Times* article, Why Reconstruction Matters,” December 9, 2015 .See also entries for the American Colonization Society at the website: [www.Encyclopediaofvirginia.org](http://www.Encyclopediaofvirginia.org). Using

In the post-War period, African Americans in the Northern Valley continued associating freely, maintaining their own community networks. Six months after the War's close, the Bureau reported that a black woman from Winchester had joined a gathering of Clarke County freedpeople at a Sunday dinner they had organized.<sup>28</sup> These informal community networks would increasingly be supplemented by the growing number of formally organized African American churches and benevolent organizations. Moreover, with the slave trade taking a heavy toll in separating black families, the freedpeople's intergenerational households also ensured elders had homes as well as young orphans. According to the 1870 federal census reports for Clarke and Frederick Counties up to 153 elders and 81 black youths (other than the children belonging to the household's nuclear family) were living in black households and in Clarke County, up to 144 elders and 90 such black youths were.<sup>29</sup>

Those community networks were strained by the tide of evictions that left freedpeople suddenly homeless through white property owners' arbitrary evictions. Within five months of the War's conclusion Clarke County planter George Burrell contacted the Winchester Freedmen's Bureau, informing the agents that: "I

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federal census data, Rebecca Ebert provides an overview of free blacks in antebellum Frederick County, highlighting the stability of their employment, family bonds and households. She notes a small number of free blacks had owned property in Frederick county as early as the eighteenth century, Rebecca Ebert, *A Window on the Valley*, Masters Thesis, University of Maryland, 1986) revised edition, pp. 160-180; Maral Kalbian presents an overview of antebellum and postemancipation black communities established in Frederick County in Frederick County, Virginia: History Through Architecture (Winchester, VA: Winchester-Frederick County Historical Society Rural Landmarks Publication Committee, 1999) and in a study of the same kind of communities established in Clarke County in the study she did with Leila Boyer, *Final Report: African-American Historic Context: Clarke county, VA, CLG Project #: 66014*, prepared for the County of Clarke, Berryville, VA, Sept. 26, 2002

<sup>28</sup> Clarke County farmer to Capt. McKenzie of the Winchester Freedmen's Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 592.

<sup>29</sup> Calculated from the 1870 federal census for Frederick and Clarke Counties.

have a family of servants which I should be pleased to have you send a wagon for and take away.”<sup>30</sup> Both white property owners and African Americans experiencing dislocations turned to the Freedmen's Bureau for assistance in finding homes for displaced freedpeople. Writing to the Winchester Freedmen's Bureau in January of 1866, a Clarke County farmer, John Same, requested assistance with an elderly black woman whose family had moved away leaving her behind. “The object of my writing is to know if such cases come under the cognizance of your business and if you could not compel them [the family] to take care of the poor old soul who must suffer unless something of the kind is done.” Same goes on to explain, “I do not write because I begrudge the old creature her victuals, wood or cabin but as an act of humanity. I will try to do the best I can for her till I can hear from you.” Same required a prompt reply because “in a day or two” he planned to rent the cabin to a tenant moving up from Warren County and “it would be very disagreeable to take forcible possession when he arrives.”<sup>31</sup>

Although their community standing required they honor business agreements among themselves, many area whites had no qualms in making bad faith agreements with the freedpeople. Giving no prior notice white landlords changed the terms of rental agreements with black renters. In Winchester a freedman who had agreed to a \$20 per year rental fee found himself sharing his rented house with

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<sup>30</sup> George H. Burrell to Capt. McKenzie of the Winchester Freedmen's Bureau on August 21, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 489.

<sup>31</sup> January 1, 1866 communication to “Supt. of the Freedmen's Bureau” from John B. Same. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 191, frames 710-11.

a sublettor within six months of the agreement.<sup>32</sup> Nor did being a good tenant afford much security. A Bureau agent in Clarke County reported that, even though a Berryville freedman had paid his rent in advance, “measures are being taken to dislocate him.”<sup>33</sup>

At times new white tenants proved as callous as their landlords in disposing of black tenants. As a free black before the War, Dorsey Washington had rented a house in Middletown from a Mr. Danner for at least two decades. As part of the rental agreement Washington’s wife did wash for the Danner family and Washington performed tasks for them on an “as needed” basis. After the War, when Danner decided to rent the house to a white tenant, a Mr. Hensley, the new tenant forced Washington and his family from their home before their rental agreement expired. Hensley barricaded the property with a “wagon yard.” In taking over the house and lot, Freedman Washington noted, Hensley declared he would “pay ten dollars a month before he will have a [family] of free negroes living by him.”<sup>34</sup>

Even when agreements were in writing whites could be so impervious to these contractual arrangements as to be larcenous. Freedman Henry Stevenson had bought a lot from a Capt. Chase for \$60.00. Chase had then turned around and sold the lot to someone else. With several witnesses supporting Stevenson’s

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<sup>32</sup> September 1865 complaint to the Winchester freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 54.

<sup>33</sup> Freedman Harvey Thomas’ complaint of May 16, 1867 to the Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 399-400.

<sup>34</sup> August 27, 1867 complaint of Dorsey Washington to Capt. Chandler. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 466-67.

claim, the Freedmen's Bureau Court ruled that Stevenson must be reimbursed for the \$60.00 payment he made, once the deceased Chase's estate had been settled. In the interim, however, that kind of bad faith transaction did little to afford Stevenson a living arrangement he could regard as a secure investment.<sup>35</sup>

As the freedpeople used the Bureau's complaint procedures to push back against white property owners' abusive treatment, they asserted what they considered was their entitlement to secure living arrangements. They stubbornly refused to leave dwellings they believed that they rightfully occupied. When William Denall decided to turn his rental property over to one of his former slaves, the current tenant, Freedwoman Harriet Fields, also one of Denall's ex-slaves, refused to leave the property. She challenged Denall in the Freedmen's Bureau court. The court rewarded her tenacity by finding another position for her that included board. The court instructed Denall to provide termination wages and to bring Harriet Field's belongings to her new quarters.<sup>36</sup> In another case, James Larue of Berryville claimed Freedman Frank Franklin had refused to vacate a dwelling Larue had rented out to someone else. Larue claimed that, at Franklin's request, he had allowed Franklin to occupy the house for six months. Franklin countered that he and his two boys "ought to have the house the winter to pay for the summer's [uncompensated] work."<sup>37</sup>

Although the Bureau often protected the freedpeople from arbitrary evictions,

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<sup>35</sup> *Henry Stevenson v. Estate of Capt. Chase* tried in the Winchester Freedmen's Bureau Court on November 20, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192..

<sup>36</sup> Harriet Fields' March 10, 1866 complaint against Mr. Denall, Records of the Field Offices for the State of Virginia, BRFAL 1865-1872, Accession. 44121, Misc. reel 57091, roll 184.

<sup>37</sup> December 19, 1865 communication from Sergeant Morgan in Berryville to Capt. How in Winchester- Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 705.



the Bureau just as consistently ruled on behalf of landlords' property rights, including their right to profit from their property as they saw fit. In occupying a Winchester dwelling owned by Mr. Diffendorfer during the War, Freedwoman Betsy Nevil claimed she had "prevent[ed] its destruction." When Diffendorfer decided to sell the house to Freedman Joseph Tapper, Betsy Nevil became so incensed with this betrayal of her war-time loyalty that she refused to move out. In deference to Diffendorfer's private property rights, the Freedmen's Bureau court ruled she had to vacate the property.<sup>38</sup> Freedman Peter Coates also claimed a right to remain in his rented dwelling, a house he had built for farmer William Pierce. When Pierce filed suit against him, demanding that Coates leave his farm after Coates failed to produce his agreed on share of the crop, the court found that Coates had to leave the property but that he had two weeks to do so.<sup>39</sup>

White property owners could also exert considerable influence over black community building efforts during Reconstruction. Although Freedman Harvey Thomas had advanced a rental fee to his Berryville landlord for a building Thomas planned to use as a Methodist fellowship hall, his landlord tried to "dislocate him." His landlord feared Thomas and his fellow Methodists were using his property to strengthen the northern Methodist church's presence in Clarke County. The freedpeople congregated there "for class and prayer meetings every Wednesday evening and the Rebs feel bad because they belong to the ME Church"(rather than

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<sup>38</sup> *Joseph Tapper v. Mr. Diffendorfer* tried in the Winchester Freedmen's Bureau Court on October 31, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192.

<sup>39</sup> *Peter Coates v. William Pierce* tried in the Winchester Freedmen's Bureau Court on November 14, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 21.

the Methodist Episcopal Church, South). The Bureau agent reported that “It is a case that deserves your attention and we feel very anxious in [attending] to it because if he [Freedman Harvey Thomas] leaves the house the Col[ored] People lose the last place to hold meetings.”<sup>40</sup>

Yet even with the Winchester Freedmen’s Bureau reporting full employment for black laborers in Clarke and Frederick Counties by 1868, white property owners, who needed their labor, continued exploiting black renters. In Winchester they struggled to meet their subsistence needs through the winter of 1867-68: “The most industrious [freedpeople], unless with constant employment can scarcely make both ends meet, owing to the enormously high rents and price of fuel” the Winchester Bureau reported to Richmond headquarters.<sup>41</sup>

Mindful of whites’ property rights and the Bureau’s own limited resources, the agents did their best to assist the freedpeople as they encountered white property owners’ arbitrary evictions of them from rental housing. Beyond providing immediate relief from their destitute condition, a priority of the Virginia Bureau was to help the freedpeople become wage earners who could provide for their families’ subsistence needs, including shelter. In addition to their immediate need for shelter, securing housing was also part of the freedpeople’s own larger effort to establish independent households as they reunited their families.

The Bureau made clear the limits of its responsibility in assisting the freedpeople with securing housing. While the Freedmen’s Bureau was in the

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<sup>40</sup> May 18, 1867 communication concerning freedman’s eviction from house in Winchester. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 399-400.

<sup>41</sup> Winchester Freedmen’s Bureau’s March 1868 report. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

business of providing schoolhouses for the freedpeople, the Virginia Bureau stated that local authorities should provide shelter for the homeless in their county poorhouses. The Bureau, in other words, was not in the housing business. Nor could the federal government be counted on to secure homes for the freedpeople by granting them abandoned lands or houses, The Virginia Bureau regarded private property as sacrosanct and returned abandoned properties to their original owners, insisting only that the freedpeople on abandoned lands be given a 30 day notice when owners reclaimed their property. In a special order, Major General Oliver Howard, head of the entire Freedmen's Bureau network, explicitly instructed agents that, for those freedpeople occupying reclaimed lands, "complete and careful provision [be] made" that they have sufficient time to find other housing.<sup>42</sup>

Although the Freedmen's Bureau was not authorized to provide housing for the freedpeople, the Bureau agents did not stand idly by while whites evicted their former slaves. The Virginia Freedmen's Bureau initially responded with moral indignation backed up by the threat of military force as it dealt with the freedpeople's arbitrary evictions from rental housing. "You will not allow the colored people to be turned out of doors," Orlando Brown wrote to Capt. How, who oversaw the Shenandoah Valley bureaus in summer of 1865. "Call upon the military to prevent this. If any county has taken action against the interest of the negroes report it at once to this office."<sup>43</sup> To prevent widespread homelessness among Virginia's freedpeople as the winter of 1865 came on, Brown instructed

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<sup>42</sup> General Howard's August 17, 1865 Special Order No. 49. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 257.

<sup>43</sup> August 8, 1865 communication of Orlando Brown to Capt. How at the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5713, roll 188, frame 38.

agents across the state to report the name and address of any property owners who planned to evict “the helpless and infirm freedmen.”<sup>44</sup>

In the Civil War’s aftermath, with no way to legally prevent arbitrary evictions, however, the Bureau began appealing to white property owners’ humanitarian instincts and business sense. Six months after the War’s close, a Botetourt County farmer had transported and deposited “families of negroes” in West Virginia, “leaving them there in a helpless condition.” The Freedmen’s Bureau agent’s superior ordered the agent to “Explain to him [the ex-slave owner] his duties in regard to such families and report as soon as possible his explanation of the case.”<sup>45</sup> In pleading the case for Freedman Thomas Bottier, who had been fired because he owed his employer back rent, the Winchester agent reminded his employer, “You are of course aware that any one that has to depend upon his Labor for support of himself and Family must have a chance to live as they go along notwithstanding his indebtedness and wishing that you will take a reasonable view of the matter and give the Freedman Bottier a chance to live.”<sup>46</sup>

By 1866, with the U. S. Congress’ passage of the Civil Rights Act, the Virginia Bureau had formulated a policy requiring equal treatment of African Americans under the law. The Bureau demanded that blacks evicted from whites’ rental properties be given the same one month notice that white renters were given. But

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<sup>44</sup> December 28, 1865 Circular of Orlando Brown to all Virginia Freedmen’s Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 376.

<sup>45</sup> September 1865 communication from Richmond headquarters to the Winchester Freedmen’s Bureau office concerning Mr. Casey of Botetourt County, Va. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 68.

<sup>46</sup> Capt. Chandler in a July 26, 1866 communication to L. Frees in Winchester. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 767.

white property owners continued evicting the freedpeople with impunity, even when it did not make good business sense to evict workers whose labor they needed. In a stern tone Capt. Chandler of the Winchester Bureau informed Alfred Marshal of Clarke County that Freedwoman Jackson could not be summarily divested of both employment and a home without proper notice. "I will state for your information that before you can dislocate her you must give a notice on her to that effect one month previous before you can force her to go./ It is of course expected that when people make a bargain of any kind they consider it good whether it is reduced to writing or not." Chandler also questioned Marshal's business sense in turning out a black family who had agreed to work for Marshal's family in exchange for a place to live: "You (Marshal)... threat[ened] to turn her family out of house and home after your having made a bargain that she was to work for you and your family consisting as she says of yourself, wife a little girl a hired man and a boy....which I think is very good rent."<sup>47</sup>

Domestics, both young single women and single women with children, were the most vulnerable to evictions. Some employers put them out on the street without any clothing other than that on their backs. When domestics were fired with little notice they had to quickly gather up what few possessions they had. In fall of 1865 Clarke County planter George Burrell had "beaten one Jemimah Beaver a colored servant in his employ and driven her away keeping from her all her winter clothing."<sup>48</sup> The most miserly of employers could be those in the most comfortable

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<sup>47</sup> Capt. Chandler to Alfred Marshal on August 14, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 836.

<sup>48</sup> Report of Sergeant John M. Gillis. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 588.

circumstances. A Newtown physician let an elderly freedwoman go, adding insult to injury by underpaying her and withholding her bed clothing.<sup>49</sup> Emma Morris, a black domestic servant let go by the Lupton family filed suit with the Freedmen's Bureau Court in November of 1865, seeking repossession of two pairs of drawers, a night gown and two skirts, essential items of her sparse wardrobe. Although the Luptons argued the clothing belonged to a white girl, presumably a former servant, the Freedmen's Bureau Court ruled Emma had a right to several of the items.<sup>50</sup> In dismissing his alcoholic cook Mary, Winchester mayor Robert Conrad prided himself on removing her possessions to one of his outbuildings and his yard. He claimed "no injury happened to her furniture "even though Mary had to go to the Winchester Freedmen's Bureau seeking its return.<sup>51</sup>

Property owners at times did have the upper hand in the resolution of rental agreements they breached. Freedman Jacob R. (spelling of last name indecipherable) filed suit with the Bureau Court against Michael Ryan in 1866 protesting his eviction by Ryan. Jacob claimed that he had rented an apartment from Ryan for \$8 per month, with \$4 provided up front and the remainder to be paid out at month's end. After he had occupied the room for three months, Ryan threatened to evict him. Ryan argued that Jacob, with whom he had no written agreement, had agreed to pay the \$8 up front at the beginning of the month. Based

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<sup>49</sup> Capt. Chandler to Dr. Wall, Newtown physician, on January 1, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 785.

<sup>50</sup> *Emma Morris v. Jonathan S. Lupton* tried in the Winchester Freedmen's Bureau Court on November 28, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192.

<sup>51</sup> Winchester Mayor Robert Conrad to the Winchester Freedmen's Bureau on August 16, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 191, frames 311-13.

on the evidence, the Freedmen's Bureau Court had to dismiss Jacob's charge against Ryan, with Ryan promising not to "molest" Jacob.<sup>52</sup>

Although most of the complaints that came to the Freedmen's Bureau had involved rental agreements that property owners breached, they did encounter loyal Unionists and others motivated by a desire to continue providing shelter for their ex-slaves during Reconstruction's transitional period. In Shenandoah County farmer George F. Happ, a former slave owner and Union sympathizer, found his Unionist loyalties compromised by the realities of post-War conditions. His ex-slaves had remained with him either because they were too disabled to leave or who, for a variety of reasons, chose to remain. Was it immoral, worse illegal, to keep ex-slaves who had nowhere else to go? In response to a Freedmen's Bureau agent who requested he return the clothes of an African American girl who had lived in the elderly Happ's household, the beleaguered Happ shot back a reply: "I have complied with every proclamation issued by Pres. Lincoln. I was in the War of 1812. Do you suppose I want a Negroe's clothing? You are at liberty to examine every part of my house. My house has been plundered by north and south. Most all of our clothing white and black has bin taken.... I have 12 Negroes in my possession. Blind old Laurie and children. Will you if you please come and take them all...No man is more disposed to carry out the Emancipation Proclamation than I am."<sup>53</sup> Similarly, Mrs. D. W. Barton, who had supported an elderly blind

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<sup>52</sup> *Peter Coates v. William Pierce* tried in the Winchester Freedmen's Bureau Court on November 14, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 192.

<sup>53</sup> August 14, 1865 Letter of George F. Happ to Capt. McKenzie at the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 496.

woman for years, had no intention of evicting this woman from her Frederick County farm, but she did seek the Winchester Bureau's aid in supplying the freedwoman with rations and clothing. As her nephew R. J. Barton explained to the Bureau, "This old [ex-slave] woman who is perfectly blind has not for many years been able to do anything at all but has been entirely supported by Mrs. Barton as a worthy affect of charity. Change in circumstance however caused by the war and the destruction of property incident to it has rendered it necessary to curtail expenses in every possible way in order to be provided with even the necessaries of life."<sup>54</sup>

Post-War dislocations involved more than the freedpeople's efforts to secure housing. They had begun occupying land on property abandoned by landowners during the Civil War. Both whites and blacks had occupied abandoned lands as the Civil War wound down. Ultimately white squatters, no less than black ones, had to vacate lands reclaimed by owners. In one instance, however, the Bureau appeared to give area white men more latitude in making a claim to abandoned lands. Several Clarke County men had routed a black squatter from a Frederick County farm near Newtown. They had only the thinnest pretense to a legal claim on the farm, stating that they had obtained a ruling from a Clarke County justice of the peace who, in fact, had no jurisdiction with regard to their claim. The Winchester Bureau agent, Capt. Chandler, did not rule out the white men's claim to the property; he did, however, instruct them to go through proper legal channels in

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<sup>54</sup> R. J. Barton's October 27, 1865 inquiry to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 558.



order to claim it, absent the returning owner's repossession of his lands.<sup>55</sup>

In other cases involving property owners' repossession of their abandoned lands, the Bureau insisted only that black squatters be given a reasonable evacuation notice if they could not negotiate a lease with the landowner.<sup>56</sup> In various parts of Virginia freedpeople who had settled on abandoned lands took little consolation in the Bureau's efforts to treat them fairly when they had to move off reclaimed lands. Agents were getting reports of freedmen destroying the fencing and timber on lands they had occupied.

No less than squatters African Americans, who, as free blacks, had established a community on their own land, found themselves dislocated as well. Frederick County free blacks found themselves homeless after their community, Freetown, had been torched by Union troops swathing a path of destruction through the Valley. "General Sheridan's Army ... completely destroyed the houses of ... six families" who lived in Freetown, Thomas Miller wrote to the head of the Freedmen's Bureau, General Oliver O. Howard: "General, in my humble opinion I cannot comprehend why these free Negroes should suffer the greatest privations of the War. They had comfortable log houses and a few hundred dollars would

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<sup>55</sup> November 1865 communication to Freedmen's Bureau offices from Richmond headquarters stating that, when property owners reclaim their lands, they should take care that "complete and careful provision is made for the resident refugees and freedmen." Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 351.

<sup>56</sup> In Special Order No. 49 of August 11, 1865, General Howard restored Adam Brown's Harper's Ferry property to him. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 257; A typical case of repossession was that in which a Mr. Padgette's land in Clarke County was being held by the Freedmen's Bureau after the War until Padgette "can reach his place and adjust his affairs." In the mean time Freedman Jackson, hardly a "squatter," was paying rent on a house he occupied on Padgette's property. However, he had fallen behind in his rent payment and the Clarke County sheriff's office had seized Jackson's livestock. September 20, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 97.

rebuild them. They will be compelled to leave the houses they have rented in a few months and winter will find them without shelter. Please give me some information in reference to the amelioration of their condition.”<sup>57</sup>

As those with few or no financial resources, African Americans had had to scramble to find shelter in the war-torn Northern Valley. Nine months after the War’s conclusion, and six months after he had been “driven from a house,” Freedman Franklin finally procured a home for himself and his sons by scouring rural Clarke County until he found an empty dwelling on James Larue’s farm. It was this housing scarcity that had prompted Franklin to file suit against Larue when Larue evicted him. Tenant Peter Coates actually built the dwelling he lived in on farmer William Pierce’s land. Dorsey Washington, whose Middletown landlord had promised he and his large family could stay in his rental dwelling “as long as I wanted,” found himself evicted on short notice and “trying everywhere to get a house but [have] not gone one yet.”<sup>58</sup>

Although Dorsey Washington was among those freedpeople still experiencing sudden homelessness as late as 1868, property owners’ evictions of the freedpeople had subsided as labor relations improved between white employers and black laborers; as a result, the freedpeople could count on receiving housing as a condition of their employment. Moreover, black communities cast a social safety net sufficiently extensive to assure the orphaned

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<sup>57</sup> Thomas W. Miller’s August 9, 1865 communication fr. Newtown to General Howard. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 493.

<sup>58</sup> August 27, 1867 report on Dorsey Washington’s efforts to secure housing in the Middletown area. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 466.

and elderly, as well as single women, had homes within intergenerational households.

Although the Bureau had defended the freedpeople as they dealt with arbitrary evictions, the Bureau's most effective policy in preventing black homelessness may well have been that of helping black families reunite. Tightly knit families and communities were the most effective antidote to black homelessness. Black households accommodated intergenerational living arrangements. Black families also took in young people (related and unrelated) and provided single adults with room and board. Some urban black households, in fact, appeared to operate as much as boarding houses than as single family homes. Within brick maker Levi Wills' Winchester household lived his own family, an 11 year old boy, a 42 year old male laborer, a 43 year old brick mason and, unrelated to the Wills nuclear family, three young people ranging in age from two to eighteen years of age. Margaret Webb presided over a Winchester boardinghouse that included her six children, a young couple, a family of three, three single adults, a boy (unrelated to others in the household) and a middle-aged woman. In Berryville, the household of George Fields, a 68-year old single farm worker, included a middle-aged couple, five children (unrelated to others in the household), and a middle-aged couple with seven children. Robert Hall, a Berryville barkeeper, and his wife shared their home with a young woman who was a domestic servant, a boy and a male infant (who may or may not have been grandchildren) and a young man who worked on a farm.<sup>59</sup>

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<sup>59</sup> Federal Census United State Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties.

Town dwellers, as their rural counterparts, could also count on a place to live as a provision of employment. While their employers' provision of housing could result in homelessness should they be fired, a labor hungry job market over time mitigated this hardship. When William Denall broke a rental agreement with Freedwoman Harriet Fields, the Bureau promptly found another position for Harriet that included living arrangements for Harriet and her family.<sup>60</sup> In Winchester and other Northern Valley towns domestics and their children often lived in white households or in dependencies on their employers' lots. Winchester Mayor Robert Conrad boarded his family's cook and her daughter in the kitchen house on his lot. Some freedpeople also lived in Winchester's downtown alley dwellings near the hotels where they worked as chambermaids, cooks or bus boys. Freedman Henry Alexander ran a boardinghouse where dwelled black laborers whose employer had agreed to pay their keep.<sup>61</sup>

In rural Clarke County, the freedpeople often lived in former slave quarters. Clarke County farmer John B. Same spoke of former slaves "who are occupying [his] houses."<sup>62</sup> Another Clarke Count farmer sought retribution for turkeys stolen, slaughtered and "eaten tonight in the negro quarter at Mrs. Allens."<sup>63</sup>

Two freedmen, Thomas and Pat Barrister, who stole and slaughtered hogs, left a

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<sup>60</sup> March 10, 1866 Winchester Freedmen's Bureau report on Harriet Fields' eviction complaint against William Denall, her landlord. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 837.

<sup>61</sup> *Henry Alexander v. Charles Portner* tried in the Winchester Freedmen's Bureau Court on October 31, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 193, frame 192.

<sup>62</sup> Clarke County landowner John B. Same's January 1, 1866 inquiry to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 710-11.

<sup>63</sup> Clarke County farmer's October 14, 1865 complaint to Capt. McKenzie at the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 595-7.

bloody trail leading to “Mr. Bird’s Negro quarter.”<sup>64</sup> Dr. McGuire in the Berryville area had reported two black families, both headed by single mothers, were living on his farm.<sup>65</sup> George Burrell, as other former slave owners, kept some of his emancipated slaves on his property while evicting others. Into the twentieth century, a former slavehouse still stood within the shadow of the Burrell’s Clarke County mansion, Carter Hall. During the early twentieth century, descendants of Burrell slaves, the Banks family, had continued living in this house.<sup>66</sup>

In Clarke County the living arrangements of those freedpeople who continued to work for their former masters were, then, much the same as those they had experienced during slavery. On a white landowner’s farm in the Battleboro District of Clarke County two adult male farm workers, an unrelated boy working as a farmhand and a single mother with two children all lived together. The freedwoman and one of her children worked as domestic servants for the farm owner’s family. In another black household in rural Clarke County three intergenerational families, one of which boasted eight children, lived together under the same roof. Three of the male adults were farm workers and four of the adult females were domestic servants.<sup>67</sup>

In contrast, on rural Frederick County’s largely middleclass, family operated

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<sup>64</sup> *Thomas Gold v. Thomas and Robert Barriston* tried in the Winchester Freedmen’s Bureau Court on March 6, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frames 45-6.

<sup>65</sup> October 12, 1865 communication sent by Sergeant John M. Gillis to Capt. Chandler at the Winchester Freedmen’s Bureau concerning Dr. McGuire’s inquiry. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 592.

<sup>66</sup> Elizabeth Banks interviewed at her home in Millwood, Clarke County, VA by Donna Dodenhoff on July 27, 2006.

<sup>67</sup> Federal Census United State Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties.

farms, black workers were more likely to continue living in white households as single workers. In Back Creek Township, for example, white farmers Uriah Richards, Henry Hodgson and Josiah Keckley each had one black worker living within their household. As family units some black farm workers in Frederick County did live in separate dwellings on their employers' farms. Mr. Baker of the Cedar Point area had an elderly black couple living on his farm whose dwelling could accommodate an additional family member. "She and her husband," Farmer Baker proposed to the Bureau, "are both industrious old people and would be I think a proper place for the boy [their grandson]." <sup>68</sup>

As African Americans began establishing their own households, they were not plagued with the more enduring homelessness that freedpeople living in crowded eastern Virginia cities like Norfolk experienced. Unlike their brethren in eastern Virginia, the freedpeople in the Northern Shenandoah Valley did not have to deal with high rates of unemployment and the kinds of prolonged housing shortages resulting from their dense congregation in eastern Virginia's urban centers. <sup>69</sup> Yet, even with the Winchester Freedmen's Bureau reporting full employment for black laborers in Clarke and Frederick Counties by 1868, white property owners, who needed their labor, continued exploiting black renters. In Winchester they struggled to meet their subsistence needs through the winter of

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<sup>68</sup> Capt. Chandler's May 8, 1866 communication concerning a grandmother's request to have her grandson sent to her from a Mr. Williams. She and her husband can accommodate him in the Frederick County tenant house they live in. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 166.

<sup>69</sup> Robert Engs describes the breakdown of civil order and racial tensions in eastern Virginia. The freed people on the Virginia Peninsula were experiencing hardships resulting from the rapid increase in the black population and sharp declines in available jobs. as hundreds of freed people flocked to urban centers like Hampton. See Engs' *Freedom's First Generation: Black Hampton, Virginia, 1861-1891* (Philadelphia: University of Pennsylvania Press, 1979) Ch. 5: The Chaos of Peace, pp. 85-98.

1867-68, when supplemental income from harvest pay and other fieldwork had dried up: “The most industrious [freedpeople], unless with constant employment, can scarcely make both ends meet, owing to the enormously high rents and price of fuel,” the Winchester Bureau reported to Richmond headquarters.<sup>70</sup>

The social safety nets provided by their own communities and their ability to readily secure jobs that included housing, eased the freedpeople’s homeless plight over time. But they also had more at stake in securing housing than having a roof over their heads. . Their homes afforded visible proof that they were becoming societal stakeholders, that is, a people who were economically self-sufficient and able to support their families. As a result, in reclaiming their children from white households, they could offer evidence to Freedmen’s Bureau agents that they had “good homes” for them. In an area where they were enjoying considerable job mobility, stable housing arrangements also avoided the appearance of vagrancy among a flexible labor force. In asking a Bureau agent to assist in the return of her son to their Millwood home, Freedwoman Mariah Homes expressed the anxiety of a mother who feared her son’s wanderings might brand him as a vagrant, that is, as a shiftless troublemaker subject to arrest and forced labor. “Please assist James Harris to get my son,” she pleaded, “and send him to me he ran off some two weeks ago and is running about town and I fear he will get into some mischief and give me trouble. I have a good home here for him and am anxious that he comes at once or he may lose it.”<sup>71</sup>

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<sup>70</sup> Winchester Freedmen’s Bureau’s March 1868 report. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

<sup>71</sup> Freedwoman Mariah Homes’ August 28, 1867 communication to Capt. Chandler at the Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL,

## **An Assessment**

The eviction crisis the freedpeople experienced in the Civil War's aftermath exposed the crumbling of the paternalistic system that had characterized the Northern Valley's slave regime. White employers began charging their former bondspeople rental fees for housing they had provided as slave-owners at no cost. At the same time, they sought to reassert their status as the propertied class by arbitrarily evicting black renters and ignoring the terms of rental agreements with impunity, just as they ignored their labor agreements with the freedpeople with impunity.

The Freedmen's Bureau exerted what limited authority it had in assisting the freedpeople as they dealt with the eviction crisis, but the freedpeople themselves, aided by a resurgent economy and the social safety net provided by black families in the Northern Valley, were their greatest assets in meeting the crisis. Although securing housing was a matter of survival, their struggle to do so was integral to their other struggles to resist slavery's afterlife. The bargaining power the freedpeople had begun asserting in negotiating their labor arrangements gave them greater control over their housing arrangements; they could readily enough secure a new job with a new employer who provided for their housing as part of a work agreement. As the crisis subsided, the stability of their rental arrangements, in turn, gave the freedpeople greater leverage in their efforts to reclaim their children from white households. In having stable homes the freedpeople could also avoid the provision of Virginia vagrancy law that forced into employment persons who appeared to be homeless.





## Chapter 2: Black Marriage: the Sphinx on Reconstruction's Landscape

In passing the Marriage Legitimization Act in early 1866, Virginia legislators were granting African Americans an important civil right while bringing them into a new relation with the state as freedpeople. For the Virginia Freedmen's Bureau, the Act provided the agents with the leverage they deemed necessary to assist the freedpeople in assimilating into a societal context in which the family was the essential unit of social stability. Yet as an institution responding to social and cultural change, black marriage, as legitimated by the Virginia legislators, proved to be a "sphinx" on Reconstruction's landscape, that is, a recognizable institution with intended but also unforeseen consequences.<sup>72</sup> In crafting a companion provision to the marriage law prohibiting interracial marriage, the Virginia legislators had taken the first step in using the legalization of black marriages to reinforce racial segregation. For their part, the freedpeople began using the legalization of their marriages to empower their citizenship equality in ways that were not predicted by the legislators.

Laura Edwards, Hannah Rosen and Nancy Cott are among the historians who have addressed the ways in which southern legislatures used laws legitimating black marriage as a means for reorganizing southern society during the postemancipation period. They, along with historians Susan O'Donovan and

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<sup>72</sup> In her comprehensive study of the institution of marriage in the United States historian Nancy F. Cott provides insight into the ways in which the institution has been both instrumental in the architecture of social stability and responded to cultural and social changes, especially as gender roles have evolved in the twentieth and early twenty-first centuries. The one continuity has been the partnership marriage law establishes between the married couple and the state. She therefore describes marriage as being "like the sphinx--a conspicuous and recognizable monument on the landscape, full of secrets." Nancy Cott, *Public Vows: A History of Marriage and the Nation*. (Cambridge: Harvard University Press, 2002, ppb. ed.), p. 1 and pp. 79-102 on Reconstruction and black marriage.

Thavolia Glymph, have also revealed the ways these laws helped define black men's and women's citizenship roles. In the process they have demonstrated the extent to which the domestic and civic spheres in nineteenth century America, although separately configured, intersected as the freedpeople used the legitimization of their marriages to empower their citizenship equality.<sup>73</sup>

The prickly task southern legislators confronted in legitimating black marriages, Edwards notes, was that they deemed it necessary to grant the freedpeople a civil right empowering their equal citizenship standing. At the same time the legislators were also attempting to restore the white supremacist social order destabilized by slavery's abolition. Before emancipation, the prohibition on the legalization of the bondspeople's marriages had kept them out of civil society and given whites a license to arbitrarily separate families through slave sales and sexually exploit black women. But after emancipation, without the incentives and responsibilities endowed by state-sanctioned civil marriages, the southern states would have no way to regulate the freedpeople's domestic relations and provide them with incentives for being productive societal stakeholders

Southern legislators' efforts to reinforce the color line and shore up the white supremacist social order that had defined southern society became even more

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<sup>73</sup> See Susan O'Donovan's *Becoming Free in the Cotton South* (Cambridge: Harvard University Press, 2007), "Ch. 4, pp. 162-207 for a discussion of the ways in which the freedwomen of southwest Georgia used civil marriage to rearrange their terms of work and family bonds as well as defending themselves and their children from abusive treatment by black men; Thavolia Glymph's *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge and New York: Cambridge University Press, c. 2008) examines political changes emerging from the heart of the domestic sphere and the expanded scope of the freedwomen's lives as married women in Ch. 5, pp. 137-166; In her study *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: The University of North Carolina Press, 2009), Hannah Rosen examines the role the ban on interracial marriage played in influencing the reorganization of Arkansas' postemancipation society, Part II:4, pp. 133-178. She examines the freedwomen's response to being raped by white men during the Memphis race riot as an articulation of their citizenship rights as free women in Part 1:2, pp. 61-86.

problematical as Congressional Reconstruction got underway. The U. S. Congress had passed Reconstruction Acts in 1867 requiring the southern states to hold constitutional conventions and draft new constitutions as a requirement for reentering the union. Southerners in each state would have to approve their state's new constitution and ratify the 14<sup>th</sup> and 15<sup>th</sup> Amendments which, taken together, granted African Americans full citizenship equality.

In her account of Arkansas' constitutional convention, Hannah Rosen examines the strategy the delegates employed to ensure African Americans' social inequality through a ban on interracial marriage while conceding their political and civil equality. Ultimately, however, the ban on interracial marriage they crafted would also ensure the political and civil inequality of black men. If the delegates had not passed the ban, she notes, "that would-be a powerful sign of a society organized without racial deference or hierarchy."<sup>74</sup> In addition to this legal strategy, by employing a charged political rhetoric in public discourse that cast aspersions on African American men's worthiness to fully participate in the body politic, white men reasserted their dominance in the state's political and civil spheres as "responsible, honorable patriarchs"<sup>75</sup> who alone were fit for assuming governance of their state.<sup>76</sup> Although the Virginia legislature had adopted the ban on interracial marriage in 1866 when it passed the Marriage Legitimization Act, the Arkansas delegates' strategy for denying African American men full participation in their state's political and civic affairs was the same as that employed by state

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<sup>74</sup> Rosen, p. 141.

<sup>75</sup> *ibid.*, p.136

<sup>76</sup> *ibid.*, p. 190

legislatures across the South.

The heated political rhetoric of Reconstruction that whites used to erode African Americans' credibility as a people worthy of full citizenship rights was the fodder of southern political discourse. Unfounded racial stereotypes, such as those depicting black men as sexual predators and black women as wanton harlots--a sexually promiscuous people who preferred to form tenuous bonds contrary to the norms established by respectable middleclass whites--has since been discredited by the solid evidence of historians' research. The most influential of these historians was Herbert Gutman whose groundbreaking study, *The black family in Slavery and Freedom*, refuted the dysfunctionality of black families that Daniel P. Moynihan's controversial 1965 study claimed had its roots in slavery.<sup>77</sup> Despite the hardships slavery imposed on enslaved families Gutman's extensive research revealed that, in their distinctive slave culture, marriage was a norm African Americans passed from generation to generation. Through the lens of white middleclass culture they exhibited a promiscuity defined both by the ban on state-sanctioned slave marriages and their own cultural norm, imported from Africa, of prenuptial sexual practices. Among bondspeople these practices were compatible with settled marriage bonds. In fact they developed extended kin networks through marrying outside their own bloodlines unlike southern whites who married within their kin networks. Extant cohabitation records of the Shenandoah Valley's freedpeople testify to the stability of their monogamous unions.

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<sup>77</sup> See generally Herbert Gutman's *The Black Family in in Slavery and Freedom, 1750-1925* (New York: Heritage Books, 1976).

A political rhetoric drawing on pejorative gender stereotypes as well as racial distinctions to denigrate African Americans' fitness for citizenship equality underlined the determinative role gender played in the South and nationally in assigning men's and women's citizenship standing. Although Freedmen's Bureau agents in the Shenandoah Valley, as whites elsewhere in the North and South, were racially prejudiced, their mission was to strengthen the freedmen's role as household heads and breadwinners by encouraging them to legalize their marriages. As responsible family men they too could participate in civic and political affairs, enjoying the full "manhood" of white men as they gained the right to vote in their first Virginia election during Reconstruction.

On the other hand, since women of both races did not enjoy political and civil equality with men, black women would assert their citizenship in other ways. As those most vulnerable to the physical abuse and sexual exploitation that had become normalized in Virginia's and the other southern states' slave societies, they continued to experience forms of mistreatment from whites as well as black men that were slavery's most vicious afterlife. How could they be free women if they lived with the constant fear of being the victims of sexual assault or corporeal punishments? From their perspective, then, citizenship was to be defined in demanding their right to be protected from mistreatment and in demanding respect as women whose marriages now had legal standing. Rosen's account of black women's testimony to a Congressional committee and Freedmen's Bureau agents concerning their rape by white southern men during the 1866 Memphis riots evidenced the freedwomen's understanding of their new postemancipation status.

They expected to be protected by the federal government as “women” and “citizens.” They were no longer willing to be treated as those at the bottom of the social hierarchy, vulnerable to sexual exploitation by white men exercising their “fantasy of social subordination.”<sup>78</sup>

In her study of postemancipation southwest Georgia, Susan O'Donovan recounts the many complaints African American women took to the Freedmen's Bureaus agents as they defended themselves and their children from assault by their partners. They insisted on the right to be taken care of by those black men to whom they had given their labors. Similarly, in the Northern Shenandoah Valley black women filed numerous complaints with the Winchester Freedmen's Bureau and their share of court cases with the Winchester Freedmen's Bureau court as they used their legally sanctioned marital status to demand better treatment from whites and from black men.

In exploring the role black women assumed in asserting their citizenship rights, Thavolia Glymph's study, *Out of the House of Bondage*, illustrates the ways in which the political readjustments of postemancipation Southern society emanated outward from the heart of the domestic world; within the households of the mistresses who had reinforced their house servants' subordination, often through corporeal punishment, black women went about “unweaving inequalities that were part of everyday life.”<sup>79</sup> Readjustments in the relations of black and white women in the domestic sphere were, then, no less integral to the readjustments of race relations than those occurring in the civic sphere. And, with

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<sup>78</sup> See Rosen's account of the Memphis riots in PART I: 2. *A Riot and Massacre*, pp. 61-86, quote ref. on p. 77.

<sup>79</sup> Glymph, p. 10.

their unions now legally sanctioned, black women could use their marital status to enhance their freedom. Marriage, she relates, “gave black women the right to be mothers, workers, friends, and companions,” as well as greater freedom in coming and going from the white households where they worked as house servants.<sup>80</sup>

### **The Freedpeople Claim a Civil Right in State-sanctioned Marriages**

As a temporary relief agency, the Virginia Freedmen’s Bureau saw the strengthening of the black family as crucial to African Americans’ taking over responsibility for their families’ economic self-sufficiency and the rearing of their children at a time when so few institutors, other than county poorhouses, were available to support destitute families. “A number of persons will be reported to the Grand Jury in November [of 1867] for Bigamy and Adultery” Capt. McDonnell reported to Orlando Brown, “believing it will have a salutary effect on the loose morals of the freedpeople which the Civil Authorities never try to correct.”<sup>81</sup>

Another agent, Capt. Chandler, lectured Winchester’s Justice of the Peace on the importance of making an example of a freedman who had impregnated a black woman under false pretenses. Freedman Jefferson had been charged with “seduction under promise of marriage in the name of the Commonwealth.” Capt. Chandler impressed on the Justice of the Peace the societal interest at stake in the freedman’s prosecution:

It being an indictable case you will of course only make a preliminary examination and report the result to the Commonwealth attorney of this county for further action./ I think it is the duty of all Justices to take notice of such cases reported to them and do what they can to prevent the misuse

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<sup>80</sup> *ibid.*, p. 17.

<sup>81</sup> Capt. McDonnell to Orlando Brown in October 1, 1867 monthly report . Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 181.



of illegitimate children that are likely to be thrown upon the county for support and think that a few examples of this kind will have the desired result.<sup>82</sup>

The agents also brought the full weight of Virginia's bastardy law to bear on African American men who had fathered illegitimate children. Unless their fathers were brought to heel, these illegitimate children and their single mothers could place a strain on county resources. They supported Louisa Robinson's efforts to have a Berryville magistrate demand Freedman Jones provide support for the illegitimate child he had fathered after emancipation.<sup>83</sup>

For the most part freedpeople were eager to reunite their families and they found the Winchester Freedmen's Bureau agents more than willing to cooperate in their efforts. Making good use of the Bureau's extensive network of offices, the agents contacted Bureau offices across the South on the freedpeople's behalf, searching for relatives from whom they had been separated by sale or war. In inquiring after the freedpeople's children and spouses, agents posted inquiries at African American churches. Notices went up in black churches, were circulated in metropolitan newspapers with large circulations and were even tacked to the walls of post offices in small communities. A black man living in New York contacted the Winchester Bureau in search of his wife and children, whom he believed to be living near Nineveh, a Warren County town south of Berryville. He told the agent he would "cheerfully" pay the Nineveh postmaster for posting a notice he hoped his wife and children might see or hear of. "It will be truly an act of humanity to do

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<sup>82</sup> Capt. Chandler to D. J. Miller, Frederick County Justice of the Peace,. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 794.

<sup>83</sup> Louisa Robinson case reported on November 11, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

anything to restore his family to him,<sup>84</sup> the agent told the Nineveh postmaster.

Others seeking to be reunited with their partners were hopeful but more ambivalent about a possible reunion. If they had been separated from their partners by slave sales, they knew that, over time, their former partners had quite possibly rebuilt their lives with other people. In Winchester Samuel Nash and his son John were still searching for Samuel's wife two years after the War. "They desire to know whether she is able to come on here, and whether she is willing to do so," the agent reported.<sup>85</sup> A freedman who knew his wife was living with another man desired to know, if she could be found, whether she wanted to be reunited with him.<sup>86</sup>

For the Freedmen's Bureau the strength of black families and their economic self-sufficiency were closely linked. So, while Bureau agents worked diligently to reunite freedpeople, they regarded the economic viability of existing black relationships more important than African Americans' desires, as an emancipated people, to freely choose their partners. The agents' first priority was in preventing either the married couple or their children from becoming "wards of the state." Given the sometimes complicated history of partnerships formed and sundered during slavery, the Bureau agents' priority sometimes worked to negate the freedpeople's authority in choosing their partners. Freedwoman Hannah Collins approached the Winchester Bureau in an effort to dissolve her current marriage in

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<sup>84</sup> Freedmen's Bureau agent's communication of August 16, 1865 with Nineveh postmaster . Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 498.

<sup>85</sup> Winchester Freedmen's Bureau agent's report of October 14, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 181.

<sup>86</sup> Winchester Freedmen's Bureau report of August 15, 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 836.

order to remarry a partner from whom she had been separated during slavery. She met with resistance from the Bureau agents. Although the Bureau had no role in divorce proceedings, Capt. McDonnell counseled her that no divorce could be arranged for other than the “usual legal causes,” principally desertion and chronic mistreatment.<sup>87</sup> He further discouraged the estranged couple by informing Freedwoman Collins that she alone was “entitled to possession of [their] child, unless the father is willing to pay for the child’s expenses during the time he was away.” That requirement would have imposed an insupportable financial burden on her former husband, effectively quashing their plans to reunite.<sup>88</sup> In another case, when a freedwoman wanted to have her husband removed from her home because he “is inclined to run with a younger woman,” she got little sympathy from the Bureau agent. Since the couple had been in a stable 25-year union and had four children, the agent ruled she must continue living with her abusive partner, especially since he was “somewhat paralyzed” and could become a ward of the state without his wife’s support.<sup>89</sup>

A black household’s financial stability also trumped issues of domestic violence. When Freedwoman Cornelia Newman reported her husband beat her, causing the premature birth of her twins, and then “turned her out doors,” the Winchester agents overlooked this spousal abuse in taking action against her husband. Concerned she would not be able to take care of their children after

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<sup>87</sup> Hannah Robinson case reported on January 24, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 890.

<sup>88</sup> Capt.. McDonnell’s report of January 24, 1868 . Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 892.

<sup>89</sup> Winchester Freedmen’s Bureau report of September 29, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 577.

moving from Shenandoah County to Winchester, the agents informed her husband that he would be charged with wife abandonment unless he took her back.<sup>90</sup>

Nevertheless, African American women took major responsibility for refashioning their identities in freedom. As bondswomen they had resisted but had not the legal means of preventing their sexual exploitation by white masters or the sundering of their families. Armed with the Marriage Legitimization Act, they proved even more assertive than Bureau agents in reforming perceptions of them as loose women living in “lewdness.” Caroline Jenkins, who had been a free black during the pre-emancipation period, complained in a suit she filed with the Freedmen’s Bureau court that James Hawkins had wanted to live with her without benefit of marriage license. She had refused and, for her defiance, Hawkins had threatened to shoot her several times. The court ruled that, if Hawkins returned to the area, he would be arrested when found.<sup>91</sup> At times, freedwomen could push the Marriage Act’s entitlements beyond customary legal practice. Fanny Adams complained to the local Justice of the Peace that that Freedman Loudon Jefferson had broken his promise to marry her. Referring her complaint to Capt. McDonnell, D. J. Miller, Justice of the Peace, was puzzled as to how to handle this “novel case.” “Now I confess I am at a loss to know how to issue a warrant for such a case. If the girl is damaged my plan would be to sue for damages.”<sup>92</sup> Apparently no white women had filed such a complaint with Frederick County’s Justice of the

<sup>90</sup> Winchester Freedmen’s Bureau report of April 12, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 751.

<sup>91</sup> *Caroline Jenkins v. James Hawkins* tried in the Winchester Freedmen’s Bureau Court on October 31, 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192.

<sup>92</sup> Justice of the Peace J. D. Miller’s February 17, 1867 query to Capt. Chandler at the Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 363.

Peace. Fanny Adams' decision to do so exhibited her determination to bring her fiancé to heel in fulfilling his commitment to marry her.

Black women's complaints to the Bureau show the freedwomen expected the agents to back them up when their partners disrespected their marriage bonds. Freedwoman Charity Wilson brought a claim to the Bureau against her husband Jackson Wilson, whom she had married during slavery and with whom she was reunited after the War.<sup>93</sup> She claimed Wilson had deserted the family. He had moved to Jerusalem, North Carolina, where he was "living in a lewd manner with a woman, who calls herself Ann Wilson." Capt. Chandler requested Wilson be arrested "in order to bring him to justice for dishonoring his marriage obligations...."<sup>94</sup> Similarly, a freedwoman in Clarke County, Sarah J. Howard, complained to the Bureau agent, Capt. Chandler, "Sir I wish to know what you intend to do Henry Bartell wants to take his thangs and leave the house and go away he has been staying with me nearly three years it is hurtful to any woman to be treated so I hope it will not be allowed let me know please what will be done./ Yours respectfully"<sup>95</sup> Another freedwoman, the wife of Albert Brown, retaliated against Freedwoman Mary Wiley, who had had an adulterous affair with her husband. Enraged by this breach of their marriage contract, Mrs. Brown sent her husband to "reprimand her [Mary Wiley] with a beating." In the assault charge Mary Wiley filed with the Freedmen's Bureau court, Brown admitted to the beating. The

<sup>93</sup> Charity and Jackson Wilson may have been free blacks before the War since free blacks could enter civil unions or they may have had a union sanctioned only by the black community.

<sup>94</sup> Charity Wilson's complaint to the Winchester Freedmen's Bureau of January 3, 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 788.

<sup>95</sup> Freedwoman's October 3, 1867 complaint against Henry Bartell. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 37.

court ruled Brown deserved no more severe penalty than a three-month bond for his good behavior.<sup>96</sup>

As a law granting African Americans the same “rights and privileges” as white married Virginians, the Marriage Legitimization Act boosted black men’s and women’s standing as citizens. Not surprisingly, however, the Act assigned married partners gender specific roles. As household heads black men had the job of representing their families in the civic sphere. They were named on marriage certificates as heads of household, and, as such, were responsible for paying their families’ taxes, including the new tax for funding the public education of black children. Their standing in marriage law served as a platform for other forms of public engagement. They negotiated their families’ labor agreements with white employers and, as they voted in state elections for the first time in 1867, black men achieved full “manhood” as they voted in elections to send delegates to Virginia’s constitutional convention.<sup>97</sup>

Whether “keeping house” or working, whether in male-headed households or household heads themselves, black women had used the marriage act to assertively redefine their relations with black men and with whites as they demanded an end to abusive treatment and recognition of their social respectability. “In demanding ... respect,” historian Thavolia Glymph concludes,

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<sup>96</sup> *Mary Wiley v. Albert Brown* tried in the Winchester Freedmen’s Bureau Court . Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 42.

<sup>97</sup> White Virginians, especially those of the planter class like *Clarke County Courier* editor William Nelson, believed full “manhood” was reserved for white men. See, for example, the June 23, 1869 issue of the *Clarke County Courier*. Historian David Blight explores how profoundly political was African American men’s assertion of their “manhood” in quoting Benjamin Tanner, editor of the *Christian Recorder*, in the *Recorder’s* October 31, 1868 issue. See. Blight’s *Race and Reunion: The Civil War in American Memory* (Cambridge and London: The Belknap Press of Harvard University Press, c. 2001). p. 100.

“freedwomen demonstrated their belief that freedom alone, without dignity, pride and their own self-fashioned identity, was a dead end.”<sup>98</sup> In the Northern Valley’s evolving postemancipation society, as they demanded respect, they were asserting their standing as free citizens as well.

As they walked into freedom black women had long been on the frontlines of resisting violence inflicted by white men and women.<sup>99</sup> As a coerced, rather than a consensual, institution slavery had ultimately been grounded in violence. During slavery white masters and mistresses normalized violence against black women as they were given license to “discipline” their servants by whipping or maiming them or by chastising them with other forms of mistreatment.<sup>100</sup>

The physical abuse and sexual exploitation of black women and girls constituted slavery’s most persistent afterlife as Virginia entered its post-emancipation period. And while *The Colored American* and other African American newspapers celebrated the emancipation of black women who no longer had to endure the “insulted and degraded” conditions of their enslavement,<sup>101</sup> a culture of entrenched violence had given black men license to mistreat black women as well. And this assault on black women did not abate in the postemancipation period. In Clarke County, Freedman James Lawson had

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<sup>98</sup> Glymph, p. 9.

<sup>99</sup> Thavolia Glymph’s seminal study of relations between white mistresses and their house servants both before and after emancipation explores white women’s violence against black women in the politicized domestic sphere. See particularly Glymph, Chapters 4 and 5, pp. 97-166.

<sup>100</sup> Their scars had become badges of identity for free black women in antebellum Frederick County. In the County whites certifying African Americans’ status as free blacks with local officials routinely identified them--not by their character or general physical attributes--but by their scars. In identifying a free black whom she had known since infancy, a Ms. Maddery penned a terse certification for the Frederick County Clerk of Court: “Clara has a scar on the right cheek and a slight scar on the left cheek.” Virginia Maddery’s 1849 Certification for free black Clara Banks, Frederick County Free Negro Papers, 1798-1857, 4/F/32/1/2/, Box 12, “Emancipation Papers,” Library of Virginia Archives, Richmond, Virginia,

<sup>101</sup> *The Colored American*, Augusta, Georgia, April 13, 1866.

assaulted Freedwoman Harriet Whiting twice and “otherwise abused” her. The escalating violence climaxed in his efforts to shoot her with a pistol. A Clarke County magistrate refused to issue a warrant for Lawson’s arrest. Freedwoman Whiting then set out for the Freedmen’s Bureau office in Berryville. On her way two white men, a father and son, overtook her. They dragged her “with violence and force” to the county jail and kept her there the next day “without any warrant and authority.”<sup>102</sup> In another case, a black woman did not fare much better. Without provocation, a white man had attacked her brutally, kicking her in the breasts. He was let out of jail “Scot free” on bail instead of being brought to trial.<sup>103</sup> A Freedmen’s Bureau agent described the case as a “burlesque of justice.” Commenting on these cases, Capt. McDonnell of the Winchester Bureau related to Col. W. J. Franklin, military commissioner of the Freedmen’s Bureau Court, that “outrages [inflicted against black women] are becoming a frequent occurrence in Clarke County.”<sup>104</sup>

The freedwomen knew they could not count on local law enforcers to advocate for them as they asserted their right, as free women, to be protected from physical abuse and sexual exploitation. As they turned to the Freedmen’s Bureau for protection from victimization, black women who enjoyed the respectability of

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<sup>102</sup> Capt. McDonnell to Col. W. J. Franklin, Military Commissioner, on April 8, 1868. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707 roll 182.

<sup>103</sup> Winchester Freedmen’s Bureau report of May 25, 1867. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 809.

<sup>104</sup> Capt. McDonnell to Col. W. J. Franklin, Military Commissioner, in a communication of April 8, 1868 Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182; Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707 roll 182.



publicly acknowledged civil unions and who no longer lived in white households, were now less vulnerable than young black women living in white households. The house servants' complaints evidence the extent to which whites were unwilling to concede slavery's abolition among those most vulnerable to its brutal afterlife. Typical of these complaints was that filed with the Bureau against David W. Jones, a white man. Jones had taken the girl Sophia with him from Frederick to Warren County. In efforts to retain complete control over Sophia, "he threatened to shoot [her sister] Hattie if she ever came near her again."<sup>105</sup> In another case, John Smith of Clarke County had demanded the return of his mistreated servant girl because she was "unable to take care of herself," but the Winchester agent refused to return her until the conditions of her servitude could be investigated.<sup>106</sup>

Although the freedwomen cloaked themselves in what respectability their civil unions could afford them, and although the freedpeople continued requesting cohabitation forms throughout Reconstruction, even as staunch an advocate as Capt. McDonnell harbored racial stereotypes of their sexual licentiousness. Because Northern abolitionists had peppered their assault on slavery's ban on the marriage contract with pejorative labels, McDonnell, as other northerners, had come to associate these labels with African Americans. Even as the Valley bureaus began winding down their operations in 1868, he deplored the failure of law enforcement authorities to penalize the freedpeople's "lewdness and

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<sup>105</sup> July 14, 1868 communication of Capt. Ripley at Front Royal to the Winchester Freedmen's Bureau concerning David W. Jones. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183.

<sup>106</sup> Report of November 21, 1868 filed by Capt. Ripley with Capt. McDonnell at the Winchester Freedmen's Bureau concerning John Smith. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183.

adultery.”<sup>107</sup> But McDonnell did take pride in reporting to Richmond headquarters that respectable black men and women had established a firm foundation for their lives as a free people:

[T]he colored people have acquired a certain degree of independence which if properly directed will have a moral tone which even their enemies must respects.” McDonnell went on to report that “Intemperance is not prevalent and industry and economy are improving their homes, families and themselves. Few if any cases of litigation occur between them: They are obedient to the law and with very few exceptions are quiet peaceable citizens.”<sup>108</sup>

Capt. McDonnell may have been overly optimistic in his assessment of the epidemic of alcoholism that plagued both white and black communities in the Northern Valley during the post –War years. In 1869 *The Clarke County Courier* had reported drunken men lying on Berryville’s Main Street “within a stone’s throw of each other.....The rapidity with which dissipation is growing in this place is truly alarming,”<sup>109</sup> Public brawls involving both white and black men erupted in violent encounters. Late one night in 1867 Robert Forney, a white man, had stabbed a man to death during a drunken brawl in downtown Winchester. In Clarke County Freedman Henry Banner struck another freedman with a sling shot nearly killing

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<sup>107</sup> Capt. McDonnell of the Winchester Freedmen’s Bureau reporting to Orlando Brown at Richmond headquarters in his December 31, 1868 monthly report. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183. Nancy Cott claims that the terms used by the abolitionists in their oratory, such as “promiscuous,” “licentiousness” and “prostitution” came to be associated with the freedpeople themselves. Cott, p. 76.

<sup>108</sup> Winchester Freedmen’s Bureau report of December 31, 1868. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183; Eric Foner’s observation that the freed people “shared a passionate commitment to the stability of families as the solid foundation upon which a new black community could flourish” is quoted fr. *A Short History Reconstruction, 1863-1877* (NY: Harper & Rowe Publishers, 1984), p. 403

<sup>109</sup> *The Clarke County Courier*, August 25, 1869.

him during a drunken feud at a Berryville bar.<sup>110</sup> Such alcohol-fueled incidents were but the public face of the domestic violence tearing at the fabric of families in the Valley as elsewhere in Virginia. As early as 1849, white Virginia women in Cabell County had begun petitioning the state legislature to “protect virtuous females and innocent children from the degradation, poverty and wanton cruelty inflicted by [alcoholic] men who should be our friends.”<sup>111</sup> As Virginia’s Reconstruction ended in 1870, the freedwomen of Clarke County organized the John Brown Temperance Union to tackle the social ill of alcoholism among black men,<sup>112</sup> a decade before the white women of Winchester organized a chapter of the Women’s Christian Temperance Union.

Both the Virginia General Assembly and the Virginia Freedmen’s Bureau could only have approved this reform movement among African American women. The intent of the Marriage Legitimization Act had been to make thousands of freed slaves societal stakeholders. The freedwomen’s Temperance Society was targeted to African American men, reinforcing the color line as a black social reform movement. Moreover, the women’s temperance movement was aimed at rehabilitating African American men, a work force contributing significantly to the

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<sup>110</sup> Enos Richmond’s report to the Winchester Freedmen’s Bureau on June 26, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 408. The Forney incident was recorded by the Frederick County Coroner’s Office. Frederick County (Va.) Coroners Inquisitions, 1779-1927. Local Government records collection, Frederick County Court records. The Library of Virginia, Richmond VA 23219

<sup>111</sup> On December 2, 1852 the women of Cabell County, Virginia petitioned the Virginia General Assembly to pass a prohibition law. Legislative Petitions of the General Assembly, 1776-1865, Accession No. 36121, Box 45, Folder 2, Special Collections, Library of Virginia, Richmond, VA 23219.

<sup>112</sup> Maral Kalbian and Leila Boyer, “Final Report: African-American Historic Context; Clarke County, VA, CLG Project #: 55014, Berryville, VA: the County of Clarke,” 2020), p. 18 ref. in Teachers’ Monthly School Reports, Nov. 1865-Mar 1870, Records of the Superintendent of Education for the State of Virginia, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 20, frame 0213.

productivity of the Valley's resurgent agricultural economy.

With the Shenandoah Valley providing a stable Reconstruction regime, the freedpeople for their part had moved beyond the expectations of the Virginia lawmakers and Bureau agents as they used this civil right to empower their standing as a free people. They established their own households and community institutions and used the parental rights granted by the act to reclaim their children from white households. The freedwomen used their legal unions to assert a new dignity and respectability after centuries of degradation. They also found ways to become actively engaged in their own communities as church women and, through their temperance society, as social reformers. Black men used their official status as heads of household to boost their standing as men with fully embodied citizenship rights. The black families created and recreated would be crucial to African Americans' resistance as they endured a second class citizenship during the Jim Crow era. Their independent households had carved out an area of black autonomy that could not be subjected to white control.

Yet the Marriage Legitimization Act also contributed to the incremental building up of segregation's legal edifice in Virginia during the late nineteenth and early twentieth centuries. While the Virginia Freedmen's Bureau agents had at times used the legality of black marriages as a sledge hammer, forcing the freedpeople to accept partnerships that were stable if not always to their liking, the Virginia legislators wanted them to become societal stakeholders in a segregated social order. The Marriage Legitimization Act, in making heads of household responsible for a tax on their children's education, reinforced segregation of

Virginia's new public school system. Moreover, when the Virginia General Assembly passed the black marriage law, it also passed a law prohibiting intermarriage of the races.<sup>113</sup>

Before slavery's abolition, with up to half of Virginia's African American population enslaved and unable to legally marry, the lawmakers had used other provisions to place restraints on the races' social interactions, although they had a limited effect. A month before the War's end in 1865, Richmond authorities had used the legal prohibition on illicit sexual liaisons to punish an interracial couple. John F. Farrar, a white Richmonder, had found himself "lodged in a cage...on a warrant which charge[d] him with 'lewdly and lasciviously' associating and cohabitating with Ann, a slave woman."<sup>114</sup> During Reconstruction, the suit the city brought against a black man who owned a "house of ill fame" and the white woman who operated it, had profitably defied the legal ban on such establishments and, in Winchester, had quite possibly facilitated illicit interracial liaisons.<sup>115</sup> Even after the legislators banned interracial marriages in 1866 there were scattered incidences of interracial couples cohabitating in Winchester and outlying areas of Frederick County as Reconstruction ended in 1869.

In the emerging postemancipation society, in order to redraw the race line,

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<sup>113</sup> Peter Wallenstein provides a comprehensive analysis of the ways in which marriage law has had far-reaching implications for race relations and the institutional architecture of segregation in *Tell the Court I love my wife: race, marriage and law: an American History* (New York: Palgrave, 2002).

<sup>114</sup> *The Richmond Dial Examiner*, March 21, 1865.

<sup>115</sup> In a report to Richmond headquarters of July 30, 1867 Capt. McDonnell informed Richmond headquarters that William Evans, "colored," and Anna Hunter, white, were keeping a house of "ill fame." William Evans was also charged with facilitating unlawful gaming. Evans paid bail of \$200 and was scheduled to appear before the County Court on August 6, 1867. Ann Hunter could not pay the bail and was committed to jail. July 30, 1867 communication of Capt. McDonnell to Col. Chaplin at Richmond headquarters. There is no record of their case's court resolution. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5705, roll 180.

the Virginia legislators had attempted a more stringent regulation of interracial liaisons. By 1878 interracial unions were a felony subject to a two-to-five year prison sentence as well as a monetary penalty. With Jim Crow fully in place by the early twentieth century, the Virginia General Assembly passed an even more stringent prohibition on interracial marriages. At the height of Virginia's eugenic, or racial purity, movement in 1924 the legislators put in place the Racial Integrity Act. The Act prohibited marriage between Virginians classified as "white" or as "colored."

Beginning with the 1866 Marriage Legitimization Act, the information required of applicants on the marriage license allowed the state to track marriage license applicants from birth to death. This information was distributed to other state agencies and could be used to racially profile African Americans. After passage of the Racial Integrity Act in 1924, for example, Walter Ashby Plecker, a staunch racial purist and Director of the Virginia Bureau of Vital Statistics, used information on free blacks obtained from their antebellum registration records to ensure whites seeking marriage licenses had no African American ancestry.<sup>116</sup> (Free blacks could be tracked to the pre-emancipation period since they were allowed to marry under state law and had to annually register their free status with county officials.)

The Act passed by the Virginia General Assembly in 1866 to govern African American marriages, black partners who were cohabitating on February 27<sup>th</sup> of that year were considered officially married. While biracial churches like Clarke County's Bethel Baptist Church had sanctified slave marriages and the

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<sup>116</sup> See Encyclopedia Virginia's entry for Walter Ashby Plecker, an online encyclopedia sponsored by the Virginia Humanities Foundation in partnership with the Library of Virginia. [www.encyclopediavirginia.org](http://www.encyclopediavirginia.org)

bondspeople had performed their own marriages ceremonies in their quarters, they now had official state recognition of their unions. They could put behind them the trauma of arbitrary separations experienced in slavery and the indignity of having their masters approve or disapprove their relationships, or sell their children from them without their approval.”<sup>117</sup>

Under the Marriage Legitimization Act, former bonds people had, for the first time, been able to form legally protected unions. The law had recognized their children as their legal offspring, affirming their parental rights and allowing freedpeople to designate their children as the inheritors of their assets. As civil rights legislation, the law granted freedpeople the same “rights and privileges” that whites and those who had been free blacks before slavery’s abolition had enjoyed. As codified in 1873 the Virginia marriage law spared African American couples the public humiliation of being penalized for “lewdly and lasciviously” co-habiting and, when black children were born out of wedlock, it held African American men responsible for support of their children. The law recognized African American men as both their families’ breadwinners and designated representatives in the public sphere. For the marriage license, only the occupation of the male partner was required and, as the designated household head, he alone was responsible for paying the families’ taxes and supporting his children. Dower rights extended to black widows allowed them to set aside assets from creditors that could prevent

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<sup>117</sup> Millie Fairfax, an enslaved woman living on a Page County farm in 1837 had already had one child sold away from her and, as she wrote to her husband who lived on another Page County farm, she implored him to help keep her from being sold away from the three children still with her. “Perhaps Mr. Broyley [her husband’s master] would buy me and my two little children. Hannah is already sold some time ago and I am afraid I shall go to the slave trade if you cannot get home for me. Other than implore his master, there was little her husband could do to prevent the sundering of his family. Milly Fairfax’s March 7, 1837 letter to her husband in Page County archived with the Clarke County Historical Association, Berryville, Va.

their destitution. Although the state offered no income tax incentives for married couples, the flat \$1,000 exemption for both families and individuals provided a sufficiently high income ceiling for black families under the same roof to pool their resources and still stay within the exemption.<sup>118</sup>

The Act effectively made the state a partner in black marriages. The Virginia Freedmen's Bureau actively cooperated with the Virginia legislature in legalizing black partnerships; their legitimization would strengthen back families and make marital partners societal stakeholders. As the Virginia Bureau's head, Orlando Brown issued a circular in March of 1866 directing all Bureau agents to register the names of freedpeople who were "cohabiting together as man and wife" and to "take pains to inform colored persons...that they [were] firmly married by the operation of law."<sup>119</sup> The agents were to issue certificates of marriage to them.

Prompted by the Richmond headquarters, Bureau agents in the Valley actively promoted the cohabitation certificate among the freedpeople. In June of 1866, Orlando Brown wanted to know if his agents were still making an effort to record marriages.<sup>120</sup> As a follow up, a month later Brown ordered each district officer to inquire as to whether the local agents had, in fact, been recording the freedpeople's marriages. In October of 1867 Winchester Bureau officials reported to Brown that they "almost constantly engaged in registration" of black

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<sup>118</sup> See Chapter 1032 . Sec. 4 of the *Code of Virginia, 1873, Third Edition*, prepared by George W. Manford (Richmond: James Goode, Printer, 1873), p, 84 on legitimization of black partnerships and Ch. 192, Sec. 8, p. 208 prohibiting interracial marriages.

<sup>119</sup> Virginia Freedmen's Bureau communications with regard to collecting cohabitation records as ordered in circular No. 11 from Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184., frames, 909-10; and Misc. reel 5708, roll 183, frame 572.

<sup>120</sup> Orlando Brown's September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183., frame 572.



marriages.<sup>121</sup> During the three and one half years the Bureau operated in Virginia, the Winchester Bureau epitomized distributing the cohabitation forms to the freedpeople. In his last report to Richmond headquarters in December of 1868, Capt. McDonnell noted that the circular authorizing the cohabitation records “has been frequently read and explained at all the religious meetings of the colored people in the district and is believed to be thoroughly understood.”<sup>122</sup>

But the freedmen needed little prompting. A full year and one-half after the marriage law’s passage they were visiting the Frederick County Clerk of Court’s office requesting cohabitation forms.<sup>123</sup> No more than 18 of Virginia’s county-by-county cohabitation records remain in the state’s public records. Those that do document Shenandoah Valley black families’ unity during slavery.<sup>124</sup> Extant records present, however, only a partial picture of slave unions since they do not take into account widows or widowers or record family members who may have been sold away in the slave trade.<sup>125</sup> The data is further skewed because couples with the most stable relationships would be the most likely to seek out

<sup>121</sup> Winchester Freedmen’s Bureau monthly report to Richmond headquarters. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. October 11, 1867 report from the Winchester Freedmen’s Bureau to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 181.

<sup>122</sup> Winchester Freedmen’s Bureau report to Richmond headquarters. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183.

<sup>123</sup> Winchester Freedmen’s Bureau report of May 25, 1867. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190., frame 809.

<sup>124</sup> Herbert G. Gutman’s work on the black family refuted concepts of it as a broken institution as he traced black families and their extended familial bonds over space and time in *The black Family in Slavery and freedom, 1750-1925* (New York: Vintage Books, 1977);

<sup>125</sup> Cohabitation records are archived with the Library of Virginia’s online Virginia Memory collection: Augusta County (Va.) Augusta County (Va.) Register of Colored Persons Cohabiting Together as Husband and Wife, 1866 Feb. 27, [register page #]. Cohabitation Registers Digital Collection, Wife on 27th February Library of Virginia, Richmond, VA. And Warren County (Va.) Register of Colored Persons of Warren County, State of Virginia, cohabiting together as Husband and 1866, [register page #]. Cohabitation Registers Digital Collection. Library of Virginia, Richmond, Virginia, 23219.

marriage certificates.

Although there are no cohabitation records surviving for Frederick and Clarke Counties, those surviving for the Valley counties of Warren and Augusta show that partners who had not been separated by the slave trade had enduring, stable relationships. Among the 221 couples who registered their marriages in Warren County, almost half had been partners for 10 or more years. The majority were middle-aged and had, on average, three to five children. In Augusta County, which had a substantially larger African American population than did Warren County, more than a thousand couples registered their marriages. They too were typically in their middle years, but as in Warren County, some were older (in their 60s and 70s), while a smaller number were in their twenties. (Augusta County records do not indicate how long the couples had cohabitated.) In both counties at least one couple could boast up to 12 children, although three to five children in each county was closer to the norm.

Those younger African Americans embarking on a life together usually registered their marriages with a county clerk of court. Between 1865 and 1869 Clarke County clerks recorded 66 African American marriages in their registers and Frederick County Clerks, 56. The overwhelming majority of those registering their marriages were in their twenties. The record of their marriages in both counties is interspersed among the listings for white couples and all the information required is the same, with the exception of the notation “col’d” beside the names of African American couples.<sup>126</sup>

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<sup>126</sup> County (Va.) Marriage Register, 1850-1870. Local government records collection, Frederick County Court Records. The Library of Virginia, Richmond, Virginia 23219; and William W. Greene.

As chattel, black men and women had been kept out of civil society for centuries by Virginia's ban on slave marriages. Both Republican reformers and influential African Americans placed this most intimate of relationships at the heart of public debate on slavery's evils and the rehabilitation of black womanhood during the postwar years. Although they had remained resilient in maintaining familial bonds despite slavery's arbitrary separations, enslaved black families and those free blacks related to them had endured a "broad field of demoralization," the black *New Orleans Tribune* remarked in an 1865 editorial.<sup>127</sup> Railing against what he deemed the moral rot of slavery, Massachusetts Senator Charles Sumner had deplored the slave owners' incontestable responsibility for the "abrogation of marriage....The ties formed between slaves are all subject to the selfish interest or more selfish lust of the master, whose license knows no check."<sup>128</sup> Sumner detested the moral rot at the core of an institution that prohibited slaves from marrying: "By the license of Slavery, a whole race is delivered over to prostitution and concubinage, without the protection of law." During Reconstruction, *The Colored American*, an Augusta, Georgia based African American newspaper, portrayed Virginia as a "harlot." As the South's largest slaveholding state and the one with the brisk slave trade during the Civil War, she was "old bone-bleached Virginia, that state where hardened guilt and hellish crime are piled on high mountain heights; the state like the mother of harlots who was poisoned by her

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Register, 1860-1885 of Clarke County marriages. Accession 29965; Misc. Reel 607, Church records collection, The Library of Virginia, Richmond, Va. 23219.

<sup>127</sup> *New Orleans Tribune*, July 2, 1865.

<sup>128</sup> Charles Sumner in a speech, "The Barbarism of Slavery," delivered in Washington, D. c. on June 4, 1860. Published online at [www.medicolegal.tripod.com/Sumner\\_barbarism.htm](http://www.medicolegal.tripod.com/Sumner_barbarism.htm); Sumner quote on concubinage in Cott, pr. 74 referencing the Congressional Globe 36:1 (June 4, 1860), p. 2592.

slave mart.”<sup>129</sup>

William Nelson, editor of *The Clarke County Courier*, countered with pejorative stereotypes of black women in efforts to shore up Virginia’s deferential social order. Nelson claimed black women in Clarke County were living in the “most barefaced and open concubinage, utterly regardless of all laws as to marriage and multiplying rapidly...{O]ne has but to reflect a moment to see that the legitimate consequence of promiscuous illegitimacy is an enormous growth of squalid poverty, poorhouses and crime.”<sup>130</sup> And while *The Courier* did not run a smear campaign against black women as it did against black men perpetuating “outrages” against white women, the newspapers reported their culpability as instigators of social disorder. *The Courier* headlined a Maryland jury’s indictment of a “negress” for witchcraft, “Getting Back to the Dark Ages.”<sup>131</sup> Black women were referred to as “wenches,” the lowest status designated to females in Virginia’s racial cast system.<sup>132</sup>

Nelson and other elite Virginia men reasserted their place as upholders of Virginia civilization. But, as chivalrous protectors of white women, their “sense of honor ...in social relations” rang hollow in the War’s aftermath. The Civil War had exposed rifts in class distinctions that showed just how circumscribed the ruling class’ respect for white Virginia women was. During the War hungry white women

<sup>129</sup> *The Colored American*, November 13, 1866.

<sup>130</sup> *Clarke County Courier*, August 11, 1869.

<sup>131</sup> *Clarke County Courier*, April 23, 1869 .

<sup>132</sup> In *Good Wives, Nasty Wenches, and Anxious Patriarchs*: *Gender, Race and Power in colonial Virginia*, Kathleen Brown examines how gender helped determine the construction of racial categories and the institution of slavery in Virginia, Women of African descent assumed from lower-class English women, i.e., “wenches,” both the burden of fieldwork and the stigma of moral corruption. See generally Brown’s *“Good Wives, Nasty Wenches, and Anxious Patriarchs”*: *Gender, Race and Power in colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996)

led a bread riot in downtown Richmond, sacking the city's stores as they protested food shortages and spiraling inflation, among other grievances. More than 60 protesters, men and women, were arrested and tried with local newspapers characterizing the unruly women as thieves, prostitutes and crones. As General Sheridan's troops marched through Charlottesville as the War wound down, "Negros and mean, low-bred white women" were left to fend for themselves in the city's streets while white middle and upper middleclass families battened down their dwellings.<sup>133</sup> During Reconstruction, after receiving no assistance from local law enforcers, a family of white women living on a Shenandoah County farm contacted the Freedmen's Bureau in desperation as they struggled to fend off the harassments of roving ex-Confederate guerilla bands. An agent at the Freedmen's Bureau's Woodstock office became their last line of defense. He reported to the Winchester Bureau: "Major I have the honor respectfully to report that a family of women have asked for military protection [from] the assault of a gang of young men under the leadership of an ex-rebel Capt., as the civil authorities are afraid to interfere."<sup>134</sup>

White patriarchs of the ruling class like William Nelson deplored the erosion of the Old Dominion's deferential social order but they would have been pleased to know that the black marriage law devised by Virginia legislators in 1866 had, as revised over time, successfully redrawn the color line and contributed to the architecture of racial segregation. Although crossing the color line in marriage was

<sup>133</sup> *The Daily Richmond Enquirer*, March 13, 1865.

<sup>134</sup> Lieutenant T. N. Hall of the Shenandoah County Freedmen's Bureau office in a communication of July 1866 to Capt. Chandler at the Winchester Freedmen's Bureau office. Orlando Brown's September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5710, roll .185, frame 25.

hardly a priority among African American during Reconstruction, the state's strengthening of its miscegenation laws encouraged the continuance of white phobias about "race mixing"<sup>135</sup> and significantly discouraged social interactions between the races.

On the other, since the races could not legally intermarry, the ban kept the race line porous, giving white men license to continue their sexual exploitation of black women with impunity. In Lexington, with Reconstruction ending before 1870, Virginia Military Institute students were once more at liberty to take advantage of the town's "sable Venuses."<sup>136</sup> Not until 1946 was this socially condoned white male culture challenged when a black woman, Nannie Strayhorne, won a court case against Richmond police officers who had raped her in their patrol car.<sup>137</sup> Although an all white, all male jury brought in the verdict, the Commonwealth attorney who represented her received death threats afterward.<sup>138</sup>

Virginia's prohibition on interracial marriages, in enforcing an artificial biological divide between the races, also continued giving legitimacy to prejudices about African American's racial inferiority and the unworthiness of their claims for a

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<sup>135</sup> Hannah Rosen reports that the heated rhetoric of Reconstruction had begun to conflate the political empowerment of black en with "race mixing." Rosen, p, 136; Ed Ayers notes that the range of skin coloration in African Americans of the mid-nineteenth century in the Valley from "dark" to "bright mulatto" "testified to the complex history of interracial sexual relations in Virginia..." Edward L Ayers, *In the Presence of Mine Enemies: the Civil War in the Heart of America, 1859-1863* (New York and London: W. W. Norton & company, c. 2003), p. 21.

<sup>136</sup> David W. Coffey credits Virginia Military Institute (VMI) cadets, Washington College students, the city's legal community and local newspapers with Lexington's early end to its Reconstruction era. Once Lexington had destroyed the credibility of its Reconstruction regime, VMI student were once more at liberty to sexually exploit young black women, i.e., its "sable Venuses." See his article, "Reconstruction and Redemption – Lexington, VA" in *After the backcountry: Rural Life in the Great Valley of Virginia, 1800-1900*, ed. By Kenneth F. Koons and Warren R. Hofstra (Knoxville: University of Tennessee Press, 2000), pp. 206-220.

<sup>137</sup> Cynthia A. Kierner, et al., editors *Changing History: Virginia Women through Four Centuries* (Richmond: Library of Virginia, 2013), pp. 293-4.

<sup>138</sup> Kierner, et al., *Changing History*, p. 293.

fully embodied citizenship. In Clarke County, a descendent of Episcopal Bishop William Meade, Edevard Meade, wrote an article in 1948 claiming white Virginians knew how to “manage” race relations by preventing the tragic “mongrelization” of the white race.<sup>139</sup> It took the Supreme Court’s 1967 ruling in *Loving v. Virginia* to deal the final death blow to the ban on interracial marriage in Virginia and across the United States. The Lovings, an interracial couple who had married in Washington, D.C., fortuitously challenged Virginia’s ban on their marriage as the Civil Rights Movement and federal civil rights legislation were loosening segregation’s grip on the state.

### **An Assessment**

Although hardly a promoter of the freedmen’s rights, President Johnson impressed black Union troops he addressed in Washington in fall of 1865 with how crucial their marital status was to their standing as free men. He told members of the First Regiment of the District of Columbia Colored Volunteers that the quality of their character as reflected in their devotion to the institution of marriage, rather than laws, would be determinative in the respect with which white Americans would treat them: “There is one thing you should esteem higher and more supreme than almost all others and that is the solemn contract...in the association of married life.”<sup>140</sup>

The importance President Johnson attributed to the African American soldiers’

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<sup>139</sup> Edevard Kidder Meade, “Virginia’s Race Problem, 1619-1948,” *Proceedings of the Clarke County Historical Association*, Vol. VIII (1948), pp. 4-15 .

<sup>140</sup> *The South Carolina Leader*, October 21, 1865.

civil unions as essential to their standing in civil society was not lost on the southern states' legislatures, the Freedmen's Bureau or the freedpeople. In Virginia the Marriage Legitimization Act passed by the Virginia legislature in 1866 brought thousands of emancipated black Virginians previously excluded from civil society within the purview of the privileges and responsibilities granted by the state to white Virginians' civil unions. The Act, in effect, made the freedpeople societal stakeholders. At the same time, to ensure the Act did not empower the freedpeople's full citizenship equality, the Virginia legislature enacted a ban on interracial marriages. This ban, along with other provisions the legislature enacted over the late nineteenth and early twentieth centuries to strengthen the ban, contributed to the legal architecture of Virginia's racially segregated society. Moreover, as Hannah Rosen has pointed out, the ban, in ensuring African Americans' social inequality, ultimately also helped ensure their civil and political inequality.

As one of the strategies employed by the Virginia legislature to reinforce Virginia's white supremacist social order at a time when it had been destabilized by the abolition of slavery, the Marriage Act played an important role in the reorganization of Virginia's social order during the postemancipation period. However, during a time of social flux, other players on Reconstruction's contested terrain also influenced the ways in which the Marriage Act could be used to empower African Americans' citizenship standing. The Freedmen's Bureau considered the responsibilities the Act placed on African American men essential to their assuming full "manhood" as participants in the state's political and civic



spheres. The opportunity for the freedmen to exercise their “manhood,” that is, their citizenship equality, arrived in 1867 as they participated for the first time in Virginia elections mandated by the U. S. Congress’ Reconstruction Acts. This was an outcome not predicted by the Virginia legislators when they enacted the Marriage Legitimization Act.

Nor could the legislators or, for that matter, the Virginia Freedmen’s Bureau agents, have predicted the extent to which freedwomen in the Northern Shenandoah Valley would use the cloak of respectability granted by the Marriage Act to redress the degradations and indignities they continued to experience as those on the bottom rung of Virginia’s hierarchically ordered society. Black women, in claiming their right to be protected by the federal government as they took their complaints to the Freedmen’s Bureau, were asserting their understanding of black citizenship in ways other than achieving political equality. They were, in fact, protesting violence against women at a time when there was little societal support to do so.<sup>141</sup>

During Virginia’s Reconstruction period, the players on the Northern Shenandoah Valley’s contested terrain, whether their motive was to constrain or to empower the freedpeople’s full citizenship equality, exhibited the ways in which the politics of adjusting race relations emanated from the domestic sphere as well as being played out on the stage of public life.

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<sup>141</sup> Legal historian Joan Hoff notes that nineteenth century America was so indifferent to violence against women that, although “there were hundreds of societies for the protection of children (and animals)...only one, in 1886 in Chicago, was established to specifically protect battered women. See generally Hoff, Joan Hoff’s *Law, Gender & Injustice: A Legal History of U.S. Women* (New York and London: New York University Press, c. 1991) and quote ref. p. 133.

### Chapter 3: The Freedpeople Claim their “Idle” Children<sup>142</sup>

*“[T]he unity of [black] families and all the rights of family relations were to be carefully guarded,” Maj. General Oliver O. Howard, Bureau Commissioner, in his autobiographical reflections on the Freedmen’s Bureau policy during Reconstruction.*<sup>143</sup>

In the immediate post-War period, the freedpeople’s destitution and the toll the slave trade had taken in shattering family bonds initially placed formidable obstacles in the way of their emancipation aspirations. Their path forward would engage them in efforts to reunite their families and establish independent households whose family members were no longer subject to the arbitrary separations of the slave trade or to the exploitative labor methods of their former owners. Historians Amy Dru Stanley and Laura Edwards, in fact, regard the right of black men and women to claim their children from white households and to establish their own self-governing households as crucial to their autonomy as an emancipated people. “All free, laboring men had a right to an inviolate household,” Stanley notes. If black parents could not establish their own households and prevent their children from becoming marketable commodities in the white-dominated labor market their labor would amount to little more than the “brute survival” the freedpeople had endured as enslaved workers.<sup>144</sup> Moreover,

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<sup>142</sup> In his history of Virginia’s Reconstruction era, Robert Preston McConnell, an early twentieth century Virginia historian, described large number of “idle,” homeless black youths “coming to manhood and womanhood without any trade or any disposition to support themselves. For several years after the war many young negroes were fed, clothed, and sheltered by the Freedmen’s Bureau and the army around whose headquarters great throngs were congregated in idleness.” McConnell, Chapter XIII: Apprentice law in Virginia,” *Negroes and Their Treatment in Virginia, 1865-67* (Pulaski, Va.: B. D. Smith & Brothers, 1910), pp. 97-98. See generally pp. 97-102.

<sup>143</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army*, vol 2 (NY: the Baker & Taylor Company, 1867), p. 223.

<sup>144</sup> In her study of the post-emancipation black family Amy Dru Stanley stresses the interdependency of the freedmen’s wage earning status and the exclusion of his family (wife and

as they began reuniting their families, without the assurance that they were the sole guardians of their children, the freedpeople could not begin binding up the grievous wounds slave traders had inflicted in arbitrarily separating family members.

But post-War realities challenged the freedpeople's aspirations for households in which black men, as household heads, were the sole breadwinners for their families. The freedpeople at times had to arrange work for their children with white employers, requiring their wage labor to help eek out a subsistence living for their families. Moreover, the toll the slave trade had taken on black families meant that many black women entered freedom as single mothers who had to find work for their children in order to keep their families together. In addition, the fortunes of war and the slave trade had left many black children orphaned. Some found homes with kin folk, fictive kin or blood relatives, who reached out to embrace them within the folds of their families. Others remained within the households of their former masters and mistresses. As an extreme measure, orphaned black children had to be put into long-term apprenticeships with white families. As the official guardian for orphaned black children, Virginia Bureau agents were likely to be charged with apprenticing large numbers of

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children) from the wage labor force. The "inviolable black household was, in turn, essential to establishing the family's autonomy as an economic and social unit elevated above their subsistence existence in slavery. See Stanley's "Wage Labor and Marriage Bonds" in *Wage Labor, Marriage and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge, UK, 1998), pp. 175-217, quote ref. on p. 139. Laura F. Edwards also regards the black family's integrity as essential to their establishing lives in freedom in *Gendered Strife and Confusion: the Political Culture of Reconstruction* (Urbana and Chicago: University of Illinois Press, 1997), Ch. 1, pp. 24-6; Tera Hunter considers the reconstitution of black families an important civil right. Essential to their achieving political and economic autonomy, she argues was their effort to reunite their families and make decisions about family labor and educational opportunities. See generally Hunter's *To 'Joy My freedom* (Cambridge and London: Harvard University Press, 1997).

orphaned children, George Cook, a resident of Harrisonburg observed: “The difficulty seems to be that parents have been sold so far away that it is impossible to ascertain whether they are living or not. In many instances it seems to me that the best thing that could be done for the children would-be to bind them out...,” he related to the Winchester Freedmen’s Bureau.<sup>145</sup>

Although the Virginia legislature had reformed its black apprenticeship law to eliminate a racially discriminatory provision, the freedpeople rightfully understood the law to be the legal mechanism local authorities used to re-enslave black youths by binding them out to white employers without the consent of their legal guardians. In fact, white Virginians wasted no time in calling for the compulsory apprenticing of “idle”<sup>146</sup> black youths whom they considered a menace to the social order. A month after the Civil War’s close the *Richmond Times* observed that “the number of Negro boys who are to be seen on the streets idle and often vicious shows that the apprenticeship system cannot too soon be adopted.”<sup>147</sup> Repeatedly, when approached by the Freedmen’s Bureau agents to release black children they harbored into the care of their parents (or legal guardians), white families argued that they were able to provide better homes for these youths because black parents were not competent to raise their own children.<sup>148</sup> On the other hand, when white families wanted to divest themselves of black youths unprofitable to them as laborers, they did not hesitate to contact the

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<sup>145</sup> George Cook of Harrisburg in an April 21, 1866 communication to the Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 763.

<sup>146</sup> McConnell, p. 97.

<sup>147</sup> *The Richmond Times*, May 12, 1865.

<sup>148</sup> Edwards, p, 39

Winchester Bureau as the federal agency charged with the care of black orphans or, in the case of youths with parents or guardians, to notify them of their intention to dismiss their children from employment. Sometimes their white employers let youths go without notifying their legal guardians.

Shenandoah Valley Freedmen's Bureau agents were for the most part staunch advocates of the freedpeople as they moved to reclaim their children from white households. In the Civil War's aftermath Valley agents, in fact, regarded black parents' right to reclaim their children as a charged civil rights issue. In calling for the release of black children held by the Meades, a prominent Clarke County planter family, an indignant agent reported: "All the Meade family from the old Bishop to his youngest relations are vile rebels. Can they be permitted to retain these children, are they to triumph over our ways? Can Gov. Pierpont do anything or General Howard?" The freedpeople seeking release of their children had belonged to the Meade family before the War. They had fled to Chambersburg, Pennsylvania during the War only to have Confederate raiders abscond with their children and take them back to Clarke County and the Meade family.<sup>149</sup>

The Valley's resurgent agricultural economy also gave the freedpeople greater leverage in reclaiming their children since they could demonstrate that they had sufficient financial resources to care for them. Although economic realities compromised their desire to keep their children out of the wage labor market, they

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<sup>149</sup> August 31, 1865 communication of Capt. How relating the story of freedpeople, formerly contraband of War, who had been slaves of the Meade family in Clarke County and were now resettled in Chambersburg, Pa. Capt. How's indignation was somewhat misdirected. The "old bishop" he referred to, William Meade, the third Protestant Episcopal Bishop of Virginia, had died during the War and, ironically, had been an anti-slavery proponent earlier in the century. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 507-11.

did maintain some control over their children's terms of labor, a control they had not been able to exercise as bondspeople. Single mothers could make short term arrangements for their children's employment, having their children work long enough to receive a suit of clothes, for example, as payment for their work. With the Freedmen's Bureau and missionary societies cooperating in the establishment of schools for their children in the Northern Valley, black parents enrolling their children as students often allowed them to work only during the summer months.

Other black parents and guardians exploited their children's labor by allowing a third party to hire their children out or by taking advantage of the monetary value of their maturing children's labor in the labor market. Soon after emancipation, Albert Townley of Warren County looked forward to claiming his sons from white households in order to profit from their labor himself. Townley confidently asserted his parental rights. He claimed that the white families with whom his five children lived "have not got good homes and I have got good homes for them and I want to get them so I can have the good of them, and I think I ought to have the benefit of them as I am getting old."<sup>150</sup>

During Reconstruction's final year in the Valley, information gathered by federal census takers provides an overview of an emancipated people in transition, balancing their emancipation aspirations and the realities of their, at times, precarious working class status.<sup>151</sup> Unbeknownst to him, William Nelson,

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<sup>150</sup> Alfred Townley's September 28, 1865 communication to General Tolbert at the Winchester. Records of the Field Offices for the State of Virginia, BRFA, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 557.

<sup>151</sup> Julie Saville notes in her study of black laborers in post-emancipation South Carolina that the freedpeople faced the same challenge, that is, balancing economic realities with their emancipation aspiration. See Saville's, study, *The Work of Reconstruction: From Slave to Wage laborer in*

editor of the *Clarke County Courier* paid the freedpeople a back-handed complement in 1869 when he observed that “the [black] boys and girls are mostly brought up without any regular employment and lead an exceedingly idle life.”<sup>152</sup> While they were beginning to withdraw their children from the white labor market, in 1869 that process was incomplete as was their determination to have their children living exclusively in black households. In Clarke County those black minors, that is, youths under the age of 21, who were in the labor force totaled 575, with their numbers increasing as they matured. A similar pattern prevailed in Frederick County where wage earning black youths totaled 379 in 1869. However, in Frederick and Clarke Counties black families were more likely to keep the youths in their households out of the work force than were those white families who provided a home for them.. In Clarke County 52 percent of the black youths living in black households worked, while 91 per cent of those in white households did. In Frederick County, 31 per cent of black youths in black households worked, while 53 per cent of those living in white households did.<sup>153</sup>

### **The Freedpeople begin Claiming their Children from White Households**

The emancipation of many black youths began when their guardians claimed them from white families. Being claimed by their guardians meant

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*South Carolina, 1860-1870* (Cambridge: Cambridge University Press., 1994), p. 101,

<sup>152</sup> *The Clarke County Courier*, April 9, 1869.

<sup>153</sup> In Clarke County 6 minors under the age of 10 worked, 251 between the ages of 10 and 15 and 348 between the ages of 16 and 20. In Frederick County, whose family farms had been less dependent on the labor of enslaved African Americans, one minor under the age of 10 worked, 129 between the ages of 10 and 15 and 240 between the ages of 16 and 20. Calculated from the 1870 federal population census information for Frederick and Clarke Counties. Calculated from the 1870 Federal Population Census for Clarke and Frederick Counties.

liberation from the excessive corporeal punishment and, in the case of girls, sexual exploitation, black youths had endured as the property of their owners. While a number of freedpeople who could claim guardianship did so within months of the Civil War's close, others waited until they had a steady wage-earning job and a settled home to offer their children. Some had to locate their children who, in the interim, had been placed in apprenticeships by the Freedmen's Bureau as orphans. Since the Freedmen's Bureau defined the youths' legal guardians as their parents or "next of kin," white families harboring black children could expect to encounter freedpeople who were parents, grandparents, aunts or uncles or even more distantly related kin. Among African Americans' tightly knit communities, family ties, both before and certainly after emancipation, extended beyond the nuclear family.<sup>154</sup>

Not all black youths were mistreated by their masters and mistresses and, with substantial numbers of black youths never reclaimed by black family members, white families continued providing homes for those youths permanently separated from their parents by the slave trade. Nevertheless, freedom for black youths no less than for black adults meant moving beyond the embrace of controlling whites. By age 12 black girls could make their own employment

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<sup>154</sup> Laura Edwards also comments on the responsibility extended family members took in claiming black youths from white households and credits this phenomenon to African Americans' cultural values. Strong family ties did not operate solely within the context of marriage contracts (legal or informally contracted through community recognition) and reached well beyond male-headed nuclear families. Edwards, p. 59; See also Jacqueline Jones' perspectives on African Americans' responsibility for the children of their extended kin networks, both blood relatives and fictive kin. During the post-emancipation period, Jones notes "these obligations probably assumed greater significance in nineteenth-century Afro-American life than in immigrant or poor white communities because blacks possessed a distinctive low economic status, a condition that denied them the advantages of an extensive associational life beyond the kin group and the advantages and disadvantages resulting from mobility opportunities." See Jones' "Freed Women, The Civil War and Reconstruction," in *Labor of Love, Labor of Sorrow: Black Women, Work and the Family, from Slavery to the Present* (New York: Vintage Books, 1986), pp. 44-78, quote ref. on p. 45;



arrangements and boys, by age 14. Several African American boys apprenticed to families in the Lexington area ran away from their masters” claiming that they are free and not obligated to stay with the men they were bound to,” a Bureau agent reported several months after the War’s end.<sup>155</sup>

Children, black and white, could not, however, escape work. They were integral to nineteenth century America’s labor force.<sup>156</sup> They worked in Northeastern factories and in mineral extraction industries. In post-War Richmond black children worked beside black women stemming tobacco in the city’s tobacco factories or selling firewood on downtown streets, among other wage earning jobs.<sup>157</sup> With the exception of white children privileged by their families’ comfortable circumstances, children of both races in largely rural Virginia performed a daily round of chores on the family farm. To supplement their families’ income, black parents made arrangements for their children to work at odd jobs for white farmers and merchants. Black families also made more long-term arrangements with farmers in which all able members of the family worked for the farmer.

White Virginians were familiar with black youths’ work regimes. Their characterization of black children as “idle” had less to do with whether they were yoked to work tasks than whether their work was supervised by, and for the benefit

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<sup>155</sup> Lt. Tubbs’ September 23, 1865 report to the Winchester Freedmen’s Bureau office-- Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 336.

<sup>156</sup> Michelle D’Avolio, “Child Labor and Cultural Relativism: From Nineteenth Century America to Twentieth century Nepal,” *Pace International Law Review*, 16:1, pp. 114-115 ; and James A. Henretta, et al., *America’s History, Volume 1: to 1877* (Boston and New York: Bedford/St. Martin’s Press, 4th ed., c.2007), pp. 320-326, 336-337.

<sup>157</sup> Marie Tyler-McGraw, *At the falls: Richmond, Virginia, and Its People* (Chapter Hill and London: the University of North Carolina Press, c. 1994), documentary photographs on pages 182 and 194.

of, whites.<sup>158</sup> But the brutalities of slavery had taught the freedpeople to be wary of white paternalism in any guise. They expressed extreme reluctance to have their children continue living with their former owners.<sup>159</sup> With many families separated by the slave trade, grandparents and other “next of kin” relatives became black children’s guardians. Freedwoman Brown had shared with her employer her desire to reclaim her grandson Henry from Isaac Williams, a Frederick County farmer. Mrs. Brown noted that Henry’s parents had been sold to Williams years before. “[S]he is particularly desirous that none of them [her relatives] shall remain there,” her employer told the Bureau.<sup>160</sup> Freedwoman Lucy Jones, who lived in Jefferson County north of Frederick, expressed similar concerns about her grandson. The family who had owned the boy, the Winchester agent explained, “now holds him in actual slavery.” He was “ill treated, badly clothed and unwilling to remain.”<sup>161</sup>

Infrequently white families did take their presumed guardianship rights, as

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<sup>158</sup> Early twentieth century Virginia historian Robert Preston McConnell supplied the rationale for using the apprenticeship code as a legal mechanism for re-enslaving black youths during Virginia’s Reconstruction era. McConnell depicts black youths with no parental guardians as likely to grow up “in want and vice. Most of them, with no regular labor, were coming to manhood and womanhood without any trace or any disposition to support themselves.” Erroneously he claims they were “fed, clothed, and sheltered by the Freedmen’s Bureau and the army around whose headquarters great throngs were congregated in idleness.” McConnell, *Negroes and Their Treatment in Virginia From 1865 to 1867* (Pulaski, Va.: R. D. Smith & Brothers, 1910), pp. 97-98. See generally “Chapter XIII: Apprentice Law in Virginia,” pp. 97-102,

<sup>159</sup> Capt. E. H. Ripley on May 31, 1868 regarding Lucy Jones of Jefferson County, seeking rescue of her granddaughter from Phillip Roberts of Rileysville, Page County. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

<sup>160</sup> April 23, 1866 from J. L. Baker at Cedar Pt., Frederick County to Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 791-2.

<sup>161</sup> Regarding Freedwoman Lucy Jones, who lived in Jefferson County north of Frederick County, May 31, 1868 letter from Capt. E. H. Ripley to Capt. McDonnell at the Winchester Freedmen’s Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

former masters, a step further and absconded with black children. When a freedwoman went to pick up her granddaughter she found both her granddaughter's white master and mistress, the Bracketts, had disappeared, taking her granddaughter with them. "In compliance with your directions," the freedwoman wrote the Winchester Bureau, "the letter was delivered into the hands of Mrs. Brackett on Sunday evening first and this morning upon application for my granddaughter I find that she has been spirited away...There seemed to be a determination upon the part of Capt. Brackett and his wife to disregard your orders upon the subject---a [resolve] upon their part not to relinquish the control of my child." With the Bureau's limited manpower resources, it is unlikely the Winchester agents ever tracked down the absconders. There are no Bureau records indicating they ever did.<sup>162</sup>

White families rarely inquired after the whereabouts of black children's parents, even when they lived in the same county. The freedpeople's efforts to locate their children were further complicated by white families' transferal of black children to other family members. At times they even changed children's names. John Massie, a Baptist preacher living in the Charlottesville area, held the two children of Freedman John Mitchell. Mitchell's son Amos had been renamed Thomas. Massie had transferred the boys to his farm from his father-in-law's farm. Preacher Massie did not resist Mitchell's claim to the children, but he did make known that he would like to have them bound to him.<sup>163</sup>

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<sup>162</sup> July 14, 1866 Report of Bracketts absconding with freedwoman's granddaughter. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 854-7.

<sup>163</sup> Case of John Mitchell seeking to reclaim his children from Preacher Thomas Massie. Records

White families rarely considered the emotional stake black parents had in reclaiming their children. Young children with little labor value sometimes became “pets” of the families with whom they lived. They typically put their own claims--and attachments--before those of black parents seeking to reunite with their children.<sup>164</sup> When Freedwoman Lucretia McGruder sought return of her two daughters from the Shearer family, Mr. Schearer countered with an offer delaying their return: “[M]y little ones are so much attached to them and neither wished to part with one another. These two little girls have been treated as same as my own little ones, wore the same kind of clothing and ate the same food. If she will not let me have one or both of them on hire they are here and subject to her order.”<sup>165</sup>

As an increasing number of freedpeople found employment, and were able to support their children, they redoubled their efforts to locate them after sometimes arduous searches. Freedman William Kenney, a Lexington boot maker and repairer, approached the Lexington Bureau seeking custody of his son William. William had been bound out to a Mr. White, a Rockbridge County man, by Lt. Tubbs, a former Lexington agent. Tubbs had earned a reputation as a heartless bureaucrat more interested in collecting apprenticeship contract fees than in protecting black parental rights.<sup>166</sup> In the Civil War’s aftermath Tubbs had signed

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of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 171.

<sup>164</sup> Leon F. Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, ppb. ed., c. 1979), p. 237.

<sup>165</sup> Phillip Shearer to Capt. Chandler on July 7, 1868. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 807-8.

<sup>166</sup> Freedmen’s Bureau agent’s February 28, 1866 communication citing Lt. Tubbs’ efforts to make the freedpeople in the Southern Shenandoah as subservient as they were as slaves. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184. See also Lt. Tubbs’ October 30, 1865 protest that he had been making money for the Bureau in mediating apprenticeship contracts and did not want them canceled

off on apprenticeship contracts without making much of an effort to locate the orphans' parents or next of kin. The Lexington agent found that Kenney's son William had been passed on by White to White's brother in Newtown. The Lexington agent was favorably impressed by the witnesses Kenney marshaled to defend his reputation as a good parent and provider. "The witnesses," the agent reported, "give me assurance that the parents are abundantly able to take care of the boy and give him all the advantages of the freedmen's school in Lexington." Since Kenney's other sons had been "sold away to persons and parts unknown to him," he must have considered reclaiming his son the bittersweet fruit of slavery's abolition. Kenney's family embodied African Americans aspirations for a life in freedom: living together as a family, prospering by their own labor and able to offer their child a better future by educating him.<sup>167</sup>

Post-War realities required the freedpeople to continue offering their children's labor to white families and merchants, but black parents were increasingly taking control of their children's labor by negotiating short-term, informal labor agreements with white employers. Although black children were not trapped in long-term apprenticeship arrangements white employers did provide for black youths' room and board, a wage payable to the parents and, at times, for a clothing supplement. Black parents and guardians preferred this type of labor arrangement for the same reasons they preferred to make the same kind of informal, no contractual arrangements with white employers for their own labor.

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since there was a \$50 forfeiture fee for breaking a contract. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 360.

<sup>167</sup> William Kenney case of January 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 665.

Labor agreements struck between black parents and guardians with white employers for the labor of their children gave them greater flexibility in offering their children's labor as they needed supplemental income. They could also assent to having their children work only when they were not attending school. Moreover, when whites abused their children or breached the terms of a work agreement, black parents could more easily withdraw their children from the arrangement. The fact that so few African American youths found themselves bound in formal apprenticeships attested to their parents' and guardians' ability to support them as well as to black adolescents' skill in negotiating their own labor agreements.

Early on in Reconstruction the Winchester Bureau gave the same consideration to complaints parents brought to their attention concerning these informal arrangements as they gave to formal apprenticeships. The freedpeople's complaints reveal the extent to which white employers either failed to compensate black parents for their children's labor or otherwise honor the terms of agreements. Both Sarah Robson and Renetta Wells complained to the Bureau that their sons' employers had either failed to pay a portion or all of the wages due them for their sons' services. In some cases employers who had agreed to an in-kind payment of clothing for a child failed to supply that clothing and returned the child to the parent with less clothing than when they had entered employment.<sup>168</sup> In this way white employers could frustrate the entire goal of a parent's desire for a short term labor arrangement. Freedwoman Easter Strange complained that, while she had bound

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<sup>168</sup> See the Lett case at Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 827. See the Robson case ref. in Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 828.

her son out to William B. Lowers until Christmas so that he might return with a suit of clothes, Lowers sent him home without any suitable clothing at all.<sup>169</sup> J. L. Contie also held back both the pay and clothing of Freedwoman Celia Alexander's son.<sup>170</sup>

White women could be the severest task mistresses, but black parents had no tolerance for white mistresses' abusive treatment of their children. Freedwoman Nancy Lee claimed that the widow of Charles Burley was "beating and ill-treating him (her son) in an un-merciful manner."<sup>171</sup> Freedwoman Margaret Warner claimed her daughter had been "ill treated and abused" by her Clarke County mistress and wanted her returned to their home in Harper's Ferry.

Although less frequent than physical abuse, trafficking in the labor of black children did occur. Mrs. Mary Morgan of Clarke County hired out two black children. After being caught the first time and prohibited by the Winchester Bureau from doing so again, she ignored the Bureau's admonition and, confident in her proprietary rights, hired out Adam Bullet to William Clark. Capt. Chandler chastised her, relating that she "had no legal right whatsoever to make such a contract without the consent of his mother." He required Mrs. Morgan to reimburse Adam's mother for the full value of her son's labor: "[F]or if you do not, she can collect by law whatever she can prove that the boy has been worth to you notwithstanding

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<sup>169</sup> Capt. Chandler's December 27, 1866 communication to William B. Lowers concerning Easter Strange's son. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 782.

<sup>170</sup> Capt. Chandler's May 11, 1867 communication to J. L. Contie. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 810.

<sup>171</sup> Capt. Chandler to Widow Burley on July 15, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 823.

the contract as she is not a part to it therefore not bound by it.”<sup>172</sup> Some African American children even found themselves at the mercy of black traffickers.

Freedwoman Anna Jones had been hiring out the children of Henry Strange, who had moved to Charlottesville. Since Strange did not want to reclaim the children, the Winchester Bureau planned to find homes for them as Freedwoman Jones “appears to have done but little of anything for them....”<sup>173</sup>

Informal labor arrangements worked best for maturing African American youths who could legally negotiate their own terms of labor. Leven Triplett’s letter to the Winchester Bureau explained the informal employment agreement he had made with Freedwoman Emily Parker’s daughter Anna. Both the Winchester Bureau and Mrs. Parker must have considered Anna’s employment arrangement with Triplett an equitable one since the Bureau took no action to disturb it. In the letter Triplett had informed Freedwoman Parker that Anna was “perfectly satisfied to remain with us” and that he had agreed to give her the “usual amount of clothing and pay such as [we] can afford or what is customary.” Triplett also agreed to send Anna’s “hire” [wage] to Ms. Parker and planned to allow her to return home for a visit at Christmas.<sup>174</sup>

As their elders black youths could also work at odd jobs. In a cyclical farm economy with daily chores punctuated by periods of intensive work, farmers and merchant millers hired African American boys to work for them on a short term

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<sup>172</sup> Capt. Chandler’s December 18, 1866 letter to Freedwoman Pollie Krider, mother of boy Bill West. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 779.

<sup>173</sup> March 6, 1868 communication of Capt. McDonnell at the Winchester Freedmen’s Bureau to Orlando Brown at Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 267.

<sup>174</sup> Contracts and Indentures, 1865-1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192.



basis. In 1870 Frederick County farmer Kitty Kemper hired James King for four-to-five day periods at 25 cents a day, a modest wage more appropriate for a minor than an adult. Between 1867 and 1869 Charles Colfelt, a Frederick County merchant miller, hired “col’d boys” during the summer and fall months when his mill was busy processing wheat and corn. Colfelt also hired a man and his son to “cut corn.”<sup>175</sup>

Although they worked at odd jobs or in jobs their parents arranged for them in white households, not until they reached mid-adolescence did African American youths participate in the work force in significant numbers. The majority of wage-earning black youths in both Frederick and Clarke Counties were 16 years of age and older. Since the Freedmen’s Bureau arranged only a small number of apprenticeships for orphaned and indigent black youths during Reconstruction, the majority of black youths were being cared for by black families or by the white families they lived with.<sup>176</sup>

Regarding the unity of the black family as essential to the freed people’s carving out lives as responsible societal stakeholders Valley Bureau agents proved themselves strong advocates for the freedpeople. They were more consistent in carrying out General Howard’s mandate for guarding the freed people’s familial bonds in the Valley’s recovering economy where the freedpeople could demonstrate their ability to support their children. In contrast, on the

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<sup>175</sup> Kitty Kemper memorandum Book, 1845-1897, laborers’ accounts and .Daybook of Charles Colfelt at Springdale Grist Mills, Frederick County, June 11, 1868-March 1869. Special Collections, Swem Library, College of William & Mary.

<sup>176</sup> Federal Census United States Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties.

over-populated, economically distressed Virginia Peninsula, historian Robert Engs found that Bureau agents turned the other way as whites literally snatched black children from their families.<sup>177</sup>

The Winchester Bureau's standard communication to white families resisting the freedpeople's efforts to reclaim their children began to have a boiler plate consistency. When Frederick Muse of Frederick County refused to release Freedman Robert Page's four children, the Bureau sent Muse a note: "You refuse to allow him [Page] to take them away, which he has a right to do. You will allow them to go with their father and take with them such personal property as may belong to them."<sup>178</sup> Responding to William Kufoot's stubborn refusal to return Freedwoman Agnes Henderson's son Richard to her, the agent ordered Kufoot to return Mrs. Henderson's son to her "or report to this office with him and show cause why you do not comply with this request."<sup>179</sup> The Winchester agent's order to Charles Talbert of Winchester, who had "detained" William Banion's daughter Betsy "unjustly," made clear Banion's parental rights. "You will, upon the receipt of this order, deliver her into the custody of the bureau with all her personal effects and all other goods and chattels, belonging to your late servant, the Freedwoman Susan Banion. Bed, bedstead, & bedding as per accompanying letter."<sup>180</sup> Susan

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<sup>177</sup> Robert Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861-1891* (Philadelphia: University of Pennsylvania Press, 1979) Ch. 5: The Chaos of Peace, p, 97.

<sup>178</sup> Capt. McKenzie's August 31, 1865 communication to Robert Muse of Frederick County. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 115.

<sup>179</sup> June 30, 1866 communication of the Winchester Freedmen's Bureau to William Kerfoot. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 763.

<sup>180</sup> March 24, 1866 communication of Capt. How to Charles Talbert. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 748.

Banion was now a free agent with possessions rather than herself a possession.

At times the Winchester bureau had to do some verbal knuckle wrapping to pry black children from white households. The Bureau ordered Mrs. Mary S. Hinckley of Clarke County to release Freedwoman Susan Hood's daughter Callooloo, whom Mrs. Hinckley held "without consent of her mother" and pay Mrs. Hood for Callooloo's services.<sup>181</sup> When Ellen Grigsby of Clarke County procrastinated in releasing Carrie Braxton, who was to be reunited with her mother in Ohio by her uncle, the Bureau issued a demand to Mrs. Grigsby: "I now as an officer of the bureau demand the child of you peaceably if I cannot, forcibly if I must....I must have and hold you responsible for your action in this matter."<sup>182</sup> When Mrs. Eliza Mitchell of Staunton delayed sending Charles Jamison's daughter to him even after Jamison had paid for the girl's stagecoach fare back to Winchester, the Winchester Bureau agent chastised Mrs. Mitchell: "Charles Jamison col'd having sent means to the agent of the stage line at Staunton Va. for the purpose of conveying his little girl now living with you will you be so good as to get and assist her--the little girl--off on the stage to be delivered to her father at this place and oblige."<sup>183</sup>

In 1868 John Smith of Millwood, Clarke County, approached the Bureau seeking the return of a runaway girl who had been living in his household since "the

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<sup>181</sup> July 20, 1868 letter of Susan Hood, living in Rockville, MD, to the Winchester Freedmen's Bureau concerning her daughter living in Clarke County. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 63.

<sup>182</sup> April 1, 1867 communication from Capt. Chandler at the Winchester Freedmen's Bureau to Ellen Grigsby. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 802.

<sup>183</sup> August 13, 1866 communication from Capt. Chandler at the Winchester Freedmen's Bureau to Mrs. George Mitchell in Staunton. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 768.

surrender of General Lee.” Although the girl was not apprenticed to Smith, he claimed the rights of a master, noting that she was “unable to take care of herself.”<sup>184</sup> Unimpressed by this display of paternalistic concern, the Winchester Bureau cautioned the Clarke County agent to proceed cautiously : “Before binding the girl out to him...document all the facts of the case, and if the girl has been treated unkindly, or is unwilling for any reason to be bound, you will find some other home for [her].” With domestic workers in demand, it is likely the girl soon found another position.

As overseers of black apprenticeships, Bureau agents had, in addition to mediating new apprenticeships, the demanding task of mediating the freedpeople’s claims to children bound out without their consent or bound out to masters who mistreated them. The Bureau’s red tape, the slowness of communications circulating among Bureau agents and other parties to contested apprenticeships, as well as employers’ unfamiliarity with the Bureau’s apprenticeship policy, could delay eager parents’ efforts to be reunited with their children.

Black women seeking to reclaim their children had yet other obstacles to surmount as well. Since the Bureau considered male-headed households the desirable model for reunited black families and since single black women were viewed as less reliable breadwinners, the agents were, at times, less supportive of the freedwomen’s efforts to reclaim their children. But those considerations did not deter black women. They showed considerable pluck and resourcefulness as they

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<sup>184</sup> Capt. McDonnell’s October 21, 1868 communication from the Winchester Freedmen’s Bureau to Capt. Riley. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183.

fought to reclaim their children from white families. Freedwoman Margaret Webb, in her determination to be reunited with her sons John and Robert, exemplified the resourceful single mother. When Mrs. Webb contacted the Winchester Bureau, John and Robert were living on Adolphus White's farm in the Lexington area. Mrs. Webb, who operated a boardinghouse in the Winchester area, had not yet reconnected with her sons when the Bureau apprenticed them as orphans to White. With no knowledge of the Bureau's policy regarding apprenticeship contracts, White considered his contract legitimate and, at first, resisted returning the boys. He later relented as he became more familiar with Bureau policy invalidating contracts made without parental consent. "Mr. White informed me that the boys are at liberty to go whenever called for," the Lexington agent reported. But after a year of dealing with the Bureau's red tape, Mrs. Webb took matters into her own hands. She traveled to Lexington and reclaimed her boys from the White family. Describing Mrs. Webb's rescue mission, the Lexington agent noted that when he had instructed White to release the boys, "he told me that they were no longer with him having been taken away by their Mother who I presume could not see the beauty or utility in the Law's delay."<sup>185</sup>

Despite their sometimes cumbersome procedures, Winchester Bureau agents were vigilant in pursuing complaints brought to them by parents seeking to reclaim their bound-out children. When Betsey Brown wanted to reclaim her three children, Bureau agents stood by her as the white family with whom they lived staunchly resisted reuniting them with their mother. In returning to the Valley from

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<sup>185</sup> The Margaret Webb case: Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 768, 270, 813 and Misc. reel 5716, roll 191, frames 180-181.

Mississippi where slave traders had sold her before the War, she first lived in Lynchburg, but had reunited with her father in Frederick County by the time she filed her complaint with the Winchester Freedmen's Bureau in June of 1866. She believed her sons were living with the J. R. Grigsby family in Clarke County. On being contacted by the Winchester Bureau, Grigsby relate that Mrs. Brown's children were living on the farm of his father Alex Grigsby in the Lynchburg vicinity until he could send for them. He said he had left their apprenticeship contract with his father. Despite having no proof on hand of his legal rights to the Brown children, Grigsby stridently claimed that, if he had to give the children up, he should be reimbursed \$210 for their care, a fee far too hefty for a struggling freedwoman like Betsey Brown to pay. He further cast aspersions on her character, accusing her of poisoning his youngest child: "The Mother, Betsey Brown, left me under suspicious circumstances. She was acting as nurse to my youngest child which died the day before she left and have pretty strong evidence of having him poisoned. I do not know that the evidence would be strong enough to convict her but it would certainly justify her arrest...." Since the Grigsby's had never brought this claim before legal authorities, it carried little weight with the Winchester Bureau agents.<sup>186</sup>

After two months of investigating the case, Capt. Chandler found that Grigsby had "failed to produce the proper papers to prove his statement" that he had a legal claim to the children.<sup>187</sup> Bureau records of apprenticeship contracts do, however,

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<sup>186</sup> Capt. Chandler's June 19, 1866 letter to Mrs. J. R. Grigsby regarding Brown case. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191.

<sup>187</sup> The Betsy Brown case: Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 752, 765, 766 and Misc. roll 5716, roll 191, frames 167, 177.

show that at least one of the Brown children, Thomas, had been bound out to J. R. Grigsby until he reached adulthood. Interestingly, although Grigsby had demanded \$70 in recompense for each of the children released to their mother, Thomas was scheduled to receive only \$50 upon fulfillment of his contract at age 21. The contract, concluded four month's after the War's close, was invalid on two grounds: Mrs. Brown had not consented to it and it discriminated in not providing for Thomas' basic literacy skills. Assuming the Bureau found a record of Thomas' contract, the Bureau based its final decision in the case on the evidence rather than Grigsby's claims to the children. In October of 1866 the Winchester Bureau ordered Mrs. Brown's children be returned to their mother.

One of the more onerous breaches of apprenticeship contract terms involved employers' repeated physical abuse of their bound servants. In investigating the case of Betty, an apprenticed domestic servant, Bureau agents were clearly out to demonstrate a new day had arrived in curbing the more persistent brutalities vulnerable young black females had long endured. Betty had run away twice from the Whites, a couple living in the Staunton vicinity. Each time she ran away, Betty had found refuge with the Rhodes family. Sending a third party, a Mr. Watts, to retrieve the girl after she ran away again, White accused Rhodes of harboring her illegally. White put pressure on Rhodes to release her lest he be forced to pay the penalty for illegally harboring a bound servant. "I am surprised at your conduct in regard to her knowing as you do that she is bound to me. I will sue the law as regards apprentices being harbored knowingly." Rattled by this accusation, Rhodes sent White a note making clear he had no intention of harboring Betty,

even though he knew the Whites had mistreated her. “Sir. Your girl Betty (colored) is at my place and if you want her please come or send after her as I don’t want to keep her if you have an agreement with her. Mr. Thomas Watts called for her and took her part way and tied her to a post and she got loose and ran away you must not think that I want to keep her from you as such is not the case.”<sup>188</sup>

Although Rhodes may have been aware of the law’s provision protecting apprentices from mistreatment, he decided the more important provision was that penalizing those who harbored runaways. The Bureau, by contrast, focused its investigation on the victim Betty, interviewing her privately to obtain her testimony without pressure from either the Whites or Rhodes. Betty reported that Mr. and Mrs. White whipped her “severely,” With six male witnesses present, Betty stated that she wanted to live with the Rhodes family.<sup>189</sup> Although the outcome of the case does not appear in the Bureau’s records, it is probable that Betty was released from her abusive situation and allowed to go live with the Rhodes family. In another documented case the Bureau had required a master to release a boy from his contract and to stand trial for the boy’s charge of being ill treated. The boy subsequently returned to his former master in Staunton.<sup>190</sup>

Bureau oversight of informal, short term agreements became even more crucial when, in 1867, the state legislature revised the apprenticeship code to bring these labor agreements under the code’s disciplinary provisions. The freedpeople

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<sup>188</sup> Mr. W. Rhodes October 19, 1868 letter to Mr. G. A. White of Augusta County Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 673.

<sup>189</sup> G. A. White case of apprentice Betty’s mistreatment. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 670-673.

<sup>190</sup> Capt. How’s July 7, 1866 report. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 168-9.



complained frequently of their children's mistreatment, a form of abuse defined by the Virginia apprenticeship code as "undeserved or excessive correction."<sup>191</sup> The violence normalized by whites in their treatment of black women proved just as prevalent in their treatment of black children and adolescents. Freedman Comus Parker complained to the Winchester Bureau that his son's employer had "assaulted and hurt his son Robert without just cause or provocation."<sup>192</sup> Reports of whites' mistreatment also traveled to parents who had moved away.

Freedwoman Eliza J. Robinson of Gettysburg feared her son, who was working for Benjamin Stickney of Middletown in Frederick County, was "not well treated, and asked the [local] court to do what it can for her."<sup>193</sup>

The Bureau agents' advocacy in helping the freedpeople reunite with their children and on helping them protect children they had placed in whites' employ was circumscribed by the Bureau's limited tenure in the southern states as well as by limited financial and manpower resources. Although, as an agency operating under the auspices of the U. S. military, the bureau had numerous stated policies (circulars and general orders) the agents followed General Howard's lead in respecting both black and white families' initiatives in providing homes for orphaned black youths and those whom their parents were too indigent to provide for.

Many black children and adolescents were left orphaned by the fortunes of

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<sup>191</sup> See Chapter 122 of the *Code of Virginia, 1873, Third Edition*, Section 12 of the Masters and Apprentices code, p. 927.

<sup>192</sup> January 5, 1866 complaint of Comus Parker, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 787.

<sup>193</sup> December 3, 1867 letter fr. Freedwoman in Gettysburg, Pa. to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 210.

war and the slave trade. As the official guardians for orphaned black children, the Valley agents were well aware that many black children had no parents to claim them. With no black orphanages in Virginia before the Quakers established theirs in Richmond in 1871, and with only one orphanage in Washington, D. C. serving the larger region, Bureau agents had of necessity to respect traditional social safety nets within each Valley community. So while the Winchester agents took a count of eligible black male voters in 1867, they did not go out canvassing neighborhoods in Clarke and Frederick Counties to determine whether white or black families were the legal guardians of black youths living in their homes. General Howard had articulated this informal Bureau policy in his autobiography. With gratitude he recollected the role black families had played in taking in New Orleans' large black orphan population: "[T]he colored people themselves of this city very largely cared for the orphans of their friends and acquaintances in their own families, and thus, when orphanage was at its height, generously saved the government much expense."<sup>194</sup>

In the Valley, Bureau agents did send a few orphans, sometimes accompanied by their mothers, to the Washington orphanage. A few were sent to county poorhouses on a temporary basis and the Bureau apprenticed a small number. Many more were taken into the homes of black families or remained in the

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<sup>194</sup> General Howard, Freedmen's Bureau Commissioner, noted that the Washington, D. C. orphanage for black children had been established during the Civil War by the city's Ladies' Benevolent Society. He acknowledged the crucial role black families assumed in taking care of black orphans. In New Orleans, he observed, "[T]he colored people themselves of this city have largely cared for the orphans of their friends and acquaintances in their own families and thus when orphanage was at its height, generously saved the government of much expense." Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army*, vol. 2 (NY: the Baker & Taylor Company, 1867), p. 262.

households of their former owners. This was certainly the case in Clarke and Frederick Counties. William Cross' grandfather William W. Cross was a nine-year-old slave living in his master's Clarke County household when slavery's was abolished and the War ended. His grandson recounts just how bereft his grandfather would have been without the home provided by his former master. "He [William's grandfather] probably didn't know his parents. He might have known his mother. The landowner was his daddy. He wasn't sold. His brothers was sold. He was all by himself when emancipated. They kept him on. He didn't have no reason to leave. That was his home. Couldn't went nowhere. Didn't have no where to go. If he'd went somewhere, someone would have to take him in and feed him." <sup>195</sup>

For those black youths who lived in the households of their former owners, whites' continued exploitation of their labor raised the issue of whether they were being subjected to the same re-enslavement as were those black youths who had been placed in apprenticeships, before or after the Civil War, without the consent of their guardians.

The bonds of affection that bound white families to the black children in their households tended to obscure distinctions between whites' caretaker motives and their desire to continue providing a home for black youths who afforded them a cheap labor force. Cassandra McPoole's failure to contact the parents of black adolescent boys she continued harboring in her household suggests that, whatever her benevolent motives, she also deemed them increasingly valuable

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<sup>195</sup> William Cross interviewed on July 28, 2006 by Donna Dodenhoff at the African American Episcopal Church parish hall in Berryville, Virginia.

workers. When Freedman William Falls inquired about his boys at the Winchester Bureau, the agents located Mrs. McPoole and she reported to the Bureau: "The two children of Wm. Falls spoken of are still with me. They know they are free and can go when they choose. I have often told them so. They, as well as three others I have, prefer to stay with us and I am willing to keep them so long as they see proper to stay, not so much for their services, as from the fact that they have been raised in the family. I feel it a duty to care for them."<sup>196</sup> Yet, in providing a home for these adolescent boys, Mrs. McPoole also knew that, had their father not reclaimed them, she would have had at her disposal increasingly productive farm laborers without having to pay Falls for their services. Nor would she have to comply with apprenticeship provisions.

Black minors' value in the labor market increased as they matured. The Valley's labor market could work as much to exclude young black workers as to draw them into wage-earning labor. Two young orphans, George and Anna Washington, aged three and five, were sent to the Orphan Asylum for Colored Children in Washington after Winchester Bureau agents had searched in vain for a family to take them in. "I have endeavored to put them out but people will not take them on account of their age," an agent reported.<sup>197</sup> When Freedman Isaac Thompson filed suit against Clarke County farmer Edward McCormack for failing to pay Thompson's 13-year-old son the wages the two men had agreed on, McCormack told the Freedmen's Bureau Court that he had dismissed the boy

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<sup>196</sup> December 4, 1865 letter of Mrs. Cassandra McPoole to Capt. McKenzie at the Winchester Freedmen's Bureau. - Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 683

<sup>197</sup> Capt. Chandler to General Schofield in Richmond, Sept. 3, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 771.

shortly after he had begun working for him. When examined by the Freedmen's Bureau court McCormack claimed the boy was not "strong enough [to do] the work of a farm,"<sup>198</sup>

At times the fate of young black children with little labor market value hung precariously on the thread of a white employer's good will or the ability of a struggling mother to find work. As the Christmas holiday approached in December of 1866, Winchester businessman L. T. Moore sent nine-year-old John Parker to the Bureau with a note: "I have not much for him to do. Nothing but running errands. I am going to give him some old cloths to keep him warm...It is wrong the child should be left to perish./ If you can do better for him than I propose please take him. If not I will save him till spring without he misbehaves."<sup>199</sup> The agent related the Winchester Bureau could do no better by the boy. Another indigent boy faced being bound out until adulthood if his mother, who resided in the Frederick County poorhouse, did not improve her circumstances. Assessing her boy's situation, Capt. McDonnell of the Winchester Bureau related to the Overseer of the Poor that, since his labor was of little value, the boy would have to be apprenticed until he reached adulthood. "Farmers and others do not care to take children of his age, when their services are comparatively useless unless they are bound to them. So that it is impossible to place him in a house, which he can leave at any time."<sup>200</sup>

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<sup>198</sup> *Isaac Thompson v. Edward McCormack* tried in the Winchester Freedmen's Bureau Court on December 26, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 37.

<sup>199</sup> December 19, 1867 communication to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5711, roll 186, frames 231-2.

<sup>200</sup> July 28, 1868 letter fr the Winchester Freedmen's Bureau to W. G. Russell, Overseer of the Poor, Frederick County, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183.

Legally unable to negotiate their own terms of labor, and with little value in the labor market, young orphaned or indigent children found themselves at the mercy of local magistrates and overseers of the poor. These officials placed young blacks in apprenticeships until they reached adulthood: age 21 for boys and 18 for girls.

During Reconstruction a significant readjustment of their oversight authority occurred as Freedmen's Bureau agents assumed oversight of black minors' apprenticeships. Within three months of the War's close, as the Freedmen's Bureau assumed this authority, General Howard, Bureau Commissioner, issued orders to all Bureau agents. General Howard stressed that the apprenticeship system could not be used to re-enslave black youths. As contract mediators, Bureau agents were to make sure apprenticeship agreements were voluntary; whites must not compel black parents or guardians ("next of kin") to sign contracts under duress. In the event a youth's parents or guardian could not be located, a Freedmen's Bureau agent served as the youth's official guardian. But the youth had to consent to the apprenticeship. In the event a parent or guardian later located the apprentice and wanted to claim guardianship, they could cancel the apprenticeship contract. Further, all apprenticeship agreements were to be nondiscriminatory, providing black youths with the same educational opportunities as those stipulated for white apprentices in the Virginia apprenticeship codes.<sup>201</sup> .

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<sup>201</sup> The Winchester Bureau examined contracts binding children out to see if "the same is in all respects a valid instrument.," as stipulated in the Richmond Freedmen's Bureau Circular No. 8. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 183. . Circular No. 8 stated that apprenticeship contracts were valid only if they are made with the consent of the parents or nearest of kin. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 183. Minors bound out with parents consent could not be invalidated unless minors were mistreated. (r12, n 416-7, 9/14/67). General Howard, Freedmen's Bureau Commissioner, noted in his autobiography that the 1866 Civil Rights Act eliminated discriminatory provisions of Southern

Although Virginia's revised post-War black apprenticeship code was much less harsh than those of such southern states as Mississippi and South Carolina, Virginia's code benefited white "masters" more than it protected black youths. Under the apprenticeship code masters had the benefit of a black youths' labor until they reached maturity (18 for females and 21 for males). The contracts also severely restricted an apprentice's mobility in stipulating that the apprentice "shall not be absent from said master's service day or night without leave." While an apprentice's mistreatment could be appealed to a local magistrate or judge, apprentices who took matters into their own hands and ran away were subject to a penalty as were those who harbored them. Apprentices also had to adhere to a confidentiality oath that, in effect, muffled disapproval of a master's misconduct. On the other hand, masters had to provide clothing, lodging and medical care for their apprentices. The apprenticeship system also prohibited one of slavery's more onerous practices. It prevented apprentices from being commoditized. In the event of the master's death, the apprentice could not be passed on to another designated master nor could apprenticeships be used to pay off the deceased master's debts or other obligations.<sup>202</sup>

Since apprentices were bound out until they reached legal adulthood,

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states' apprenticeship codes governing black minors. Howard, p. 255. See also the Virginia Freedmen's Bureau's policy on orphans' apprenticeships Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183 and on the invalidity of apprenticeship contracts made before the Civil War- Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 804. Capt. McDonald underlined the importance of black apprenticeships being non-discriminatory, that is, offering black minors the same educational opportunities as white ones by threatening to cancel an apprenticeship that did not offer the black apprentice schooling. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel ,5708 roll 183, frame.749.

<sup>202</sup> See Chapter 122 of the *Code of Virginia, 1873, Third Edition*, prepared by George W. Manford (Richmond: James Goode, Printer, 1873), pp. 925-928.

employers were more than compensated by having at their disposal a cheap, maturing labor force. Wages or lump sum payments paid at the end of an apprenticeship were often less than those black adolescents could earn in arranging their own work. Adolescent girls could earn better pay (\$3 to \$5 a month) making their own work arrangements. The top annual pay for a girl in the fourth year of her apprenticeships was \$25. Earnings by African American boys are more difficult to estimate as Bureau records provide scant evidence of their earnings. Two orphaned boys bound in apprenticeships, one for four years and one for six years, were both to receive a lump sum payment of \$100 and clothing when they fulfilled their contracts at age 21. By contrast, a boy bound out to a Clarke County farmer for six days earned \$5, a relatively high wage for the period. Another boy was to make \$12 per year from an employer. This agreement included clothing and board.

In addition to being underpaid, apprentices were not being trained in work that could significantly enhance their prospects on the labor market once they were released from their contracts. Employers were required to provide only minimal vocational training and literacy skills. The Freedmen's Bureau agents apprenticed black females to learn the "art and trade of house servant." The Bureau put all males in apprenticeships where they were to learn the "business of farmhand." Well intentioned whites did, however, infrequently offer better apprenticeship arrangements. S. D. Buck of Middletown contacted the Winchester Bureau in order to arrange an apprenticeship for a boy formerly owned by Buck's mother. Because the boy's mother was "not capable to raise him as she should be" Buck



wanted the boy bound out to a Mr. Delanger, a carriage maker who “will give this boy a good understanding of business [] if allowed to keep him.”<sup>203</sup>

As they moved into adolescence, becoming more physically adept and more disciplined in their work habits, black adolescents did gain greater control over their labor. Recognizing their labor value increased with age, the Virginia legislature included a provision in the apprenticeship code allowing African Americans boys to make their own labor contracts when they reached age 14 and girls, when they reached age 12. So the Winchester Bureau encouraged black youths to make their own labor arrangements as they crossed the legal threshold for doing so. In this way they could avoid compulsory apprenticeships that straight jacketed them in low-paying work until they reached legal adulthood. African American girls, who were in demand as domestics, benefited most from this provision in the apprenticeship code. Girls with a streak of independence earned disposable income working as domestics for white families while avoiding the constraints of an apprenticeship. When a freedwoman in Charlottesville sought word of her daughter, she found her very content with her employment situation in Clarke County.<sup>204</sup>

The Winchester Freedmen’s Bureau agents oversaw all apprenticeships made in the Valley. During Reconstruction the agents mediated only ten apprenticeship contracts, underscoring their success in preventing

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<sup>203</sup> December 21, 1865 letter of S. D. Buck of Middletown, Frederick County to the Winchester Freedmen’s Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191.

<sup>204</sup> Winchester Freedmen’s Bureau communication concerning daughter of Freedwoman Barber. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 189.

apprenticeships from becoming a legal mechanism for re-enslaving orphaned and indigent black youths. The apprentices were all orphans between the ages of 12 and 16. With black females able to undertake domestic chores at an early age, all but two of the apprenticeships were made for black males.<sup>205</sup> In

post-Reconstruction Frederick County, only one apprenticeship contract was arranged for a black girl, Roberta Chismore, a contract that effectively concluded the County's black apprenticeship system in 1871.<sup>206</sup>

In the Northern Shenandoah Valley the Freedmen's Bureau agents' insistence that black guardians consent to labor arrangements made with white employers for their children's labor reflected their understanding of the operations of the national labor market outside the South. In the industrial northeast, labor historian David Montgomery observes, the master-servant apprenticeship system was already significantly eroded by the 1830s as labor relations between masters and their subordinates gave way to the "disciplines of the marketplace." By the mid-nineteenth century the wage labor system, and the voluntary consent to their labor arrangements, had become the norm.<sup>207</sup>

In the post-emancipation South, as southern states passed black codes incorporating such labor provisions as vagrancy laws that effectively forced black workers to accept work on terms dictated by white employers, the U. S. Congress

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<sup>205</sup> See Indenture 1865-1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frames 144-173.

<sup>206</sup> Frederick County Free Negro Papers, 1798-1857, 4/F/32/1/2/, Box 12, "Emancipation Papers, Indentures," Library of Virginia Archives, Richmond, Virginia.

<sup>207</sup> See David Montgomery's discussion of the withering of the apprenticeship system in the North in his study, *Citizen Worker: The Experience of Workers in the Untied States with Democracy and the Free Market during the Nineteenth Century* (Cambridge: Cambridge University Press, 1993), pp. 34-37.

moved to nullify these and other provisions of the black codes. To prevent the southern legislators from undermining the freedpeople's status as free laborers the Congress passed the Civil Rights Act and the 14<sup>th</sup> Amendment which, together, eliminated the black codes' racially discriminatory legal system by mandating a single code of law for all U. S. citizens.<sup>208</sup>

Because the Virginia legislature had, in 1866, revised its black apprenticeship code to eliminate a racially discriminatory provision, this apprenticeship provision survived the Reconstruction era and was included in Virginia's codified 1873 legal code. However, by the early 1870s, the apprenticeship system had withered to the point of near extinction in such Northern Valley counties as Frederick. The Bureau agents' insistence on black guardians' voluntary consent to labor arrangements had contributed to the demise of apprenticeship system in the area.

The Valley agents' success in preventing black youths from being bound out in compulsory apprenticeships or, if they were, ensuring they were given the same treatment as were white apprentices, prompted a free black youth bound out before the Civil War to request the cancellation of his apprenticeship contract. In appealing to the Winchester Freedmen's Bureau, he claimed his master was not providing him with an education, as the revised Virginia apprenticeship code now required. Capt. McDonnell at the Winchester Bureau reported to Orlando Brown that the boy desired to have his apprenticeship canceled "in order that he may have an opportunity to attend school and fit himself for the duties of a free man."<sup>209</sup>

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<sup>208</sup> *ibid.*, pp. 84-85.

<sup>209</sup> Capt. McDonnell's October 23, 1868 communication to Orlando Brown in Richmond. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel

A small adjustment to the apprenticeship code requiring that educational opportunities also be given by masters to their black apprentices had inspired the boy's expansive citizenship aspirations. Before universal emancipation, he would have had only the strictly circumscribed citizenship status of a free black to look forward to once his apprenticeship terminated.

### **An Assessment**

With some exceptions, the Valley's Freedmen's Bureau agents were vigilant in their efforts to prevent white families from using apprenticeships as a legal mechanism for re-enslaving black youths. Nor did they allow youths to remain with white families who mistreated them. Full employment among area freedpeople as Reconstruction progressed in the Northern Valley advantaged them as well in their efforts to reclaim their children; the freedpeople were able to demonstrate their ability to support their children in stable household arrangements. In addition, Virginia's apprenticeship code, as initially drafted in 1866, was less harsh than those incorporated in the black codes of such southern states as South Carolina and Mississippi, whose codes gave whites license to effectively re-enslave black youths.<sup>210</sup> Nevertheless, as codified in Virginia's 1873 revised legal code, a

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5712, roll 187, frames 368-9

<sup>210</sup> Virginia Code, as revised in 1866 to regulate black minors' apprenticeships, was less harsh than the apprenticeship codes of other Southern states like South Carolina. The South Carolina black apprenticeship code essentially underwrote the re-enslavement of black children. South Carolina's code provided only negligibly for black children's education and lowered the age at which a minor could independently consent to a labor contract. The South Carolina law also gave enough latitude to local magistrates' discretion in ruling on compulsory apprenticeships as to permit re-enslavement of children. For example, the South Carolina law allowed magistrates to make subjective judgments as to the parents' moral influence. The South Carolina code stated that black children qualified for "compulsory apprenticeships" if their parents were not deemed to be "teaching habits of industry and honesty or are persons of notoriously bad character." See the South Carolina apprenticeship code compiled in editor Walter Fleming's *Documents Relating to Reconstruction* (Morgantown, West Virginia, West Virginia University Documents, c. 1904), "The 'Black Codes' of 1865-1866," pp. 18-19.

loophole in the state's apprenticeship provisions allowed local magistrates to put black, as well as white, youths in compulsory apprenticeships if they "*appeared*" to be destitute. This provision, and their long history with whites, put black parents and guardians on the defensive. Prospering Valley freedmen like David Kenney went to great lengths to prove their competence as parents.

For the most part, however, the majority of whites in the Shenandoah Valley could hardly be characterized as "body snatchers" taking black children from their families or refusing to release them, as was the case in the over-crowded, economically depressed Virginia peninsula or in such Southern states as the Carolinas.<sup>211</sup> Indeed, former slave owners in the Valley were taking advantage of Reconstruction's free labor market to dismiss youths who were not productive workers or to release former bondspeople, including black children, whom whites deemed unproductive or whom they could no longer afford to care for. Before slavery's abolition, slave owners had not had this option since poorhouses did not take in disabled, elderly or other unproductive bondspeople.<sup>212</sup>

In asserting their guardianship rights, the freedpeople were incorporating their children into their labor revolution by gaining greater control over their work arrangements. When family finances allowed, the freedpeople could exclude their children from the wage-earning workforce. Their children, as children living on farms across the state, could be delegated chores that, as they matured,

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<sup>211</sup> For abuses of the apprenticeship code in Virginia and other Southern states see Edwards, pp 47-54 ; Donald G. Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, New York: KTO Press, 1979), pp.78, 137-138; and Litwack, pp. 19, 237-8, 355.

<sup>212</sup> See generally James D. Watkins' article, "Rogues, Vagabonds, and Fit Objects: the Treatment of the Poor in Antebellum Virginia," *Virginia Cavalcade* (Winter 2007), pp. 16-29

increasingly contributed to the family's household economy. When the freedpeople did place their children in the wage-earning work force they could determine for whom they worked and for how long.

The freedpeople saw their racial progress advanced by the new discretion they enjoyed in sending their children off to school rather than to toil for white employers in dead ended farm work. As schools were established for black children in Frederick and Clarke Counties, black teachers were as eager to provide black youths with an education as parents were for their children to receive an education. N. C. Brackett, Superintendent of the Freedmen's Bureau schools for the Shenandoah Valley, reported that there were "crops of teachers" ready to fill any vacancies at the Winchester Freedmen's Bureau school.<sup>213</sup> Some Clarke County black families were boarding their children at Harper Ferry's Storer Normal Institute while others in Berryville were willing to pay for a school and teacher.<sup>214</sup> By the end of 1869, the Winchester Freedmen's Bureau school could claim 95 male and 80 female students whom their teachers instructed in math, geography, reading and, for some, "advanced reading." As federal census takers knocked on the doors of black and white households in 1869 they recorded an increasing number of black children who were "scholars" rather than "servants" or "farmhands." They recorded 175 black "scholars" in Frederick County's black schools and in smaller Clarke County, with fewer schools as Reconstruction

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<sup>213</sup> N. C. Brackett, Supt. of Va. Freedmen's Bureau Schools in the Shenandoah Valley commenting on December 18, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5710, roll 185, frame 198.

<sup>214</sup> Clarke County freedpeople relate their willingness to pay for a school and teachers, related on September 24, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5713, roll 188, frame 37.

ended, they recorded 79 black students.<sup>215</sup>

The freedpeople had ultimately to balance their emancipation aspirations, their desire to keep their children out of the workforce and to educate them, with economic realities that required them to place their children in the wage labor market. On the other hand, although the Freedmen's Bureau served as the official guardian for black orphans, the black community shouldered major responsibility for providing homes for black orphans, a measure that kept many black youths from being bound out in compulsory apprenticeships. Their cultural traditions supported this effort. Historian Ira Berlin and his colleagues point out that, as part of the transmission of their culture from the old world to the new, African Americans "understood their society in the idiom of kinship." They note that "kinship expressed a broad range of mutual obligation." During the post-emancipation period, the burdens placed on freedpeople to meet their own subsistence needs and reunite their families strengthened this ethic of mutual obligation. The freedpeople incorporated into their households "aged parents and grandparents, aunts and uncles, orphaned nieces, nephews, and grandchildren."<sup>216</sup>

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<sup>215</sup> Federal Census United State Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties

<sup>216</sup> Ira Berlin, Steven F. Miller and Leslie S. Rowland, "Afro-American Families in the Transition from Slavery to freedom," *Radical History Review*, Fall 1988 (42), pp. 89-121. Quote ref. on p. 89.

## Chapter 4: Black Women on the Middle Ground: New Affirmations, Compromised Aspirations

Black women could no more escape hard work as emancipated women than they had as bondswomen, when their white masters and mistresses claimed their labor, both productive and reproductive, as a benefit of their own households. But as free women black women were determined to exercise more control over their work. Among their emancipation aspirations was their desire to serve their own families and communities. More important than self-seeking, historian Jacquelyn Jones stresses, was their communitarian ethic, their sense of obligation to their families and to the extended families of their church congregations and neighbors.<sup>217</sup> Black women's option of legalizing their partnerships only empowered their civic engagement as respectable women.

As they withdrew from white households in which their energies had always been divided between their own families and the white families they served, black women carved out sanctuaries, homes for fuller living as wives, mothers, friends and neighbors. They attended night classes offered by Freedmen's Bureau schools or participated more fully in church fellowship.<sup>218</sup> In daily life, making these choices was what being liberated from the "house of bondage" meant,

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<sup>217</sup> Jacqueline Jones describes the freedwomen's communitarian ethic. She notes that there was no separation of the domestic and public spheres for black women. Their work on behalf of their families overlapped with that on behalf of broader networks of kin and community. She also notes black wage-earning women pressed for advantages with white employers, such as taking advantage of labor shortages. See Jones' "Freed Women, The Civil War and Reconstruction," pp. 44-78 in *Labor of Love*.

<sup>218</sup> In the Winchester Freedmen's Bureau's April 30, '867 monthly report to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5173, roll 188, frame 847, Library of Virginia.



historian Thavolia Glymph relates.<sup>219</sup>

Economic necessity, however, compromised the emancipation aspirations of many black women in the Northern Valley as in Virginia generally. They had to once more work in white households, entering the wage labor market to either supplement their families' income or, as single parents, to support their children. In his autobiography General Oliver Otis Howard, who had directed the Freedmen's Bureau during Reconstruction, reflected on the humanitarian crisis confronting the Bureau in Virginia in the War's aftermath: "[T]housands and thousands [of newly emancipated bondpeople] were poor women with families of children, without husbands to care for them. In Virginia, where large numbers of children were reared to be sold and work further south, there is naturally a large surplus [of black women]."<sup>220</sup>

While a number of black women could devote their energies exclusively to their own families and communities, others who had children to support, or whose families needed their wages to make ends meet, nevertheless contributed to the progress of their race in the workplace. As they juggled paid work with family and work commitments, black women working in white households redoubled their resistance to the indignities and oppressions they endured as bondswomen.<sup>221</sup>

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<sup>219</sup> See generally Chapter 6 of Thavolia Glymph's *Out of the House of Bondage: The Transformation of the Plantation Household* (Cambridge and New York: Cambridge University Press, c. 2008), pp. 167-203.

<sup>220</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army*, vol 2 (NY: the Baker & Taylor Company, 1867), pp. 311-12.

<sup>221</sup> As Reconstruction wound down in the area, whites were still coming to terms with this labor revolution. Even before the Civil War ended black women were unshackling themselves from the constraints of enslavement. Complaining of house servants who had gone off with Union troops in spring of 1863, Miss Lucy Allen, whose planter family owned Clarke County's Clifton Plantation, had to begin adjusting to the rude new reality of doing tasks her personal servant had performed, such as cleaning her room, making her bed and starting a fire in her bedroom on cool

They were determined that their wage labor would not emulate the conditions of work they had endured as bondswoman.<sup>222</sup> In the Northern Valley working black women, as those on the lowest rung of the economic and social ladder, had to advocate for themselves. In Winchester, as elsewhere in the Valley, white families were continuing to exploit the labor of black women in order to make their own lives more easeful. Even the Republican *Winchester Journal*, the champion of the freedpeople's upward mobility as wage-earners, encouraged white middleclass families to employ back domestic servants. There are, the newspaper urged, "plenty of freedwomen to wash and iron and clean up generally..."<sup>223</sup>

The resistance strategies black women in the Northern Valley employed were similar to those employed by black women across the South. Historians of emancipated black women's labor concur that quitting a job was the most effective of their strategies. Increasingly black women were also "live out" servants demanding cash wages rather than the in-kind supplements they had received as bondswomen. They also insisted on their right to be treated fairly by their employers as they took their workplace grievances to the Freedmen's Bureau.<sup>224</sup>

Even those black homemakers who were not wage earners inevitably found themselves drawn onto Reconstruction's contested terrain at time when the small gesture's freedwomen made to assert their emancipated status became political

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spring evenings. Lucy Allen, "Diary of Miss Lucy Allen of Clifton" *Proceedings of the Clarke County Historical Association*, vol. 9: (1949), p. 26; See also Cynthia A. Kierner, et al., editors, *Changing History: Virginia Women through Four Centuries* (Richmond: Library of Virginia 2013), pp. 180-182 and 190-191

<sup>222</sup> Tera Hunter, *To 'Joy My freedom* (Cambridge and London: Harvard University Press), p. 27.

<sup>223</sup> *The Winchester Journal*, April 20, 1866.

<sup>224</sup> See discussions of strategies by Hunter, p. 28; Glymph, p.184 and Ch. 5, pp. 137-166, and Rebecca Sharpless, *Cooking in other women's kitchens: domestic workers in the South, 1865-1960* (Chapel Hill: University of North Carolina Press, c. 2010), pp. 89, 91 and 151.

gestures. Their role as homemakers, for example, countered white southerners' notions that the freedpeople could not properly manage their own households. For northern advocates of free labor ideology, black homemakers who did not participate in the wage-earning work force were also the necessary complement of male breadwinners. As labor historian Amy Dru Stanley explains, by definition a black man "could count himself free because the sale of his labor entitled him to be master of his home," His participation in the wage earning labor force earned him the privilege of providing for his dependents and gave him an incentive for doing so.

During Reconstruction, then, no sharp distinctions existed between those freedwomen who labored, full or part time for wages, and those who stayed out of the wage labor market. They were all, through their labors, gaining greater control over both for whom they worked and under what conditions. As they gained greater control over their labor, whether they worked for wages or in the home, the freedwomen were contributing their labor to the nurturance of their families and communities, and, through their resistance strategies, the progress of their race

### **Working Women on the Middle Ground**

In spring of 1869 William Nelson, editor of the conservative *Clarke County Courier*, observed that black women were exiting from wage employment: "[T]he women seem gradually to be dropping regular employment and depend very much on their husbands, or the men with whom they have taken up for support," On the other hand, in his recollections of the Reconstruction era he lived through as a boy, Samuel Scullery Moore observed that that little had changed among laboring black

women in Clarke County in the postemancipation period. Of domestic servants working in Clarke County's households, Moore observed: "When they found themselves free, the house servants in particular were apt to stay where they had been kindly treated, and where after the war they received some small wages for doing the work they had been doing."<sup>225</sup> Both observations were accurate to the extent they reflected an incomplete transition in black women's work and living arrangements. As Reconstruction ended in Clarke County, up to 34 per cent of the black women sharing a household with a black partner were working outside the home, often for their former slave owners. In Frederick County by contrast, since the county had been less reliant on slave labor, up to 91 per cent of the women sharing a household with men did not work. However, in Winchester, an urban magnet for single black women seeking work as house servants, up to 30 percent of households were headed by black women, most of whom were wage earners.

Although white, as well as black women, were lodged at the bottom of Virginia's occupational ladder in the post-War period, black women were doubly discriminated against by being both female and black.<sup>226</sup> Nor did white employers adjust black women's wages to take into account their work experience or work ethic, qualities they valued in requests that they made to the Winchester Freedmen's Bureau for house servants. Black women's flat wages remained in the \$2.00 to \$5.00 per month range through Reconstruction with cooks at the upper

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<sup>225</sup> *Clake County Courier*, April 4, 1869, and Samuel Scollay Moore, "A Boy's Memories of the Civil War," *Proceedings of the Clarke County Historical Association*, vol. 24 (1989), p. 83.

<sup>226</sup> Suzanne Lebsock, *Virginia Women, 1600-1945, "A Share of Honour,"* (Richmond: Virginia State Library, 1987), pp. 93-95.

end of the wage scale.<sup>227</sup> Moreover, the freedwomen had few job choices; their labor was confined largely to domestic work. As Reconstruction ended in 1870 census takers reported that up to 50 per cent of Frederick County's black women performed general housework, with up to a quarter of black working women serving as cooks. The remainder worked as nurses, laundresses and in smaller numbers as school teachers, chambermaids in Winchester's hotels and as seamstresses. In Clarke County where the overwhelming majority of black women had emerged from slavery in 1865, black women worked as domestics (up to 51 per cent), with the remaining working as seamstresses, cooks and even one as a school teacher.<sup>228</sup> Although the census takers had no category for them, oral tradition and written accounts identify a contingent of black women who were midwives. A suit filed by the City of Winchester against the black proprietor of a "house of ill fame" and the white woman who operated it suggests there were black, as well as white women working as prostitutes in the city's downtown alleys.<sup>229</sup> In contrast, although the majority of black men in both Clarke and

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<sup>227</sup> See references to the freedwomen's wages as house servants in Freedmen's Bureau records for Clarke and Frederick Counties: March 11, 1866 reference to freedwoman Harriet Fields' wages of \$.75 per week \$1.25 per week wages cited in complaint against Dr. Walls, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 785, Library of Virginia and wages quoted for Matilda Jackson in contract with William Deal of \$4.00 per month roll 192, frame 112. Cooks could make slightly better wages of \$4-\$5 month, see misc. reel 5711, roll 186, frame 529 and reel 5715, roll 180, frames 311-13.. Wages for black women in the Valley were uniformly low. In a report from the Staunton Bureau, an agent noted that Women except good house servants are poorly paid say 2 to 4 dollars a month and where these are left with families they are doing very poorly as they secure no money wages." See misc. reel 5714, roll 189. Frame 793.

<sup>228</sup> Federal Census United State Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties.

<sup>229</sup> Capt. McDonnell of the Winchester Freedmen's Bureau took action on this case when the local law enforcement authorities failed to do so. In a report to Richmond headquarters of July 30, 1867 he informed Richmond headquarters that William Evans, "colored," and Anna Hunter, white, were keeping a house of "ill fame." William Evans was also charged with facilitating unlawful gaming. Evans paid bail of \$200 and was scheduled to appear before the County Court on August

Frederick Counties worked as common laborers or farm hands, black men in Winchester enjoyed greater occupational diversity as semi-skilled and skilled worker and professional men.<sup>230</sup>

By the antebellum period, black women in the Northern Valley did not do fieldwork, with the possible exception of assisting in intensive summer harvest work. By the postemancipation period, their work was largely confined to domestic labor. The small number of labor contracts filed with the Winchester Freedmen's Bureau in 1865-1866, the first post-War agricultural cycle in the Northern Valley, provide some insights into whites' expectations of black women's labor. Contracts followed settled precedent in offering women and girls work as house servants. A contractual arrangement a Clarke County farmer made with a couple, Henry and Diana Thomas, specified only that they were to perform the work of "laborer and Servant."<sup>231</sup> When single black women were employed as house servants their compensation was significantly lower than that offered to black male farm workers or couples. When William Deal of Clarke County contracted for Matilda Jackson's services as a house servant, he offered her less than half the wage offered the Thomas's.<sup>232</sup> Of domestic servants working in Clarke County's households, Samuel Scollay Moore observed: "they received some small wages for doing the

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6, 1867. Ann Hunter could not pay the bail and was committed to jail. There is no record of their case's court resolution. July 30, 1867 communication of Capt. McDonnell to Col. Chaplin at Richmond headquarters in Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5705, roll 180, Library of Virginia.

<sup>230</sup> See Chapter 5, "The Freedmen's Labor Revolution,"

<sup>231</sup> One year contract mediated by the Winchester Freedmen's bureau for Henry and Diana Thomas with David McGuire for \$130.00. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 109, Library of Virginia;

<sup>232</sup> In a contract mediated by the Freedmen's Bureau, William Deal of Clarke County agreed to pay house servant Matilda Jackson \$4.00 a month "with proper and suitable food and quarters." January 1866 contract. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 112. Library of Virginia;

work they had been doing.”<sup>233</sup>

Early on in Reconstruction black women began exerting their right to reject job offers and leave jobs not to their liking as an entitlement of emancipation. “Quitting was one of the greatest prerogatives of an African American woman in the postbellum South,” Rebecca Sharpless notes in her study of African American cooks in the Reconstruction south.<sup>234</sup> In deciding for whom they worked and for how long they were also creating instability in the labor market for house servants, thereby enhancing their bargaining power. As an employment clearinghouse, the Freedmen’s Bureau received numerous complaints from white women who complained frequently of unreliable house servants whom, they believed, were exercising their right to leave a job irresponsibly. White employers often found it difficult to understand why black women who had once worked for them with single-minded devotion were becoming increasingly scarce. At times they left their jobs on short notice. Mrs. Jonathan W. Kennedy wrote from Charleston, West Virginia that she desired a “good servant” at least 18 years of age, without a husband or children, of good character and disposition, and who was neat, industrious in habits and “not fond of change.” Her exasperation in not being able to find this kind of house servant had resulted, she wrote, from “there being nothing to control them.” In her area, black house servants had proved “perfectly worthless, not remaining long enough to know the ways of the house.”<sup>235</sup>

Exasperated with such unreliable workers, Mrs. Pettibone of Winchester had in

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<sup>233</sup> Samuel Scollay Moore, “A Boy’s Memories of the Civil War, p. 83.

<sup>234</sup> Sharpless, p. 150.

<sup>235</sup> September 20, 1865 letter of Mrs. Jonathan W. Kennedy to Capt. McKenzie at the Winchester Freedmen’s Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 543-4. Library of Virginia.

desperation tried to contact her former servant, then living in Washington.<sup>236</sup>

From their perspective, black women were simply exercising their right to take the best job offer. When M. B. Anderson of Clarke County offered Freedwoman Mary a job and paid Benjamin Elliot to relocate her from Lexington, Mary decided after arriving in Clarke County to accept a better job offer. Elliott sued Anderson for failure to pay his services in relocating Mary. In his defense Anderson claimed “Mary did not stay with him but has hired to another person and that her coming has not been of advantage to him.” The Freedmen’s Bureau court ruled that Mary had to reimburse Anderson for her travel expenses out of the pay she earned from her new job. But since Mary was a free agent, the court took no action against her for declining to work for Anderson.<sup>237</sup>

Although black women and girls had little leverage in demanding better wages, they used their job mobility to terminate employment if employers failed to pay them or to leave jobs in which they were being mistreated. For freedwomen, especially single mothers, employers’ withholding of wages could create acute distress. The complaints black women filed with the Winchester Bureau for back pay reveal the extent to which white employers ignored work agreements with impunity and with little regard for how these women were to sustain themselves.

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<sup>236</sup> Mrs. Pettibone’s September 15, 1865 letter to Ida Richards in Washington, D. C. through Capt. McKenzie at the Winchester Freedmen’s Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 533. Library of Virginia.

<sup>237</sup> *Benjamin Elliot v. M. B. Anderson and M. B. Anderson v. Mary*, a counter claim, tried in the Winchester Freedmen’s Bureau Court on December 19, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frames 35-6. Library of Virginia. Historian Tera Hunter notes that domestic workers in Atlanta, Georgia exercised an option to quit a job and that they shifted jobs often. In this way they protested against ill-treatment, low wages and unpleasant tasks. Women worked enough to survive and no more than that. Tera Hunter, *To ‘Joy My Freedom* (Cambridge and London: Harvard UP, 1997), See especially pp. 26-28.



When Margaret Clement complained that Mrs. Tedball had not given her even \$1.00 of wages owed her, the Winchester Bureau agent informed Mrs. Tedball that *both* parties had to comply with a labor agreement.<sup>238</sup> If they did not board with their employers, black women and girls often found themselves with only the thinnest margin between maintaining themselves and destitution. A freedwoman complained that her employer, Mrs. Hopkins, owed her \$2.25, a back pay amounting to more than a quarter of the pay owed her for two months' work.<sup>239</sup>

Providing wages to black women was a labor practice white employers had difficulty in coming to terms with. When the freedwomen complained to the Bureau of not being paid by employers, or being paid less than the agreed on amount, the employer, often a white middleclass homemaker, responded with indignation. When Nancy Robinson complained to the Bureau that Mary Bragg of Berryville had failed to pay the full wages owed her for a six-week job, Mrs. Bragg retorted, "Do you suppose that she would stay so long with us when she changed homes eight times last year." Instead of giving Freedwoman Robinson her full pay, Mrs. Bragg had decided to substitute an in-kind payment of lesser value. Elderly black women, the most vulnerable of black wage earners, were no less subject to employers' callousness. When the elderly Sallie Jackson went to the Bureau seeking payment of a modest unpaid wage from Amos Joliff, he shot back, "I never refused to pay the old negro woman her hire" for a week's work," She was

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<sup>238</sup> Capt. How's communication of March 24, 1866 to Mrs. How. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 748, Library of Virginia.

<sup>239</sup> January 1, 1867 communication from the Winchester Freedmen's Bureau to Mrs. Hopkins. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 810-11. Library of Virginia.

told, when she left here she should be paid her wage as soon as we could get change which we [had not] when she left on Sunday. She left unexpectedly to us.<sup>240</sup> Repeatedly, when confronted with failure to pay their hires, employers used the excuse of not having gotten around to it.

When black women arranged short-term work for their children as a way of supplementing family income, employers often breached these agreements with impunity as well. Easter Strange sent her son Walker to work for William Lowers with the understanding that her son would come home with a suit of clothes as payment for his service. But Lowers sent Walker home on Christmas day without his new suit. Nine months later Lowers had still not provided the suit, claiming Walker had brought clothing at a store in downtown Winchester using apples from Lowers' orchard as an in-kind payment. The merchant's records proved otherwise. The Winchester bureau then ordered Lowers to provide the boy with a suit.<sup>241</sup>

Black women had also to deal with white employers who treated them less as wage-earning house servants than as enslaved ones. A year after the Civil War ended some former slave owners had not yet accepted slavery's abolition. Daniel W. Law refused either to release Sophia Gunns or to pay her. "[Y]ou are compelling her to work without compensation. You will therefore at once release her and settle with her for services rendered since the surrender of General Lee..."

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<sup>240</sup> Amos Joliffe's August 21, 1867 communication to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 359 Library of Virginia.

<sup>241</sup> Easter Strange's December 27, 1866 complain to the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 848, Library of Virginia.

Capt. Chandler of the Winchester Bureau ordered.<sup>242</sup>

Freedwomen in Clarke and Frederick Counties did more than complain of white employers' breaches of labor agreements; they pursued the economic justice too long denied them. In a suit she filed with the Freedmen's Bureau court, Freedwoman Sarah (last name not give) sued her former owner, Benjamin Baley, for wages she had earned in 1864 while hired out to Alfred Clevenger.<sup>243</sup>

Clevenger had given the wages to a Mr. Baley who, in keeping with slave hire practice, should have given Sarah a portion of the wages. The court ruled that Sarah, not Baley, should receive the \$50 hire fee. Sarah, in effect, struck a blow for wage earning women with the court retroactively rewarding her for the entire hire fee. Another very patient freedwoman, Millie Tyler, filed suit with the court seeking outstanding wages Dr. James Enders' estate owed her. Freedwoman Tyler had returned to West Virginia from Ohio to nurse Dr. Enders during his illness. Noting in her court case that she had not been compensated for 20 years of employment as Dr. Enders' bondswoman, Millie Tyler sued for her long-delayed right to wage compensation. The court ruled Dr. Enders' estate owed her all the back wages she claimed.<sup>244</sup> Another freedwoman went to the Winchester Bureau seeking return of money she had entrusted to her former master, Dr. Triplett of Shenandoah County. Triplett had passed the money on to James Cross, the man

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<sup>242</sup> Capt. Chandler's communication of June 5, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 761, Library of Virginia.

<sup>243</sup> *Sarah (no surname given) v. Benjamin Baley* tried in the Winchester Freedmen's Bureau Court on October 31, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frames 51-52. Library of Virginia.

<sup>244</sup> *Millie Tyler v. Michael Conrad* (executor for Dr. James Enders' estate), case before the Winchester freedmen's Bureau Court on March 20, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frame 5, Library of Virginia.

to whom he had sold her. The Winchester Bureau demanded Triplett recover the money from Cross and return it to his former bondswoman.<sup>245</sup>

Imbued with the northern free labor ideology championing the freedmen's right to exclude their families from the labor market as a privilege of their wage-earning status, Orlando Brown, Virginia Bureau head, instructed agents to make sure black men earned wages sufficient to support their families. In mediating labor contracts agents were to make "allowance for [male laborers'] support of their wives and children. So far as its [their families'] support was furnished by their employers."<sup>246</sup> But demographic realities challenged this policy in the Valley.<sup>247</sup> Virginia's slave trade had taken its toll on African American families in the Valley. Disregarding family bonds, slave traders had sold enslaved men and women further south to the Carolinas and opening areas of the Deep South where staple crop production seemed to demand a bottomless labor supply. There were any number of single women seeking to reunite with their children who had been separated from their families through the slave trade. Some freedwomen and men were reunited; others were not. When Freedwoman Betsy Brown returned to Winchester from Mississippi after the War she could look forward to reuniting with her father and eventually with her children, but not with her partner.

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<sup>245</sup> Lt. Hall's April 18, 1866 communication to Capt. How in Winchester, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 784, Library of Virginia.

<sup>246</sup> Orlando Brown to agents instructing them to be sure the freedmen were not defrauded. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 206-210. Library of Virginia.

<sup>247</sup> See Edward Ayers discussion of the slave trade in Augusta County, Shenandoah Valley, Va. In *In the Presence of Mine Enemies: the Civil War in the Heart of America, 1859-1863* (New York and London: W. W. Norton & Company, c. 2003), pp. 22-24. A ca. 1853 forced march of slaves from Augusta County to Tennessee is depicted in a drawing by Lew Miller reproduced in Cynthia A. Kirener, et al., eds., *Changing History: Virginia Women through Four Centuries* (Richmond: Library of Virginia, 2013), p. 102, courtesy of the Abby Aldrich Folk Art Museum, Williamsburg, Va.

Other single black mothers were widows of Union soldiers or had remained single by choice.

In the Northern Valley newly emancipated single mothers found themselves destitute or with scarce financial resources as they searched for jobs. Since the Freedmen's Bureau acted as a relief agency, some concerned whites contacted the Bureau on behalf of destitute black women. In requesting winter clothing for five single mothers, J. H. Marvin explained that their destitution had more to do with the War's chaotic aftermath than their work ethic: "[T]hese women are industrious and I believe are trying to do the best they can do to make a living" in Winchester, he related to the Bureau agent.<sup>248</sup>

Struggle at times seemed to beget struggle for these single black mothers as they tried to keep their children with them and avoid having them bound out to white families by local magistrates and overseers of the poor. As single mothers sought wage-earning work, the Bureau agents did offer some assistance. As a temporary measure, if destitute single mothers had no relatives or neighbors to take them in, agents sent them, along with their children, to their county poorhouses until they could find jobs. When an agent spotted the freedwoman Louisa standing with her children on the corner of Hopkins and Picadilly Streets in Winchester, she was "in a helpless and destitute condition." The Bureau planned to return Louisa to Warren County, her home county, so that she could be admitted to her county poorhouse. Alternatively agents sent single mothers to the "Colored

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<sup>248</sup> J. H. Marvin's November 13, 1865 letter to Capt. McKenzie at the Winchester Freedmen's Bureau Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5718, roll 191, Library of Virginia.

Orphan Home” in Washington, D. C. <sup>249</sup> The agents took care to see that struggling single mothers and women received rations beyond the Virginia Freedmen’s Bureau’s official cutoff date for distribution of rations to the freed people. <sup>250</sup> In July of 1866 only 27 per cent of the ration packages issued by Valley Bureau agents went to black men, while black women and children received the major portion. The agents also mediated the rescue efforts of northern and Midwestern benevolent societies. They were middlemen for The Michigan Freedmen’s Home organization of the Michigan Freedmen’s Society, which offered to relocate destitute freedwomen and their children to Michigan. <sup>251</sup>

Bureau agents also extended kindnesses to black women not required by Virginia Bureau policy. Agents in the Valley sought warm clothing for a mother and her children traveling to the Northern Valley and at Harper’s Ferry agents made a special request for women and children’s clothing to the American Missionary Society. <sup>252</sup> An agent sent a bundle of clothing to a freewoman detained in the Clarke County jailhouse. Another agent released a freedwoman from the Winchester guardhouse because it was “not right to confine a woman in the same

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<sup>249</sup> Capt. McDonnell reports Freedwoman Louisa to Mr. Higgins, Frederick County Overseer of the Poor on October 22, 1867 Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 18, Library of Virginia. The “Colored Orphan Home” in Washington, D. C. offered to take in destitute freedwomen and their children. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, frame 529, Library of Virginia.

<sup>250</sup> See generally Mary Farmer-Kaiser’s study of the Freedmen’s Bureau’s treatment of freedwomen in *Freedwomen and the Freedmen’s Bureau: Race, Gender and Public Policy in the Age of Emancipation* (NY: Fordham University Press, 2010).

<sup>251</sup> Michigan Freedmen’s Society. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5709, roll 184, Library of Virginia;

<sup>252</sup> Harper’s Ferry Freedmen’s Bureau requests clothing for women and children. December 14, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5710, roll 185, frame 190, Library of Virginia. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5710, roll 185, frame 190.

compartment with men.”<sup>253</sup> Agents continued distributing rations to black women and their children after the official cut-off date for doing so.<sup>254</sup>

Beyond these temporary relief measures, however, the Virginia Bureau expected all freedpeople who were not supported by others to support themselves unless they were severely disabled. The Bureau agents were aware that single mothers had to support their children on a subsistence income with no surplus funds set aside for illness or other mishaps. They reunited Martha Mavis with her daughter even though Freedwoman Mavis had “nothing but her wages to support herself and one small child” and had to secure a job for her daughter to make ends meet.<sup>255</sup> They sent a freedwoman unable to walk on her frostbitten legs to the Howard General Hospital in Washington, noting that “she can earn her board there when her legs heal.”<sup>256</sup>

Single working mothers proved resourceful in finding ways to support their families. They moved to cities that offered better job prospects. A mother contacted the Bureau from New York City, requesting travel funds to have her

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<sup>253</sup> Winchester Freedmen’s Bureau agent’s report of November 17, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 26, Library of Virginia. Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190., frame 26.

<sup>254</sup> Winchester Freedmen’s Bureau monthly report for July 31, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187..Orlando Brown’s September 13, 1866 Letter of Instruction to the Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187.

<sup>255</sup> Winchester Freedmen’s Bureau report of December 2, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 855, Library of Virginia.

<sup>256</sup> Winchester Freedmen’s Bureau report of December 1867. .Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5798, roll 183, frame 855. Library of Virginia.

daughter reunited with her there.<sup>257</sup> The Bureau received a request from a destitute widow who wanted her two children sent to her sister in Southbury, Connecticut.<sup>258</sup> Even when a mother had to release her child to the black orphanage in Washington, she requested her daughter's return once she got on her feet. "She is able and willing to take care of her [daughter] and guarantees she will be no further burden to the Govt.," the Winchester agent reported.<sup>259</sup> Some black women were forced to split up their families. When freedwoman Martha Marston found employment for herself and her children with a woman in Staunton, she left her husband behind in Winchester.<sup>260</sup>

Black women who struggled to make ends meet or who were too old or disabled to work could, however, count on the social safety net provided by their communities.<sup>261</sup> The Northern Valley's social economy, in fact, accounted for both the survival of those who were destitute as well as those who were able to accumulate modest surplus wealth. In both Clarke and Frederick Counties, whether their chief breadwinners were men or women, black families' economic

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<sup>257</sup> Mother contacts Winchester Freedmen's Bureau from New York City in December 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 6716, roll 191, frame 204. Library of Virginia.

<sup>258</sup> Capt. McDonnell's December 11, 1867 letter to Orlando Brown concerning mother who wants to send her children to Connecticut. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, Library of Virginia.

<sup>259</sup> October 1, 1867 report of Capt. Chandler to Capt. McDonnell at the Winchester Freedmen's Bureau. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 850, Library of Virginia.

<sup>260</sup> Martha Marston case reported by the Winchester Freedmen's Bureau on Sept. 11, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 258. Library of Virginia. Historian Tera Hunter explores the resilience and strength of African American women as they established lives of meaningful freedom: "Freedom meant the reestablishment of lost family connections, the achievement of family literacy, the exercise of political rights, and the security of a decent livelihood without the sacrifice of human dignity or self-determination." Hunter, *To 'Joy My freedom*, p. 43.

<sup>261</sup> In her study of African American cooks, Rebecca Sharpless found that the low pay of domestic workers kept them in a cooperative social economy, Sharpless, p. 73.



flourishing had less to do with occupational status than household organization. The freedpeople worked hard and pulled together. In the majority of black families with surplus wealth in both Clarke and Frederick Counties the breadwinners were common laborers or domestics. In both counties, more than half of all the families that had managed to rise above a subsistence level had boarders and working children, usually adults, in their households.<sup>262</sup>

Black women who did not work for wages were important contributors to this social economy in managing households that were home to orphans and elders. Moreover, the work they did in their homes supplemented their husbands' modest wages as they grew and processed food stuffs and made most of their families' clothing. They were, in effect, an unpaid complement to the wage labor market.

Black homemakers were, as wage earning black women, resisting forms of racial stereotyping and subordination. "As a symbol of slavery's downfall the image of the orderly home was as powerful as the ideal of cotton cultivation by free labor," labor historian Amy Dru Stanley argues.<sup>263</sup> Orderly black homes were a public statement of African Americans' ability to regulate their home life and, by extension, to participate responsibly in civic life as stakeholders.

As they established their own households, African Americans rejected whites' version of black women's domestic role. As Reconstruction wound down in the Northern Valley in 1869, prolific Clarke County writer John Esten Cooke looked back nostalgically at the "Mammy," the family cook who had anchored so many

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<sup>262</sup> Calculated from the 1870 federal population census reports for Frederick and Clarke Counties.

<sup>263</sup> Amy Dru Stanley, "Ch. 4: The Testing Ground of Home Life," *From bondage to contract Wage labor, marriage and the market in the age of Slave emancipation* (Cambridge and New York: Cambridge University Press, 1997), pp. 138-174, quote ref. on p. 139.

slaveholding households. In a national publication, *The Galaxy*, he depicted the Mammy as a dedicated servant who kept her white family's household well ordered and the family well cared for.<sup>264</sup>

In reality middleclass housewives had been subjecting their servants to an increasingly rigorous oversight in the 1850s. In 1854 Virginian Mary Randolph had published *The Virginia Housewife or the Methodical Cook* in which she asserted that "the prosperity and happiness of a family depend greatly on the order and regularity established in it" by housewives practicing good household management.<sup>265</sup> Mrs. Randolph's guidelines resonated with the upper middle and middle class housewives of Winchester. In her story "Sis," published in *Harper's* magazine, Winchester author Mary Tucker Magill described a housewife who, in keeping an orderly Christian household, rang a bell each morning to summon her children and her domestic servants to prayer and Christian instruction.<sup>266</sup>

With emancipation forcing southern homemakers to do more of their housework themselves and to manage more efficiently the work of those house servants they did hire, they, as their northern counterparts, could turn to the guidelines provided by the Beecher sisters. In their 1869 manual, *The American Home: Principles of Domestic Science; A Guide to the Formation and Maintenance of Economical, Healthful, Beautiful, and Christian Homes*, the

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<sup>264</sup> John Esten Cooke, "The Last of the Mammies'," *The Galaxy: An Illustrated Magazine of Entertaining Reading* Vol. 7, No. 1 (January 1869), pp. 110-113. Republished in *The Clarke County Courier* (19 February 1869), p. 1.

<sup>265</sup> Mary Randolph, *The Virginia Housewife or the Methodical Cook* (Baltimore: Plaskitt, Fite & Co., 1838), p. xii.

<sup>266</sup> Mary Magill Tucker, "Sis" *Harper's New Monthly Magazine*, 72 (Jan. 1886), pp. 259-263.

notable author Harriet Beecher Stowe and her educator sister Catherine Beecher provided guidelines for the moral education of their house servants and the inculcation of a work ethic. In the manual Valley housewives would find particularly helpful guidelines for instructing “ignorant and shiftless servants” in proper housekeeping methods and Christian morals.<sup>267</sup>

African Americans, however, had their own ideas of black women’s place in black households. Influential African Americans understood the political and economic implications of black households run efficiently enough to ensure their members were properly clothed and fed. They elevated black homemakers’ role as managers of their own households; the managed were becoming the managers. Two years after Reconstruction ended, *The Southern Workman*, a journal published by Hampton Institute, urged black women to keep an orderly home: “Let the buttons be on shirts, let the children’s socks be mended, let the house be as neat as a pin, and the home as happy as a home can be.” Whether partnered or single, black women could agree with *The Southern Workman’s* editorialist that, “The work of the world has got to be done just as much by women as by the men, and in home life especially the influence of wives and mothers is probably even greater than the influence of husbands and fathers.”<sup>268</sup>

Black women needed no prompting to stay out of the wage labor market if

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<sup>267</sup> Harriet Beecher Stowe and Catherine Beecher, *The American Woman’s Home*, “Ch. 25: The Care of Servants,” pp. 307-334 and Kierner, et al., *Changing History*, pp. 191-192;. Historian Jeanne Boydston makes a good case for women’s housework, in contributing to working class families’ household economies in in mid-19<sup>th</sup> century urban areas, helped meet the shortfall of wages not paid by their wage- earning partners, See Boydston’s article, “To Earn her Daily Bread: Housework and Antebellum Working Class Subsistence,” in *Unequal Sisters” A Multicultural Reader in U. S. Women’s History* edited by Vicki D. Ruiz and Ellen Carol Dubois (New York City: Routledge, 2000), pp. 80-97.

<sup>268</sup> Hampton Normal and Agricultural Institute, *The Southern Workman*, editorial, January 1872.

their family finances allowed them to do so. They had little incentive to seek wage-earning work when wages were so low and, on average, they had five or six children to rear.<sup>269</sup> At a time when clear divisions existed between men's and women's labor, the work of "keeping house" fell largely to black women, partnered or single. Whether or not they were wage earners black women had hard work to do in maintaining their households, as did all but the most privileged white women. Black women, however, rarely had such labor saving devices as washer rings or the household cleaning agents advertised in local newspapers. Not did most black housewives have sewing machines before the turn of the century.

Although no records exist of black household organization during Reconstruction, oral histories of black women who were only one generation removed from Reconstruction, or who grew up in the 1920s and 1930s, open a window onto the ways African American families organized household labor. The economic constraints of the Great Depression and an agricultural economy that underwent few changes until the post-World War II period, meant that household work and living conditions changed little in Frederick and Clarke Counties well into the twentieth century. The only labor saving device of note were the sewing machine, introduced in black households at the turn of the century and the introduction of home economic course in the curriculum of black public schools, in the 1920s. Female students learned to can fruits and vegetables and become expert clothes makers in these classes..

Their oral accounts reveal how integrated black homemakers' work for their

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<sup>269</sup> Lebsack, pp. 94-95.

families was with the service they gave to their communities and church congregations. Born in 1908, Pearl Williams related that, with seven children to care for, her mother gave up part-time domestic work to be a full time homemaker in the early 1900s. She had a kitchen garden and did all the cooking and preserving of produce for her family, as well s preparing such home remedies as sassafras tea and pokeberry juice for spring purges. At harvest time Pearl's mother cooked for farmhands helping out with harvesting grain on the farm Pearl's father managed. In addition to making fruit pies, jams, jellies, breads and rolls for her family, Pearl's mother prepared food for the many church fellowship events occurring during the year. Miss Pearl learned to sew from her mother, who had purchased a Singer sewing machine from the corner store in Berryville in the early 1900s. "She made all our clothes while we were young. She made little pants for the boys. She used gingham. You could get the nice little plaids, little checks. Even after I go marred (ca. 1915) and had children I got one yard a week and made my little girls a dress. They had to have a new dress for Sunday." She also made quilts from scrap materials.<sup>270</sup>

Virginia Williams' account of growing up in Clarke County during the 1920's underscored the strict gender divisions that had come to exist within black households,. For Virginia, these divisions were a matter of racial pride. With 10 children to rear, Virginia's mother, she said, was "strictly a housewife. Mother stayed home to care for us. My father always taught that if you were a mother with children you needed to be home taking care of them.' Since, she said, "My father never thought girls ought to do farm work," Virginia earned a small income nursing

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<sup>270</sup> Pearl Williams' July 21, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

white children once she reached 12 years of age.<sup>271</sup>

Mae Allison, who grew up in Berryville during the Great Depression, was one of six children.<sup>272</sup> Her mother gave up domestic work at age 30 to be a homemaker. Her father had a steady job driving an ice delivery truck, a type of cold storage job that had been in her family for four generations until electric refrigerators replaced ice as a cold storage method in the 1940s. Mae outlined the division of labor in her family's household, noting that her father and brothers took care of the family garden. The garden supplied the family with green beans, kale, Swiss chard, carrots and beets, among other vegetables. Her brothers took care of the livestock at a time when town residents could keep chickens and hogs in their back lots. Mae and her sisters helped out with the house work and food preparation, which included preparing puddings and sausages from the fall hog slaughtering. Mae's mother canned vegetables. The self-sufficiency of African American families like Mae's meant, as Mae put it, that "there was always plenty of food" during the Depression years. They shared this bountifulness with needy neighbors and with their church family on the many occasions for church fellowship. During a period when Jim Crow was fully in force, Mae's father went to town on Saturdays with his guano sack slung over his shoulder. He bought grocery items the family did not produce, such as coffee and sugar.

As a young mother herself in the 1940s Mae sewed all her children's clothing. "Back in those days you made them out of feed bags. They were printed.

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<sup>271</sup> Virginia Williams' July 19, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

<sup>272</sup> Mae Allison's July 21, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

The <sup>273</sup>white feed bags you'd make sheets out of them or dish cloths or towels. And then the printed ones you made your little girl's dresses. The plain ones you'd make little boys' rompers." Although they increasingly turned to ready-to-wear clothing in the post-world War II period African American women continued growing, preserving and preparing food for their families into the mid-twentieth century. In the 1950s Granny Washington, the head cook at Middletown's Wayside Inn, kept her own vegetable garden as well as one for the Inn. She kept chickens and pigs and canned vegetables from her garden. "Granny" Washington also served as Superintendent of the Mt. Zion Church's Sunday school and provided child care for white family in Middletown.

### **An Assessment**

As African American women in the Northern Shenandoah Valley began withdrawing from white households at the Civil War's close, they were fulfilling their emancipation aspirations. They were determined to gain greater control over their labor as they began devoting their energies to the nurturance of their families and communities. But the realities of a war torn region in which African Americans entered freedom with few materials resources and in which many black women were the sole support of their families required black women to enter the area's labor force in low paying, dead end jobs .

Their plight contravened Northern free labor ideology. This ideology held that free laboring men should be masters of their households as the privilege of their

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<sup>273</sup> Nancy Washington's July 28, 2006 interview with Donna Dodenhoff in Middletown, Frederick County, Va.

wage earning status. As they established their lives in freedom, black women were to be homemakers and black men breadwinners. Regarding the family as the essential unit of social stability, the Virginia Freedmen's Bureau had established a policy of assisting the freedmen in negotiating a living wage for their families. Responding to the demographic and economic realities that required African American women to enter the wage labor force, the agents readjusted this policy as they extended temporary relief to destitute freedwomen and assisted them in finding jobs. Yet the freedwomen, single and married, were themselves instrumental in preventing a humanitarian disaster as they exhibited resourcefulness in struggling to keep their families united and support their children. In doing so they had the support of their communities.

Whether they worked as wage earners or as unpaid homemakers and church women, black women in the Northern Shenandoah Valley were gaining greater control over their terms of labor and directing their energies to the advancement of their race, not to their own material and economic advancement. The economic necessity requiring a number of them to juggle wage labor with family and community commitments compromised their emancipation aspirations. On the other hand, in the workplace, black women resisted with even greater fierceness forms of oppression that continued to have a wicked afterlife during Reconstruction. In doing so wage earning freedwomen were advancing the progress of their race in the workplace..

Black women who remained outside the paid labor force contributed to racial progress as they devoted their energies to their families and communities.



Feminist historian Sara Evans has shown the ways in which women, as social reformers and civic activists, stepped out of the domestic sphere assigned to them by social custom and, in the process, transformed the civic culture of nineteenth century America.<sup>274</sup> Yet even in their role as homemakers labor historian Amy Dru Stanley argues black women were contributing to their race's progress since their work in the home complemented their husbands' role as free laborers who had earned the privilege of supporting their dependents. Moreover, in managing their households, black women were resisting pejorative racial stereotypes of the freedpeople as being incompetent to manage their own households and, by extension, incompetent to assume full citizenship rights. As women active in their churches black homemakers also helped provide the social safety net self-supporting black women relied upon.

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<sup>274</sup> See generally Sara Evan's study *Born for Liberty: a history of women in America* (New York and London: Free Press, c. 1989).

## Chapter 5: The Freedmen's Labor Revolution

In the Civil War's aftermath, the freedmen of the Northern Shenandoah Valley initiated a proto-labor movement as they drove a bargaining wedge between themselves and white landowners and other businessmen. Although they initially had to resist whites' refusals to acknowledge their standing as free laborers and restraints the Virginia Freedmen's Bureau and Virginia legislators placed on their labor, the freedmen were advantaged in their concerted efforts to gain control over their terms of labor by a favorable labor market. More often than not the demand for their labor exceeded supply in the area's resilient agricultural economy. The freedmen could also count on the staunch advocacy of Valley's Freedmen's Bureau agents as they transitioned from their former subjection to the involuntary labor contract slavery had imposed on them to being free laborers entering into consensual labor arrangements with white employers.

As the post-Civil War era evolved, the former "breadbasket of the Confederacy" would become one of the most prosperous agricultural region of Virginia, with agricultural productivity exceeding pre-War levels by 1880.<sup>275</sup> As a result economic progress was becoming an early source of civic pride among locals and emboldened reformist Republicans, who were advocating a "new South" with a more broad-based prosperity inclusive of African Americans. As African Americans gained greater control over their terms of labor, Aaron Crane, editor of the Republican *Winchester Journal*, viewed this prosperity as an indicator

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<sup>275</sup> See Table 5: The Civil War's Impact on Farming in the Northern Shenandoah Valley. For an overview of the Shenandoah Valley's post-Civil War economy see also Kenneth Koons, "The Staple of the Country': Wheat in the Regional Economy of the Nineteenth Century Valley of Virginia" in *After The Backcountry*, pp. 3-20.

of a free labor system's economic viability in the Valley. "With an acceptance by the South of the new situation," Crane wrote, "'I rejoice to believe that, under a system of paid free labor and respecting the rights of free men, it will go forward in a career of prosperity, wealth and power unparalleled in its previous history.'"<sup>276</sup>

The dramatic changes occurring in the status of laboring black men in the Northern Valley and other regions of the South during the post emancipation period led labor historian David Montgomery to remark that, while changes in the status of working men in the industrial northeast had evolved over three-quarters of the nineteenth century, they were "resolved with ferocious haste in the Southern states after the Civil War."<sup>277</sup> Both David Montgomery and Eric Foner consider the redefining of free labor over the course of the nineteenth century as setting precedent for the freedmen's labor revolution. They trace the evolving nature of free labor beginning with the early republic, when free labor was defined in terms of individuals' independent proprietorships or landownership. With the United States' labor force consisting predominantly of propertyless "hirelings" by the mid-nineteenth century, those considered free laborers came to include propertyless wage earners as well. Their independence as free laborers consisted in their freedom to negotiate consensual labor contracts using as their bargaining leverage the one property they did own, their labor value.<sup>278</sup>

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<sup>276</sup> *The Winchester Journal*, February 9, 1899.

<sup>277</sup> David Montgomery, *Citizen Worker: The Experience of workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge: Cambridge University Press, 1993), p. 117.

<sup>278</sup> Eric Foner's and David Montgomery's studies of the mid-nineteenth century free labor movement examine the movement's relevance to emancipated black workers' struggles for greater autonomy. Although the federal government denied African Americans' aspirations for land ownership through land redistribution, its passage of the 13th and 14th Amendments affirmed workers' right to freely contract their labor, the one property they did own and could bargain with in

In their histories of black laborers in Virginia's tobacco belt making the transition from being enslaved to free laborers, Jeffrey Kerr-Ritchie and Linda Morgan concur that, during Virginia's postemancipation period, black laborers gained greater control over their terms of labor, including their right to leave one job to take a better one or to protest exploitative labor conditions.<sup>279</sup> As the freedmen readjusted their labor relations with white employers, Jeffrey Kerr-Ritchie found that in Virginia's tobacco belt the freedmen's bargaining leverage gradually brought about a "class balance" in the races' labor relations; white employers needed back laborers and the laborers needed to be gainfully employed.<sup>280</sup> But that balance did not occur without black workers' resistance to white landowners' backlash against their emancipated status. As Kerr-Ritchie

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the free labor market. The Reconstruction Congress solidified the definition of free labor as the right of the propertyless to contract their labor and to break contracts that violated their terms of labor, thereby underlining mobility as a corollary of the right to contract. Eric Foner, *Free Soil, free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (Oxford/New York: Oxford UP, 1995) 353 pp.; Similarly in his study David Montgomery notes that, while the crime of slavery was "being assigned by law to a position of dependence on another," free labor ideology affirmed the worker's right to own his labor and to voluntarily contract it to an employers as well as reject unsatisfactory terms. David Montgomery, *Beyond Equality: Labor and Radical Republicans* (New York: Knopf, 1967).

<sup>279</sup> The central issue Jeffrey Kerr-Ritchie explores in his study of Virginia's tobacco belt workers is: In what ways did the Republicans' free labor ideology translate to a Virginia agricultural region? To what extent did the free market state erode the paternalistic state? He found that older forms of the landowners' social control were weakening as black workers asserted their value as laborers; Landowners had to come to terms with the fact that land value was based on the productive labor of their former bondspeople. Kerr-Ritchie argues that the freedpeople pursued the Republicans' free labor ideology within the context of a Southern agrarian society. They were aided in their struggle to become free laborers by the Freedmen's Bureau. The Freedmen's Bureau assisted them as they moved toward a class balance of interests with landowners. Linda Morgan's study of the tobacco workers in piedmont Virginia during Reconstruction similarly argues that black laborers' progress as free laborers should be measured by the bargaining leverage they gained in controlling their terms of work despite the Ku Klux Klan's sporadic efforts to terrorize them and the Bureau's institution of a pass system in such piedmont cities as Richmond and Charlottesville. She therefore disputes the case made by those historians who claim that, because the freedpeople were denied the opportunity to own abandoned lands or other lands promised them by the federal government, they remained servile workers in the postemancipation period. See Jeffrey Kerr-Ritchie, *Freedpeople in the Tobacco South: Virginia, 1860-1900* (Chapel Hill and London: The University of North Carolina Press, 1999) and Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens and London: The University of Georgia Press, 1992).

<sup>280</sup> Kerr-Ritchie, p. 53.

points out, although black resistance to whites' labor abuses was hardly a new practice, African Americans' opportunity to take their grievances to Freedmen's Bureau agents was new. The federal government's protection of their labor rights was yet another way in which the freedmen understood their citizenship rights to be directly mediated by federal interventions.

In assisting the freedmen in their transition from enslaved to free laborers, the Virginia Freedmen's Bureau "hoped that they will exercise their freedom, and become useful members of the community in which they live," Orlando Brown related to his Bureau agents.<sup>281</sup> Nevertheless, in the earliest days of Reconstruction, measures taken by both the Virginia Freedmen's Bureau and the Virginia legislature to restrain the mobility of black laborers contravened the free labor market principles northerners championed.

### **Laboring Freedmen in the Northern Shenandoah Valley**

Black farm workers were among those benefiting from the Northern Valley's resilient agricultural economy. While the freedmen had to deal with white employers' resistance to their standing as free wage laborers, they did not have to cope with the kind of organized violence freedpeople in other areas of the South confronted.<sup>282</sup> Post-War labor shortages strengthened their bargaining power,

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<sup>281</sup> General Order 8 issued on August 7, 1865..Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frames 260-61.

<sup>282</sup> Dramatic changes in the freedpeople's status as free workers and citizens with equal civil and political entitlements met with violent resistance, including terrorist tactics, by southern whites who organized into paramilitary groups and Ku Klux Klan chapters whose members roved the south as "night riders." The literature is fulsome on this topic. See, for example, Scott Reynolds Nelson, *Iron Confederacies, Southern Railways, Klan Violence and Reconstruction* (Chapel Hill and London: University of North Carolina Press, c. 1999), Michael W. Fitzgerald, *Splendid Failure: Postwar Reconstruction in the American South* (Chicago: Ivan R. Dee Publishers, ppb. Ed., c. 2007), Chapter 3, pp. 47-71 and Susan E. O'Donovan, *Becoming Free in the Cotton South* (Cambridge: Harvard University Press, 2007).

with labor demands in the Valley's diversified agricultural economy exceeding supply. On average the Valley's black farm workers could command higher wages than those of black farm workers in other parts of Virginia (\$10 per month versus \$8 per month).<sup>283</sup> Up to 97 per cent of Clarke County's black laborers were farm workers. In Frederick County's more diversified economy, up to 68 per cent of black male workers living outside Winchester were farmhands and 32 percent were common laborers, performing such tasks as working in Frederick County's woolen mills, as hostlers or as assistants to blacksmith and wagon makers.<sup>284</sup> In Winchester, up to 66 per cent of the freedmen were common laborers, with the remaining worked in semi-skilled and skilled jobs as, for example, as whitewashers, hotel waiters, dray men, coopers or blacksmiths.<sup>285</sup>

In his first communication to the freedpeople of Virginia in July of 1865, Orlando Brown had made clear that, as free laborers, they were now to enjoy the fruits of their labor but had also to accept the responsibilities of being self-supporting: "You are to direct and receive the proceeds of your own labor and care for yourselves," he lectured them.<sup>286</sup> To ensure they were treated fairly by

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<sup>283</sup> Robert McConnell, *Negroes and Their Treatment in Virginia from 1865 to 1867* (Pulaski, VA: R. D. Smith & Brothers, c. 1910), McConnell cites a federal government document reporting black workers' wages in the Shenandoah Valley started at \$12 per month because labor demands exceeded supply. McConnell, p. 34 fr. *House Document No. 120, First Session, 39<sup>th</sup> Congress*. Alruthus Taylor claims wages among Shenandoah Valley farm workers varied from \$9-\$25 Taylor in his study, *The Negro in the Reconstruction of Virginia* (Lancaster, PA: the Lancaster Press, 1926), p. 107. Labor contracts filed with the Winchester Freedmen's Bureau show the typical wage range for farm workers as \$10-\$15. In his April 1867 report to the Freedmen's Bureau headquarters in Richmond Capt. McDonnell noted that the freedmen's wages ranged, on average, from \$8-\$12. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5713, roll 188, frames 703-710, Library of Virginia.

<sup>284</sup> Federal Census United State Bureau of the Census (1870). Population schedules for Clarke and Frederick Counties.

<sup>285</sup> Reference table of occupations based on 1870 federal census.

<sup>286</sup> Orlando Brown's address to the freedmen of Virginia, July 1, 1865, in his communication to the Bureau field offices, Records of the Field Offices for the State of Virginia, BRFAL,

landowners Virginia's Freedmen's Bureaus, as Freedmen's Bureaus across the South, employed a contract system. Bureau agents served as mediators in negotiating contracts between the workers and their employers. In addition to binding the freedmen to gainful employment and ensuring their fair treatment, the contract system was designed to reinforce their civil standing as household heads. The freedmen were to negotiate labor contracts for their families and agents were to ensure the wages they received were sufficient to support their families.<sup>287</sup>

The Freedmen's Bureau endorsed a free labor market in which the freedmen's wages were to be determined by market demand. However, when labor supply exceeded market demand, in Virginia and across the South, Bureau agents set this principle aside. They compelled black workers to accept contracts, often under terms more favorable to landowners than themselves.<sup>288</sup> In addition to forcing the freedmen to sign labor contracts whose purpose was to protect their rights as free laborers, the Virginia Bureau went further. In a December 1865 circular distributed to agents across the state, Richmond headquarters instructed them to, in effect, criminalize black labor. If black workers did not exhibit a proper

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1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 206-210. Library of Virginia.

<sup>287</sup> Orlando Brown to agents instructing them to be sure the freedmen are not defrauded. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 206-210. Library of Virginia;; also see also his July 7, 1865 General Order 3, Roll 190, frame 23.

<sup>288</sup> In depressed agricultural economies Freedmen's Bureau agents were more prone to compel freedmen to sign contracts with white employers, undermining their bargaining power and contradicting the Bureau's free labor policy. See Donald Nieman's discussion of Freedmen's Bureau agents' mediation of labor contracts. 172-3. See also Leon Litwack's discussion of the Freedmen's Bureau agents' abusive labor practices in *Been in the Storm So Long; The Aftermath of Slavery* (New York: Vintage Books, ppb. ed., c. 1979), pp. 412-413. Amy Dru Stanley's analysis of the contradictions in nineteenth century labor laws show that, although the Freedmen's Bureau insisted labor contracts be voluntary, agents compelled workers in depressed job markets to enter contracts, often under terms that favored landowners. Stanley, "Beggars Can't Be Choosers' Compulsion and Contract in Postbellum America," *Journal of American History*, 78:4 (March 1992), pp. 1265-1293.

work ethic, that is, exhibited “idleness and vice” by not accepting job offers, however unattractive, they were “of need [to] be treated as other criminals” and consigned to hard labor in a military guardhouse as a corrective.<sup>289</sup>

The Freedmen’s Bureau was sending a “double message”<sup>290</sup> to the freedmen in upholding their right, as free laborers, to choose whom they worked for while at the same time forcing them to accept labor contracts. Northern states had adopted this policy toward the unemployed soon after the Civil War’s close. During Reconstruction, in passing harsh vagrancy laws, the legislatures of such northeastern states as Massachusetts and New York regarded workers as having a right to make voluntarily work agreements, under contract or informally, but they did not have a right to choose dependency instead of wage earning work. The legislators reasoned that even beggars were subject to the free market’s labor contract system. “Beggars subsisting outside the matrix of contract obligation had become a crime,” labor historian Amy Dru Stanley comments in her examination of this labor policy.<sup>291</sup>

General Howard, head of the Freedmen’s Bureau, endorsed this labor policy.

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<sup>289</sup> December 14, 1865 circular from the Winchester Freedmen’s Bureau Office to all Bureau offices in the Shenandoah Valley. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 367-9, Library of Virginia. Although the Virginia General Assembly passed laws governing vagrancy and severe penalties for petty crimes that were racially nondiscriminatory on their face, these laws targeted black men, effectively leading to the criminalization of black labor. See discussion of this issue in Scott Reynolds Nelson’s *Steel Drivin’ Man - John Henry - The Untold Story of an African American Legend* (Oxford and New York: Oxford University Press, 2006), Douglas H. Blackmon, *Slavery by Another Name, the re-enslavement of Black People in America from the Civil War to World War II* (New York: Knopf/Doubleday Publishing Group, 2009), William Cohen, “Involuntary Servitude in the South, 1865-1940: A Preliminary Analysis,” *Journal of Southern History* 42:1 (1976), pp. 31-60 and Harold D. Woodman, “Post Civil War Southern Agriculture and Law,” *Agricultural History* 53 (1978-9), pp. 319-37.

<sup>290</sup> Amy Dru Stanley, *Beggars Can’t Be Choosers: Compulsion and Contract in Postbellum America*, *The Journal of American History* Vol. 78, No. 4 (Mar., 1992), pp. 1265-1293, quote ref. on p. 1283.

<sup>291</sup> *ibid.*, p. 1277



While he, as other Northerners, deplored the “compulsory unpaid labor and acts of cruelty” the freedmen had been subjected to as enslaved workers, the Bureau’s “strong and continuous efforts to make people self-supporting,” required the Bureau to take disciplinary action against those freedmen with a “willingness to be supported in idleness.”<sup>292</sup> For those freedmen who were not self-dependent, Howard believed the “the vagrant laws which applied to whites” should also be applied to unemployed freedmen.<sup>293</sup>

In the earliest stages of Reconstruction, the Virginia Bureau’s coercive labor policies were reinforced by prejudices Bureau agents harbored concerning the freedmen’s work ethic. A Bureau agent in the Lexington area had requested a horse in order to travel into rural areas of Rockbridge County in the southern Shenandoah Valley. Traveling into these more remote rural areas he could, in effect, police the freedmen and “prevent them from falling into the evil of idleness.”<sup>294</sup> Lt Tubbs, the officer in charge of the Lexington Bureau, took the freedmen’s desire to avoid being bound to jobs that restricted their job mobility as a preference to “loaf around and roam about.”<sup>295</sup>

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<sup>292</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army*, vol 2 (NY: the Baker & Taylor Company, 1867), pp. 221-23.

<sup>293</sup> *ibid.*, p. 247

<sup>294</sup> Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frames 505-6.

<sup>295</sup> Communcation of October 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184, frame 351.. The Virginia Freedmen’s Bureau, the U. S. Military and Virginians charged with law enforcement also constrained the freedmen’s freedom of movement and, as a result, their job mobility by implementing a pass system within the first year of the War’s close. In Richmond, which had a dense black population, “Laws and military edicts established a pass system, and federal authorities enforced it with a vengeance,” Peter Racleff reports. Peter J. Racleff, *Black Labor in the South: Richmond, Virginia, 1865-1890* (Philadelphia: Temple University Press, 1984), p. 35 ref. Gen. E. O. C. Ord, Richmond to Gen. Stanton, 19th of April 1865, *The War of the Rebellion: A Compilation of The Official Records of the Union and Confederate Armies*, 1st Ser., Vol. 46, pt. 3 (Washington: GPO, 1896), p. 835. In her history of black laborers in the Virginia piedmont tobacco belt,

By the beginning of 1866 the Virginia legislature had also placed constraints on the freedmen's labor in passing black codes whose vagrancy and anti-enticement provisions. Limited black workers' job mobility. The vagrancy provision forced into employment, for a term of up to three months, any person who "appeared" to be unemployed or homeless. If vagrants ran away and were recaptured, they received harsh instruction in just how intent southerners were in criminalizing the black workers who did not accept whites' terms of labor. These fugitive vagrants were forced to work for no compensation while wearing balls and chains. The vagrancy law effectively compelled black workers to accept jobs with low wages rather than risk the appearance of vagrancy in holding out for better job offers. Another of the black codes, the anti-enticement provision, penalized employers who enticed workers away from their existing work arrangements by offering them better jobs.

The vagrancy and anti-enticement provisions of Virginia's black codes gave legal backing to Southern landowners' efforts to keep the freedmen's wages depressed and prevent their job mobility. When landowners cooperated in keeping workers' wages low, the freedmen would have no other choice than to take those jobs or face vagrancy charges. Even before the Virginia legislators passed these provision, landowners in the Shenandoah Valley were conspiring to keep the freedmen's wages low. Within months of the War's close landowners in the Lexington area met and decided "not to hire any Negroes formerly owned by them

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Linda Morgan notes that the freedpeople were migrating to urban areas, such as Petersburg, Richmond and Charlottesville, in search of better jobs. Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens and London: The University of Georgia Press, 1992), p. 145 ref. *The Registry of the Colored Population of Lynchburg, 1865*, Virginia State Library, Richmond, Va..

as slaves or who applied to work elsewhere. In other words they were determined to hold them without remuneration as formerly," a Lexington agent related to the Winchester Freedmen's Bureau.<sup>296</sup>

Even before the Virginia Bureau canceled its vagrancy policy and the Virginia legislature's vagrancy provision was nullified with the U. S. Congress passage of the Civil Rights Act of 1866," the freedmen of Clarke and Frederick Counties were exercising their right to job mobility. A Winchester Bureau agent reported in August of 1865, "I am likely to have a great deal of trouble with the freedmen. They are very shiftless and do not stick to their contracts. What should be done with a Freedman who makes a contract, and violates it immediately afterwards and goes to work for another party? He is not a vagrant because he is at work. Yet he has broken his contract."<sup>297</sup> By early 1866 the "vagrancy" exhibited by the freedmen as they defied contract arrangements was no longer an issue. Outraged northern public opinion over southern legislatures' vagrancy laws led the Freedmen's Bureau in Virginia to cancel the General Assembly's 1866 vagrancy law, a move that effectively canceled its own earlier vagrancy policy as well.

In the Northern Valley, despite white employers' initial efforts to deny them a living wage by refusing to pay the freedmen or by offering them low wages, the freedmen wasted no time in protesting white employers' labor abuses. Clarke County freedmen's organized labor protests received national attention. On

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<sup>296</sup> Communication to Capt.. How from E..Parkhurst of August 8, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frames 35-6.

<sup>297</sup> Capt. MacKenzie to Capt. How, August 18, 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, Library of Virginia.

October 25, 1865 Orlando Brown queried the Winchester Bureau concerning an article the *New York Herald* had published the day before reporting that “trouble has arisen between the freedmen and landowners in Clarke County in reference to wages.” The “trouble” Brown referenced arose when black workers protested Clarke County planters entering into an agreement with six other Virginia counties to keep black laborers’ wages uniformly depressed.<sup>298</sup> .

In July of 1866, as the freedmen continued readjusting their labor relations with white employers, Orlando Brown sent a query to Bureau heads in Virginia asking them if the freedpeople were “willing to work for their former masters.”<sup>299</sup> But the more pressing issue was whether their former masters were willing to concede the freedmen’s status as wage earners. The majority of the complaints the freedmen filed with the Winchester Freedmen’s Bureau or with the Freedmen’s Bureau court concerned the unwillingness of white employers to pay them their earned wages. Typical of those complaints was that filed by Jacob Cooper in August of 1866. Cooper and his family had received no wages from their employer Leonard Evans for at least eight months. Capt. Chandler of the Winchester Bureau chastised Evans: “Now I suppose that you are aware they can claim and collect pay for services from the date of Genl. Lee’s surrender and would advise you to settle with Mr. Cooper for the same without delay or you will be held responsible for holding the above mentioned persons in involuntary servitude for the time

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<sup>298</sup> Donald G. Nieman, *To Set the Law in Motion: The Freedmen’s Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, New York: KTO Press, 1979), In footnote 15, p. 68 Nieman references Orlando Brown’s June 15, 1865 communication to General Howard. Brown cites Clarke, Amherst, Bath, Brunswick, Dinwiddie, Essex and Roanoke Counties as those agreeing to keep black workers’ wages at a uniformly depressed level.

<sup>299</sup> Special Order 112..Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frames 212-13.

mentioned.”<sup>300</sup>

Freedmen employed by their former masters were particularly vulnerable to being defrauded of their wages. Henry Thomas claimed he had received no wages at all from his former master Champ Shephard.<sup>301</sup> Shephard had promised to pay him the going wage rate for his Clarke County neighborhood, but Thomas had worked for two and one-half months and had only received \$11.00. Shepherd claimed he had paid Thomas one months’ wages and supplied him with clothing and hog feed, forms of in-kind payments black workers repeatedly claimed their employers substituted for cash wages they had agreed on in labor negotiations.<sup>302</sup>

Their employers gave little thought as to how their workers could subsist without a living wage while imposing new financial burdens on them, such as charging rental fees for housing they provided as a term of employment. Employers often found an excuse for failure to pay wages. Robert Campbell admitted that he had failed to pay wages to David Jefferson because “he did not have the money at the time he applied” for wages. The Freedmen’s Bureau court hearing Jefferson’s wage claim ordered Campbell to pay Jefferson four months’ back pay,<sup>303</sup>

Some of the cases the freedmen filed with the Freedmen’s Bureau court

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<sup>300</sup> Capt. Chandler in an August 4, 1866 communication to Leonard Evans,. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 6716 , roll 190, frame 767.

<sup>301</sup> Sargt. Morgan to Winchester Freedmen’s Bureau Office. .Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182.

<sup>302</sup> *Henry Thomas v. Champ Shephard* tried in the Winchester Freedmen’s Bureau Court on Nov. 3, 1865. .Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 18.

<sup>303</sup> *David Jefferson v. Robert M. Campbell* tried in the Winchester Freedmen’s Bureau Court on Nov. 3, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 16,

involved such blatant chicanery by whites that only they gave credibility to the evidence they presented to the court. Countering stagecoach driver John Butler's claim that his employer J. H. Kemp had failed to pay him, Kemp's bookkeeper said that Kemp had paid Butler in confederate money and that no evidence of these wages remained because Union troops burned Kemp's account books. The court ruled that Kemp must pay Butler in U. S. currency for the two months he had worked for Kemp.<sup>304</sup>

In cases brought before the court, the court usually ruled in favor of the freedmen's legitimate claims for back pay. But the court did give a fair hearing to white employers in cases involving the freedmen's pay grievances. Although the freedmen preferred informal work arrangements, these arrangements often provided no written evidence of an agreement that could be used to defend employees in a court of law. When Freedmen Robinson sued John Doherty for withholding one month's pay and failing to pay him his harvest pay, the court dismissed the case for lack of evidence.<sup>305</sup>

Other cases brought before the Freedmen's Bureau Court affirmed black workers' right to leave a job. Freedman George Stewart claimed his employer "treated him so unkindly that he could not stay with him." The Bureau court ruled that, although his employer had to pay him only that portion of his annual salary earned up to the point of his departure, the court did not penalize Stewart for

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<sup>304</sup> *John Butler v. J. H. Kemp* tried in the Winchester Freedmen's Bureau Court on October 4, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191.

<sup>305</sup> *G. Robinson v. John Doherty* tried in the Winchester Freedmen's Bureau Court on Nov. 3, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 17-18.

breaking his work contract and leaving his job.<sup>306</sup>

Another case involving a freedmen's assertion of his right to leave employment revealed the extent to which black laborers, in negotiating their terms of labor, were well aware of their value in the area's labor market. Moses Robinson, a pastry cook at a Winchester hotel, left his job in a huff claiming that his employer Benjamin Robbins had impugned his reputation by placing some of the cooking ingredients he used under lock and key. Robbins claimed that he had taken that precaution because Robinson used "an enormous amount of material in making the pastry for the hotel." The court ruled that, in compensation for Robinson's "wasteful" use of cooking ingredients, his employer could withhold wages due him as compensation. But although his employer claimed Robinson had left his job as the hotel's pastry chef "without any just cause or reason," and had subjected him to "loss and inconvenience" by doing so, Robinson was not penalized for leaving the job.<sup>307</sup>

Black workers' well founded expectations of being defrauded by white employers led them to reject formal contracts with them after the first post-War planting cycle. At the end of 1867, Capt. McDonnell reported to Richmond headquarters that "the difficulty of settling accounts at the expiration of written agreements has made the freedmen extremely cautious about entering into

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<sup>306</sup> *J. H. Kemp v George Stewart* tried in the Winchester Freedmen's Bureau Court on December 18, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 30.

<sup>307</sup> *Robinson v. Benj. Robbins* tried in the Winchester Freedmen's Bureau Court on April 14, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 30.

contracts which they are compelled to fulfill by forfeiture of pay.”<sup>308</sup> Although there were no labor contracts arranged by the Winchester freedmen’s Bureau agents beyond the first truncated post-War planting season (spring of 1865 through the summer harvest), those on file with the Winchester Bureau reveal both the variety of arrangements landowners made with the freedmen and the nature of the work required of them. In general farm workers hired on an annual basis were provided work incentives as well as having to assume more responsibility for their subsistence expenses than they had as bondsmen. Landowners charged them for housing and firewood but they were given a “garden patch” to cultivate and a hog to fatten. They had the option of earning extra harvest pay from other farmers. Three of the Clarke County contracts stipulate workers could also cultivate an acre of buckwheat, retaining all the profit from the crop. Since most workers did not supply their own farm equipment they received only a third of the crop they produced at the direction of the farm owners.<sup>309</sup>

Farmers calculated workers’ benefits based on the value they placed on the workers’ labor as well as the amount of responsibility delegated to them. When John and Henry Stephenson hired Delaware Newton and I. V. Miller in August of 1865 to manage one of their farms, the freedmen would receive two-thirds of the crops they produced for the Stephenson’s. In addition to directing the work of the

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<sup>308</sup> Capt. McDonnell in monthly report to Richmond Freedmen’s Bureau headquarters, December 31, 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 227, Library of Virginia and Capt. McDonnell in monthly report to Richmond Freedmen’s Bureau headquarters, May 31, 1868, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, frame 650, Library of Virginia.

<sup>309</sup> Freedmen’s labor contracts mediated by the Winchester Freedmen’s Bureau, October 1865 - March 1866, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5717, roll 192, frames 99-129, Library of Virginia.



farm's other laborers, Newton and Miller had also to do all the farm's blacksmithing and carpentry work, haul firewood, attend livestock, "clean up" the land, build fences and maintain farm equipment. Although farmhands doing general farmwork at their employer's direction were usually paid monthly wages, they might actually be working under terms that allowed them considerable autonomy. When W. S. Barton hired Thomas Luitz as a farmhand, he agreed to pay Luitz \$15 a month while allowing him to earn extra harvest pay and allotting him an acre to cultivate a buckwheat crop from which he could keep all the profit. Barton made a similar arrangement with David Lovett but agreed to pay him in two semi-annual installments that, together, amounted to \$30 less than the annual income of Luitz. Barton did, however, allow Lovett's son to live with him on the farm and, in return for general farmwork, gave the boy clothing and medical care as well as a hog to fatten.

Farmers also made contractual arrangements with black farm workers that were shorter term and made no provision for their housing or a garden patch. Thomas Chipley, a farmer in Frederick County, made a short-term contract with freedman George Nelson. Nelson agreed to cultivate 12 to 15 acres of corn for Chipley, receiving either two-thirds or one-third of the crop, depending on the equipment required to plow the field. It is likely that Nelson combined this "custom work," as it came to be known among black farm workers, with work arrangements he made with other farmers.<sup>310</sup>

As they began to informally negotiate their labor arrangements with landowners black farm workers in the Northern Valley, as elsewhere in the South,

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<sup>310</sup> Conversation with William Cross in Berryville, Virginia, November 24, 2014.

preferred receiving regular wages rather than the deferred payment consisting of one-third of the crop they produced as sharecroppers.<sup>311</sup> Regular wages helped prevent the piling up of debt against a deferred payment and minimized the potential for employer fraud. By 1868 the freedmen were insisting on month-to-month wages. Capt. McDonnell reported that “the freedmen prefer to work from month to month for cash, than to work longer periods and be compelled to take short pay [i.e., partial wages with the remainder paid at the work agreement’s termination] and finally resort to litigation for the recovery of the balance.” In 1869 Clarke County farmers paid out more in cash wages to farmhands than did Frederick County farmers even though Frederick County had a larger number of farms. The discrepancy may be accounted for in the two counties different labor forces; Frederick County farmers relied more on family members and, as family members left home, on one or a small number of hired laborers. Clarke county farmers, particularly those with large landholdings, continued to rely more heavily on black farm workers.

In a cyclical farm economy demanding a variety of skills farm workers had also the option of making an annual arrangement with one farmer, renegotiable at the end of year, or they could instead chose to cobble together a series of odd jobs. Capt. Mackenzie at the Winchester Bureau reported to the Richmond office on “the tendency of the floating portion of the people to migrate from place to place in

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<sup>311</sup> Gerald David Jaynes also argues that black workers preferred the wage system because steady wages allowed them to manage their income better and avoid debt accumulation. Jaynes, *Branches without Roots: Genesis of the Black Working Class in the American South, 1862-1882* (New York/ Oxford: Oxford University Press, 1986), pp. 119, 226-7, 523.

search of more profitable employment for the present year.”<sup>312</sup> Black laborers could command work year-round in performing tasks involving animal husbandry, hauling commodities or in doing farm maintenance work. They could earn extra pay at harvest time in working for farmers who needed additional field workers to bring in a wheat or corn crop. The account books of area farmers, store merchants and merchant millers recorded black workers’ short-term employment doing harvest work or odd jobs, such as cutting fire wood, trimming bushes or hauling goods for storekeepers.<sup>313</sup> “[T]he greatest pleasure which they [the freedmen] took in their liberty seemed to be the opportunity to own their own home and have a certain amount of freedom about their work. The men would do odd jobs, go out by day to do carpentry work or work as harvest hands,” Samuel Scollay Moore of Clarke County noted in his recollections of Clarke County’s black laborers during Reconstruction.<sup>314</sup>

In addition to rejecting formal contractual arrangements with white landowners, black workers were asserting their job mobility as they migrated around the Northern Valley following job opportunities as they opened in other areas. Since Clarke County farmers had traditionally relied more heavily on black workers than Frederick County’s farmers, black workers were migrating to Clarke

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<sup>312</sup> Capt. John McDonnell to Col. Orlando Brown, March 29, 1868, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, Library of Virginia.

<sup>313</sup> See Memorandum book, 1845-1897, used by Kitty Kemper, Shenandoah Valley, Virginia; Account books, 1851-1881, by Charles Colfelt; Account books, 1867-1868, Brinker & Harris (Middletown, Virginia). Special Collections, Swem Library, College of William & Mary.

<sup>314</sup> Samuel Scollay Moore’s recollections of the Civil War and Reconstruction in Clarke County in Mary T. Morris and Ned Burke, editors, “Through the Shadows: A Boy’s Memories of the Civil War in Clarke County,” *Proceedings of the Clarke County Historical Association*, Vol. 24 (1989-90): pp. 84-85. See also Capt. Mackenzie’s communication to Richmond Freedmen’s Bureau headquarters in monthly report of February 29, 1868. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 162, Library of Virginia.

County in the 1870s with that county's black population increasing as Frederick County's diminished during the same period. Between 1870 and 1880, as job opportunities opened in Shenandoah County's lime kilns, the black population in that county rose as well.<sup>315</sup>

But their becoming motivated laborers with incentives to be productive did not depend on the freedmen's initiatives alone. They had to establish good labor relations with their white employers and that required cooperation between the races. If the freedmen could not trust white employers to deal fairly with them and if white employers could not trust the freedmen to stay on the job and complete assigned tasks, both races would pay the price in failing to achieve the productivity required to restore the area's economic prosperity. A complaint Freedman Elgy Valentine filed with the Winchester Bureau shortly after the War ended evidenced the degree to which the farmers of Frederick county had counted on the cooperation of their black laborers both through the antebellum and Civil War periods. Valentine and his master had entered into an informal agreement in which Valentine agreed to operate the grist mill on his master's property when his master fled Union troops advancing thorough Frederick County and crossing his farm. Valentine took on this responsibility under the guise of operating the mill for blacks in the area. Shortly after the War ended his master evicted Valentine from the dwelling he had occupied on the farm for years and fired him after hiring another worker and offering him the dwelling.<sup>316</sup>

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<sup>315</sup> See Table I: Demographic Overview of the Northern Shenandoah Valley, 1790-1910. See also C. Douglas Cooley, "The Lime Industry," *Strasburg Community Memories, A Pictorial Display in the Strasburg Museum* (Stephens City, Virginia,; Commercial Press, Inc., 1991), pp. 125-138.

<sup>316</sup> January 5, 1866 letter from John How to Capt., Storer. Records of the Field Offices for the

Nevertheless, as the freedmen readjusted their labor relations with white landowners and proprietors over the course of Reconstruction, a balance of class interests did take hold. The crumbling of paternalistic labor system may initially have favored planters like Clarke County's George Burwell, who had asked the Winchester Bureau agents to come and take away former slaves of no value to him.<sup>317</sup> But ultimately both white landowners and black laborers benefited as they readjusted labor relations. The area's farm economy was making a robust recovery. By 1870 the value of Frederick and Clarke Counties' farms measured in farm workers' productive labor, such as the building of new fences and ditches or the increased cultivation of farm acreage, was substantial. This was so despite the interruption in farm operations and destruction of farm property wrought over the course of the Civil War.<sup>318</sup> And the cash wages landowners paid out to farm workers reflected more than their improving financial resources, Cash wages, as economic historian Gerald Jaynes notes, provided an incentive to workers who received wages at regular intervals. Black workers could avoid piling up debt and were not subjected to contractual arrangements that more often than not left them defrauded of their wages.

## Assessment

Jeffrey Kerr-Ritchie and Linda Morgan, historians of Reconstruction's black labor revolution among Virginia's tobacco workers, make a compelling case that

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State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 718, Library of Virginia.

<sup>317</sup> George Burwell to Capt. MacKenzie, Winchester Freedmen's Bureau head, August 24, 1865. Records of the Field Offices of the State of Virginia,, BRFAL, 1865-1872, Accession, 44121, Misc. reel 5716, roll 191, frame 489, Library of Virginia. .

<sup>318</sup> *The Winchester Journal*, September 22, 1865.

black workers' ownership of their labor and their using its value as leverage in labor arrangements, drove their labor revolution. This was certainly the case in the Northern Valley. Despite white landowners' initial resistance to the freedmen's rights as free laborers, the freedmen were succeeding in establishing a free labor market as they exercised bargaining leverage in negotiating their wages and work schedules with white employers.

The freedmen of the Northern Shenandoah Valley had wasted no time asserting their bargaining rights in making work arrangements with white employers. Even before the organization of the Winchester Union League in 1867, they had organized a labor protest in Clarke County. In the Civil War's aftermath, efforts by both the Virginia Freedmen's Bureau and the Virginia legislature to place constraints on black labor were unavailing. And after the first post-War planting season, the freedmen entered into no more Bureau-mediated labor contracts.

Although the freedmen initially confronted white backlash to their status as free laborers, and although their job options were limited, the freedmen had taken advantage of post-War conditions that favored their empowerment as free laborers. In what was becoming one of Virginia's most prosperous agricultural regions, they enjoyed a favorable labor market made even more so by the out-migration of African Americans during the Civil War and the immediate post-War period. With labor demand exceeding supply, the freedmen could drive a bargaining wedge between themselves and their white employers as the Shenandoah Valley's agricultural economy recovered. Moreover, what Jeffry Kerr-Ritchie has identified as a balance of class interests between the freedmen

and white employers emerged, racial cooperation gradually replaced racial antagonisms as the dominant factor in labor relations. White landowners and proprietors recognized their need for black labor and the freedmen, for their part, wanted to earn a living and provide for their families.

In sum, the freedmen of the Northern Valley, as they began to earn wages on average better than those of the majority of Virginia freedmen during Reconstruction and as they gained greater control over their terms of labor, put in place their most fundamental freedom: the right to earn a living as propertyless workers with a measure of control over their terms of labor. While they did not enjoy the fuller autonomy of landowners and proprietors neither were they emancipated dependents.

## Chapter 6: Black Civic Empowerment and the Undertow of Inequality

### Overview

Those African Americans who chose to remain in the Northern Shenandoah Valley after the Civil War and rebuild their lives there shared with their white neighbors in this war-torn region what the conservative *Winchester Times* so succinctly described as a desire for “Peace, sacred Peace.”<sup>319</sup> But the restoration of social harmony and a workable civil government after slavery’s destabilization, Republican Party operatives in the Northern Valley argued had to be based on whites’ recognition of black equality.

White tolerance of the freed people’s growing civic empowerment at times approached their concession of a biracial civic order. As the freedpeople claimed downtown civic spaces for their holiday celebrations and filled city streets with their parades, whites did not drive them away. There were no race riots in Winchester and only sporadic, isolated incidences of white-on-black violence. The one incident drawing the sharpest criticism from the Republican *Winchester Journal* involved white “street rowdies” who instigated a stone fight with members of the African Methodist Episcopal (A.M.E.) Church as these congregants gathered to worship a week before Christmas of 1865. This incident paled in comparison to the massacre of unarmed blacks a week later as ex-Confederate soldiers went on a Christmas day shooting rampage in Alexandria.<sup>320</sup>

Despite area whites’ tolerance of the freed people’s growing civic empowerment, there was nevertheless no broad consensus among whites,

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<sup>319</sup> *The Winchester Times*, September 15, 1865 and *The Winchester Journal*, February 9, 1866.

<sup>320</sup> Issues of *The Winchester Journal* for December 15, 1865 (incident in front of the AME Church in Winchester) and for December 29, 1865 (Alexandria, Virginia massacre).



whatever their political sentiments, that the freedpeople should share equal citizenship standing with them in the area's emerging postemancipation social order. Yet the cross currents of race relations were such that the races were, during this early period of Reconstruction, also beginning to share a common public culture. Black and white evangelical protestants enjoyed interracial church services in such venues at the heart of downtown as the Winchester Market House. And whites took pride in Winchester's Freedmen's Bureau school. As they were erected along downtown streets, Independent black churches were becoming integral to Winchester's cityscape as well.

. But as they experienced this civic empowerment African Americans across the Northern Valley had to navigate unequal treatment before the law. White officials were also reluctant to grant them the civic resources their tax dollars were now supporting.

### **Claiming Civic Space.**<sup>321</sup>

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<sup>321</sup> In the early national period, in addition to their writings, free blacks organized parades and festivals. Shane White argues that these civic events had a confrontational edge as conscious attempts by free blacks to enter public life. Parades "proclaimed to a skeptical and often hostile audience that blacks were no longer slaves and that as American citizens they too had a right to go to the streets." White's ref. in "It was a Proud Day"; African American Festivals and Parades in the North, 1741-1834," *The Journal of American History*, 81:1:13-50 (June 1994), quoted on p. 50. Elizabeth R. Bethel argues that African Americans' construction of a popular consciousness of their history had its roots in the early national period. During this period, free blacks in the northeast were becoming more conscious of their place in North American history through the published works of such black writers as William Cooper Nell in his *The Colored Patriots in the American Revolution* (1855), William Wells Brown in his *The Black Man: His Antecedents, His Genius and His Achievements* (1863), and David Walker in his *Appeal in Four Articles* (self-published in 1829) in which Walker called for African Americans' civil equality and the recognition of their contributions to the nation. Bethel, *The Roots of African American Identity, Memory and History in Antebellum Free Black Communities* (New York: St. Martin Press, 1997).

In contrast to accounts of free blacks' civic empowerment during the early national period in the northeast, Joanna Brooks relates that whites countered the efforts of free blacks in this region to claim civic space by controlling their presence in public spaces through curfews, vagrancy laws, night patrols and even violence. Brooks, "The Early American Public Sphere and the Emergence of a Black Counterpublic," *William & Mary Quarterly*, 62:1:67-92 (January 2005)

Addressing African Americans' civic engagement during the post-emancipation period,

Congregating on downtown streets and at county courthouses on court days, freedpeople in the Northern Shenandoah Valley asserted their right to be seen and heard in public, to be a visible citizenry. The *Winchester Journal*, the city's Republican Party newspaper, and the *Winchester News*, a conservative newspaper, regularly covered the black community's civic events, such as the Freedmen's Bureau School's "exhibitions" and graduation picnics. The *Journal* reported that a graduation picnic featuring Union League member Randall Martin had occurred without incident as he addressed an "assembled multitude."<sup>322</sup>

Although never tilting toward riots or even disorderly behavior, African Americans' parades and other public events were strident assertions of African Americans'

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Kathleen Ann Clark attributes the freedpeople's "public self-expression" to their intention to carve out a new civic identity. During Reconstruction and in the late nineteenth century, the claims of black Virginians on public space asserted their version of the Civil War's significance. African Americans organized celebrations of their emancipation and their attainment of suffrage in such civic events as Emancipation Day and Fourth of July celebrations. These celebrations often included speeches by prominent civic leaders in the black community as well as parades and picnics. (Kathleen Ann Clark, *Defining Moments: African American Commemorations and Political Culture in the South, 1863-1913* [Chapel Hill: University of North Carolina Press, 2006]); During Reconstruction the absence of race riots and other terrorist tactics used by whites to prevent African Americans from claiming civic spaces was far from uncommon in many parts of the South. In her wide ranging study on the contested terrain of the post-emancipation South, Hannah Rosen demonstrates the ways in which Southern whites created a climate of terror that obstructed African Americans' aspirations for an interracial democracy during the post-emancipation period. Although African Americans' emancipation had constituted a radical break with their past as an enslaved people, their efforts to embrace an interracial democracy in which they had equality of citizenship became instead a violent contest over the vision of freedom held by former slaves and white southerners' determined efforts to maintain their hegemony. To ensure the freedpeople did not attain equality, whites created a climate of terrorism that engendered physical violence (rape of black women, for example), race riots in cities like Memphis and New Orleans and the terrorist tactics of vigilante groups like the Ku Klux Klan. These tactics, along with whites' racist rhetoric, ultimately undermined African Americans' aspirations for full citizenship. Using such case studies as the Memphis race riots, Rosen explores the ways in which violence, gender and sexuality intersected to create a climate of terror aimed at denying the freedpeople's legally sanctioned citizenship. The Memphis riot, for example, pitted white citizens and police officers against African Americans, particularly black men who had served in the U. S. Army. Congressional testimony taken from black women raped by white men during the riot showed that the freedwomen countered these degrading assaults by asserting their entitlement to protection as full-fledged citizens. Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, sexual violence, and the meaning of race in the post emancipation South* (Chapel Hill: University of North Carolina Press, 2009).

<sup>322</sup> *The Winchester Journal*, June 14, 1867.

new power. In June of 1866, accompanied by the U. S. Army's 8<sup>th</sup> Regiment's band, students of the Freedmen Bureau school– paraded through downtown Winchester carrying banners that read “Education never degrades.” “The name ‘nigger teacher’ hurts no one.” and “Our liberty,” a reference to their emancipated status. The *Journal* noted that whites “cast ridicule” on this demonstration and “question[ed] [the Negroes’] right to come together for enjoyment.”<sup>323</sup>

While some whites may have been hostile to these events, the freedpeople continued to take their place in the city's civic culture. By the summer of 1867 Winchester's black and white citizens were having a turn at a shared, if separately celebrated, national holiday. Fourth of July celebrations planned that summer by both races were notable as a conciliatory gesture, epically since the freedmen were also celebrating their right to vote in Virginia's upcoming elections for delegates to the Constitutional convention..White Winchesterites who had not celebrated Independence Day since the War were putting aside their animosities toward the federal government as they celebrated the holiday For their part whites in Clarke county made an equally strong political statement by declining to celebrate the holiday, although they did not interfere with the elaborate celebration the county's freedmen organized in 1870 to commemorate the passage of the 15<sup>th</sup> Amendment granting them voting rights.<sup>324</sup>

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<sup>323</sup> *The Winchester Journal*, June 24, 1866.

<sup>324</sup> *The Clarke County Courier*, October 19, 1870; In Richmond, as white Virginians continued placing statues of Confederate heroes on Monument Avenue and holding Civil War commemorations, Richmond's black community countered with their own civic celebrations. In 1888 they held an elaborate “Colored People's celebration” with a parade and speeches by prominent white and black civic leaders in order to officially claim an Emancipation Day commemorative celebration that would give “praise to God for the blessings of freedom.” Marie Tyler-McGraw, *At the Falls: Richmond, Virginia, and Its People* (Chapel Hill: The University of North

Despite the special meaning their 1867 celebration of Independence Day had for the freedpeople of Frederick County as voter registration venues began opening for them on that 4<sup>th</sup> of July, they ultimately postponed their celebration in order to get the county's wheat harvest in before it spoiled in the fields. "We are informed," the *Winchester Journal* reported, "that it has been the intention of the colored people to celebrate [Independence Day] with speeches, processions, a dinner etc., but the programme was postponed on account of the pressure for working in the harvest field."<sup>325</sup> The black farmhands who cooperated with landowners in getting the wheat harvest in were motivated by the incentive of extra harvest pay rather than the coercive tactics formerly employed by slave owners, one indication of the way the races were renegotiating labor relations to maintain agricultural productivity.

Always eager to promote the prosperity that a hardworking free labor force could produce, the *Journal* also took note of how sparsely attended Frederick County court days were during the summer months in contrast to the throngs of freedmen and area whites otherwise attending them in the off season. "Monday last was court day, and very quiet," the *Journal* observed. "The farmers were busy in the wheat fields with all the help they could raise."<sup>326</sup> This mutual work ethic was far removed from the many complaints white Southern farmers elsewhere made to General Howard, and their insistence that "the negro will not work unless under compulsion." In the War's aftermath Virginia Piedmont farmers had even feared

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Carolina Press, 1994), p, 210 ref. black Richmonders' 1888 Emancipation Day broadside in the broadside collection of the Library of Virginia, Richmond, Va.

<sup>325</sup> *The Winchester Journal*, July 5, 1867.

<sup>326</sup> *The Winchester Journal*, July 10, 1868.

black farmhands would run away “leaving a crop half gathered,” Howard recollected in his autobiography.<sup>327</sup>

Freedpeople in the Northern Valley also had more freedom of movement than freedpeople had elsewhere. In Richmond and Petersburg, among other Virginia towns and cities, authorities required African Americans to carry passes, with some localities imposing curfews on them as well. For the most part, the freedpeople of the Northern Valley did not experience those kinds of restrictions.<sup>328</sup>

Nevertheless, having experienced the volatility of white racial sentiment as the Civil War loomed on the horizon and local authorities ramped up slave patrols, the freedpeople looked to their churches and schools as the more permanent foundation of their community life.<sup>329</sup> In addition to strengthening and extending

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<sup>327</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army, vol. 2* (NY: the Baker & Taylor Company, 1867), p.252.

<sup>328</sup> In some areas of Virginia the Freedmen's Bureau agents devised a pass system to restrict the freedpeople's freedom of movement. In her history of black laborers in the Virginia piedmont tobacco belt, Linda Morgan notes that the freedpeople were migrating to urban areas, such as Petersburg, Richmond and Charlottesville, in search of better jobs. To prevent over population of these areas Freedmen's Bureau agents required local freedpeople to register with Bureau agents and present evidence of their employment. Those permitted to remain were issued passes allowing them to move about. Lynda J. Morgan, *Emancipation in Virginia's Tobacco Belt, 1850-1870* (Athens and London: The University of Georgia Press, 1992), p. 145 ref. *The Registry of the Colored Population of Lynchburg, 1865*, Virginia State Library, Richmond, Va.;) In his history of Richmond's black laborers, Peter Racleff relates the priority federal military authorities, Virginia legislators and white employers placed on restricting the freedpeople's freedom of movement in order to limit their job mobility. “Laws and military edicts established a “pass system, and federal authorities enforced it with a vengeance,” Racleff notes. Peter J. Racleff, *Black Labor in the South: Richmond, Virginia, 1865-1890* (Philadelphia: Temple University Press, 1984), p. 35 ref. Gen. E. O. C. Ord, Richmond to Gen. Stanton, 19th of April 1865, *The War of the Rebellion: A Compilation of The Official Records of the Union and Confederate Armies*, 1st Ser., Vol. 46, pt. 3 (Washington: GPO, 1896), p. 835.

<sup>329</sup> In August of 1860 George L. White, Virginia militia captain in charge of Frederick County slave patrols, filed a sworn statement with the Justice of the Peace stating that he and four other men would visit weekly all slave quarters and gatherings in Frederick County where insurrections of the slaves were suspected.. Capt. George L. White's 1860 Slave Patrol Certification, Frederick County Free Negro Papers, 1798-1857, 4/F/32/1/2/, Box 12, “Emancipation Papers,” Library of Virginia Archives, Richmond, Virginia.

black community networks, their downtown schools and churches were the platforms from which they reached out to the larger community. In this way, the races' common Evangelical Protestant heritage continued moderating race relations during Reconstruction as it had in the 1850s, as independent black churches were established in Winchester. For their part, northern missionary societies and the Winchester Freedmen's Bureau sponsored black schools, with the missionary societies playing a lesser role in establishing new black congregations. The freedpeople's journey into freedom, then, encompassed more than their resistance to white recalcitrance; its other narrative was that of racial progress supported by both outlanders and white neighbors.

### **Black Churches and Schools; the Institutional Scaffolding of Black Civic Life and Racial Uplift**

In Winchester, the freedpeople's schools and churches bridged the racial divide even as African Americans increasingly segregated their living arrangements and community life. Black churches received white support, often in the form of building funds, as African Americans separated from white congregations. Black churches, as well as black schools, also provided a platform for civic engagement with the larger white community as these institutions strengthened social networks within black communities.

By 1867 local newspaper coverage of their community life reflected the ways in which their schools and churches were supporting the freedpeople's civic engagement. In June of 1867, when the black community organized a downtown celebration of their right to vote in the upcoming fall election for delegates to the

constitutional convention, the Freedmen's Bureau school anchored the all-day celebration. Although its coverage of the event was tinged with racism, the conservative *Winchester News*' reporter expressed no apprehension of either the freedpeople's takeover of downtown or of their opening the Freedmen's Bureau doors to Republican candidates courting black votes. The *News* described the event as "a gala day with the colored folk. From 'morn' till dewey eve' they crowded the streets. They held tournaments in the afternoon. The rooms of the bureau school appeared to be headquarters, and we observed some of the rads (Republican Party candidates) mingling very freely among the crowd, soliciting votes, we reckon. One of the rads carried a huge bouquet of flowers, evidently desiring to neutralize the odor of the surrounding atmosphere. In justice we must say he was an exotic and not a home radical."<sup>330</sup>

This tolerance of black men's political empowerment was hardly a given elsewhere in Virginia as Congressional Reconstruction commenced. Anticipating white backlash to forms of black equality mandated by the Reconstruction Acts, General Schofield, who directed Virginia's military occupation, ordered Union Army personnel to arrest all citizens making incendiary speeches.<sup>331</sup> Although racial tensions intensified as black men prepared to vote for the first time in Virginia elections in 1867, the Republican *Winchester Journal* nevertheless reported no incidences of white speech makers intent on stirring up racial hostility between the races.

In fact, the tenor of race relations established in the Civil War's aftermath

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<sup>330</sup> *The Winchester News*, June 14, 1867.

<sup>331</sup> *The Winchester Journal*, November 22, 1867.

held throughout the area's Reconstruction era. From the War's close, the freedpeople shared with whites a strong desire to navigate away from the destructive chaos of the War's aftermath. They had little interest in public protests as they focused single-mindedly on reuniting family members and strengthening their communities' network of schools, churches and benevolent organizations, Repeatedly the Winchester Bureau agents reported to Richmond headquarters that African Americans were a law-abiding, "industrious" people, enjoying by 1868 a "visible" prosperity,<sup>332</sup> Under these circumstances, they could hardly have protested the first concerted actions local whites took to restore civic order. To deal with bands of marauding ex-Confederate guerillas who "infested" the Northern Valley and harassed its citizens, the citizens of Winchester held a public meeting. An outbreak of cholera in 1865 prompted them to organize a Sanitary Committee to deal with the epidemic.<sup>333</sup>

As they began ordering their lives within their own communities the freedpeople also benefited from the congregational bonds they had established with white Evangelical Protestants. African Americans, a substantial number of whom had worshipped in white Evangelical Protestant congregations before the War, anticipated the support of the white community. The freedpeople solicited funds from them in addition to their own black supporters s they began building their own churches. In announcing that the black Baptists of Winchester were

<sup>332</sup> See the Winchester Freedmen's Bureau's Monthly Reports for September and October 1867 and May 1868, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 1982, Library of Virginia.

<sup>333</sup> Local action on ex-Confederate guerilla bands was reported in *The Winchester Times* and *The Winchester Journal* on September 15, 1865. *The Winchester Times* reported on the Sanitary Committee established to manage Winchester's 1865 cholera epidemic, also on September 15, 1865. *The Winchester News* followed up with a March 30, 1866 report on the committee's efforts "to make a thorough and complete examination of the town, with a view to its cleanliness...."



building a church on Braddock Street, the *Winchester News* solicited the white community on the congregation's behalf: "They, however, need more funds to finish the edifice and would be thankful for a [contribution] from anyone disposed to contribute to such an object."<sup>334</sup> The conservative *Clarke County Courier* reported that the sanctuary the black Freewill Baptists were building near the county courthouse in Berryville was "quite an extensive building," and considered it as a "Berryville improvement."<sup>335</sup>

Whites' endorsement did not exceed the proprietary pride African Americans themselves took in their downtown churches. Pastor Abraham Washington notified the Freedmen's Bureau of his objection to having a fence placed around his congregation's Old Colored Baptist Church property unless city officials consulted him according to "law and justice."<sup>336</sup> As he surveyed Winchester's streets, Pastor Washington, and the Winchester black community as a whole, must have noted the announcement of black congregations' Sunday service schedules along with those of the city's white churches. In 1869 the *Winchester Journal* reported no less than one Catholic church and 10 white churches (all of different Protestant denominations) held Sunday churches along with two black Baptist churches (one Old Church and one Freewill), an African Methodist Episcopal Church and the black John Mann United Methodist Church.<sup>337</sup>

Although the *Winchester News* touted the Freedmen's Bureau school as

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<sup>334</sup> *The Winchester News*, January 3, 1869.

<sup>335</sup> *The Clarke County Courier*, November 17, 1869.

<sup>336</sup> Capt. Chandler in a November 16, 1866 communication to W. D. Grevy, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 776, Library of Virginia.

<sup>337</sup> *The Winchester Journal*, April 2, 1869.

among the chief attributes of its citizens' progressive southern city, the freedpeople could not count as fully on white support for their schools as they did for their churches. Winchester Bureau agents reported to Richmond headquarters the "indifference" of locals to educating the freedpeople; on the other hand, they reported, whites exhibited "no positive hostility. " Bureau agents reported only two incidences of active white hostility to African Americans' educational advancement. In October of 1866 whites in rural Frederick County burned down a schoolhouse for black children. (The teacher locked within the schoolhouse sustained no reported injuries.) As the school term got underway in October of 1868 a band of "10-15 armed and disguised men" terrorized the teacher of Shenandoah County's black school. This band of night riders took him down to the Shenandoah River and threatened to end his life unless he left the area within three days. One of the night riders was reported to be a teacher in one of Shenandoah County's white schools.<sup>338</sup>

Southern whites' indifference was more than compensated for by the missionary zeal of those northern missionary society teachers and preachers who came to the Northern Valley. As stated in the annual reports of the Freedmen's Department of the Presbyterian Committee of Home Ministries, the Freewill Baptist Association and the Freedmen's Aid Society of the Methodist Church, the

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<sup>338</sup> In its January 1868 monthly report to Richmond headquarters the Winchester Freedmen's Bureau reported on white sentiment regarding African American schools: "No positive hostility is manifest, but rather total indifference." The Bureau, in fact, reported In January 1868 that the Winchester Freedmen's Bureau school was "flourishing." Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5714, roll 189, frame 745, Library of Virginia. Frederick County school burning Records of the Field Offices for the State of Virginia, Misc. reel 5716, roll 191, frame 188, Library of Virginia. [Night riders terrorizing teacher at Shenandoah County school for African American students recorded in the Winchester Bureau's October 1868 monthly report, Misc. reel 5708 , roll 183 , frame 478, Library of Virginia.

missionaries intended to both evangelize and educate the freedpeople. Christian formation and academic programs were closely aligned objectives as their missionary teachers and preachers (often serving overlapping roles) established both schools and new congregations in Winchester.

The missionary schools flourished in Winchester, with the missionary societies supplying teachers and school supplies; the Freedmen's Bureau supplied classroom space agents rented from local building owners and, if necessary, repaired these rented rooms for classroom use. Although the Freedmen's Bureau had plans to establish schools for the freedpeople in Clarke County as well, schools established in the county during Reconstruction were privately sponsored. By contrast, at any one time during Reconstruction there were at least two missionary-sponsored schools in Winchester and a normal school for the training of black teachers.<sup>339</sup> By 1868 the Presbyterians had turned over their Winchester school to the Freedmen's Aid Society of the Methodist Episcopal Church. Once they had relinquished this school to the Methodists the

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<sup>339</sup> In September of 1866 Capt. Chandler, then head of operations for the Shenandoah Valley Freedmen's Bureaus, reported suitable locations for schools in Clarke County (Berryville, Millwood and White Post). In Frederick County, in addition to the two schools in Winchester, he reported suitable locations for schools in three other locations (Middletown, Newtown and White Hall). Records of the Field Offices for the State of Virginia, BRFal, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frames 936-45, Library of Virginia, Sept. 26, 1866 report of Chandler to Major Remington in Richmond. The Bureau's monthly report for May 1868, seven months before the Valley Bureaus closed down, showed three schools were operating in Frederick County (two in Winchester and one in Newtown) with the Bureau assisting with a school in Whitehall. In Clarke County the Bureau was helping fund a school in Berryville while the freedpeople were supporting a second school in Milltown. Records of the Field Offices for the State of Virginia, May 1868 ninthly report of the Winchester Freedmen's Bureau office, BRFal, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 12, Library of Virginia. Increasingly the freedpeople had been taking over the operating and funding of their schools in the Valley. In the Winchester Bureau's January 1867 comprehensive report of Shenandoah Valley schools that the Freedmen's Bureau helped establish or continued to support, six of the schools were sustained by the freedpeople, two were sustained in part by the freedpeople, two were owned by the freedpeople and one school was furnished by the Freedmen's' Bureau. January 1868 District Supt.'s Monthly School report of all schools in the 9th subdistrict (Shenandoah Valley), Records of the Field Offices for the State of Virginia, BRFal, 1865-1872, Accession. 44121, Misc. reel 5714, roll 189, Library of Virginia.

Presbyterians focused their efforts on establishing a normal school that would meet the growing demand for black teachers. This normal school complemented that of Storer Normal School, established by the Freewill Baptists at Harper's Ferry in 1864. Both schools proved effective teacher training institutions with black teachers equaling white ones in the freedpeople's Valley schools by 1868.<sup>340</sup>

The Freewill Baptists' Missionary efforts were so successful that they regarded the mission field, which took in an area bordered by Harper's Ferry to the north and Winchester to the South. as "the crowning work of the Society in the south."<sup>341</sup> By 1868 the Freewill Baptists could claim five churches and a quarterly meeting as well as thirteen teachers in their Northern Valley missionary field. One of their own, Reverend Nathan C. Brackett, a Dartmouth educated- clergyman who had been instrumental in establishing Storer Normal School, went on to serve as the Freedmen's Bureau Superintendent of Schools in the Valley. By Reconstruction's end Rev. Brackett was pastoring the Mt. Carmel Baptist Church in Winchester, reinforcing bonds between Storer Normal School and the black Baptist community in Winchester.

When the Methodists took over the Presbyterians' thriving missionary school in 1866 they found themselves in a desired urban "center of influence" that boosted their missionary goals.<sup>342</sup> In its annual reports the Methodists'

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<sup>340</sup> In total, there were 38 white and 38 black teachers in the Freedmen's Bureau's Shenandoah Valley schools by January of 1868. The January 1868 District Supt.'s Monthly School report of all schools in the 9th sub district (Shenandoah Valley), Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5714, roll 189, Library of Virginia.

<sup>341</sup> *The Centennial Record of Freewill Baptists, 1780-1880, Shenandoah, Virginia Freewill Baptists* (Dover, New Hampshire: The Printing Establishment, 1881), pp. 150-151.

<sup>342</sup> *Report of the Freedmen's Aid Society of the Methodist Episcopal Church, 1868* (Cincinnati: B. P. Thompson Printer, 1868), p. 12.

Freedmen's Aid Society stressed the important role its schools played in providing an education to African American children before Virginia's segregated public school system was established in the 1870s. During this interim period their schools were also demonstrating that "colored children are as capable of acquiring knowledge as well as those of lighter hue."<sup>343</sup> In their reports the Society was particularly complementary of the Winchester Freedmen's Bureau's cooperation in supplying renovated classrooms for their Winchester school in one of Winchester's most venerable historic structure, a stone meetinghouse worshipped in successively by the Presbyterians and then the Old School Colored Baptists.<sup>344</sup>

Black and white Methodists' interracial ties stretching back to the antebellum period in Winchester facilitated interracial cooperation in the school's operations. This cooperation countered the general indifference of local whites to establishing schools for the freedpeople. Both the white Market Street Methodist Church and the African Methodist Episcopal (A.M.E.) Church made their facilities available for oversight meetings attended by Methodists of both races and by Bureau agents. African Americans attending the school were largely responsible for tuition costs. Missionary teachers taught young day "scholars," as well as working adults attending evening classes, the fundamentals of math and verbal literary. A smaller number of students engaged in more advanced classes involving writing and math exercises.<sup>345</sup>

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<sup>343</sup> *Report of the Freedmen's Aid Society of the Methodist Episcopal Church, 1871* (Cincinnati: B. P. Thompson Printer, 1871), p. 6.

<sup>344</sup> Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5713, roll 188, frame 37, Library of Virginia.

<sup>345</sup> The Winchester Freedmen's Bureau reported regularly on the schools established for African Americans in Clarke and Frederick Counties as well as compiling a comprehensive annual report

Although Methodists had split into Northern and Southern Methodist conferences over the issue of slavery in 1845, during Reconstruction Methodists in both regions were reinvigorating their efforts to elevate a “crushed people.”<sup>346</sup> Two conferences were united in their approach to assimilating African Americans into the South’s post-emancipation social order. In particular they planned to inculcate in the freed pole a Protestant work ethic both missionary societies believed vital to their standing as a free people. “The freedpeople,” the northern Methodist missionaries claimed, “welcomed the [Methodist] teachers as first among benefactors.” Their schools, the Methodist Freedmen’s Aid Society boasted, “have met a great want of which no military or political organizations could supply, and without which it will be impossible for peace and harmony to be restored.” Through their Sabbath schools and academic programs the Methodists were as intent on inculcating “orderly behavior,” proper work habits and the importance of establishing good relations with their employers as with teaching the three “R’s.” In sum, the Methodists claimed, their schools were the way by which African Americans could be elevated to equal citizenship standing: “Those trained [in them] are the trusted friends of the state, the nation and the Church.”<sup>347</sup>

Remarkably, Southern Methodists supported this goal. No less a local Republican than A. M. Crane, editor of *The Winchester Journal*, endorsed the Methodist Episcopal Church South’s success in accomplishing this task: “Here [in

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on all Freedmen’s Bureau supported schools in the Shenandoah Valley. See, for example, the 1867 comprehensive annual report submitted to Richmond headquarters in November 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 730. Library of Virginia. Both representatives of the Freedmen’s Bureau school and the Winchester Freedmen’s Bureau attended meetings of the Winchester

<sup>346</sup> *Report of the Freedmen’s Aid Society of the Methodist Episcopal Church, 1868*, p. 12.

<sup>347</sup> *Report of the Freedmen’s Aid Society of the Methodist Episcopal Church, 1871* (Cincinnati: B. P. Thompson Printer, 18671), p. 4.

the work of the Southern Methodists] is the need for Christian benevolence and enlightened patriots that will cheer us on to a work that leads so decidedly to a solid national prosperity.”<sup>348</sup>

By the accounts of the Freedmen’s Bureau agents, however, a Protestant work ethic was not lacking among the freedpeople who, as good Evangelical Protestants before the War, were schooled in its values. “As a general thing,” Capt. McDonnell reported to Richmond headquarters. “the freedpeople are industrious and disposed to earn their living. No cases of outrages have been reported of the Freedpeople”<sup>349</sup>

The freedpeople hardly needed to be instructed in Protestant values. African Americans had shared an Evangelical Protestant culture with whites that stretched back to the late eighteenth century: Evangelical Protestantism had been the leaven loosening the restraints placed on African Americans by a social order in which they were all chattel. Black freedom had, in fact, first emerged on native grounds, catalyzed by men and women of religious conviction. In the early nineteenth century Frederick County’s free black population had grown dramatically as a direct result of planter Robert Carter III’s conversion to the Baptist faith. Convinced by his faith that slavery was immoral, Carter began freeing his slaves, causing the free black population in Frederick County to balloon from 116 in 1790 to 610 in 1819.<sup>350</sup> Planters of his class grumbled at his “liberality” but

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<sup>348</sup> *The Winchester Journal*, June 8, 1866.

<sup>349</sup> July 1868 report, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 6711, roll 186, frames 944-46., Library of Virginia.

<sup>350</sup> In *A Window on the Valley*, Masters Thesis, University of Maryland, 1986, revised edition, author Rebecca Ebert narrates the origins and development of Frederick County’s free black population beginning with Robert Carter III’s manumission of his slaves in the late 18th century. And

those who shared his convictions established a chapter of the American Colonization Society for slaves whom they freed but with whom they could not envision sharing a biracial social order. Nevertheless, Frederick County's free black population continued growing through natural increase, accounting for approximately 35 per cent of the county's black population by 1860. Frederick County's Quakers, ardent abolitionists, also played a role in augmenting the County's free black population. Their unwavering opposition to slavery led large numbers of Quakers to leave Frederick County in the early eighteenth century. Many of the Quakers who remained manumitted their bondspeople; by the 1850s up to a quarter of all the county's free blacks lived in Quaker households.<sup>351</sup>

Cultural differences kept many African Americans from affiliating with the Quakers, but the Evangelical Protestant fervor that swept through the Northern Shenandoah Valley in the 1850s reaped a harvest of black and white converts. Federal census data reveals a Northern Shenandoah Valley religious landscape transformed between the 1850s and 1870s. Methodist circuit riders successfully tripled Frederick County's Methodist congregations while the Baptists doubled theirs. In smaller Clarke County, Methodists congregations increased by a third, with other denominations (Baptist, Episcopal and Lutheran) remaining stable.<sup>352</sup>

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continuing through the antebellum period

<sup>351</sup> Their value as a work force had mitigated against efforts to remove free blacks from the region. The fact that Frederick County's free black population grew principally through natural increase, even with increasing numbers of manumissions, attest to the toleration, if not appreciation, of their presence in the County. Frederick County historian Rebecca Ebert concludes that "there were enough economic opportunities so that whites did not feel threatened by free blacks in the work force." Ebert, pp.26-27; Stephen L. Longenecker discusses the manumissions of enslaved African Americans by Frederick County Quakers in his *Shenandoah Religion: Outsiders and Mainstream, 1716-1865* (Waco, Texas: Baylor University Press, 2002), p. 161.

<sup>352</sup> See Appendix, Patterns in Religious Diversity in the Northern Shenandoah Valley, 1850 and 1870.



Both the Methodists and Baptists faiths were attractive to African Americans as Evangelical Protestant religious practices emphasized spontaneous religious expression, vibrant communal worship and the authenticity of an immediate conversion experience.

In Winchester, by the early 1850s, the city's African Americans had begun establishing their own congregational worship, contravening the slave codes' ban on independent black worship. Members of the African Methodist Episcopal (A.M.E.) Church held Sunday services in Winchester as members of the city's Episcopal, Lutheran, Presbyterian, Baptist, Quaker, Roman Catholic and German Reformed Churches attended their services.<sup>353</sup> Not until the post-Civil war period would A.M.E. leadership begin to energetically evangelize newly emancipated African Americans in other parts of the South. By the late 1850s black protestants could also worship with congregations of the Old School Colored Baptist Church or the John Mann United Methodist Church, both of which were sponsored by white congregations. In addition, biracial congregations like that of Clarke County's Bethel Baptist Church offered bondpeople the sacraments of baptism and marriage and the right to choose a home church other than that of their masters. To be sure Bethel's black members did not enjoy equal standing with white members; black members worshipped in the gallery above the white congregation's more capacious arranged pews below. Nevertheless, becoming communicants and staying communicants in good standing offered African Americans recognition of their human dignity not always assured them beyond

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<sup>353</sup> Elliott & Nye's *Virginia Directory and Baltimore Register for 1852, Number One* (Richmond: Elliott & Nye, Printers, 1852), p.89.

church walls.<sup>354</sup>

By the Civil War's onset, then, African Americans were worshipping separately or in biracial congregations. They shared a common Evangelical Protestant religious heritage with whites that emphasized principled dealings with others, the importance of family life and a strong work ethic. Congregational life reinforced these values and in doing so contributed to social stability, despite the tensions engendered by a social order dominated by whites. As Donald Mathews observes, among southern Evangelical Protestants of both races "going to church became not just a religious act, but a civic responsibility."<sup>355</sup>

But both before and after their emancipation, African Americans were more fully empowered by their affiliation with the Methodist church both as church members and as citizens beyond church walls. In the 1850s, following denominational traditions, Methodist churches in Frederick County had placed some of their black members in leadership roles. While the Methodists did not permit ordination of black preachers, African American men became licensed preachers and exhorters who attended Methodist quarterly conferences.<sup>356</sup> A well-respected black Methodist preacher, Jefferson Jenkins, played an important role in helping establish a free black community, Free Town, east of Newtown in Frederick County.

The city's black and white Methodists continued to maintain congregational

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<sup>354</sup> *Bethel Register* (White Post, VA: The Bethel Memorial, Inc., 1989), archived at Clarke County Historical Association, Berryville, Virginia, vol. 1, pp. 23-25.

<sup>355</sup> Donald Mathews, *Religion in the Old South* (Chicago and London: University of Chicago Press, ppb. ed., c. 1977), "To Proclaim Liberty to the Captives," pp. 237-268, see especially pp. 248-9.

<sup>356</sup> Ebert, p. 37; Longenecker, p.148.

bonds after emancipation, In Winchester much of what could be deemed an interracial public culture, rather than simply tolerance of a black could be attributed to the bonds among the city's black and white Methodist congregations. In one sense, white support of independent black congregations could be regarded as a colonization movement, that is, an effort to pacify African Americans whose labor local merchants, professionals and, above all, farmers needed for continued economic progress. Among black and white Methodists, however, their shared congregational life also helped moderate race relations that might otherwise have been more confrontational than cooperative. Some of the Methodists' inter-congregational events were covered in the Winchester press. In June of 1867 the *Winchester News* placed a notice inviting whites and blacks to attend a sermon that an African Methodist Episcopal Church (A.M.E.) preacher was to give at the very heart of downtown Winchester: Rev. William H. Smith of the A.M.E. Church, "will preach a sermon in the Court Room over the market house, on next Sunday morning at 11 o'clock. Their friends - both white and colored - are respectfully invited to attend"<sup>357</sup> In 1869 a conference of the A.M.E. Church had "adjourned after a very pleasant and profitable session." Afterwards "Bishop Sampson of the A.M.E. Church preached to a very large [racially mixed] audience assembled in the white Market Methodist Episcopal Church." His sermon, the Journal reported, "spellbound the audience."<sup>358</sup>

### **The Undertow of Inequality; The Limits of Black Citizenship Equality**

The freedpeople's claims to public spaces affirmed their standing as

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<sup>357</sup> *The Winchester News*, June 14, 1867.

<sup>358</sup> *The Winchester Journal*, April 21, 1869.

citizens, but their civic life did not translate into full-fledged citizenship equality. There were ominous signs that African Americans would be less than whites' equals. African Americans would experience the withholding of public funds for schools so crucial to their racial progress, as well as their unequal treatment before the law. Ironically the one civic resource local authorities gave them free access to, the Clarke and Frederick County poorhouses, was one the freedpeople were reluctant to access and had not themselves petitioned for eligibility. Although diverse in their political ideologies, whites proved to be ultimately united in maintaining African Americans' second class citizenship. Whites of all political stripes were not ready to fully ensure the freedpeople received their fair share of educational resources or equality before the law.

The labor historian David Montgomery has defined citizenship as the arena in which groups with varying levels of influence contest for their fair share of civic and economic entitlements.<sup>359</sup> African Americans had proved themselves effective in gaining some bargaining leverage in arranging their terms of labor. In their claims on civic space, both through their street theater and the public platforms provided by the churches and schools, they were becoming more empowered players in the civic arena, But their progress in gaining access to the civic resources their tax

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<sup>359</sup> In *Citizen Worker*, labor historian David Montgomery argues that, since the United States' democratic political revolution preceded its industrial revolution, workers in nineteenth century America defined their citizenship not just as the right to vote but through their voluntary associations and institutions. Since electoral politics secured the working class little effective leverage over economic and political life, through their civic culture working class people nurtured community solidarities, such as benevolent societies and labor organizations that enhanced their leverage in obtaining economic and civic entitlements. Rather than relying on labor legislation to gain entitlements they sought, workers sought to "provide an infrastructure to family life that the free market had denied them....," such as obtaining free legal and medical services. See generally *Citizen Worker: the Experience of Workers in the United States with Democracy and the Free Market during the Nineteenth Century* (Cambridge: Cambridge University Press, 1993), and pp. 5-6, 154 for specific references cited above to working class civic culture.

dollars paid for was halting,

Even though the freedpeople had begun paying real and personal property taxes and were being levied a \$1 per household tax for the education of their children, whites had some difficulty registering the concept that those who were formerly taxable property were now taxpayers fully eligible for the services their taxes supported. The Clarke County Clerk's Office issued a notice stating, more as speculation than declaration, that "it appears that lily white and colored males are liable to taxation" with the exception of the infirm.<sup>360</sup>

### **Poorhouses**

The issue of African Americans' eligibility for civic resources first arose in the context of their eligibility for county poorhouse relief. Frances Yates, the overseer of the poor in neighboring Jefferson County, inquired of the Winchester Bureau whether the freedpeople were eligible for public services, including charity.<sup>361</sup> Orlando Brown, head of the Virginia Freedmen's Bureau, had doggedly pursued the freedpeople's eligibility for county poorhouse relief as a way of getting them off federal assistance. He ordered his agents to send black refugees back to their home counties, where they could apply to their county poorhouse for assistance.<sup>362</sup> He also circulated a form letter to overseers of the poor: "Upon receiving notice from you that arrangements have been made to support and care

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<sup>360</sup> April 9, 1866 notice of the Clarke County Clerk's office, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 77-79, Library of Virginia.

<sup>361</sup> March 31, 1866 query of Francis Yates, Jefferson County Overseer of the Poor, on the eligibility of the freedpeople for tax-supported public services. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, Library of Virginia.

<sup>362</sup> October 3, 1865 communication from Freedmen's Bureau headquarters in Richmond to all Virginia Bureau offices. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184, frame 299, Library of Virginia.

for them,” he asserted, “they (destitute freedpeople) will be forwarded to you without delay.”<sup>363</sup> With the Virginia Bureau discontinuing distribution of rations in fall of 1865, Brown did show compassion for those destitute freedpeople barred from county poorhouses. “Where there is danger of actual starvation,” he advised his agents, “they could receive rations” but only after the agent had petitioned Bureau headquarters on behalf of the destitute freedpeople.<sup>364</sup>

Not all Virginia counties had poorhouses and not all counties were willing to take in destitute blacks. In Frederick County, Capt. McDonnell noted, “the intentions of the authorities to take care of their own indigent freedpeople is good and the means ample, but in Clarke County many complaints are made that the poor are not provided for and such as are report a state of wretchedness and filth at the poorhouse which is scarcely tolerable to them.” He told Brown that “the aged and infirm with [an] alarming abhorrence of the county Poorhouse are content to drag out a miserable existence [of] beggary, rather than commit themselves” to the

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<sup>363</sup> November 26, 1865 Circular No. 10 from Washington headquarters to Virginia Bureau agents requiring them to inform the overseers of the poor in their respective counties of the overseers’ obligation to provide assistance to indigent freedpeople. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184, frame 299, Library of Virginia. In January of 1868 Orlando Brown ordered agents in charge of Freedmen’s Bureau offices across the state to supply him with the names of Overseers of the Poor in their respective counties who had failed to provide assistance to destitute freedpeople Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57081, roll 183, frame 886, Library of Virginia.

<sup>364</sup> Orlando Brown at Freedmen’s Bureau headquarters in Richmond issued General Order No. 12 to all Virginia bureau offices on August 7, 1865 notifying them that distribution of rations to destitute freedpeople and whites would be discontinued on August 19, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 263, Library of Virginia. After that date the agents could continue distributing rations only under conditions of “starvation and extreme want” and all requests for rations had to be approved by the Richmond office. August 19, 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 181, Library of Virginia. It was not until February of 1868 that Capt. McDonnell could report to Orlando Brown, head of the Virginia Bureaus that “famine among the freedpeople is disappearing.” Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, Library of Virginia.

poorhouse. ...”<sup>365</sup> In Clarke County, then, the quality of assistance offered destitute freedpeople more often prompted them to shun assistance.

Alternatively, some received “outdoor” relief from the Clarke County overseers of the poor. They received aid of \$4 to \$5 while “still living in a suffering condition without clothing or comfortable homes....”<sup>366</sup>

Overall, few African Americans resided in the counties’ poorhouses or received “outdoor” relief over the course of Reconstruction. The able bodied had no trouble finding jobs and the elderly and disabled were often taken in by family members or neighbors; the black community provided a strong social safety net for its own. Federal census data for 1870 shows that, in the majority of Frederick and Clarke Counties; black households, household members lived in intergenerational arrangements that accommodated elders and youth who were not members of the household’s nuclear family. In the Frederick County poorhouse, which did not distribute assistance to destitute people who had made their own living arrangements, only six of the poorhouse’s 41 residents were African Americans.<sup>367</sup> The Freedmen’s Bureau’s decision to terminate all monthly aid to the freedpeople by fall of 1866 precipitated little hardship in the Northern Shenandoah Valley. By

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<sup>365</sup> Capt. McDonnell on poorhouse conditions in his December 1867 monthly report to Richmond. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, frames 840-1, Library of Virginia.

<sup>366</sup> Winchester Freedmen’s Bureau report on poorhouse conditions in April and October 1867 monthly reports. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5713, roll 188, frame 703-16; Misc. reel 5707. Roll 182, frame 84, Library of Virginia.

<sup>367</sup> The slave trade took a heavy toll in separating black families. According to the 1870 federal census reports for Clarke and Frederick Counties up to 153 elders and 81 minors (other than the children of household heads) were living in black households and in Clarke County, up to 144 elders and 90 such minors were residing in black households. In Frederick County up to 185 black minors lived in white households and in Clarke County up to 94 black minors resided in white households.

November of 1866 Winchester Bureau agents were issuing only seven rations packets to the freedpeople of Clarke and Frederick Counties.<sup>368</sup> By March of 1868 Capt. McDonnell could report that “No actual suffering is known or believed to exist in this division, and when application has been made to the officer of the poor, it has received favorable attention.”<sup>369</sup>

### **School Funding**

The Virginia Bureau had pressed county poorhouse overseers to open their doors to destitute blacks for its own purposes. But African Americans’ strong desire for educational opportunities made the \$1.00 education tax levied on black heads of households a civic entitlement they considered essential to their racial progress. Public funding for their schools proved contentious when first earmarked by the General Assembly in 1866.

The issue of the freedpeople’s entitlement to the school funding their tax dollars supported first came up in December of 1866. Capt. McDonnell ordered Lt. A. J. Higgs, a Jefferson County agent, to call on the County school board to see if black children were receiving the benefit of their parents’ tax dollars.<sup>370</sup> Capt. McDonnell related back to Richmond headquarters that “The case seems to be one of great hardship toward the colored people, in as much as they are compelled

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<sup>368</sup> Winchester Freedmen’s Bureau monthly report for November 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 37, Library of Virginia.

<sup>369</sup> Although the Winchester Freedmen’s Bureau reported that severe weather conditions were retarding “outdoor employment, by summer of 1868 the freedpeople were enjoying full employment. R 3 March 31, 1868 monthly report; July 1868 monthly report, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5711, roll 186, frames 946-7, Library of Virginia.

<sup>370</sup> Capt. McDonnell’s December 13, 1866 communication to Lieutenant Higgs in Jefferson County. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 603, Library of Virginia.



to pay taxes to support schools which they are not allowed to attend,” General Schofield, then head of the Virginia Bureaus, responded that this was a civil rights issue. McDonnell should therefore make local authorities aware of the Civil Rights Act (passed in 1866). He then ordered McDonnell to report back to him “whether it is their opinion that the collection of a tax levied for an object from the benefits which the freedmen are excluded on account of race or color, is legal.”<sup>371</sup>

In the earliest stages of Reconstruction, then, even before Virginia launched its first universal public education system in the 1870s, African Americans began waging an uphill battle for public funding of their schools. The freedpeople were more than willing to compensate for shortfalls in the funding of their schools by missionary societies and the Freedmen’s Bureau. By the spring of 1868 the freedpeople in the Shenandoah Valley were fully or partially sustaining most of their schools, with their children largely taught by black teachers.<sup>372</sup> In Frederick and Clarke Counties they also welcomed what few offers area whites made in helping them establish schools. When the Quakers of Whitehall, Frederick County donated an unfinished building to them, the freedpeople spent their spare time during the summer harvest season fitting out the building as a schoolhouse. They

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<sup>371</sup> Capt. McDonnell to Assistant Commissioner, Potomac Dept., on December 19, 1866 and General Schofield’s communication of December 24, 1866 to Capt. McDonnell. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, frame 603, Library of Virginia.

<sup>372</sup> Initially there were more white than black teachers in the schools sponsored by the Freedmen’s Bureau and missionary societies. The 1866 comprehensive report of all Freedmen’s Bureau-sponsored schools in the Shenandoah Valley showed 19 white teachers taught in the schools. R9 n37 November 1866; However, by the end of 1867 the comprehensive annual report showed that a total of 38 teachers were black and 38 were white. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 730, Library of Virginia.

successfully appealed to the Bureau in fall of 1867 for a school teacher.<sup>373</sup> In Winchester Comus Washington, a freedman, started a private school sustained by the tuition fees of students' parents. In Berryville a group of white and black men got together to establish a school for the freedpeople in space rented in a downtown building from businessman Enoch Richmond, a Unionist. Among prominent white sponsors of this school was William Nelson, the conservative editor of *The Clarke County Courier*, Rev. Ennis, and James Clarke. These men met with freedmen Robert Cross, Thomas Brown, Charles Hubbard and Henry Strange and were willing to help fund a school provided they could control it: "The freedpeople were more than willing to make this provisional concession "if they can by this means procure education for their little ones," a Bureau agent reported.<sup>374</sup> That school never materialized but, by Reconstruction's end Clarke County blacks had a school in Berryville, the Taunton School, and one in Milltown sponsored by John Holmes, an African American Civil War veteran who had lost his leg in the War.<sup>375</sup>

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<sup>373</sup> Capt. Chandler in an August 6, 1867 communication to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184, frame 105, Library of Virginia.

<sup>374</sup> Capt. Chandler in a September 26, 1866 communication to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 919, Library of Virginia.

<sup>375</sup> Email communication of November 18, 2014 from Maral Kalbian, Clarke County historian, to Donna Dodenhoff as follows: "The Taunton school was the first black school that opened in the County (1865) and was followed by the Millwood school in 1869 (run by John Holms, a colored veteran who had lost a leg in the War). This information was included in Maral Kalbian's and Leila Boyer's research report, *Final Report: African-American Historic Context, Clarke county, VA, CLG Project #: 66014*, prepared for the County of Clarke, Berryville, Va. 22611, September 26, 2002; On February 2, 1868 Capt. McDonnell reported to Capt. George White at Richmond headquarters that Enos Richmond, a Unionist and downtown Berryville businessman, had rented the freedpeople a room in his downtown building to be used as a school for their children. R3 1868 Winchester Freedmen's Bureau report.

With local building owners in Winchester refusing to rent space for black classrooms as Reconstruction ended, Capt. McDonnell related to Orlando Brown that northern missionary societies' funding would remain essential "until ample provision is made by the state for the education of people irrespective of color."<sup>376</sup> As Virginia's free public education system got underway in the 1870s, that amplitude of state funding remained illusive for black families. Virginia's racially segregated school system ensured African American schools would not receive their fair share of funding.

Virginia Republicans who had zealously supported a universal public education system. Had also supported a racially segregated system,. They ad not anticipated that a segregated educational system would necessarily result in unequal educational opportunities for black children. During Virginia's fall 1867 constitutional convention, Republican delegates to the convention reasoned that, if the South were to prosper with a free labor force, this progress could only be achieved through an educated work force. But Republicans stopped short of supporting an integrated school system, arguing that a segregated system would provide both races with an equal education. But the radical Republicans in Virginia also knew that they had pushed their progressive agenda as far as they could without alienating potential allies and exacerbating the social discord Conservatives had accused them of stirring up in Virginia. So commenced the "separate but equal" educational system endorsed by Republican reformers who

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<sup>376</sup> In its January 1868 report to Richmond headquarters, the Winchester Bureau noted that missionary society support would be needed for black schools until "ample provision is made by the state for the education of its people irrespective of color." Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5714, roll 1890, frames 744-5 , Library of Virginia.

had deferred to white supremacists.-“The rebels are making a terrible fuss about ‘mixed schools,’” Aaron Crane argued in *The Winchester Journal*. “The Union men of the Valley want ‘public free schools,’ but they want them in such a way that they will be of some benefit to both whites and blacks and we all know that ‘mixed schools’ will be no benefit to either, but will be a continued source of strife and contention,”<sup>377</sup> Yet his reporting of a meeting held by Page and Shenandoah County Democrats a month earlier must surely have raised a red flag.. At the meeting a Mr. Wright said that, before he would see his granddaughter attend school with black children “he would use his daggers.”<sup>378</sup>

While African Americans could count on the support of Northern missionary societies and Freedmen’s Bureau agents to counter white indifference as they pursued educational opportunities for their children and for themselves, they could count on few advocates as they pursued their most crucial civil right: equal treatment before the law.

### **Inequality before the Law**

An impressive slate of legislation by Federal and Virginia lawmakers were replacing the freed people’s’ former civil death, and the quasi-freedom free blacks had enjoyed, with equality before the law. By 1866 Congress had passed the Civil Rights Act in an effort to ensure that African Americans received, according to the Act, “the full benefit of all laws and proceedings for the security of person and property.”<sup>379</sup> In the black codes the Virginia legislature passed in 1866 to replace

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<sup>377</sup> *The Winchester Journal*, July 10, 1868.

<sup>378</sup> *The Winchester Journal*, June 19.1868.

<sup>379</sup> The Civil Rights Act of 1866 granted citizenship and the same rights enjoyed by white citizens to all male persons in the United States "without distinction of race or color, or previous condition of

the slave codes, the legislators eliminated such discriminatory provisions as those governing the apprenticeships of black minors as well as granting black unions the same legitimacy as white ones. The Virginia legislature for the first time allowed African Americans to be witnesses in court cases involving black Virginians, giving them a voice at least in their own defense. In March of 1866 the legislature liberalized this provision, giving African Americans the right to testify in cases involving whites as well.<sup>380</sup>

At the outset of Reconstruction, in order to offer the freedpeople the justice at law they knew Virginia's court system would not, the Virginia Freedmen's Bureau's provost courts had exclusive jurisdiction over cases involving the freedpeople. Ever mindful of the Bureau's temporary presence and of the antagonisms stirred up by the heavy hand of a federal judiciary supervising a local one, Orland Brown would revert judicial authority to the Virginia court system only one year after the War ended. He issued the order in April of 1866, after the Virginia legislature granted the freedpeople the right to testify in court cases involving white as well as black litigants. Brown was no doubt aware of the legal precariousness of using military courts to try nonmilitary cases in peacetime. In ordering their cases first be tried in Virginia courts, Brown allowed the Freedmen's Bureau courts to try only those cases involving a clear miscarriage of justice in the Virginia courts.<sup>381</sup>

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slavery or involuntary servitude."

<sup>380</sup> When the Virginia legislature passed its black codes in January of 1866 its testimony bill permitted freedmen to give evidence only in court cases involving freedmen. In March of 1866 the legislature passed a bill also allowing freedmen to give testimony in cases involving whites. See explanation in Donald G. Nieman's *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, New York: KTO Press, 1979), pp. 98 and 119.

<sup>381</sup> The circumstances under which Freedmen's Bureau agents could refer cases to the Freedmen's Bureau courts were not always unambiguously clear. Capt. McDonnell queried Richmond headquarters seeking to know "whether evidence was required that injustice will be

Despite this momentum toward a color blind justice system Virginia legislators found ways to enact measures that were color blind on their face, but discriminatory in application. For example, the Virginia General Assembly's vagrancy law, along with those of two other southern states, survived Reconstruction intact because, while color blind on paper, targeted indigent populations that were disproportionately black. Virginia's vagrancy law, as well as state laws meting out severe punishments for minor offenses, criminalized black labor. "Idle" blacks and those committing minor offenses were being sentenced to state prisons that, in turn, profitably appropriated their labor by using them for public works projects or by leasing them out to railroad corporations and other enterprises. As Reconstruction ended, up to 72 per cent of those serving prison terms in Virginia were African Americans.<sup>382</sup>

In addition to filing suit with the Freedmen's Bureau court, the freedpeople sought redress of their grievances by filing complaints with the Winchester Freedmen's Bureau. For the most part the Winchester Bureau court was even handed in its rulings, but the Bureau agents handling their complaints were, at times, less judicious. An agent in the Lexington Bureau office reported that Lt. Tubbs, the officer in charge of the office, had "not only failed to do justice and to

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done by the civil authorities before taking action on future cases, what will be considered evidence, and whether I am to be the judge of its sufficiency." In other words, could he refer cases to the Bureau court that had not yet been tried but which he deemed local courts would try on insufficient evidence. August 10, 1867 query posed by Capt. McDonnell of the Winchester Freedmen's Bureau to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5705, roll 180. Library of Virginia.

<sup>382</sup> According to federal census data there were 901 African Americans, 331 whites and 12 foreigners incarcerated in Virginia penal institutions as Reconstruction ended in Virginia at the beginning of 1870. *The Statistics of the Population of the United States under the Direction of the Secretary of Interior, Francis Walker, Superintendent of the Census* (Washington: GPO, 1872) 9<sup>th</sup> Census Vol. 1, Table XIX, p. 568.

investigate the cases brought before him but by his conduct he encouraged the people of this section to make the freedmen as subservient to them as they were during their time of slavery.”<sup>383</sup>

Even when agents were diligent in their efforts to ensure that local judges and law enforcement officials meted out an evenhanded justice to the freedpeople, the Valley’s remoter rural areas posed hurdles to the agents’ administration of justice. An agent in the Bureau’s Lexington office reported he could not reach out to freedpeople living in isolated rural areas because he lacked a horse. As a result, he complained, “the colored people at a distance received little or no benefit from the laws made for their protection.”<sup>384</sup>

The greatest obstacle to black justice before the law was white recalcitrance. Whites continued enforcing their own brand of extra-legal justice with impunity. Readjustments occurring in race relations only heightened conservative whites’ determination to reassert control over African Americans. Even in the small circle of local Republicans influential in Winchester’s legal establishment could be less than even-handed in ruling on cases involving the freedpeople. White hegemony dictated that due process of law be a privilege of whites. Whites’ wrath could be provoked by breaches of the deference code that escalated quickly into acts of violence. A Winchester wagon maker tracked down a black man he accused of stealing his horse and struck him a fatal blow on a downtown Winchester street in

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<sup>383</sup> A Lexington Freedmen’s Bureau agent commenting on Lieutenant Tubbs in a communication of February 28, 1866 to the Winchester Freedmen’s Bureau. The agent noted that “I have yet to find a case of any moment in which he has done Justice to the freedmen. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 57091, roll 184. Library of Virginia.

<sup>384</sup> Lexington Freedmen’s Bureau agent communicating to the Winchester Freedmen’s Bureau on February 8, 1866 - Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 507, Library of Virginia.

broad daylight. The Freedmen's Bureau court did not always interfere with this kind of impulsive "justice." Freedman Smith Carter, a stagecoach driver, was less than satisfied with the outcome of his appeal to the Freedmen's Bureau Court. Carter had filed his suit against Richard Barnes, a white man who had hired him for a trip across the Blue Ridge. Barnes, who had offered Carter a glass of whiskey on the trip, suddenly turned violent, striking Carter on the back of his head several times when the coach veered off the road into a ditch. The court did not reprimand Barnes for striking Carter but rather for demonstrating poor judgment in "giving a negro the whiskey."<sup>385</sup>

Breaches of the deference code imposed on blacks reinforced their subordination even more effectively than laws on the books. A black teacher who taught at a school in Clarke County, and who reprimanded a white boy for mistreating his students, received a drubbing from the boy's father. On appealing to a Winchester judge, he was asked to "pack up his trunk and leave."<sup>386</sup> If African Americans chose the streets of Winchester to publicly challenge the deference code they did so at their own risk. In December of 1865 Anna Jones, a young black woman, decided –not to move aside when passing David Leighton, a white man. He assaulted her, and she charged him with assault, but the Freedmen's Bureau court decided to dismiss her case after reprimanding both parties.<sup>387</sup> The Court may have been motivated by a desire to avoid stirring up the kind of racial tensions

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<sup>385</sup> *Smith Carter v. Richard Barnes*, tried in the Winchester Freedmen's Bureau court on November 24, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 27, Library of Virginia.

<sup>386</sup> *The Clarke County Courier*, September 22, 1869.

<sup>387</sup> *Anna Jones v. David Cleighton* tried in the Winchester Freedmen's Bureau court on December 26, 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 39-40, Library of Virginia.



that could occur if, as in Lynchburg, additional policemen were assigned to clear pathways for whites.

In cases involving violations of laws on the books, local law enforcement officials discriminated against the freedpeople with impunity. Even when authorities acknowledged the guilt of a white person assaulting a black one, they could be less than diligent in pursuing the perpetrators. When Albert Brown, a young black man employed at Winchester's Taylor Hotel, was assaulted by a Mr. Emerson, two magistrates neglected issuing a warrant for Emerson's arrest because the boy was a "filthy pest."<sup>388</sup> Weightier cases were treated with a similar indifference; in one case arousing local notoriety, law enforcement officials did little more than go through the motions of pursuing two white men who had shot a black man. This case occurred during Congressional Reconstruction when racial antagonisms could erupt with little or, in this case, no provocation. The victim, Freedman Charlie W. Barbour, had been going about the routine duty of fetching mail for his boss in Newtown, Frederick County. As the men galloped up beside him and harassed him, Barbour jumped from his horse and fled. The men then shot him in the back as he ran away. Local authorities never pursued the men, whom they believed had fled into the hinterlands. For his part Charlie Barbour did not retaliate. Instead, *The Winchester Journal* commented, "he sought "only the protection of the law," but that protection was not forthcoming."<sup>389</sup>

The freedpeople's desire to avoid confrontations with the law were amply

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<sup>388</sup> Concerning complaint of Freedman Albert Brown that he had been assaulted by a Mr. Emerson at the Taylor Hotel in Winchester. Winchester Freedmen's Bureau records of September 18 and 20, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5706, roll 181, Library of Virginia.

<sup>389</sup> *The Winchester Journal*, January 25, 1868.

justified. At times they were not even granted a preliminary hearing. Winchester Mayor Robert Conrad, who had been an ardent Unionist during Virginia's second "secession" convention, used the flimsiest of arguments to reject a freedman's complaint of assault.. Freedman Randolph Martin, who had been assaulted by George W. London while in London's Winchester shop, requested Mayor Conrad issue a warrant for London's arrest. When he refused to do so Martin approached the Freedmen's Bureau. Giving Conrad the benefit of the doubt, the agent ordered Martin to submit a second request for an arrest warrant to the Mayor. Once again Conrad refused to issue the warrant unless London was going to "run away" after assaulting Martin. Martin claimed that he could not know whether London would run away. According to the Bureau agent, Conrad "then reported that he would not issue the warrant and ordered Mr. Martin leave his office." There are no records indicating that the Winchester Bureau pursued Martin's complaint against London.<sup>390</sup>

Local law enforcement officials also took license in using excessive force against the freedpeople. Constable George Heffelburger "assaulted and battered" Freedman William Dean before arresting him. When this case of police brutality was brought to the attention of the City Recorder he refused to issue a warrant for Heffelburger's arrest and examination. Capt. Chandler, then head of the Winchester Bureau, sought an order for the constable's arrest.<sup>391</sup> In another

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<sup>390</sup> Randolph Martin's complaint against George W. London of June 12, 1867 - Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 814, Library of Virginia.

<sup>391</sup> Capt. Chandler to Col. J. N. Bumford on July 24, 1866. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 765, Library of Virginia.

case, an aggrieved mother, Caroline Bomgarner, brought suit against Winchester Constable Jacob McCord in the Freedmen's Bureau Court. Freedwoman Bomgarner claimed McCord had struck her daughter in the face with a brick. McCord did not deny the charge. He claimed he had accidentally hit the girl while throwing the brick at some boys who were "making fun of him. The court "reprimanded" McCord, giving him, in effect, a legal slap on the wrist but no formal penalty for assaulting any of the children.<sup>392</sup>

While the Freedmen's Bureau Courts in Virginia often straddled their obligation to ensure the freedpeople received justice at law and their desire not to antagonize locals by appearing to consistently tip the scales of justice in favor of the freedpeople, without the Bureau Courts the freedpeople's only recourse were the blatantly discriminatory justice systems of Virginia's minor judiciary--its local magistrates (who often also served as judges) and local law enforcers. As Capt. McDonnell reported to Orlando Brown two months before the Winchester Freedmen's Bureau closed down, "[T]he fact exists that a distinction on account of color is so very evident that it cannot be covered or concealed by expressions to the contrary."<sup>393</sup> Filing a complaint often required a steely determination if a freed person could muster the funds required for legal proceedings. After local law enforcement officials dismissed his complaint, Freedman Walker Howard filed a complaint with the Bureau claiming that a white man had assailed him with a

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<sup>392</sup> *Caroline Bomgarner v. Jacob McCord* tried in the Freedmen's Bureau Court on November 17, 1865. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 24, Library of Virginia.

<sup>393</sup> Capt. McDonnell's report to the Richmond Freedmen's Bureau headquarters of October 31, 1868. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5708, roll 183, Library of Virginia.

brickbat.– Capt. Chandler, arrested Howard’s assailant and ordered him to appear in the Freedmen’s Bureau court. He was found guilty and fined \$5.00.<sup>394</sup> In making the decision to bring Howard’s case before the Bureau court, Chandler noted that most of the cases the freedpeople referred to civil authorities were decided “without any satisfaction [] to the col’d people.”<sup>395</sup> Adding insult to injury they often had to pay court costs as well.

Capt. McDonnell related to Brown that-, with all the hurdles they faced in filing complaints, most of the freedpeople often hesitated to litigate their grievances with whites, enduring instead “many annoyances.”<sup>396</sup> Or, alternatively, they fled from legal proceedings they knew were heavily weighted against them from the outset. A black boy accused of stealing a pair of shoes absconded before his case was even brought before the Clarke County magistrate trying it. His case was tried in absentia and he was found guilty with a judgment of imprisonment brought against him. Assuming he was never caught, the boy escaped years of incarceration and hard labor for the crime of stealing a pair of shoes.<sup>397</sup>

When Capt. McDonnell sought to appeal the decision of a local judge involving what he considered a blatant miscarriage of justice he stirred a hornets nest. McDonnell’s righteous outrage set in motion his wrangle with both local

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<sup>394</sup> Capt. Chandler’s July 29, 1867 communication to Orlando Brown, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 829, Library of Virginia.

<sup>395</sup> Capt. Chandler to W. L. Franklin on July 31, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 224, Library of Virginia.

<sup>396</sup> In his monthly report of December 1867 Capt. McDonnell relates to Orlando Brown that the freedpeople endure “many annoyances” rather than litigate their complaints. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5707, roll 182, frame 216, Library of Virginia.

<sup>397</sup> *The Clarke County Courier*, May 5, 1869.

authorities and the Freedmen's Bureau court. The incident occurred in late spring of 1868, less than a year before the Bureau planned to pull out of the Valley. The case involved Bob Fletcher, described by Capt. McDonnell as "a little colored boy aged five years, [] small and delicate for his years, the merest infant in fact as well as in law." Bob had thrown a stone at a white boy that glanced off his cheek. This kind of child's play was not uncommon on Winchester's streets. However, provoked more by the insolence of a black child throwing a rock at his son than the child's injury, the white\_boy's father, a Mr. Latham, chased Bob to his mother's house in a downtown alley. Freedwoman Forge claimed Latham "came into my house with a large stick and commenced beating my child with the stick and then caught the child by the hairs of his head and raised him up from the floor and threatened to strike me if I did not let go of the child."<sup>398</sup>

When Freedwoman Forge took her complaint directly to George Dieffendorfer, justice of the peace, he refused to issue a warrant against Latham and finally did so only under pressure from McDonnell. Local law enforcement officers tried the case in the law offices of Thomas Hargest, by then the Vice President of the state Union League. Latham testified he had beaten the child as charged in the warrant. Adding to Latham's culpability was his failure to document any injury to his son. Judge Samuel R. Atwell, who tried the case, dismissed Freedwoman Forge's complaint and charged her court costs for bringing the case. A similar incident occurring several months later was never adjudicated, only reinforcing the unevenness of the justice meted out to the freedpeople. In this case

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<sup>398</sup> The Latham case, Winchester Freedmen's Bureau report of June 8, 1868 Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frame 319, Library of Virginia.

a black boy struck a 14-year-old white boy on Winchester's Main street but, because he was employed by a downtown businessman, he did not have to go to court for the offense.<sup>399</sup>

In protesting Atwell's dismissal of Lucey Forge's case and the Bureau Court's refusal to retry it, McDonnell provoked a strong counter-defense of by Judge Atwell and by prominent Winchester Republicans who came to his defense. Republican attorneys Thomas Hargest and John Jenkins heartily endorsed Judge Atwell's decision and his character. Jenkins called Lucy Forge's character into question since the incident had occurred in a "house of bad reputation." Writing on his own behalf, Judge Atwell stated his bona fides as an abolitionist and as one of the earliest defenders of the 1866 Civil Rights Act. He pointed out that, in conformity with the Act, he had permitted black testimony in a court case involving a white. But, as McDonnell pointed out to Orlando Brown, racial prejudice clearly trumped Republican principles of equality before the law. As he related to Brown, "Mr. Atwell stated to me that Mr. Latham had a right to go into the woman's house and take the law into his own hands. That it was no use to apply the law to negroes in such cases as these."<sup>400</sup>

Clearly frustrated by the Freedmen's Bureau Court's refusal to take the case and Brown's failure to dismiss Atwell as a Frederick County judge, McDonnell pointed to the inevitable precedent their actions would reinforce. The Bureau Court's refusal to take the case was "virtually a formal notice to all persons who

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<sup>399</sup> *The Winchester Journal*, September 25, 1868.

<sup>400</sup> The Latham case, June 1868 report of the Winchester Freedmen's Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frames 334-6, Library of Virginia.

feel themselves aggrieved by the action of any colored person, that they can take the law into their own hands, with perfect impunity.” McDonnell found very little had changed in the discriminatory practices of local law enforcement authorities, whatever their political stripes. He despaired that “vengeance is to be had by the sufferer if a white man, without resorting to the formality of law.”<sup>401</sup> McDonnell was most indignant, however, about the Freedmen’s Bureau Court’s rejection of his appeal. As he related to Orlando Brown, the Virginia Bureau’s head, “Believing it peculiarly the duty of the officers of the Bureau to assert at all times –the civil equality of the Freedmen, and to resist any efforts made to have their civil right overlooked, slighted or ...disregard[ed], I feel it my duty to protect against the toleration by the Military authorities of any decision recognizing distinction of race or color before the law, the tendency of such decisions being to withdraw the protection of the laws from the Freedmen altogether.”<sup>402</sup>

Despite the failure of local law enforcers and judges to administer a color blind justice, the freedpeople of Clarke and Frederick Counties did not have to contend with the intimidating tactics of Ku Klux Klan nightriders or whites executing lynchings. Lynchings, an extreme form of vengeance as justice, occurred less frequently in Virginia during Reconstruction than in such deep south states as Mississippi or such border states as Kentucky.<sup>403</sup> Nevertheless, as those of the

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<sup>401</sup> Capt. McDonnell’s June 8, 1869 report to Orlando Brown on the Latham case. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712 , roll 187, frames 340-1, Library of Virginia.

<sup>402</sup> Capt. McDonnell’s June 12, 1868 communication to Orlando Brown, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5712, roll 187, frames 343-5, Library of Virginia.

<sup>403</sup> T. K. Cartmell records a lynching in Frederick County occurring in 1892 in his history of Frederick County, *Shenandoah Valley Pioneers and Their Descendants, A History of Frederick County, Virginia* (Berryville, Virginia: Chesapeake Book Company, c. 1963), p. 171. William Blair

planter class in Clarke County began to lose some of their influence over civic life and over the black labor that produced their wealth, planters like William Nelson, editor of *The Clarke County Journal*, promoted lynching as a legitimate way of compensating for the “weak restraints of law.”<sup>404</sup>

### **An Assessment**

In their quest for citizenship equality, the freedpeople, overall, had staunch advocates in the Valley’s Freedmen’s Bureau agents. Yet the unevenness of African Americans’ oppression during and beyond Reconstruction raises the issue of just how effective public expressions of citizenship, the development of black institutions or interracial cooperation among black and white Protestants were in promoting their citizenship standing.\_

During the Jim Crow era they paid a high price for coexistence with white people who portrayed them as content with Jim Crowism. At the height of Jim Crow in the 1920s local newspapers reported the impressive public show their parades through downtown made. But during this period forms of racial stereotyping amounting at best to nostalgic, sentimental caricatures of African Americans’ former servitude were dominant in local newspapers reporting of African American affairs: “Colored Man of Old School Dead” the *Evening Star* reported in 1904 as it

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reports that “the only significant Klan activity in Virginia dates to 1868, when mobilization by African Americans promised to usher in a new constitution allowing black suffrage.” Blair, p. 178; Fitzhugh Brundage reports that lynching in Virginia peaked in 1890-1899, with incidents of lynching totaling 25 during that decade. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Chicago and Urbana: University of Illinois Press, 1993), p. 213; Robert W. Thurston credits the higher rate of lynching during this decade to their concentration in southwest Virginia, an area of the state undergoing rapid economic and social changes during this period. Thurston, *Lynching: American Mob Murder in Global Perspective* (Surrey, England: Ashgate Publishing, Ltd., 2011), p. 201.

<sup>404</sup> *Smith Carter v. Richard Barnes*, tried in the Winchester Freedmen’s Bureau court on November 24, 1865 Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 27, Library of Virginia.



waxed nostalgic: "...with his [Uncle Ben James's] death another figure identified with the history of the past...breathing the spirit of Virginia before the War, knowing his place in life, showing kindness...has gone to his reward."<sup>405</sup>

As their civic engagement became more circumscribed during Jim Crow, African Americans turned inward to the uplifting community life they enjoyed in their own churches and schools. They were the –two institutions foundational to African American community life during segregation; Within their communities black clergy and educators like Kirk Nathaniel Gaskins, Sr., principal of the venerable Douglass School, continued as civic leaders of their communities and as spokesmen to the white community. More than providing a platform for a black counter-public their churches, especially Winchester's John Mann United Methodist Church, continued promoting interracial cooperation with white churches. In the twentieth century civic leaders of the John Mann United Methodist Church like Mary Louise Davis Boyd, have served the larger Methodist community in Virginia. Mrs. Boyd, a businesswoman, was for a number of years the Winchester area representative for the integrated Annual Virginia Conference of the United Methodist Church.<sup>406</sup>

During Reconstruction whites were "indifferent" rather than actively hostile toward the development of black educational institutions. The Republicans' failure to support an integrated public school-s system was, in part, willfully naïve; they believed a racially segregated system could be both separate and equal. The

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<sup>405</sup> *Winchester Evening Star*, September 26, 1904.

<sup>406</sup> Michael M. Foreman, *Some Worthy Women* (Winchester, VA: Winchester Virginia Historical Society, 2007), p.15.

republicans' advocacy of a segregated system was motivated by a desire to placate Northern Shenandoah Valley whites increasingly hostile to what they considered the Republicans' strident social justice agenda. Although the reality of just how discriminatory Virginia's segregated school system would be lay ahead, white resistance to an integrated system foretold its inevitable inequality.

To be sure, as Virginia began establishing a public school system in the 1870s, area whites initially resisted the concept of a free public system, even for their own children, as an unwanted tax burden. It was William Henry Gold, Superintendent of Schools in Clarke and Frederick Counties during the educational system's crucial early years, who was the driving force in turning this resistance to widespread support of public education. But as the advantages of a tax-supported educational system gained public support, African Americans would continue to receive only a meager share of public funding. By 1930 black students in Frederick County had no consolidated schools and only Clarke County had an accredited academic program for granting black students a high school diploma. Nevertheless the quality of black teachers in both counties was good, according to state studies of Virginia's public education system. What public funding did not provide, African Americans found ways to compensate for. In Clarke County black families went so far as to convert a truck into a school bus. Until Winchester's Douglas School offered a high school diploma in 1941, graduates of the school completed their secondary education at Storer Institute while Clarke county students boarded with relatives in such nearby cities as Washington before the Agricultural and Industrial Training High School offered students a high school

diploma in 1930.

As borderlanders, African Americans did have the advantage of certain educational and job opportunities. The proximity of other educational institutions, and the availability of better jobs in mid-Atlantic cities like Washington and Baltimore fueled an aspirational culture that is one of the black community's salient attributes. Educational attainment paid off. Judy Humbert, who graduated from Winchester's Douglas School just before its desegregation in 1966, recalled the community support that upheld black students throughout their academic careers. "The elders in the community---neighbors, relatives and family friends--were instructors of life skills and supporters of education for young people," she said. The students were the light of the community. [At] graduation it seemed like every black person in Winchester turned out. They were so supportive."<sup>407</sup> Similarly Maurita Powell related, "Everybody we knew came to our graduation [from the Clarke County Agricultural and Industrial Training High School]. People would travel across the county to come to our graduations."<sup>408</sup>

African Americans considered educational opportunity essential to their racial progress but they also placed a high priority on equal treatment before the law; Despite the advantages they could capitalize on under their area's stable Reconstruction regime, without a color blind legal system they would be relegated to permanent second class citizenship. General Howard, head of the Freedmen's Bureau, considered the freedpeople's equality before the law of the highest priority, placing them permanently "on a higher plane" removed from the indignities

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<sup>407</sup> July 20, 2006 interview with Judy Humbert in her Winchester, Va. home by Donna Dodenhoff.

<sup>408</sup> July 21, 2006 interview with Maurita Powell by Donna Dodenhoff at the Josephine City School Museum, Berryville, Virginia.

and inequalities of their former status as enslaved or quasi-free blacks. Howard had the backing of the U. S. Congress which took bold actions in nationalizing American citizenship rights and privileges; the passage of the 14<sup>th</sup> and 15<sup>th</sup> amendments by the Congress were designed to guarantee these rights to all Americans regardless of race or ethnicity.– Yet African Americans' unequal treatment before the law continued unabated. Local law enforcement officials and magistrates charged with protecting their safety and meting out an evenhanded justice administered the law within a cultural context that licensed a separate system of justice for blacks. At one extreme, the legal establishment sanctioned acts of brutal vengeance as whites administered their own brand of justice. At the other extreme, law enforcement officials were indifferent to pursuing crimes perpetrated against blacks or in even giving their grievances a hearing. Finally, the failure of influential Winchester Republicans like Judge Robert Atwell to consistently administer a color blind justice raises the issue of just how committed in practice Republicans were to racial justice. At best Judge Atwell waffled on the principal. He acquitted a white man who brutalized a black boy unable to defend himself. On the other hand, he admitted a black man as court's witness in a trial involving a white man.

During Reconstruction the unwillingness of law enforcement officials and courts to administer justice even handedly blunted African Americans' efforts to replace informal settlement of their grievances with whites with formal legal procedures. The hurdles the freedpeople faced in filing court cases in Frederick and Clarke Counties over time had a chilling effect on their willingness to litigate

their grievances. Moreover, across the South, state legislatures found ways to circumvent measures of the U. S. Congress and the Freedmen's Bureau that banned racially discriminatory provisions of law. States' rights, influenced by entrenched racial attitudes, and federal policies and laws remain the contentious ground on which issues of racial discrimination and equality before the law continue to be played out.

African Americans wanted more than to be tolerated by whites or to be valued as a mission field by northern reformers. They wanted to belong to a more encompassing citizenry not divided by race.<sup>409</sup> To a limited extent they could assert their civic presence with nothing more than the license whites' tolerance afforded them. As ephemeral as the theater of black civic engagement might seem, their parades, holiday celebrations and congregation at county courthouses on court days were one way the freedpeople could integrate themselves into the civic life of the area's towns and villages. These events contrasted starkly with the civil death enslaved African Americans, and to a lesser extent free blacks, had experienced during centuries of living in the shadows of Virginia's slave society. As their churches and schools became integral to downtown streetscapes, African Americans also established a more permanent civic presence-, at times with the cooperation of whites. But it was through their shared Evangelical Protestant heritage with whites that the freedpeople came closest to experiencing an interracial public culture. In Winchester, the enduring bonds black and white

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<sup>409</sup> Historian Stephen Kantrowitz has explored the ways in which African Americans' quest for full citizenship encompassed efforts to remake the white republic into a biracial one --a country in which African Americans could belong as well as realize civil equality. See generally Kantrowitz's *More Than Freedom: Fighting for Black Citizenship in a White Republic, 1829-1889* (New York: The Penguin Press, 2012).

Methodists enjoyed through their inter-congregational life countered what the public intellectual Cornel West has called African Americans' "Niggerization," that is, "a uniquely American process that tries to keep black people so scared that they give up, cave in, or sell out in the fight for justice, love and hope."<sup>410</sup> As race relations evolved during Reconstruction, it is evident that African Americans were making racial progress while dealing with the unevenness of white oppression. They would continue drawing on their own community resources into the Jim Crow era to compensate for what white hegemony denied them, to resist slavery's lingering afterlife and to embrace their advantages as borderlanders.

The progress of minorities is typically uneven. Yet the inability of area whites to conceive of a biracial society in which African Americans enjoyed equality of citizenship meant that whites' resistance to surrendering their prerogatives would require blacks to inch forward. Their racial progress would be waged under the mantle of "respectability" as it was differently understood by blacks and whites. Claiming their civic space was just the beginning of their long, long struggle to claim spaces on buses and trains, in integrated class rooms and in front offices rather than the back rooms of downtown offices.

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<sup>410</sup> Cornel West, *Hope on a Tightrope: Words & Wisdom* (Hay House. com distributor for Smiley Books, 2008), p.222.

## **Chapter 7: White Republicans, Black Worker Citizens and White “Conservatives” in an Evolving Southern Borderland**

*“The history of the world furnishes no parallel to rapid changes which have taken place in our national opinions from time to time....[M]en see things in a light unseen before and discard former views as very unsuited to the emergencies of the time in which they live.” Aaron M. Crane, *The Winchester Journal*, August 10, 1866*

### **Introduction**

Reconstruction inaugurated a social a revolution in Virginia, but how far would that social revolution go in the Northern Shenandoah Valley? Republican reformers operating in the area during Reconstruction, both native and transplanted to this southern borderland, consistently called for a rebuilding of the state’s post-emancipation society based on social justice. Their reform agenda, as broadcast in the pages of their Valley newspaper, *The Winchester Journal*, and articulated at Virginia Republican Party meetings, affirmed equal civil and political rights for all citizens, regardless of race. Republican operatives in the Valley, in keeping with this agenda, wanted to bring about reforms that fulfilled Reconstruction’s promise of a more broad-based democracy as African Americans were incorporated into the body politic. Moreover, as the freedmen gained the right to vote Republicans, both Party operatives and the Winchester Freedmen’s Bureau agents, believed that through Union League membership they were offering the freedmen political affiliation with a party that defended their rights as free laborers. As a populist movement, the Virginia Republican Party welcomed “mean whites” into the Party as well as those white Virginians who had remained loyal to the Union during the Civil War.

The Republicans s regarded Virginia as a ripe field for their reforms. Although

the Civil War had taken a heavy toll on the commonwealth's agricultural production and remanufacturing and transportation infrastructure, Virginia's natural resources and its pre-War status as the South's most populous, industrially developed state led economists to begin projecting its bright economic prospects as the War wound down.<sup>411</sup> In addition to relying on a free labor force, the Republican Party's own agenda for moving the "Old South" into a rapidly industrializing and urbanizing "modern" nation, called for a free public educational system for both races, a free press and tax relief for the working classes, all measures the Party believed essential for economic progress and the cultivation of the responsible citizenship required for a representative democracy.<sup>412</sup> At its meeting in Richmond in March of 1869, as Virginians experienced the final year of their Reconstruction regime, the Virginia Republican Party reiterated its reform agenda, identifying itself as the

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<sup>411</sup> U. S. government reports issued as the Civil War wound down analyzed the South's resources and, with the economic drag of slavery removed, predicted its future prosperity. In a thorough statistical analysis Daniel R. Goodloe makes the case for an increase in the South's agricultural productivity with a free black labor force. Daniel R. Goodloe, "Resources and Industrial Conditions of the Southern States," in *Agricultural Report*, 10236, US Dept. of Agriculture. 1865; Samuel M. Janney also issued a government report, "Industrial Conditions of the Southern States," projecting a bright economic future for Virginia "with the advantages of free labor, enlightened enterprise and general education." He touts the Shenandoah Valley's economic advantages: rich lime soil, mineral resources and industrious farmers. "Virginia: Her Past, Present and Future," U. S. Congressional serial set, Vol. 122280, 1864-5, pp. 7-42.

<sup>412</sup> Historian Eric Foner's studies of Reconstruction underscore the Republicans' nationalization of American citizenship through the 14th and 15th Amendments and the separation of responsible citizenship from property holding. He cites Lincoln's and the Republican Party's free labor ideology as a cornerstone of the Republicans' program to advance a more broad based prosperity as well as opportunities for workers' upward mobility. In his essay on the Republicans' mid-nineteenth century free labor ideology, David Montgomery argues that the ideology empowered a hireling work force experiencing declining independence in their work tasks with concepts of workers' upward mobility and dignity. The value of their labor was their chief capital asset in making labor agreements with employers; they could freely contract their labor with employers or reject undesirable terms of labor. They could also reject abusive treatment once they were employed and demand intervals of leisure. Montgomery also attributes to the Radical Republicans an agenda advancing the goal of responsible citizenship through a free press and free public education. See Eric Foner's, *Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War* (Oxford/New York: Oxford University Press, 1995) and *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, c. 1988). David Montgomery, *Beyond Equality: Labor and Radical Republicans* (NY: Knopf, 1967).



anointed agent of the social revolution they believed Republicans were bringing about during Congressional Reconstruction: “[T]he Republican Party is the real party of Reconstruction, that there can be no permanent and just restoration of the state except through its instrumentality.”<sup>413</sup>

Republicans working for this reform agenda in the Northern Shenandoah Valley did not represent a wholly intrusive presence. Of the small number in the Northern Valley who held influential positions in the state Republican Party, only one, Aaron M. Crane, editor and “printer” of *The Winchester Journal* and Secretary of the state Republican Party, was labeled a “carpetbagger” by locals.<sup>414</sup> Freedmen’s Bureau records and *The Winchester Journal* document among the area’s Republicans, Winchester attorneys Robert Atwell, John Jenkins and Thomas Hargest. They also included Quakers who had been staunch abolitionists before the War, such as David Lupton and George Rye. The Republicans considered the Valley’s numerous Unionists at least loosely affiliated with the Party. With the coming of Congressional Reconstruction large numbers of African American men joined the Party through their membership in the Winchester Union League chapter. Although the dense congregations of African Americans in eastern and southern Virginia provided a power base for Republican candidates, the diminished black population of the Valley, although fiercely loyal to the Republican Party, would never constitute a sufficiently large voting bloc to propel Republicans to elective office; African American men held no elective offices in the

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<sup>413</sup> *The Winchester Journal*, March 18, 1869.

<sup>414</sup> *The Clarke County Courier*, October 20, 1869.

Shenandoah Valley through the nineteenth century.<sup>415</sup>

Republican operatives like Aaron Crane had initially hoped to build a Republican constituency among white Unionists and the freedmen as they became politically empowered, but the Republicans greatest asset as they struggled to gain a foothold in Virginia politics was a southern borderland area tolerant of, if not always receptive to, the Republican Party's reform agenda. Hostile whites in Tidewater Virginia had sabotaged the offices of Norfolk's Republican newspaper and dumped its printing press in the James River.<sup>416</sup> But *The Winchester Journal*, on the other hand, flourished in the Northern Valley through the better part of Reconstruction, broadcasting Republican perspectives on national, state and local public affairs at a time when the U. S. Congress' enactments had a direct impact on the daily lives of southerners. Taken together *The Winchester Journal* and the three other newspapers published in Frederick and Clarke Counties over the course of Reconstruction reveal the spectrum of political ideologies presented to locals, as well as the common concerns of their readerships as the area's post-emancipation society evolved.

As they reordered their relations with whites, African Americans were, of course, not responding passively to whites' views of what their place should be in the area's post-emancipation society. Their walk into freedom could, in part, be defined as their resistance to slavery's afterlife. But it could also be defined as their

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<sup>415</sup> Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders during Reconstruction* (Baton Rouge and London: Louisiana State University Press, c. 1993, rev. ed.), pp. xiv-85. Following the distribution of the black population in Virginia, black officeholders were concentrated in eastern Virginia and in some piedmont cities, such as Richmond and Petersburg.

<sup>416</sup> Richard Lowe, *Republicans and Reconstruction in Virginia, 1856-70* (Charlottesville and London: University Press of Virginia, 1991), p. 41. Lowe's seminal history provides a background for this narrative of the Party's conventions and other activities in Reconstruction-era Virginia.

cooperation with Republican allies, both Party operatives and Freedmen's Bureau agents, in their efforts to achieve citizenship equality. For their part area whites, the majority of whom identified themselves as "Conservatives" to distinguish themselves from radical Republicans, were anything but united under that political label and their ideological diversity was reflected in their varied views on African Americans' role in the emerging post-emancipation order. Moreover, by refraining from organized violence against them area whites were, in effect, cooperating with the freedpeople as their citizenship status changed dramatically over Reconstruction's short course in Virginia.

As historian Eric Foner has observed, during Reconstruction the "foundations of public life were thrown open for discussion," but that discourse could occur most productively in areas of the South with a relatively open public culture tolerant of diverse political views and of African Americans' role in the South's emerging post-emancipation society..<sup>417</sup> In what ways did the Northern Valley's social, economic and cultural composition make for a people, if not always receptive to, at least tolerant of the Republicans' reform agenda and the freedpeople's own initiatives to achieve citizenship equality? Within the context of Frederick and Clarke Counties, to explore this question is to consider the ways in which Republicans were making headway in securing the political ground in Virginia necessary to implement the reform agenda the Union Army's military victory could never guarantee.

### **An Overview of a Southern Borderland Region both Embracing and**

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<sup>417</sup> Foner, *Reconstruction: America's Unfinished Revolution*, p. 278.

## Resisting Change during Reconstruction

The Valley's regional distinctiveness had much to do with natives' tolerance of the Republicans in their midst, both homegrown and transplanted. From the Valley's early settlement period during the first half of the eighteenth century German, Scots-Irish, English and Anglo-American settlers were more ethnically diverse than the predominantly Anglo-Virginian inhabitants dwelling in Tidewater Virginia. In Frederick County particularly diverse ethnic groups co-existed peacefully as well as with the free blacks whose numbers in Frederick County were growing by natural increase over the nineteenth century. While they rarely intermarried or attended the same church services, Frederick County settlers of diverse ethnicities tolerated each other at a neighborly distance.<sup>418</sup>

Yet, more than accommodating their cultural differences, Valley folk were also evolving shared cultural traditions. African Americans were not excluded from this process. Most notably, in the wave of conversions to the Baptist and Methodist faiths that swept through the Northern Valley in 1850s, African American converts developed a distinctly African American form of worship while hewing to the orthodox articles of faith espoused by these Evangelical Protest denominations.

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<sup>418</sup> Warren R. Hofstra, "Land, Ethnicity and Community at the Opequon Settlement, Virginia. 1730-1800," *Magazine of Virginia History and Biography*, 98 (July 1990) pp. 423-8. See also Hofstra's exploration of the Shenandoah Valley's regional distinctiveness in *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore and London: The Johns Hopkins University Press, c2004) There is a rich body of literature on the Shenandoah Valley's regional distinctiveness--its agricultural economy, cultural landscape, and social and ethnic composition. In addition to Hofstra, Robert Mitchell, Turk McCleskey, Kenneth Koons and Michael Puglisi, among others, have contributed to this scholarship. See particularly the volume of studies exploring aspects of the Valley's history after its early settlement period in *After the backcountry: Rural Life in the Great Valley of Virginia, 1800-1900*, edited by Hofstra and Koons (Knoxville: University of Tennessee Press, 2000) and the volume of studies edited by Michael Puglisi exploring the Shenandoah Valley's ethnic diversity during its early settlement period, *Diversity and accommodation: essays on the cultural composition of the Virginia frontier* (Knoxville: University of Tennessee Press, c. 1997).

As white Baptists they conducted baptisms in the creeks that threaded through the Northern Valley. On long summer evenings as they attended separate revival meetings, Evangelical Protestants of both races renewed their faith and brought new members into their folds at camp meetings held within woods set aside for their annual revivals.<sup>419</sup>

The Shenandoah Valley's agricultural economy also played a role in defining its regional distinctiveness, with its diversified grain and livestock farm economy bearing more resemblance to a northern agricultural model than to the agricultural economies of eastern and Piedmont Virginia. As northern farmers, Valley farmers were predominantly middle income freeholders, although Valley farms were, on average, larger with more uncultivated acreage than northern farms. The one exception was southern Clarke County, a plantation enclave with landholdings, on average, larger than those of landowners in the northern portion of the County or in Frederick County.<sup>420</sup> Whatever the size of their farms, the Valley's rich soil afforded enterprising farm families the opportunity to earn a

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<sup>419</sup> Warren R. Hofstra, "Land, Ethnicity and Community at the Opequon Settlement, Virginia. 1730-1800," *Magazine of Virginia History and Biography*, 98 (July 1990) pp. 423-8. See also Hofstra's exploration of the Shenandoah Valley's regional distinctiveness in *The Planting of New Virginia: Settlement and Landscape in the Shenandoah Valley* (Baltimore and London: The Johns Hopkins University Press, c2004) There is a rich body of literature on the Shenandoah Valley's regional distinctiveness--its agricultural economy, cultural landscape, and social and ethnic composition. In addition to Hofstra, Robert Mitchell, Turk McCleskey, Kenneth Koons and Michael Puglisi, among others, have contributed to this scholarship. See particularly the volume of studies exploring aspects of the Valley's history after its early settlement period in *After the backcountry: Rural Life in the Great Valley of Virginia, 1800-1900*, edited by Hofstra and Koons (Knoxville: University of Tennessee Press, 2000) and the volume of studies edited by Michael Puglisi exploring the Shenandoah Valley's ethnic diversity during its early settlement period, *Diversity and accommodation: essays on the cultural composition of the Virginia frontier* (Knoxville: University of Tennessee Press, c. 1997).

<sup>420</sup> See appendix on *The Civil War's Impact on Farming in Northern Shenandoah Valley Counties*. See also Edward Ayers comparison of farms in Franklin County, Pennsylvania and Augusta County in the Shenandoah Valley, *In the Presence of Mine Enemies: the Civil War in the Heart of America, 1859-1863* (New York and London: W. W. Norton & Company, c. 2003), pp. 131-137.

respectable living off the land. The lands wedged between the Blue Ridge and Allegheny Mountains were topped with a rich lime soil and threaded with creeks and branches of the northward flowing Shenandoah River.

With wheat as their chief cash crop, Valley farmers, as northern and mid-Atlantic farmers, produced commodities that integrated them into regional markets. Their integration into a market economy, in turn, had a significant influence on both creating occupational and class diversity and nurturing a consumer culture throughout the Valley. The auxiliary services demanded of a commercial grain and livestock economy, such as merchant mills, and workshops for producing farm implements and wagons, contributed to occupational diversification in the Valley. By 1870 Clarke County had 105 manufacturing enterprises, consisting largely of water-powered grist and saw mills, but also including carriage and wagon makers. Frederick County's 199 manufacturing enterprises provided jobs for operators of grist mills and workers in such enterprises as textile mills, leather goods, iron casting and farm machinery factories. Winchester, as the Valley's chief commercial hub, supported the business and professional classes required of a consumer-oriented commercial farm economy, providing for greater class articulation among those whose income was not based on farming.<sup>421</sup>

Reflecting the interdependent farm economy of a predominantly middleclass farm region, the Valley's rural landscape was dotted with the well kept farms of its freeholders, gristmill sites, hamlets, villages and towns. These rural landscapes

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<sup>421</sup> The Statistics of the Wealth and Industry of the United States (Washington, D. C.: Government Printing Office, 1872), p. 739;

contrasted with those plantation landscapes in broad swaths of the South dominated by single crop farm economies, such as, cotton, rice or tobacco. In the open country landscapes of plantations producing a single cash crop, the planter's "big house" with its scattered dependencies reflected the concentrated wealth and authority of the planter. In this "under institutionalized world," historian Drew Gilpin Faust has observed, the private sphere of the extended family, white and black, held primacy over the public world. The change driving Reconstruction must have broken like shock waves over this inwardly focused world.<sup>422</sup> By the late antebellum period, the Valley's rural landscapes on the other hand were becoming iconic representations of a more broadly based agricultural prosperity with farm families looking out on rural neighborhoods interconnected with a regional market economy. As he traveled through the Valley in 1858, George P. R. James celebrated the Valley's farmers as "a noble specimen of the yeoman...." He was "sensitive with just views of human affairs, generous to others, but frugal himself, industrious and attentive in business...." The Valley farms, he noted, were well kept and substantial, but unpretentious.<sup>423</sup>

The idealization of the Valley's rural landscape could not erase the significant role slavery played in producing Valley's agricultural wealth, despite slavery's uneven dispersal in the Northern Valley. Among Shenandoah County's predominantly German-descended inhabitants African Americans accounted for only six percent of the overall populating in 1860. On the other hand, as

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<sup>422</sup> Drew Gilpin Faust, "Epilogue," *In Joy and Sorrow: Women, Family and Marriage in the Victorian South, 1830-1900*, ed. by Carol Bleser (New York and Oxford: Oxford University Press, 1990), pp. 253-260.

<sup>423</sup> George P. R. James, "Virginia Country Life" in *Travels in the Old South*, ed. By Eugene Lincoln Schwab (Lexington, Kentucky: University of Kentucky Press, 1973). p. 524.

descendants of Tidewater planter families, southern Clarke County's planter class had continued depending on an enslaved labor force into the Civil War period. In Clarke county African Americans, mostly enslaved made up to 50 per cent of the total population. Clarke County's planter class continued their Tidewater forbearers' tradition of demanding deference from their dependents, mostly enslaved, as well as whites of lesser status. In Frederick County, where farmers typically relied on their family's labor, or the labor of several farmhands or slave hires, enslaved African Americans accounted for 13 percent of the total population. Overall, African Americans accounted for approximately 20 percent of Frederick's population in 1860 and up to 35 percent of those African Americans were free blacks.<sup>424</sup>

In the Civil War's aftermath, as they surveyed the Valley's political landscape, Republicans found they had allies in advancing their reform agenda and, among valley Unionists, a potential white constituency. The class interests that are a reliable driver of political affiliation were, of course, complicated in the South by the issue of race. Yet, in their efforts to loosen the planter class' sclerotic grip on the state's politics, the Republicans regarded the Northern Valley's freeholders, urban and businesses professionals, artisans and other independent producers as their natural allies. On issues such as debt relief, progressive farming methods that stressed the value of intensive farming methods, as opposed to extensive plantation farming, and the development of the valley's manufacturing industries, Republicans and moderate Conservatives were in accord. Moreover, in the immediate post-war period, with loyalties to the Union and the former Confederacy

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<sup>424</sup> See Table 1, *Demographic Overview of the Northern Shenandoah Valley, 1850-1870*.



still strongly influencing political sentiments, the Republicans regarded Valley Unionists as their most promising white constituency. The Valley had sent more Unionists opposing secession to the Richmond convention determining the issue in April of 1861 than any other region east of the Allegheny Mountains.<sup>425</sup>

Although most Valley folk considered themselves “Conservatives,” given their diverse political views and loyalties, that label was designed less to align themselves with a clearly defined political agenda than to distinguish them from “radical” Republicans. The one principle Conservatives did hold unequivocally in common was that that of jealously guarding their authority in managing their own affairs, a conviction held by their Democrats predecessors in the pre-War years across regional borders.<sup>426</sup> In the Northern Shenandoah Valley, particularly, with its diverse class interests and political views, those considering themselves Conservatives ran the gamut from Clarke county planters who wanted to keep the freedpeople a servile class with no civil rights to those more moderate Conservatives who wanted to maintain a white supremacist order but who did not actively prevent the freedpeople from building lives in freedom. Moreover, organized suppression of the freedpeople’s dramatically changing citizenship status would hardly have served their own need for black labor and, at any rate, ran counter to these borderlanders’ traditional tolerance of ethnic and racial

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<sup>425</sup> See Michael W. Fitzgerald’s description of southern Unionists in *Splendid Failure: Postwar Reconstruction in the American South* (Chicago: Ivan R. Dee Publishers, ppb. ed., c. 2007), pp. 15-17; Brent Tarter, *The Grandees of government: the origins and persistence of undemocratic politics in Virginia* (Charlottesville: University of Virginia Press, 2013), p. 206. See also Peter Wallenstein’s discussion of post-War diversity in Virginians’ political allegiances in *Cradle of America: Four Centuries of Virginia History* (Lawrence, Kansas: University Press of Kansas, 2007), pp. 222-23.

<sup>426</sup> Ayers, pp. 42-43. Ayers notes that the Conservatives, many of whom were members of the Democratic Party in the antebellum period, championed a freedom for white men untrammelled by government interference.

diversity.

Whatever their political views, for Northern Valley folk made economic progress a priority. They strove for material improvements in household wealth, continued revitalization of their farm-based economy and the restoration of the tattered fabric of their civil society. The idea of progress had a cultural resonance among Northern Valley freeholders. Valley dwellers had early on considered themselves a new breed of Virginians. They regarded themselves, historian Warren Hofstra has noted, as more open to “dynamic new developments” than the folk of “Old Virginia.”<sup>427</sup> Leading up to the War, the Whig Party, as the champion of economic progress in Virginia, had exerted a “thriving and powerful” influence in Valley politics.<sup>428</sup>

As a people oriented early on toward their trade partners in the mid-Atlantic region rather than eastward toward Richmond, locals exhibited a receptivity, even eagerness, for information and ideas circulating beyond their region. No less than four newspapers were published in Clarke and Frederick Counties over the course of Reconstruction. With the area’s print enterprises booming after the War, merchants were promoting consumer products; association members, their civic and cultural activities; and those of diverse political ideologies, their propaganda. An advertisement placed in *The Winchester News* hawked print services for

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<sup>427</sup> Hofstra, *Planting of New Virginia*. The introduction discusses new versus old Virginia (east of the Blue Ridge), pp. 5-16. Michael J. Puglisi explores the cultural processes occurring during the Shenandoah Valley’s eighteenth century frontier period. Puglisi and other contributors to the volume of essays he edited emphasize that ethnic diversity was marked by tolerance, that is accommodation among diverse ethnic groups settling the area, as well as their sharing of cultural traditions, that is, their mutual acculturation as they formed a distinctive regional culture. Puglisi, “Introduction: images and realities of Cultural Diversity on the Virginia Frontier,” in *Diversity and accommodation*, pp. 3-17.

<sup>428</sup> Tarter, p. 206.

customers in need of “pamphlets, circulars, handbills, letterheads, billheads, posters, programmes, cards and, in fact, printing of all descriptions.”<sup>429</sup> In 1871, a year after Reconstruction’s end, a committee consisting of Winchester business and other concerned citizens interested in Fredrick County’s industrial development exhibited the ways in which economic progress and receptivity to extra-regional influences were interlinked. The committee invited northerners with capital resources to invest in the county; “We do invite, and we cordially welcome, any who may come with an honest purpose of engaging in any lawful business and we do guarantee to such of whatever political or religious faith, the fullest protection in person and property.”<sup>430</sup>

Efforts to influence the course of the area’s evolving post-emancipation society placed the players -- Republicans, freedpeople and area whites on contested ground where these players cooperated at times and clashed at others. This was the southern borderland to which Aaron M. Crane, Republican Party operative and soon-to-be editor of *The Winchester Journal* came in summer of 1865.

### **A Carpetbagger Comes to Winchester**

This was the evolving southern borderland to which Aaron M. Crane, 25, came at the War’s close in 1865. Although he was the only prominent Republican Party operative in the Northern Valley considered a carpetbagger by locals, Crane’s rural Vermont upbringing was not dissimilar to that experienced by sons of the Valley’s middleclass farm families. On the eve of the Civil War Crane was, at

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<sup>429</sup> *The Winchester News*, April 23, 1867.

<sup>430</sup> Oren F. Morton, *The story of Winchester, the oldest town in the Shenandoah Valley* (Strasbourg, Virginia: Shenandoah Publishing House, 1925), p. 284.

least for purposes of the federal census, living on his parents' farm in the Glover, Vermont area. By the time he arrived in Winchester at the War's close, however, Crane was well schooled in Republican Party ideology and had sufficient connections within the Party to be named Secretary of the Virginia Party in August of 1865. By September he had become editor and "printer" of *The Winchester Journal*, one of six Republican Party newspapers published in Virginia during Reconstruction. He adopted the Northern Valley as his home and spoke with civic pride of "our garden of the Shenandoah." Within two years of his arrival he had married a fellow Vermonter and brought her to Winchester.<sup>431</sup>

At the outset of his career in Reconstruction-era Winchester, Crane clearly demonstrated a reform instinct akin to that of two fellow New Englanders, who, while they never lived in the Northern Valley, were influential there as Freedmen's Bureau policy makers. One of these, General Oliver O. Howard, head of all the Freedmen's Bureau operations in the South, was an evangelical Protestant whose religious convictions had earned him the moniker, the "Christian General," General Howard reflected in his autobiography that he "want[ed] to live to tell his grandchildren of a time when [the] American people put forth their strength, saved a republic, broke the chains of ...slavery and inaugurated genuine universal liberty."<sup>432</sup> Crane, who later in life would become an editor of biblical materials in Boston, described the upheavals of the War and Reconstruction as a great moral struggle as well: "The God of battle [had] led the Armies of Justice

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<sup>431</sup> Ancestry.com federal census information for Aaron M. Crane, 1860 and 1880. "Our garden oft h Shenandoah," Crane's description in the September 22, 1865 issue of the *Winchester Journal*.

<sup>432</sup> Oliver Otis Howard, *Autobiography of Oliver Otis Howard: Major General United States Army*, vol 2 (NY: the Baker & Taylor Company, 1867), pp. 325-6.

through the trials of uncertainty and about which the nation was yet feeling its way to the great truths.”<sup>433</sup> Howard and Crane believed that, as Republicans, they were, not only on the right side of history, but, as Union men, they had a mandate to direct the course of the social revolution unfolding in the South. Both Crane and Howard shared with fellow New Englander Orlando Brown, the Yale-trained physician who headed up the Virginia Freedmen’s Bureau through much of Reconstruction, the conviction that a free labor system would work in the South as long as the freedpeople were willing to work and become self-supporting. Their shared protestant work ethic held gospel authority among them.

Soon after his arrival in Winchester, Crane, as secretary of the Virginia Republican Party, plunged into party building activities. In June of 1865 Winchester hosted a meeting of Republicans, one of three held around the state preliminary to a statewide Republican convention planned for that August. At their August meeting Virginia Republicans registered their disapproval of Governor Pierpont’s deferral to President Johnson’s liberal pardoning of former Confederates. With Southern leaders regaining their influence in public affairs, Republicans regarded their restoration as a roll back of the North’s War victory and as a threat to the social revolution the War’s outcome had set in motion. At their June meeting Republicans confirmed their commitment to black suffrage and their disapproval of President Johnson’s lax pardoning policy.<sup>434</sup> That September, commenting on this meeting in the *Winchester Journal*, Crane reiterated the Virginia Republicans Party’s support for black suffrage and citizenship equality.

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<sup>433</sup> *The Winchester Journal*, June 8, 1866.

<sup>434</sup> Lowe, pp. 39-40.

But he conceded that “some of the state conventions of the Republican Party have endorsed Negro Suffrage, others repudiated it, and still others have ignored the question entirely.”<sup>435</sup>

For their part the Virginia Republicans stood firm in supporting black suffrage throughout Reconstruction. In March of 1866 Crane organized another meeting of Republicans in Winchester. This meeting was held ahead of a second statewide meeting of the Republicans planned to strengthen their party’s organization in Virginia. The *Journal’s* coverage of the March planning meeting in Winchester stressed the class issues that were being increasingly linked to the Virginia Republican Party’s support of black suffrage. Addressing the meeting with a rousing speech, a Mr. James derided the inequalities of a slave society in which slaveholders had imposed “endless poverty on those already poor.” The meeting was interrupted by ex-Confederates, with an ex-Confederate officer, a Major Wright, giving an extemporaneous speech on the steps of the Winchester courthouse praising President Johnson’s policy. The policy, he proclaimed, made “allowance to all good rebels of all the rights they had ever had, and as soon as possible.” In *The Journal* Crane claimed Wright had “poured unbounded ridicule, sarcasm and abuse on the heads of all those who had failed to fight for his darling Confederacy.”<sup>436</sup>

Outbursts like the Confederate officer’s reflected unhealed war wounds but these sporadic eruptions on the streets of Winchester were not sufficiently widespread to threaten the airing of opposing viewpoints; they did not suppress

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<sup>435</sup> *The Winchester Journal*, March 1, 1866.

<sup>436</sup> *ibid.*, March 9 and 16, 1866.

Crane's reporting of the Republicans' March meeting in Winchester with a bold statement of the Republican Party's intent. Crane announced in the *Journal* that these Virginia Republicans, as Republicans across the South, had met to prepare the groundwork for a convention that would write a new, progressive constitution for Virginia. Moreover, African Americans who had not yet been granted suffrage, were participating in these organizational meetings. "The time has come to give the facts to the public. These loyalist men, without respect to color, will shortly issue calls in their respective states for state conventions and elect delegates ....[T]he conventions so formed will frame state constitutions embodying the principles of loyalty, freedom and equal rights."<sup>437</sup> Crane reported these organizational meetings more than a year before Virginia became Military District One and elections were mandated Republican Congress' Reconstruction Acts.

When the Virginia Republican Party met again in May of 1866 in Alexandria, they renamed the party the "Virginia Union Republican Party," in an effort to attract to the Party Union loyalists whom Crane estimated to number between 30,000 to 50,000 statewide.<sup>438</sup> They had not declared themselves, he reckoned, because "the terror of public opinion kept them from declaring themselves." In Frederick County alone the Winchester Bureau estimated there were up to 600 white Unionists. Crane and the Virginia Republicans arrived at their estimates by defining Unionists less on the basis of their advocacy of black suffrage than on the basis of Unionists' unflagging loyalty throughout the War. In an effort to woo

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<sup>437</sup> *ibid.*, March 11, 1866.

<sup>438</sup> *ibid.*, March 2, 1866; See also Capt. J. A. McKenzie to General Schofield, March 16, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 101, frame 261, Library of Virginia.

Unionists, the Republican Party's chief white constituency, Crane observed it was sufficient "that the world should know there are men good and true, in Virginia, who are not Johnsonized, Copperheadized nor secessioned."<sup>439</sup> On this basis he did not endorse the mayoral candidacy of the conditional Unionist and prominent Winchester attorney Robert Conrad, who became mayor of Winchester after he was barred from accepting a Congressional seat in 1865 on the basis of his vote for Virginia's secession in 1861.<sup>440</sup> On the other hand, Crane did court northern Clarke County's Unionists, addressing them at a flag-raising ceremony commemorating George Washington. He reminded these Clarke County Unionists that, "were a flag floating above every hilltop and national songs sung by every lip, we would not soon be called to repeat the scenes of the past."<sup>441</sup> In a time of political flux, the somewhat slippery designation of Unionists as Republicans was but one example of the ways in which Party labels could not keep up with the exigencies of the times. As historian Peter Wallenstein has noted, during Reconstruction, "political alignments [in Virginia] were unavoidably uncertain as pre-War Whigs jockeyed with pre-War Democrats, [and] whites contested with blacks," and, it might be added, conditional and unconditional Unionists remained ambivalent about their political affiliations.<sup>442</sup>

As a Republican ideologue, Aaron M. Crane believed the Shenandoah Valley, and the South generally, could not progress without establishing a just

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<sup>439</sup> *The Winchester Journal*, April 20, 1866.

<sup>440</sup> See article on Robert Conrad by David F. Riggs, "Robert Young Conrad and the Ordeal of Secession," *The Virginia Magazine of History and Biography*, Vol. 86, No 3 (July 1978), pp. 259-274.

<sup>441</sup> *The Winchester Journal*, March 2, 1866.

<sup>442</sup> Peter Wallenstein, *Cradle of America: Four Centuries of Virginia History* (Lawrence, Kansas :University Press of Kansas, 2007), p. 222.



social order embracing a free labor system. In late summer of 1865, as he undertook publication of his Republican weekly in Winchester, Crane could not have chosen more favorable conditions in the South for cultivating a readership.

**The Northern Valley's Flourishing Print Culture: the Public Discourse on Rebuilding a War-torn Region**<sup>443</sup>

Virginia had more newspapers during Reconstruction than any of the other southern states. In the Northern Valley weekly newspapers, however contentious in their diverse editorial views, helped locals reweave a tattered civic culture; citizens could both form and express opinions in a borderland area tolerating open public discourse on political and civic affairs. The area's weekly newspapers also provided useful information on agricultural matters, entertaining stories for moral uplift, and rafts of commercial advertising as war sacrifices turned once more to consumer demand for both useful and conspicuous consumption items. During a period when the U. S. Congress was issuing policies and passing legal provisions that bore directly on the lives of all citizens, Northern Valley newspapers also became purveyors of Washington affairs. And, taking advantage of new communications technology, they covered the affairs of Virginia's sister states as they dealt with the challenges of Reconstruction.

From the Republican's weekly, the *Winchester Journal*. to the

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<sup>443</sup> David Henkin's study of the growth of print culture in New York City during the antebellum period provides precedent for urban dwellers' growing reliance on print media for the information they needed to function in an increasingly complex urban environment. Newspapers, broadsides, posters, and street signs, among other print media, helped them navigate city life. Reading newspapers, New Yorkers of diverse ethnicities, classes and races found common ground with other urbanites as New York's population grew exponentially and New Yorkers found themselves interacting daily with strangers. During the Civil War newspapers also provided news on the Union Army's fortunes. See generally David Henkin's *City reading: Written words and public spaces in Antebellum York* (New York: Columbia University Press, c. 1998)

ultra-conservative *Clarke County Courier*, local newspapers demonstrated a diversity of political sentiments, as well as a commonality of concerns as inhabitants of the Northern Valley pivoted to life in peacetime. Readers were interested in news and editorial opinions dealing with family life, social order and material prosperity. As Reconstruction evolved in the area over four-and-one-half years, these newspapers also showed, as it turned out, that whites labeled “conservatives” held no hard and fast consensus on the freedpeople’s place in the emerging social order. Nor had local conservative newspapers yet formulated the sentimentalized view of African Americans as “mammies” or “uncles” prevalent in these newspapers during the early twentieth century height of Jim Crow.

As Aaron Crane undertook his duties as editor and “printer” of *The Winchester Journal* in September of 1865 the Northern Valley was in the midst of a print culture explosion. The momentous changes unfolding at the federal level and around the country, as well as locally, seemed to fuel locals’ appetite for news. Over the course of Reconstruction *The Winchester Journal* became one of five weekly newspapers published in Frederick and Clarke Counties. *The Winchester News* and the *Winchester Times* also went to press in 1865 as the War ended. *The Clarke County Courier* and *The Winchester Sentinel* began publication in 1869, at the tail end of Reconstruction. *The Winchester Sentinel*, a Democratic newspaper actually took over the offices of *The Winchester Journal* as the Republican organ seized publication in 1869.

Winchester’s urban newspapers enjoyed a regional readership, with the *Winchester Times* boasting that its circulation was “increasing rapidly in every

county in this region of the country.”<sup>444</sup> The *Winchester Journal's* circulation must have been respectable since, during the over four years of its publication, *The Journal's* pages were filled with the advertisements of local businessmen seeking to tantalize the weekly's readership with consumer goods.

Although by 1869 Frederick and Clarke county newspapers represented a spectrum of political views ranging from radical Republican to ultra-Conservative, at the outset of Reconstruction readers were more interested in topics related to the reordering of their lives with a semblance of the normalcy. The Virginia Freedmen's Bureau paid a backhanded compliment to the influence Virginia's press exerted over public opinion in declaring that the state's newspapers had the power to fuel “hostility of feeling between the different sections.”<sup>445</sup> For this reason, although the Republicans advocated freedom of the press as one of the “chief bulwarks of a free society,” the Virginia Freedmen's Bureau did not hesitate to suppress southern newspapers it considered inflammatory.<sup>446</sup>

With the introduction of telegraphy, the rapid transmission of news made news suppression more difficult to achieve, however. News stories traveled from one region of the country to another with astonishing speed. Orlando Brown first heard of labor unrest in Clarke County, not from his Bureau agents, but from a story in the *New York Herald* passed on to him. Newspaper subscribers in the Northern Valley could follow events beyond regional borders, broadening their perspectives on other areas of the country also dealing with social upheavals,

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<sup>444</sup> *The Winchester Times*, September 15, 1865.

<sup>445</sup> *The Winchester Journal*, November 24, 1865.

<sup>446</sup> *ibid.*, February 17, 1866.

such as the waves of immigrants coming to the industrial northeast or the race riots in cities like New Orleans and Norfolk. Local newspaper readerships had at their disposal a full spectrum of editorial views from radical Republican to ultra-Conservative by Reconstruction's end. Although staunch Conservatives might balk at *The Winchester Journal's* editorial views, *The Journal* would have been useful to them as they sorted out Washington policies and laws affecting their daily lives. Among the freedpeople, with the National Union League urging members of local Union League chapters to read newspapers at their meetings, literate freedmen could read issues of the Winchester Journal to fellow League members as part of their political education.

During these politically heated times, the area's local newspapers could revise or confirm their readers' political views. But in the Northern Valley, across the political spectrum, the weeklies also revealed the ways in which locals held common interests. Front page columns were often reserved for entertaining literary pieces that often had an underlying moral message. Newspapers conveyed information useful to farmers or fueled consumerism through pages of advertising. In the Civil War's aftermath Winchester newspapers focused on the restoration of civic order and solutions to social ills. They reported citizen meetings in which locals discussed ways of countering bands of roving ex-Confederate guerillas marauding in the Valley. Along with church services, weeklies often published announcements of temperance talks and meetings of local Temperance societies to deal with the area's epidemic of alcoholism.

Progress, defined as economic progress, was a major concern of all the

weeklies. As the area experienced a rapid recovery, economic boosterism entered their pages. "It is remarked at every side that our country has renewed its former commercial activity....With peace furling her pinions over the land," Crane observed in *The Journal* with a spurt of poetic civic pride.<sup>447</sup> Advice on agricultural improvements received front page prominence and information on farm implements and fertilizers filled columns of advertising space. Developments in manufacturing and mineral resource extraction were covered and encouraged. Much editorial ink was spilt over promoting the extension of a railroad through the Valley, an issue that had divided those west of the Blue Ridge from easterners who had appropriated a disproportionate share of public funds for the East's projects.

Winchester's conservative newspapers, *The Winchester News* and *The Winchester Times*, reported commemorations of the Confederate dead more fully and more often than did *The Winchester Journal*. This reporting was a dirge accompanying the newspapers' economic boosterism. Through these commemorations Valley inhabitants were coming to terms with the War's traumas. Although Union troops had marched through Clarke County, Civil War battles had been fought in Frederick County. The city of Winchester had been occupied more than 60 times by either Union or Confederate troops. The War's wounds were far from healed as peace came in the spring of 1865. During the first post-War spring planting farmers in Frederick County plowed up body parts. Nor could Frederick County women release fresh memories of tending the wounded in Winchester and on nearby battlefields. There seemed no other way to come to terms with the unresolved loss of Confederate soldiers than to create elaborate ceremonies

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<sup>447</sup> *ibid.*, September 13, 1865.

for them, especially since the federal government had no plans to fund cemeteries for fallen Confederate soldiers as they did for the Union fallen.<sup>448</sup>

In *The Winchester News* and *The Winchester Times* women emerged as the curators of both the Confederate fallen and the War's toll on family and community life. In a headline grabber *The Winchester Times* implored its female readers, "Oh Women of the South, let not the gaudy gaze of fashion make us forgetful of our duties."<sup>449</sup> *The Winchester News* praised them for tending the battlefield wounded, for honoring the Confederate dead through flower strewing ceremonies at city cemeteries and for organizing memorial fundraisers honoring such Confederate heroes as Stonewall Jackson. As the inner pages of local newspapers filled with advertisements displaying a cornucopia of goods aimed at female consumers, the women's "sacrifices" became more detached from daily life and more a metaphor for the vanquished South.

Newspapers reported accounts of the women of Winchester raising funds for a Confederate Soldiers' cemetery in which were eventually interred 2,382 unknown Confederate soldiers.<sup>450</sup> The women then began organizing elaborate annual commemorative ceremonies at the cemetery. Reporting on one of these in detail, *The Winchester News* described a solemn procession through Winchester led by young women, each representing a Confederate state and wearing a white gown fastened with a black sashes and ornamented with black rosettes. Flower

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<sup>448</sup> Historian Drew Gilpin Faust explores the ways in which the unprecedented Civil War carnage, the sheer toll of death and unresolved loss, redefined the nation in her study, *This Republic of Suffering: Death and the American Civil War* (New York: Random House, Inc., 2008).

<sup>449</sup> *The Winchester Times*, August 18, 1865.

<sup>450</sup> N. E. Norris, *History of the Lower Shenandoah Valley Counties of Frederick, Berkeley, Jefferson and Clarke* (Berryville, VA: Virginia Book Company, 1972, reprint), p. 210.

strewing and speeches by local dignitaries accompanied these commemorations as they became an annual event. Winchester women's commemorative organization, the Ladies' Memorial Association, soon spread across Virginia and the South. The work of the Association, in fact, was becoming an important stream of the Lost Cause movement that romanticized the Confederate cause and the vanquished "Old South." Although 2,098 known and 2,382 unknown soldiers were interred in the nearby cemetery for the Union dead, the two cemeteries were becoming separated by a seemingly unbridgeable cultural divide,<sup>451</sup>

The dichotomy locals experienced in honoring War losses and their desire to put the War behind them as they restored their lives and communities found full expression in the conservative *Winchester Times* and *The Winchester News*. Capturing the area's war weariness, *The Times* observed in its inaugural edition: "They [Valley folk] look upon slavery as forever abolished, and [are] acquiescent, although they doubt the wisdom of such a measure. The people of Shenandoah have spoken out manly."<sup>452</sup> Speaking for Valley folk, their editors had little appetite initially for Reconstruction's ideological wars. Valley dwellers desired "peace, sacred peace," a turning away from national political affairs as they focused on repairing their personal affairs and communities: "There should be no agitation at the present time. Let the deranged affairs be fixed up, and then it its time enough to

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<sup>451</sup> For an in-depth study of the Ladies' Memorial Association movement, see Caroline E. Janney's *Burying the Dead but Not the Past: Ladies' Memorial Associations and the Lost Cause* (Chapel Hill: the University of North Carolina Press, 2008). For her discussion of the Associations' origins in Winchester, see pp. 39-40. Historian David W. Blight attributes the term, "the Lost Cause," to Edward A. Pollard, wartime editor of the *Richmond Examiner*, referenced by David. Blight in his study, *Race and Reunion: The Civil War in American Memory* (Cambridge and London: The Belknap Press of Harvard University Press, c. 2001), pp. 51, 260.

<sup>452</sup> *The Winchester Times*, September 15, 1869.

begin with politics.”<sup>453</sup>

*The Winchester News* characterized its conservatism this way: the newspaper was “for local Virginia people devoted to the reconstruction of the Union on the basis of rights and justice,” the same justice Northern Valley Republicans advocated. This was hardly the pronouncement of unreconstructed racists.<sup>454</sup> The editors of these conservative weeklies, as their readers, were pragmatists rather than political ideologues. But their resistance to federal interference in their local affairs soon enough plunged them into Reconstruction politics. The *Winchester Times* reported in September of 1865 that the Conservatives of Shenandoah County had met to accept reunion and the abolition of slavery, but, at the same time, they declared stiff resistance to federal interference in their civic affairs soon after the War. *The Times* warned such interference would be considered the “madness and folly of fanatics as encroaching on the rights of the people.”<sup>455</sup> *The News* editorialist observed that “The radical party of the North has had enough of success. Let it suffice that they have scourged the South sufficiently and [they should] not run beyond the bounds of reason any further. If they do they may be rebuffed.”<sup>456</sup>

As freeholders strove to maintain as much control as possible over their local affairs, they championed President Johnson’s Reconstruction policies as compatible with their own preferences for as little federal interference with their affairs as possible. Both *The News* and *The Times* applauded Johnson’s

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<sup>453</sup> *The Winchester News*, August 18, 1865.

<sup>454</sup> *ibid.*, September 1, 1865.

<sup>455</sup> *The Winchester Times*, September 1, 1865.

<sup>456</sup> *The Winchester News*, August 18, 1865.



legislative vetoes and celebrated the Republican Congress' failure to impeach him. Predictably they derided the Freedmen's Bureaus as a blatant example of federal overreach. *The Winchester Times* called it an "expensive elephant."<sup>457</sup>

On the other hand, the area's middleclass farmers, as pragmatists, prided themselves on being progressive farmers eager to restore agricultural prosperity. "Prosperity will be the proudest monument we can effect to their [fallen Confederates'] memories," the *Winchester Times* commented. *The News* encouraged a "cheerful and active recognition of altered circumstances and the necessity of prompt adoption to them."<sup>458</sup> The route to prosperity, *The News* lectured farmers, had to be modeled on the farm operations of northern farmers, a pragmatic approach to economic progress that transcended regional animosities and political differences. Valley farmers must be "Yankeeized," the News advised its readers. "Mr. Broadacres" must become "Mr. Slender Cash."<sup>459</sup>

In advocating the northern model of farming, that is, intensive cultivation of a smaller number of acres, the Northern Valley's conservative newspapers were, in effect, reinforcing the class interests of the area's predominantly middleclass farmers. These conservative newspapers were promoting a political agenda favoring such progressive measures as reform of usury laws, debt relief and the public funding of higher education. Moreover, in practicing intensive farming, a *Times* editorialist explained, their communities would require more laborers,

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<sup>457</sup> op. cit., May 11, 1866.

<sup>458</sup> *ibid.*, January 12, 1866.

<sup>459</sup> *The Winchester News*, September 15, 1865. During Reconstruction a number of Southern publications associated with the Democratic Party began advocating the breakup of plantations and progressive farming methods. See Foner, *Unfinished Revolution*, p. 428. Valley newspapers, in a region that had traditionally practiced progressive farming methods, advocated this farm model early on in Reconstruction.

leading to greater population density, more productivity and a more dispersed prosperity. The editorialist went on to argue that these factors, along with the occupational diversity resulting from a market-oriented, diversified grain economy would, in turn, “equalize the influence of farmers.” In so doing an intensified farming system would prevent a concentration of power with the rich, that is, the planter class.<sup>460</sup>

This farming model, akin to that of the northern farm model, contrasted with that of Virginia farmers and planters with large landholdings worked by dependent workers. As editor of *The Virginia Farmer and Planter*, Willoughby Newton, himself of the planter class, promoted extensive farming. In order to keep their land in tact, planters should farm large tracts while leaving other acreage uncultivated rather than subdividing it for sharecropper or tenant use. In promoting extensive farming, he was, in effect, promoting the interests of the planter class whom he considered to be upholders of Virginia civilization. “Nature’s ‘noble men.’” he argued, were the “enlightened country gentlemen” who defined Virginia’s agrarian civilization.<sup>461</sup> By contrast, the Northern Valley’s conservative newspapers, *The Winchester News* and *The Winchester Times*, represented the more moderate conservatism of the majority of whites living in the Northern Valley. They would leave the defense of the planter class to the ultra-conservative *Clarke County Courier*, whose planter publisher William Nelson inaugurated the weekly in February of 1869, the year that saw Virginia’s Reconstruction era come to a close.

Class and race issues inevitably entered discussions of restoring the Valley’s

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<sup>460</sup> *The Winchester News*, June 14, 1867.

<sup>461</sup> Willoughby Newton, editor of *The Southern Planter and Farmer* makes this case for extensive farming in this publication of the Virginia State Agricultural Society, February 1867, p. 35.

agricultural prosperity in other ways as well. With both the Northern Valley's black and white populations significantly diminished in the Civil War's aftermath, farmers sought solutions to replenishing their work force; agricultural prosperity depended on their doing so. Enterprising business opportunists offered their recruiting services. In an advertisement placed in the October 1865 issue of *The Winchester Times*, the Douglas Land and Labor Agency offered its services as labor recruiter "since our negroes are gone. White labor [] will necessarily follow the revolution of our labor system."<sup>462</sup>

The issue of importing labor to the Valley soon became politicized though, with some editorialists advocating the importing of white laborers to create a whites only agrarian republic in the Valley. The *Winchester Times* advocated exporting black workers who stood in the way of the area's access to "northern enterprise, capital and labor."<sup>463</sup> A *Winchester Times* editorialist welcomed the "migration of German farmers into the Valley because "their class of settlers will do more to attract resources to this region than any who may come among us..."<sup>464</sup> Toward the end of Reconstruction *The Winchester Sentinel* proposed the importation of Asian workers who could be paid lower wages than European workers and whom, the newspaper argued, were more industrious than black workers<sup>465</sup>

Importing laborers as a solution to Virginia's labor needs became a flash point for race relations as the General Assembly debated establishing a Commissioner of Immigration in February of 1868. Reporting on the legislators' debate, *The New*

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<sup>462</sup> The Douglas Agency ran advertisements in both *The Winchester Journal* and *The Winchester News* on October 13, 1865.

<sup>463</sup> *The Winchester Times*, March 23, 1866.

<sup>464</sup> *The Winchester News*, June 14, 1867.

<sup>465</sup> *The Winchester Sentinel*, September 24, 1869.

*York Times* described the indignation of black legislators as “worse than a nest of hornets.”<sup>466</sup> A Dr. Bayne, a black legislator, argued that “They [those legislators in favor of the Immigration Commissioner] intend to keep the negroes out of work. They want to flood the state with low Irish and Dutch, the scum of the world, in order to cheapen labor and starve out the black men.” Commenting on the General Assembly’s failure to pass an effective immigration measure in 1868, some Virginia newspapers chastised the legislators for being penny wise and pound foolish because investment in immigrant labor would increase prospects for the state’s economic growth.

Although newspaper editors and Valley folk of all political stripes had consistently supported measures to attract immigrant labor to the state, their and other Virginians’ efforts to recruit white immigrant labor to Virginia ultimately proved unsuccessful. Immigrants could make better wages in the industrial north and, at any rate, were skeptical of a state that had so brutally exploited black laborers. Ultimately Virginians came to settle on black laborers whom Willoughby Newton of the Virginia Agricultural Society, as other Virginians, regarded as their state’s best agricultural labor supply. “We have in the labor of freedmen a decided advantage over other portions of the world,” Newton related in the *Virginia Planter and Farmer*. “[A]fter having had some experiment with white laborers, both foreign and native, I have come to the conclusion the world cannot produce a more skillful and efficient farm laborer than a well trained Virginia negro who is willing and able

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<sup>466</sup> *The New York Times*, February 9, 1868.

to work....”<sup>467</sup>

*The Winchester Journal* positioned itself to the left of all the weeklies published in the area over the course of Reconstruction. But it undoubtedly attracted a broader readership based on billing itself as “An Independent Weekly Devoted to Literature, Politics and General Intelligence.” That is, the *Journal’s* pages were filled with the kinds of entertaining front-page fiction, community news and farm information that the area’s conservative weeklies carried. Yet what is striking is the boldness with which the *Journal* also set forth the Republicans’ reform agenda, giving locals an alternative perspective on political developments at all levels of government. As both secretary of the state Republican Party and editor of the *Journal*, Crane covered the Party’s meetings and conventions.

Through Crane’s coverage of Virginia Republican Party affairs in the *Journal*, a consistent picture of the Party’s reform agenda emerges: equal citizenship rights for the freedpeople and other minorities, defense of black workers’ rights as free laborers, tax reforms that lifted the tax burden from the working classes and placed it on the backs of the propertied, universal free education, and the free circulation of information and ideas in the public sphere. As the Republican Party gained a large black constituency during Congressional Reconstruction, Crane’s pronouncements on the Republicans’ reform mission became more openly populist: “The Republican Party is the poor man’s party and in favor of equal justice to all men rich and poor.”<sup>468</sup>

Crane supported the work of the Winchester Freedmen’s Bureau, whose

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<sup>467</sup> Alrutheus Ambush Taylor, *The Negro in the Reconstruction of Virginia* (Lancaster, PA: the Lancaster Press, 1926), p. 122 quoted fr. *The Richmond Times*, November 21, 1866.

<sup>468</sup> *The Winchester Journal*, October 8, 1867.

mission was to protect the freedpeople's rights as workers and their civil rights, as well as support the establishment of schools for them. He covered activities of the Freedmen's Bureau school in Winchester and of the city's growing black community. He reported white-on-black violence and the freedpeople's inequitable treatment before the law. He applauded the General Assembly's granting the freedpeople the right to serve on juries and covered the Congress' introduction of the 1866 Civil Rights bill. He also published a sample of the Freedmen's Bureau's labor contracts, covered in-depth the '67 elections monitored by the Winchester Freedmen's Bureau and promoted a free black education system for both races, among other items on the Republicans' agenda.<sup>469</sup>

Most importantly, Crane's weekly was a watchdog for actions taken by the Virginia General Assembly that constrained the freedpeople's rights as workers. In focusing on the freed people's labor rights the *Journal* provided a service to white landowners as well, since they had to grapple with black workers' rights as the freedmen began redefining their terms of labor. In defending black workers' rights, Crane endorsed a General Order issued by the U. S. Army in 1866 nullifying the Virginia General Assembly's vagrancy law. Crane's critique of the legislature's vagrancy law reflected outraged Northern public opinion. Crane described the vagrancy law as "notorious on account of its supposed tendency to oppress the blacks..."<sup>470</sup> and described it as reducing the freedmen to "a condition that will be slavery in all but name." The vagrancy law, he argued, would have denied

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<sup>469</sup> See, for example, *Winchester Journal* issues of February 9, 1866 (labor contract), December 23, 1865 and April 12, 1867 (public education), April 12, 1866 (Civil Rights Bill). March-November 1867 issues (delegate elections).

<sup>470</sup> *The Winchester Journal*, January 14, 1866.

workers the right to remain unemployed until they arranged their best employment situation. Instead, as unemployed workers, they would be required to take a job at the going wage. Doing so would only encourage employers to coordinate low wages. Clarke County planters had done just this when the planters formed a cabal with five other counties in Virginia to keep black workers' wages at an artificially low level.<sup>471</sup> Even more onerous, under the vagrancy law African Americans could be incarcerated and farmed out for public or private contract work if they remained "idle." and did not accept wages at the often depressed wage levels white employers were setting. The vagrancy law facilitated the criminalization of black labor, with "idle" freedmen contracted out for public work or to employers in need of cheap labor

In *The Winchester Journal*, editor Crane also targeted another of the General Assembly's efforts to place constraints on black labor. He labeled the legislators' anti-enticement law "Nefarious Legislation" when the General Assembly passed it in April of 1867.<sup>472</sup> The law penalized both a prospective employer who made a worker a better job offer as well as the worker who wanted to take the job. Crane argued "a better illustration of class legislation could not have been given. The wealthy person or landholder, mechanic, manufacturer, or artisan is protected against laborers as a class. The word negro does not occur in the law. Neither

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<sup>471</sup> Donald G. Nieman, *To Set the Law in Motion: The Freedmen's Bureau and the Legal Rights of Blacks, 1865-1868* (Millwood, New York: KTO Press, 1979), In footnote 15, p. 68 Nieman references Orlando Brown's June 15, 1865 communication to General Howard. Brown cites Clarke, Amherst, Bath, Brunswick, Dinwiddie, Essex and Roanoke Counties as those agreeing to keep black workers' wages at a uniformly depressed level.

<sup>472</sup> The Douglas Agency ran advertisements in both *The Winchester Journal* and *The Winchester News* on October 13, 1865.

does the word aristocrat. But that is what it means.”<sup>473</sup>

Closely aligned with his defense of workers’ rights was Crane’s plunge into the class conflicts inevitable as the freedpeople readjusted their relations with whites. Identifying the Republican Party as the “Poor Man’s Party,” Crane and other Virginia Republicans wanted to build a working class constituency that included “mean whites” as well as black men. Crane targeted former slave owners of the planter class as the chief obstructionists in the South’s march into modernity, that is, the region’s establishing of a free labor system in which workers had a voice in the public policies that affected them. Crane attacked the planter class as parasites “who consume without producing, live without working, know without learning, carry all honors without deserving them.”<sup>474</sup> For too long slave-owners had exploited African Americans to provide their labor as the “mudsills” of society but had allowed them no voice in the issues that affected them, he argued.<sup>475</sup>

With the coming of Congressional Reconstruction in March of 1867, the *Journal* provided full front page coverage of the U. S. Congress’ Reconstruction Acts. Whatever their sentiments regarding the presence of federal troops in Winchester, locals would find Crane’s publication of the Acts in a “cheap 3 cents pamphlet” a useful pocket size compendium “that contains all the U.S. laws upon the subject of Reconstruction, compiled from official sources, and differing materially from newspaper reprints.”<sup>476</sup> This pamphlet was the most tangible way

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<sup>473</sup> *ibid.*, January 24, 1866.

<sup>474</sup> *ibid.*, March 30, 1866.

<sup>475</sup> *ibid.*, October 11, 1867.

<sup>476</sup> *ibid.*, November 14, 1867.



in which *The Journal*, in its coverage, had come to represent the federal government as its reach extended into every Southern community as Congressional Reconstruction got underway.

### **The Coming of Congressional Reconstruction**

*“What is the Republican Party? It represents and wields the whole power of the Government. To oppose it is to oppose the Government.” Winchester Journal* quoting an unidentified Richmond newspaper, July 12, 1867

Congressional Reconstruction marked the height of Republican influence in the Valley. Before Congressional Reconstruction got underway in March of 1867, northern reformers--Baptist and Methodist missionaries, Republican Party operatives and Freedmen's Bureau agents--had all supported the freedpeople's walk into freedom. But, for their part, while area whites offered no organized resistance to the freedmen's political empowerment, they were not prepared to consent to a biracial society. Across the state white Virginians were more insistent on denying African Americans' citizenship equality. In 1866, Virginia and Georgia became the only southern states to reject the 14<sup>th</sup> Amendment, the Constitutional amendment granting African Americans full citizenship rights as well as legally guaranteeing protection of their persons and property.

With its enactment of the 1867 Reconstruction Acts over President Johnson's veto, Congressional Republicans mandated what Virginians had rejected and set Reconstruction on a different course. The Reconstruction Acts divided the South into five military districts that, with the exception of Virginia, disregarded state boundaries. The Acts relegated the southern states' governmental powers to those of the Union generals presiding over the districts and mandated the southern

States' parole until they agreed to the Congress' terms for reentering the Union. To earn redemption Virginia had to hold a constitutional convention that included reforms of state government and taxation and that provided both races with a public education system. While the constitution would disenfranchise large number of white Virginians who had held any federal or state office and afterward supported the Confederacy, thousands of freedmen would enter the ranks of the state's enfranchised citizenry. Even before Virginians ratified a constitution and the 14th and 15<sup>th</sup> Amendments guaranteeing the freedpeople's civil rights, the Reconstruction Acts gave the freedmen the right to vote in elections selecting delegates to the state's Constitutional convention.

Congressional Reconstruction's impact was felt immediately in Virginia and in the Valley. With his governing powers superseding those of Virginia's civil government, General Schofield took actions in the early months of Congressional Reconstruction that emphatically asserted a reformist regime had arrived in Virginia. In addition to putting in place an election process that would assure the freedmen's right to vote in their first election in fall of 1867, he canceled all other elections in the state that would deny them suffrage until after the delegate elections he had called for October 1867. Reversing President Johnson's liberal pardoning policy, General Schofield temporarily disenfranchised Confederate loyalists, barring them from voting in the delegate elections and from holding state or local offices. And among the orders he issued to underscore a new era of black civil rights had arrived in Virginia, General Schofield ordered the rerouting of Richmond's street cars to accommodate black neighborhoods in the city. He also

abolished the Virginia court acquitting a Dr. Watson, who had murdered a “negro in Virginia.”<sup>477</sup> In addition, anticipating that local officeholders could be dismissed as Confederate loyalists, the Virginia Bureau requested its agents send the Richmond office the names of local white and black civic leaders qualified to assume vacated offices.

As Congressional Reconstruction commenced, Virginia’s public opinion makers and ruling elite, regardless of political persuasion, were keen to have the Union occupiers view Virginia as one of the South’s sober sisters. The Virginia General Assembly resolved to cooperate with General Schofield “in good faith...in his efforts to suppress violence and crime and preserve peace and good order throughout the state.”<sup>478</sup> General Schofield for his part put an end to what northerners considered one of the South’s most heinous brutalities, the public whipping post. Returning to White Post after the War, a band of freedpeople recalled the pain and humiliation blacks in this Clarke County village had endured tied to the whipping post for which their village was named. Their master’s “cruelty of passion” could find an African American, free or enslaved, tied to the whipping post, “stripped and lashed....[T]he sound of the lash and scream of the victim could be heard for squares [around the town],”<sup>479</sup>

Almost overnight Congressional Reconstruction was bringing about a restructuring of Virginia’s electorate that prompted Virginia Republicans to organize a convention at Richmond’s African Baptist Church in April of 1867. As

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<sup>477</sup> *ibid.*, November 14, 1867.

<sup>478</sup> *The Richmond Times*, March 20, 1867

<sup>479</sup> Capt. How in a report of August 31, 1865 filed with the Winchester Freedmen’s Bureau, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frames 507-510, Library of Virginia.

secretary of the state Party, Aaron Crane likely had a hand in organizing the convention along with his Northern Valley neighbor Judge George Rye of Shenandoah County, who chaired the convention. Oral history accounts evidence Judge Rye's popularity with convention participants, the overwhelming number of whom were African Americans. They reportedly shouted out as he brought the convention to order. "We all love Rye."<sup>480</sup>

At age 57 Rye was one of the Virginia Republican Party's senior statesmen. He was considered a founding father of the National Republican Party, attending its inaugural convention in Pittsburgh in 1856. Rye, who was a native of Maryland, had lived since boyhood in Shenandoah County, Frederick County's southern neighbor. A Quaker saddle maker who held strong abolitionist sentiments going into the Civil War, Rye earned a judgeship in Shenandoah County after the War as a Union loyalist.<sup>481</sup> Aaron Crane's coverage of one of Judge Rye's decisions in the *Journal* underscored the strength of Rye's Republican convictions in a stronghold of Confederate patriotism. In response to ex-Confederate patriots who had insulted and harassed Freedmen's Bureau agents during the patriots' commemorative celebration of the First Battle of Bull Run, Rye registered his disapproval of their harassment. He announced in the Shenandoah County newspaper that such activities in the future would be considered a disturbance of the peace subject to incarceration. In response, local men ganged up on him,

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<sup>480</sup> Workers of the Writers' Project of the Work Projects Administration (WPA), *The Negro in Virginia* (New York: Hastings House Publishers, 1940), p. 227.

<sup>481</sup> 1850 and 1880 federal census information on George Rye available through ancestry.com. See also biographical sketch of Rye by Lowe in *Republicans and Reconstruction*, pp. 64-65.

cowhiding him at gun point.<sup>482</sup> Rye had integrity of the kind remarked on by James E. Taylor in a sketchbook and diary Taylor kept as he traveled with General Sheridan during his 1864 Valley campaign. Of a neighboring Frederick County carpenter, George Hinkens, an artisan of Rye's ilk, Taylor observed, "We noted him a hardened piece of timber" whose countenance "told full well that he had long wrung tribute from toil."<sup>483</sup>

At the Republicans' April convention, Judge Rye, Crane and other Republican Party men could only have been encouraged by their Party's prospects as their black constituency grew dramatically. Crane's reportage conveyed the rising fortunes of the Republican Party in the state and, as a result, its growing influence as an advocate for the newly enfranchised freedmen. "The great national ideas of the Republican Party are marching on in the 'Old Dominion.' Our political church is not yet full, but we expect to see the time speedily when it will be difficult to accommodate the rapid accessing of its membership. The great fact of manhood, and its rights and duties, are being evolved by the inspiration of that Convention as never before in the state," he reported of the Party's April convention.<sup>484</sup>

The challenge for Virginia Republicans in spring of 1867 was to organize their new black constituency as a voting bloc. For that job, the Republicans turned to the Union League. General Edgar Allen, a Union Army veteran, headed up the Virginia Union League and, at their April convention, the Republicans selected

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<sup>482</sup> *The Winchester Journal*, August 10, 1866.

<sup>483</sup> James E. Taylor, *The James E. Taylor Sketchbook, with Sheridan Up the Shenandoah Valley in 1865* (Dayton, Ohio: Morningside House, inc., 1989), p. 109.

<sup>484</sup> *The Winchester Journal*, May 3, 1867.

Thomas Hargest of Winchester to serve as the statewide League's vice president. Hargest likely had the backing of Aaron Crane, who was elected to the Party's Executive Committee at the convention. Chosen to endorse General Schofield as Virginia's military commander before the assembled convention, Hargest assumed a higher profile in the Party.

All of 22 or 23 years of age when elected vice president of the statewide Union League, Hargest was one of those shooting stars whose fortunes as a public figure rose and fell with Congressional Reconstruction's brief reign in the state. Hargest has disappeared from the historical record with few traces other than brief references to him in local newspapers during Reconstruction. As a player in Virginia Republican Party politics of the period, Hargest must have impressed his contemporaries as an up and coming "New South" man, one of those professionals whose political and economic fortunes were rising as those of the planter class declined.<sup>485</sup> The series of advertisements and notices he placed in the *Winchester Journal* after the Republican Party's April convention suggests the breadth of his professional ambitions. That May, only a month after the Party's Richmond convention, Hargest advertised his services as a "military and naval claims" agent, as well as a real estate agent "with connections with real estate agents, north and south."<sup>486</sup> By September he had qualified as an attorney with a Winchester office. He enjoyed the collegiality of a small circle of

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<sup>485</sup> Henry Grady, editor of the *Atlanta Constitution*, is credited with popularizing this term in his speeches and articles. It conjured the image of a South pulling away from its roots in landed wealth and a slave society toward a future whose bright economic prospects were based on increased industrialization and urbanization.

<sup>486</sup> *The Winchester Journal*, May 3 and May 10, 1867. 1870 census information provided by ancestry.com

Winchester's Republican legal establishment that included Judge Robert Atwell and John Jenkins. Judge Atwell, in fact, had tried a case in Hargest's law office that clearly compromised the Republican's "equality before the law" ideology. In May of 1867 Hargest received an appointment as a federal tax collector for Frederick County but the Conservative's uproar over the appointment led to his resigning the post a month later.<sup>487</sup> " A native of Maryland, Hargest lived during this period with his wife and infant son in the commodious Winchester home of his father-in-law, carpenter and builder John Dieffendorfer.

In Virginia, the National Union League's (NUL's) organization of a statewide league and local chapters got underway in earnest with the inauguration of the state's Congressional Reconstruction regime in March of 1867. In Spring of 1867 the NUL charged Thomas Conway, a former Freedmen's Bureau officer, with establishing the groundwork for state Union League chapters in the South.<sup>488</sup> Conway arrived in Virginia in April of 1867, just in time for the state Republican Party's April convention in Richmond and the election of officers for the statewide Union League Chapter. Hargest may have been one of the Union League men who as the Winchester Union League organized in Winchester in March of 1867, sent a letter to General Schofield recommending possible registrars for the upcoming fall delegate elections.<sup>489</sup> As the Winchester Union League strengthened its organization in spring of 1867, however, its African American

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<sup>487</sup> *ibid.*, May 1, 1868 and June 19, 1868.

<sup>488</sup> Clement Mario Silvestro, "None but Patriots! The Union League in Civil War Reconstruction, doctoral dissertation, University of Wisconsin, January 1959, p. 270.

<sup>489</sup> Members of the Winchester Union League to General Schofield, March 16, 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 261, Library of Virginia.

members appear to have taken charge of its weekly meetings following guidelines provided by the NUL.

The establishment of the NUL had coincided with the Republican Congress' empowerment of the freedmen through the passage of the Reconstruction Acts. Earlier, during the War, the New York Loyal Union League had mounted its first propaganda campaign in Virginia, distributing hometown newspapers to Union troops fighting in the Army of the Potomac.<sup>490</sup> The New York League had coordinated this campaign with The Union Congressional Committee, whose Congressional members had supported Lincoln's reelection campaign in 1866. The Union Congressional Committee had also coordinated the Congressional Republicans' strategy for passing the Reconstruction Acts over President Johnson's veto in 1866. In late 1866, the Union Congressional Committee had once more turned to the Leagues to help organize the black vote for the Republican Party. In early 1867 the New York League, along with other state leagues, organized nationally as the Union League of America (ULA). They then began establishing a network of state and local chapters in the South.<sup>491</sup>

Literature distributed by the Republican Congressional Committee suggests the extent to which the NUL counted on the freedmen to organize a local chapter. In an imagined dialogue between a white Republican and a freedman, the Republican Party man suggests to the freedman, "You can take this [constitution]

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<sup>490</sup> Circular: to the State Council, and the Subordinate Councils of the Loyal Union League in the State of New York. Library of Virginia, Broad sides and Ephemera. (undated; distributed in Virginia during the Civil War).

<sup>491</sup> Susi Lee Owens, *The Union League of America: Political Activities in Tennessee, the Carolinas, and Virginia, 1865-1870*, doctoral dissertation, New York University, 1943, p. 32; Silvestro, pp.270-279.



and call together some of your Republican friends, have them sign it, and elect the officers therein. Then hold a meeting once in each week, talk these matters over, read newspapers and documents to convey to every colored man the correct view of his duties at this time....”<sup>492</sup>

The League’s political education efforts at times were less political education than political indoctrination but the local chapter did give African American men in Virginia, and across the South, a political home at a time when they were assuming full citizenship rights. As president of the Virginia Union league, General Edgar Allen described the state’s local Union league chapter meetings to historian H. J. Eckenrode this way: they were “a system of night school in which they [the freedmen] were instructed in the privileges of citizenship and the duties they owed to the party, which had made them free and given them the exercise of suffrage.”<sup>493</sup>

Virginia historian Robert Preston McConnell, only a generation removed from the state’s Reconstruction era, was more representative of Virginians’ views of League activities. McConnell in his history of Virginia’s Reconstruction described the leagues as a “disturbing force,” as cult-like “nocturnal” organizations. Countering this impression of the Union leagues, J. M. Edmunds, President of the National Council of the ULA, placed a notice in Southern newspapers requesting that, due to a security breach, local chapters should choose a new password to prevent hostile intruders. But he qualified this request by stating that “the order does not in the least feel embarrassed by any pretended

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<sup>492</sup> “The Union League of America” in *Documents Relating to Reconstruction* edited by Walter L. Fleming, (Morgantown, West Virginia, West Virginia University Documents, c. 1904), No. 3, p. 3.

<sup>493</sup> H. J. Eckenrode, “The Political History of Virginia during the Reconstruction,” *Studies in Historical and Political Science* (Baltimore: The John Hopkins Press, 1904) fr. a letter of General Edgar Allen in Eckenrode’s possession referenced in fn 37, p.347.

exposure. The better its objects are known the more will the organization be appreciated.”<sup>494</sup> Edmund’s unstated message was that League members needed security to prevent the increasing Ku Klux Klan violence their meetings were attracting in some areas of the South.

In reality the Winchester League, whose members were farmhands and common laborers like whitewasher Randolph Martin, bore more resemblance to the freed people’s benevolent organizations, the Free Masons and Odd Fellows. Within a year of its organization, the freedmen were also exercising considerable oversight of their Union League chapter’s activities, as they did with their benevolent organizations. The *Journal* reported of the Winchester League’s members that they “turned out in a body to attend the funeral of LeRoy Jefferson. We understand a considerable portion of his funeral expense were paid by the League.”<sup>495</sup> On another occasion, exercising their right of self-governance, League members voted not to censor a member who stood “before their council unimpeachable in integrity”<sup>496</sup> A Winchester Bureau agent complementing the freedpeople’s skills in organizing self-improvement organizations like the Winchester League chapter observed that they had only to be inspired by speakers “to vision an advancement for their future good and welfare.”<sup>497</sup> A Freedmen’s Bureau agent did serve as secretary of the Winchester Union League chapter, but, with Bureau agents charged with getting freedmen registered for the

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<sup>494</sup> *The Winchester Journal*, April 26, 1867.

<sup>495</sup> *ibid.*, October 4, 1867.

<sup>496</sup> *ibid.*, November 14, 1867.

<sup>497</sup> Capt. Chandler to John T. Jackson, Chairman of the Executive Committee of the Lincoln National Temperance Association, August 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 841-2, Library of Virginia.

'67 delegate elections, his role was more that of a liaison between the Bureau and the League.

With many Union League members threatened with job loss by white employers as they prepared to vote in the '67 delegates election, Orlando Brown asked Capt. McDonnell to draw up a list of white employers who were interfering with the freedmen's right to vote. McDonnell's response indicated the extent to which a labor hungry job market had insulated black workers from these threats. McDonnell replied that "although many threats are made [both to Union League members as well as their families and friends] and many were discharged the pressing need of laborers to secure the corn crop [has] compelled the employers to keep or reengage them." The only exception, McDonnell reported, were the African American blacksmiths who were "experiencing withdrawal of business by Conservative customers."<sup>498</sup>

During the Spring of '67, as Union League members dealt with job threats, Aaron Crane marshaled the Republicans' free labor ideology on their behalf in a *Journal* editorial that likely was read at a Winchester Union League meeting. Black workers had been successful in driving a bargaining wedge between themselves and their white employers, proving themselves to be skillful defenders of their workers' rights. But Crane's defense of their labor rights went further, framing them as a matter of class interests rather than racial status.<sup>499</sup> Black workers, as all workers, had legitimate class interests, he argued. "When a man hires another to

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<sup>498</sup> Capt. McDonnell's communication to Col. Orlando Brown, November 19, 1865, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 109, Library of Virginia.

<sup>499</sup> *The Winchester Journal*, May 10, 1864.

work for him he buys his labor but he does not buy his independence and right to think for himself. He does not buy the man.” For too long, Crane said, powers of political expression and participation had been the privilege of influential capitalists and had not taken into account the class interests of back workers.. Crane was, in effect, using the Republicans’ free labor ideology to boost the Union League members’ standing as citizen workers, able to defend their rights as laborers at the ballot box. The ULA fully supported Crane’s interpretation of the Republicans’ free labor ideology. In a report of its 1867 convention, the ULA declared that, in recruiting freedmen to Union League chapters, their participation in chapter meetings would empower them to “confront their former masters and rulers at the altar of American liberty, the ballot box....”<sup>500</sup>

Crane’s and the ULA’s defense of black Union League members as laborers with legitimate class interests separate from those of their employers would have been an obvious statement of fact among unionized works in the industrial North. But when applied to common black laborers in the Shenandoah Valley’s largely agricultural economy, this ideology was the psychological weapon Republicans were offering black workers to rupture the grip of a racial caste system white Virginians were reluctant to release them from. Expressing the widespread objection of white Virginians to black suffrage, *The Lynchburg Virginian* noted that, although “the former masters of the Negroes in Virginia have no feelings of unkindness toward them [the freedpeople]; they will not permit them to exercise the right of suffrage. They are laborers who are to be paid for their services and

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<sup>500</sup> Silvestro, p. 262 fr. *Proceedings, Fifth Meeting, ULA 1867*, pp. 7-8.

protected as are unnaturalized foreigners, infants, women, but vote they shall not.”<sup>501</sup>

With the freedmen empowered to vote in the October 1867 delegate elections, fears of the Reconstruction Acts bringing about a race War instead became “a series of spirited races for the Negro vote....” Crane observed in *The Journal*.<sup>502</sup> Senator Henry Wilson of Massachusetts, who traveled through Virginia in the spring of 1867 giving a series of speeches, noted that Democrats in Washington were now referring to the freedmen as “our colored citizens” rather than in pejorative racist terms.<sup>503</sup> But the *Journal*’s coverage of political rallies in the Valley and Piedmont Virginia during the summer and fall of 1867 indicate that African Americans were much better represented at Republican than Democratic Party rallies. Their rallies drew large crowds. Some were interracial affairs, attracting both black and white speakers in addition to racially mixed audiences. In May the *Journal* announced that the Union men of Loudon County were holding a mass meeting to which they invited Frederick County men “without regard to race or color.”<sup>504</sup> A freedman and two Freedmen’s Bureau agents gave speeches at a Harper’s Ferry political rally that drew the “whole town” out.<sup>505</sup> In their Gordonsville meeting in the Virginia piedmont that July Virginia freedmen celebrated their enfranchisement and swore loyalty to the Party that had granted them their first opportunity to vote in Virginia elections. They resolved “that it is our duty to use the ballot to protect our interests, to fortify our privilege of citizenship,

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<sup>501</sup> *The Lynchburg Virginian*, September 14, 1866.

<sup>502</sup> *The Winchester Journal*, May 3, 1867.

<sup>503</sup> *ibid.*, May 10, 1867.

<sup>504</sup> *ibid.*, May 3, 1867.

<sup>505</sup> *ibid.*, May 3, 1867.

and to secure equal civil and political rights.”<sup>506</sup>

These rallies often celebrated black suffrage and, like that held at Matthews Courthouse in early May, advocated for the freedpeople’s equal protection under the law. Although African Americans had begun advocating for their citizenship rights soon after the War’s close in such Virginia cities as Alexandria and Norfolk, Republican reformers like Aaron Crane were impressed by the boldness with which they asserted those rights during the Republicans’ August convention in Richmond. He observed a “colored Woman” and other freedpeople at the state capitol who “advocate[d] for equal rights before the law to a colored assembly within hearing of the stalls where colored men and women were exposed for sale three years ago.”<sup>507</sup>

With stirring oratory, Judge Rye addressed a rally of Shenandoah County Republicans that July. Judge Rye spoke in biblical terms of the Civil War as the national ordeal the country had to endure in order to become a more just nation. Providence had “declared that the cup of His wrath was full.” At War’s end, “our own Virginia was one vast graveyard.” But through that terrible reckoning the powerful influence slaveholders had held so long in the nation’s Congress and in Virginia had been destroyed. There were no equivocations in Judge Rye’s speech; the Civil War and its devastations were the “work of the slaveholding democracy and the remedy was the reconstruction of the nation based on the eternal and enduring principles of justice and right....” But the rebuilding of Virginia he regarded as a civic responsibility that transcended partisanship. Describing

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<sup>506</sup>      *ibid.*, July 26, 1867.

<sup>507</sup>      *ibid.*, August 16, 1867.

himself as a “friend of liberty,” Rye said that slavery had “violate[d] Christian principles and the very foundation stone of our republican edifice.” He gave a meaningful context to abstract concepts like “equality” and “justice” in defining the just social order as one that provided “homes for the industrious, food for the hungry and schools for the children.”<sup>508</sup>

As the fall ‘67 elections approached, the *Winchester News* commented that area whites did not want to deprive “the negro of a single right which can be claimed by him...as an incident of his liberty.”<sup>509</sup> Yet a biracial civic order was not what area whites had in mind when they endorsed black civil rights. The encroaching reality of black civil equality brought to the fore area whites’ determination to remain a society in which their race retained its dominance. “The white race cannot lose the ascendancy which it has enjoyed in Virginia since the settlement of Jamestown,” the *News* declared outright.<sup>510</sup>

White freeholders in the Valley did not allow negrophobia, the fear that the freedmen’s political empowerment would bring about black rule in the state, to cloud a realistic assessment of the demographics. The numbers were on their side. The freedmen, however well organized by the Republicans as a voting bloc, were a minority unable to surmount a respectable turnout of whites at the polls. So the *News* urged its male readers to take the loyalty oath and vote in the ‘67 elections that chose delegates to the state’s constitutional convention. And while they would have to ratify constitutional amendments giving the freedpeople equal citizenship standing in order to reenter the Union, the “triumph of radicals”

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<sup>508</sup> *ibid.*, July 26, 1867.

<sup>509</sup> *The Winchester News*, June 14, 1867.

<sup>510</sup> *The Winchester Times*, June 14, 1867.

represented by the Republican victory at the polls would be an even more unpalatable prospect. Better to get on with the business of reentering the Union and ending federal occupation. Then they could reclaim governance of their affairs. Their leaders would then “make our magnanimity and justice Impressive” to the freedpeople.<sup>511</sup>

### **The Freedmen Vote**

The Winchester Freedmen’s Bureau was charged with monitoring the 1867 delegate elections and wasted no time in getting that task underway in March of 1867. Bureau agents began identifying magisterial districts within each county and taking a census of freedmen eligible to vote. Existing voting records were to be examined and purged of ineligible voters disqualified by their service to the Confederacy. General Schofield also requested the names of potential registrars from the Winchester Union League; they were to be Union officers, Bureau agents or local Unionists.<sup>512</sup> With the most intensive phase of harvest work completed by early July, registration of eligible voters began on July 4<sup>th</sup> and the purging and expansion of registration records began on August 2nd. During summer and fall Bureau agents issued information informing the freedmen of their right to vote, without intimidation, under the Reconstruction Acts and posted notices at voting places. On election day Union officers were stationed at voting places from sunrise until all the votes were counted and all the ballot boxes sealed.<sup>513</sup>

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<sup>511</sup> op cit., June 14, 1867.

<sup>512</sup> Capt. J. H. McKenzie to General Schofield, March 16, 1867, Records of the Field Offices for the State of Virginia, BRAFL, 1865-1872, Acc. 44121, Misc. Reel 5716, roll 191, frame 261. Library of Virginia.

<sup>513</sup> Circular No. 9, May 1, 1867 from the Richmond Freedmen’s Bureau headquarters instructing



Even with these precautions, efforts to deter the freedmen from voting occurred, Major Lawrence, the Union officer in charge of registering Clarke County voters, filed a complaint with the Winchester Bureau claiming local men assigned as voting place officers had selected as the voting place a venue very inconvenient to the freedmen. They had chosen the Berry Inn, located on the east side of the Shenandoah River, rather than the Clarke County Courthouse in Berryville, a more central site customarily used as a voting venue. Most of those living east of the River were white voters, while almost all the freedmen voting in the election lived west of the River. As if that hurdle to their voting were not enough, the freedmen had to pay an “exorbitant” fee to take the ferry crossing over to the inn. The officers presiding at this rural voting station had been Confederate loyalists but had never taken the loyalty oath to the Confederacy that would have disqualified them as election officers. They claimed that the inn’s site was as “central as could be found and most convenient for the largest number of voters.” Although a strong advocate for the freedpeople, Capt. Chandler of the Winchester Bureau had no recourse but to drop Major Lawrence’s complaint.<sup>514</sup> That hurdle did not deter the freedmen of Clarke County from voting, however. They voted in proportion to their representation in the population.

Although, the Winchester Bureau’s unprecedented federal monitoring of a state election met with local white resistance, at voting sites the delegate elections

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agents in Virginia Bureau offices of their duties to the freedmen under the Reconstruction Acts. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 510, Library of Virginia.

<sup>514</sup> Capt. Lawrence’s complaint to Capt. Chandler at the Winchester Freedmen’s Bureau concerning the site chosen for the 1867 delegate election in Clarke County, August 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5715, roll 190, frame 834, Library of Virginia.

in Frederick and Clarke Counties proceeded without organized violence. Secret societies within the state, characterized by Union officers as paramilitary units, had organized in other parts of the state but not in the Valley. Although, coming up the fall elections, the area did experience scattered incidences of white hostility to blacks' political empowerment. A white landlord evicted a black man from a rental property because the freedpeople were holding weekly meetings there. In Clarke County, a union man, William Stolle, complained that he had been brutally assaulted. In Winchester an election registrar, a Union man, endured the unprovoked insults of a former Confederate officer in a Winchester street encounter.<sup>515</sup>

These sporadic disturbances only underscored the dramatic changes that were occurring in the freedmen's citizenship status. In a very public way, as eligible freedmen lined up along with eligible white men at designated voting places in the two counties, the freedmen were participating in the redefinition of who could participate in the body politic. And at the riverside inn, the same designated voting place in Clarke County that had been chosen to discourage black voter turnout, election officers had also turned away former Confederate officers ineligible to vote. Recalling this voting place, Samuel Scollay Moore, whose father had been a Confederate officer, noted that his father and some of his other disqualified friends had gathered at the inn on election day but "did not make any hostile

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<sup>515</sup> Complaints filed with the Winchester Freedmen's Bureau in connection with the 1867 delegate elections. Registrar's complaint, June 20, 1867, Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Accession. 44121, Misc. reel 5716, roll 191, frame 274 and Unionist William Stolle's complaint filed on March 2, 1867, roll 191, frame 210. Complaint of freedman being evicted, May 18, 1867, Misc. reel 5715, roll 190, frames 339-40. Library of Virginia.

demonstration of force.”<sup>516</sup>

When presiding officers had counted the election results in Frederick and Clarke Counties, 1,923 whites and 500 black men had voted in Frederick County and, in Clarke County, 749 white men and 381 black men, tabulations in proportion to the white-black population ratios in each county.<sup>517</sup> The Republicans had backed David Lupton, a Quaker farmer, for Frederick County’s delegate. *The Journal* described him as a candidate who would “see to it the fundamental law of the state is based on the eternal principles of justice.”<sup>518</sup> Although Lupton was not elected, area Republicans could claim a statewide victory, with 68 Republicans, of whom 24 were freedmen, elected as delegates to the constitutional convention as opposed to 36 Democrats. Republican delegates would therefore dominate the convention tasked with rewriting Virginia’s constitution during the winter months of 1867-68.<sup>519</sup>

Crane attributed the Republicans’ victories in both the delegate elections and Virginians’ affirmative vote to hold the constitutional convention as a victory for Virginia’s working class voters. In a mid-October issue of the *Journal* Crane was even more emphatic about the Republicans’ claims to this working class constituency. “The Republican Party is the poor man’s party and in favor of equal justice to all men rich and poor.”<sup>520</sup> Even though the Conservatives had stirred up the “poorer classes of whites” against the Republicans in the delegate elections,

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<sup>516</sup> Scollay, p. 89.

<sup>517</sup> *The Winchester Journal*, September 20 and 27, 1867.

<sup>518</sup> *ibid.*, October 4, 1867.

<sup>519</sup> Richard L. Morton, *The Negro in Virginia Politics, 1865-1902* (Charlottesville, VA: The University of Virginia Press, 1919), p. 50.

<sup>520</sup> *The Winchester Journal*, October 18, 1867.

they had joined with working class blacks to secure the Republicans' victory in the delegate elections, Crane contended.<sup>521</sup> Later in the fall, when Virginians voted on whether or not to hold the constitutional convention, Frederick County voters, by a 93 vote margin, voted against holding the convention and Clarke County voters, by a 105 vote margin, voted against it. Yet, once again, Republicans could claim a statewide victory in getting the convention approved by a 32,000 Republican majority across the state. Refuting the claim of Richmond newspapers that the Republican Party's victory had resulted from a black majority supplemented by a few "mean whites," Crane reasoned that, even though whites enjoyed a 13,000 voting majority in Virginia, up to 30,00 whites had voted for the convention. "It is evident to us," he wrote, "that the working and producing classes, black and white, have combined to overthrow the old Virginia politicians and 'do nothings' who have so long ruled the State."<sup>522</sup> Or, alternatively, white Virginians may have voted for the public education system, tax and governmental reforms that were appealing, regardless of their class or political affiliation.

When the Constitutional convention convened in December of 1867 with Judge Rye serving as its secretary, the Republicans who dominated the convention were instrumental in writing the state's most progressive constitution, one that embodied the reform agenda consistently advocated by them during Reconstruction. Among the constitution's provisions were those for black suffrage, a public school system for both races supported in part by a poll tax on men, a more equitable tax system, reforms that democratized Virginia's government, and,

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<sup>521</sup>        *ibid.*, September 27, 1868.

<sup>522</sup>        *Ibid.*, November 1, 1867.

most controversial, provisions disenfranchising whites who had held any state or federal office and afterwards had supported the Confederacy.<sup>523</sup>

### **The Resurgence of the Conservatives and the '69 Elections**

As William Nelson, a Clarke County planter and ex-Confederate officer, inaugurated Clarke County's weekly newspaper *The Clarke County Courier* in February of 1869, he surveyed what seemed to him a bleak post-emancipation landscape. Clarke County's orderly planters-led society was unraveling. "We find the influence of law and order gradually lessening its hold on our people," Nelson commented.<sup>524</sup> Even more ominous were the conditions required for Virginia's redemption. Redemption, reentering the Union, meant white Virginians had to ratify black Virginians' full civil, political and legal equality. "Our political structure has been utterly destroyed by the War and the late amendments to the Constitution," he lamented.<sup>525</sup> They also had to accept the disqualification from voting and public office of hundreds of Virginians, many of them of the elite planter ruling class.

Since white Virginians had to ratify black citizenship equality to reenter to the Union, Conservative Party members who had began reorganizing after their '67 election debacle viewed the withdrawal of military occupation with wariness. Reentering the Union did not necessarily mean Virginians would once more take control of governing the Commonwealth. Most onerous to Virginia's ruling class was the final dissolution of the racial caste system on which Virginia's white supremacist society had been built. Reporting on the Conservative Party's early

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<sup>523</sup> Lowe, pp. 144-145.

<sup>524</sup> *The Clarke County Courier*, February 18, 1869.

<sup>525</sup> *Ibid.*, March 18, 1869.

May meeting in Richmond, Nelson noted, "It [the Conservative Party] prefers the military rule of white men to irresponsible government by Negroes, and call the white people to vote down the Constitution."<sup>526</sup>

By late spring, however, the tide of events was favoring the Conservatives' political fortunes. George Rye and a delegation of other moderate Republican who favored a separate vote on the provisions disenfranchising Confederate loyalists had gone up to Washington in March and met with President Grant. They were concerned that requiring Virginians to approve the disenfranchisement, or "disabling," clauses would alienate the majority of white Virginians. As a result, the Republican Party's prospects of appealing to a broader white electorate within the state would be diminished while, at the same time negating the principle of the kind of board-based representative government that Republicans themselves advocated. They persuaded Grant to have federal legislation passed funding the '69 elections and allowing Virginians to vote separately on the Constitution and the disabling clauses. In addition, in advancing the candidacy of moderate Republican Gilbert Walker as the Conservative Party's gubernatorial candidate, moderate Republicans calculated that Walker's candidacy was their best chance of retaining some control over state government.

By June, Nelson's editorials were more buoyant, even optimistic, as prospects improved for both a Conservative Party victory in the '69 elections and the return of Virginia's governance to its ruling class. He estimated, "A full registration will give the conservatives in Virginia a majority of 40,000. Who need

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<sup>526</sup> *ibid.*, May 9, 1869.

be afraid of Cuffies [black voters], carpetbaggers or scalawags with that majority!” Exhibiting the kind of tough-minded pragmatism Conservatives were embracing in putting the moderate Republican, Gilbert Walker, at the top of their gubernatorial ticket, he labeled Henry Wells, the Radical Republicans’ gubernatorial candidate, “a dishonest dirty dog,” and Walker a “decent respectable man.”<sup>527</sup>

This alliance between the more moderate Republicans and the Conservatives resonated in a speech given by Winchester attorney John Jenkins. In addressing a rally of approximately 700 freedpeople at the Clarke County Courthouse in Berryville, Republican Jenkins urged them to ratify the new constitution and assured them that the more objectionable features would be dealt with in the future, after the elections. The ‘69 elections would end Reconstruction and inaugurate an era of Conservative dominance in Virginia’s governance.

Yet the rally adjourned with the freedpeople cheering the prospect of living under the new constitution and the enshrinement of their citizenship rights in the 14<sup>th</sup> and 15<sup>th</sup> Amendments to the Constitution.<sup>528</sup> The Conservatives knew an election victory could not erase the social revolution they too had to ratify in order to reenter the Union. “A Negro,” Nelson lamented in a *Courier* editorial, “is now only a highly colored white man.”<sup>529</sup> The prospect of the freedpeople enjoying all the rights of citizenship whites enjoyed meant the erasure of the color line that had traditionally defined Virginia’s social order. It also meant that, absent the rigid caste system slavery had enforced, African Americans could more easily move up from their former status as an unenfranchised servile class, those whom Crane

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<sup>527</sup> *ibid.*, June 9, 1869.

<sup>528</sup> *The Winchester Journal*, June 12, 1868.

<sup>529</sup> *The Clarke County Courier*, April 30, 1869.

had identified as the “mudsils” of society, So it was the task of the planter class to reinforce the color line. Conjuring up the specter of miscegenation and the blurring of race lines the freedmen’s political empowerment would engender, Nelson blamed the radical Republicans. They wanted the poor man to accept the negroes as equal, “the associate of his sons and the suitors of his daughters.”<sup>530</sup>

The race line that the planter class could no longer hold firm through either their diminished political and economic clout, Nelson’s editorial inferred, could be held through reinforcing pejorative racial stereotypes. They abounded in the *Courier’s* pages as in no other newspaper in the area. Nelson repeatedly referred nostalgically to “old Virginny niggers” or, in the Virginia generic equivalent of Sambo, to “Cuffy.” When Henry Wells, the Republican candidate for governor, addressed a Berryville Courthouse rally attended by the freedpeople, Nelson included the account of a freedman attending the rally. Nelson depicted him as a shuffling “Cuffy.” When Nelson asked what he thought of Wells, the freedman, who reportedly had no clue as to what the rally was about, responded that they all had “got on pretty well at the meeting.”<sup>531</sup>

Employing to the fullest possible extent the “Negrophobia” characteristic of southern whites’ politics, Nelson sought to align “mean whites, “ that is unpropertied working class whites, with propertied whites of the planter and middle classes. This political strategy, commonly employed by southern whites, counted on race trumping class interests. If poor whites had nothing else, they had a property in the white skin that elevated them above African Americans. Moreover,

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<sup>530</sup>     ibid., April 30, 1869

<sup>531</sup>     ibid., June 30, 1869.



blacks were unruly, menacing to civil order, Nelson claimed, and unworthy of citizenship equality. As proof he pointed out Washington's disordered black enclaves near the Potomac River as a "nest of murderers."<sup>532</sup> But his most consistent scare tactic were the "outrages" perpetrated by black men on white women, almost all of which occurred outside Clarke County.

Although Crane had been publishing *The Winchester Journal* for almost three and one-half years when the first issue of *The Courier* came out in February of 1869, Crane's editorials could not have been more pointed ripostes to Nelson's positions on race and class. The two men could have been debating each other in real time on the same public stage. Crane mocked Nelson's and other planters' efforts to draw the color line so important to their white supremacist strategy, noting that the race line had been biologically porous for centuries: "A course of transition from black to white has been going on in Virginia for a number of years until at this time it will be difficult...to prove that a majority of the newly enfranchised class in Virginia are very black," Crane observed.<sup>533</sup> As for Nelson's many evocations of the planter class as Virginia's proper, time-tested ruling class, Crane countered with Yankee disdain that they were the "class of property holders who had rather ruin the nation with their foolish notions of dignity and

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<sup>532</sup> *ibid.*, June 30, 1869.

<sup>533</sup> *The Winchester Journal*, May 3, 1867; Despite the obvious race mixing that had occurred by the mid-nineteenth century in the Valley, with free blacks described across a gradation of colors from black to "bright mulatto," Edevard Kidder Meade, a descendant of the Clarke County planter family, regarded Virginia's ability to manage race relations contingent on avoiding the mixing of the races. He maintained that the South had had ample experience in dealing with the "Negro problem," that is, avoiding the "tragic road to a mongrel race" by imposing a system of apartheid, "Virginia's Race Problem, 1619-1948," *Proceedings of the Clarke County Historical Association*, Vol. VIII (1948), pp. 4 -15.

respectability.”<sup>534</sup> Crane, of course was morally outraged by the class prerogatives the planters embraced at the expense of brutally exploited African Americans. As for the Republicans stirring up class and race antagonisms, Crane argued that it was the Conservatives who were “getting up a race war” by discounting the working classes’ right to choose a political affiliation that best represented their interests, as defined by them.<sup>535</sup>

As spokesman for the elite planter class concentrated in southern Clarke County, Nelson wrote editorials that had limited appeal in their efforts to reassert an antebellum Virginia social order undergoing major upheaval. Planters were selling off estates and parcels of land and had to subdivide their land as they made labor arrangements with farm workers.<sup>536</sup> The leverage planters had over their black labor force had diminished considerably as black wage earners gained bargaining power. Nelson’s notion that the black vote could be manage[d] by planters similarly had little reality in fact. Black Union League members in Clarke County were proving they could think for themselves and define their own political interests. The best complement Nelson could have paid the League was his likening it to a menace equivalent to a black Ku Klux Klan. “It is curious to note how a miserable little squad...in this county can hold so dangerous a power...there are doubtless Negroes in this county who would willingly yield their judgment to white men in whom they have confidence, but for this terrible league.”<sup>537</sup>

As the Republicans and Conservatives geared up for the ‘69 elections the

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<sup>534</sup> *The Winchester Journal*, September 27, 1867.

<sup>535</sup> *ibid.*, February 2, 1866.

<sup>536</sup> *The Clarke County Courier*, April 7, 1869.

<sup>537</sup> *ibid.*, December 19, 1869.

two Republican colleagues, Aaron Crane and George Rye, cast their fortunes respectively with one of the two factions of a divided Republican Party. The two men had consistently promoted the Republicans' reform agenda; the issue before Virginia Republicans, then, was less one of Party principle than of the strategy required to keep the Republican Party viable and growing in Virginia. As noted, moderate Republicans believed the disabling clauses would have alienated Virginia voters, causing them to reject the progressive constitution crafted primarily by the Republicans. At the Republican Party convention nominating its slate of candidates for the '69 elections, the Radical Republicans nevertheless put Henry Wells, who adamantly supported keeping the disabling provisions in the Constitution, at the top of their ticket. In addition to nominating Wells as their gubernatorial candidate, the Radical Republicans nominated Aaron Crane as their Congressman-at-Large along with a slate of other Congressional candidates. Crane likely saw his affiliation with the more radical wing of the Virginia Republican Party as his only path to federal office and an influential role in the policy making that would determine Virginia's course as its Reconstruction era ended.

The politics of the period had succeeded in making "strange bedfellows" of moderate Republicans like Rye and ultra-Conservatives like Nelson, who could not have been at more opposite ends of the ideological spectrum. Rye embraced a fully enfranchised black electorate while Nelson wanted to maintain the freedpeople in a servile status as closely akin to slavery as possible. The outcome of the moderate Republicans' cooperation with the Conservatives in the '69 elections proved disastrous for the radical Republicans and, with the

Conservatives controlling the state legislature as well as Virginia's Congressional delegation, had little to offer to moderate Republicans in the long run as well. On July 6<sup>th</sup> of 1869 Virginians approved their new constitution by a 97 per cent majority but predictably rejected the disabling clauses. In the Northern Valley, while the freedpeople had voted "almost to a man" for the Republican Party's candidate slate," Nelson reported, Conservative Party candidates enjoyed a 245 white majority in Clarke County and in Frederick County, a 290 white majority.<sup>538</sup> In October Virginians ratified the 14<sup>th</sup> and 15<sup>th</sup> Amendments, clearing the way for the state's formal readmission to the Union in January of 1870.

In the July 30, 1869 edition of the *Journal*, the last archived issue of the newspaper, Aaron Crane had remained doggedly optimistic about the Republicans' prospects in Virginia but a bitterness had entered his observations: "The change in future elections are manifestly with the republican party," he asserted. Commenting on the Conservative Party's winning strategy in making moderate Republican Gilbert Walker their Party's gubernatorial candidate, Crane claimed that this compromise moderate Republicans had worked out with the Conservatives was less a strategy than a cave in to the "old rebel Party," Crane regarded Walker as the Conservative Party's "cypher." He castigated the *New York Herald* and other northern newspapers like it that were influencing northern public opinion, deluding their readers into accepting "a rebel democratic party [as] a diluted form of republicanism." The disabling clauses, he argued, had been placed in the Virginia Constitution by the "will of the people of Virginia' and the

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<sup>538</sup>      *ibid.*, July 7 and 14, 1869.

assertion of influential opinion shapers like the *New York Herald* that the clauses should be submitted to a separate vote betrayed the “struggling loyal[ists] in the south.”<sup>539</sup>

In his seminal history of the Republican Party during Reconstruction, Richard Lowe notes that “The Conservatives’ hardheaded realism proved more potent than the Radical Republicans’ vaunted party discipline, and the result was an end to Reconstruction in Virginia.”<sup>540</sup> Nothing more vividly illustrated Reconstruction’s final chapter in the Northern Valley than the events of 1868 and 1869 marking the resurgence of the native whites’ Conservative Party. As he closed down the Winchester Freedmen’s Bureau’s office in December of 1868 Capt. McDonnell was not optimistic about the freedmen’s ability to represent their own interests before the law as the Conservatives took over local affairs. For that reason the Conservative Party would be “jubilant” over the Freedmen’s Bureau’s withdrawal from the Valley at the end of 1868, he reported to Orlando Brown.<sup>541</sup>

As the Conservatives prepared to reclaim their state government and Congressional representation after the 1869 elections, Aaron Crane and Thomas Hargest, the young Republicans who had worked to make the Republican Party a real force in Virginia politics, now had to reassess their options. They used their Republican Party connections to find employment elsewhere in the state. Crane sold the Winchester Journal to N. B. Meade, who used its printing press to publish

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<sup>539</sup> *The Winchester Journal*, July 30, 1869.

<sup>540</sup> Lowe, p. 181.

<sup>541</sup> Capt. McDonnell in his December 1868 monthly report to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Acc. 44121, misc. reel 5707, roll 182, frame 216.

a Democratic weekly, *The Winchester Sentinel*.<sup>542</sup> Crane then accepted a job as a federal tax assessor in Rockbridge County, a position the Clarke County Courier reported would provide him the comfortable income of \$3,000 a year.(10/20/69) The ambitious young Winchester attorney Thomas Hargest must have had similar connections. He was appointed a judge of the Rockingham Circuit. George Rye, who was Virginia's Secretary of the Treasury going into the '69 elections and served in that post until 1871.<sup>543</sup> By 1880, he was once more living in Shenandoah County.

As Virginia's Reconstruction endgame played out, the one Southern state Republicans deemed the most promising for accomplishing their reform agenda ultimately proved to be the only state in the former Confederacy never to have both a Republican governor and a Republican legislature in the decade following the War. After the moderate Republican Gilbert Walker's governorship, Virginia's governance would remain firmly in the hands of Conservative Democrats, with the exception of the coalition the Republicans formed with the populist Readjustor Party whose influence peaked in the early 1880s. Not until Linwood Holton's election to the governorship in 1970 did a Republican once more rise to prominence in state government.

## Assessments

When Aaron Crane closed down the offices of *The Winchester Journal* and

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<sup>542</sup> T. K.Cartmell, *Shenandoah Valley Pioneers and Their Descendants: A History of Frederick County, Virginia from its formation in 1738 to 1908* (Berryville, Va: Chesapeake Book Co., 1963), p.156.

<sup>543</sup> *Clarke County Courier* issues of July 7, 1869 referencing Thomas Hargest and of October 10, 1869 referencing Aaron M. Crane. John W. Wayland references George Rye in his account, *A History of Shenandoah County, Virginia* (Baltimore: Regional Publishing Co., 2nd ed., 1969), p. 350.

took a job as tax assessor in Rockbridge County after his and the Republican Party's crushing defeat in the 1869 elections, William Nelson clucked with some satisfaction in the *Clarke County Courier* that the area was "ready for progress but not for radicalism."<sup>544</sup> By progress he meant, of course, economic progress and, with Congressional Reconstruction ending, the return of Virginia to white Conservative Party governance. Yet even as recalcitrant a conservative as Nelson knew the Virginia reentering the Union had irrevocably changed. For their part, Republicans understood that, even at the height of their power in Virginia during Congressional Reconstruction, this power had its limits in directing the course of Virginia's reconstruction. Injecting a rare note of humor into the *Winchester Journal* as Congressional Reconstruction got underway, Crane created a sensational headline whose irony could not escape the most recalcitrant Southerners or the most adamant Northern radicals: "Congress passes a Bill! The North and South unified!"<sup>545</sup>

Reconstruction was one of those transformative periods in the country's evolution as a democracy when a national discourse was occurring on who belonged to the national family and under what terms. Could African Americans be incorporated into the body politic as citizens with equal civil rights? Could the working classes benefit more fully in the prosperity they were generating? The spectrum of political ideologies represented in this southern borderland's newspapers during Reconstruction revealed the less than unified views area whites had on African Americans' role in the emerging post-emancipation society.

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<sup>544</sup> *Clarke County Courier*, September 9, 1869.

<sup>545</sup> *The Winchester Journal*, May 21, 1867.

While moderate Conservatives no less than the reactionary, ultra-Conservative planter class were not willing to concede their white supremacist order, neither were those Conservative whites who accounted for the majority of whites in the Valley determined to reduce the freedpeople to a servile class of workers with no civil rights.

The cultural, political and class composition of this Southern borderland also influenced the course Reconstruction took here; in that sense its regional distinctiveness made the Northern Shenandoah Valley a player in Reconstruction politics. The openness of the area's public culture, meant Republican reformers were less an intrusive presence in this area of the Upper South than one of the factions vying for influence. As the Northern Valley made a strong economic recovery, influential Republicans, such as Aaron Crane and Judge George Rye, could reasonably envision a more just society, one whose free labor system made possible a widespread prosperity. In their class war against the planter class Republicans could also claim as their natural allies middleclass freeholders, business and professional men, artisans and other independent producers who, while they might want to maintain a white supremacist social order, were advocates in reducing the clout of the planter class that had for so long impeded Virginia's advancement toward democratic governance as this ruling elite legislated public policies favoring its own interests.

For their part African Americans could capitalize on a stable Reconstruction regime and robust economic recovery.<sup>546</sup> They were exerting worker rights and new citizenship entitlements even as they battled uphill to claim equality before the

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<sup>546</sup> Fitzgerald, p. 143.



law. Although the U. S. Congress had through a series of federal enactments nationalized African Americans' citizenship rights, the Republicans' presence supported their civil equality, giving it a tangible reality as the freedpeople countered slavery's afterlife. Through the spring and summer of 1867, as the freedmen prepared to vote in their first election, they participated in a robust biracial political culture. During this period area whites were effectively participating in their political empowerment by refraining from the kinds of organized violence spreading across other areas of the South where Ku Klux Klan members and white paramilitary groups were terrorizing blacks.<sup>547</sup>

At the height of their influence in the area Republicans had, however, underestimated the power of an entrenched racism to vitiate African Americans' progress toward full equality of citizenship. The intoxication of Reconstruction's momentum in Virginia in 1867 had made a Republican ideologue like Aaron Crane overly optimistic about his Party's prospects for becoming a meaningful player in Virginia's politics. "It is one thing to deny the right of suffrage to a downtrodden race, it is quite another to deprive them of it once they have gained and exercised it....Virginia has shown you that they [the freedmen] will not disenfranchise themselves," Crane commented after the freedmen's first experience of voting in Virginia elections.<sup>548</sup> What he was not taking into account going forward was Congressional Republicans' own ambivalence in granting unobstructed voting rights to minorities, especially with the immigrant populations of northern industrial

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<sup>547</sup> O'Donovan, *Becoming Free in the Cotton South*, (Cambridge: Harvard University Press, 2007), pp. 154 and 234, referencing terror tactics Georgia planters used to suppress black workers' assertion of their labor rights.

<sup>548</sup> *Winchester Journal*, November 1, 1867.

cities expanding so rapidly during this period. Northerners were also wary of widespread black governance in the South, since they regarded the freedmen as inexperienced in the responsibilities of citizenship.<sup>549</sup> As a result, the 15<sup>th</sup> Amendment guaranteeing the freedmen's voting rights had left the door open to the southern states' constructing obstacles to the freedmen's exercise of their voting rights. The southern states would continue regulating elections at all levels. In addition, the 15<sup>th</sup> amendment had also given them the option of denying African Americans' voting rights, although they could do so only if they reduced their Congressional representation.

The Virginia Republicans were also overly optimistic in assessing their potential constituency in the state. They aspired to attract a sufficiently broad coalition of whites and blacks to be a meaningful player in Virginia politics. They counted on a coalition of freedmen and "man whites" as well as white Unionists. President Lincoln had himself defined Unionists in the most general of terms as those who accepted the abolition of slavery and professed loyalty to the Union. In doing so he wanted to assure the broadest possible support among Southerners reentering a union based on representative government,<sup>550</sup> Based on this broad definition of Virginia Unionist, Crane had estimated there were up to 40,000 to 50,000 Unionists in Virginia, although he offered no evidence for substantiating that estimate. Yet white Unionists gave no evidence of being attracted to the Republican Party, even at the height of the Party's influence in the state during

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<sup>549</sup> Fitzgerald, p. 73. Fitzgerald states that "the theoretical possibility of an African American majority (electorate) is misleading anyway, because Northerners were unenthusiastic about voting by propertyless and illiterate freedmen."

<sup>550</sup> Foner, *Unfinished Revolution*, p. 62.

Congressional Reconstruction. In July of 1867, before the August meeting of Republicans in Richmond, Crane appealed to “all unconditional Union men of Virginia” to join the convention, but the convention was overwhelmingly black.<sup>551</sup>

By 1869, more than three years after the War’s end, both the country and Virginians were moving on, leaving Aaron Crane and other Radical Republicans in Virginia out of step with shifts in public opinion. In lashing out against the *New York Herald* and other northern newspapers that had endorsed the moderate Republicans’ cooperation with the Conservative Party in making Republican Gilbert Walker the Conservative Party’s gubernatorial candidate, Crane misjudged Northerners’ desire to reach compromises with the South. In appealing to Union men who had not ratified the economic devastation that secession inevitably wrought, Crane had also miscalculated the receding war loyalties of Valley men as their area experienced a strong post-War economic recovery.

Crane had also underestimated the strength of racism in the Republicans’ efforts to align “mean whites” with working class blacks. As reflected in his *Journal* editorials. Crane had a less than clear grasp of who “mean whites” were within a southern context. Did they consist of small independent producers and propertyless farmers, self-proclaimed Unionists, such as Clarke County carriage maker William Stolle and tenant farmer John Ryely? Or would they consist primarily of common laborers and farmhands?<sup>552</sup> Historian Kenneth Koons’ research provides important insights into who “mean whites” in the nineteenth century Valley were, while raising still unanswered questions as to whether “mean

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<sup>551</sup> *The Winchester Journal*, July 12, 1867.

<sup>552</sup> Val Van Meter, “Union Sympathizers Dodged Enemy in ‘Confederate’ Clarke,” *The Winchester Star*, November 15, 2014.

whites” had a sufficiently articulated class consciousness to bond them with a political party.<sup>553</sup> Koons defines these Shenandoah Valley working class whites as the apprentices and assistants to artisans and merchants, but not independent producers. In Clarke and Frederick Counties they were the farmhands who did the hard labor of farming--the lifting, digging, hewing and chopping; but they did not own the land they worked. Certainly their consciousness of being disadvantaged and relatively powerless was a daily reality. Complaining of ill treatment by an ex-Confederate, a Clarke County man pleaded to the Winchester Freedmen’s Bureau, “I hope you will not let the rebels run over a pore Union man.”<sup>554</sup>

However, unlike factory laborers in the North who had very little chance of owning the factories they worked in, farm workers in the Shenandoah Valley could reasonably aspire to landownership or, if they were apprentices to artisans, eventually becoming independent producers themselves. Moreover, propertyless white men in the state had, by 1851, gained the right to vote. This raises the issue of whether they shared a working class consciousness sufficiently cogent to sway their political allegiance. At any rate, as the ’69 election results attested, their racial identity in the end trumped any allegiance they may have entertained with the Republican Party as a biracial working class constituency

Crane’s and the Winchester Freedmen’s Bureau agents’ advocacy of the freedpeople’s labor rights had a more positive impact in advancing the

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<sup>553</sup> Kenneth Koons, “Laboring Classes of the Shenandoah Valley in the Age of Grain,” unpublished paper. Dr. Koons is the General Edwin Cox ’20 Institute Professor of History at the Virginia Military Institute in Lexington, Virginia. The agricultural history of the Shenandoah Valley in the 19<sup>th</sup> century is one of his areas of expertise.

<sup>554</sup> Phillip Eaton of Clarke County to Capt. Chandler on May 21, 1867. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Acc. 44121, misc. reel 5716, roll 191, frames 320-1.

freedmen's status as citizen workers. The federal government's decision not to grant the freedpeople "40 acres and a mule" has been viewed as a major obstacle to their achieving economic independence and therefore advancing beyond being a servile work force with representation in the body politic. But in a nation where by 1870 two of three workers were "hirelings" neither the Republican Party nor the Republican controlled Congress regarded citizenship equality as dependent on property holding.<sup>555</sup> The Republicans' free labor ideology dictated that their labor was workers' capital; as much as capitalists they were societal stakeholders with the right to defend their class interests in the political arena. It took the upheaval of the Civil War and the federal government's interventions to shatter slavery's involuntary contract system and advocate rights of free laborers for emancipated African Americans. In his final report to Richmond in December of 1867 Capt. McDonnell underscored the importance of this ideology to the freedmen's securing their status a free people. "Labor is the freedmen's only capitol, In becoming self-sufficient he [the freedman] recognizes his greatest idea of freedom."<sup>556</sup>

Although African Americans in the Northern Valley drove their free labor revolution, the Republicans' free labor ideology heavily influenced African Americans' own concepts of how important their labor was to their racial progress. In 1872, two years after Reconstruction had ended in Virginia, the inaugural issue of *The Southern Workman*, a Hampton Institute journal, promoted a gospel of

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<sup>555</sup> Montgomery, pp. 30-31. Montgomery points out that by the time African Americans were universally emancipated two of three productively employed Americans were wage earners employed by others.

<sup>556</sup> Capt. McDonnell in his December 1868 monthly report to Richmond headquarters. Records of the Field Offices for the State of Virginia, BRFAL, 1865-1872, Acc. 44121, misc. reel 5707, roll 182, frame 216. See also Eric Foner's "The Ideology of the Republican Party," in *The Birth of the Grand Old Party; The Republicans' First Generation*, edited by Robert F. Engs and Randall M. Miller (Philadelphia: University of Pennsylvania Press, c, 2002, ppb. ed.), Ch. 1, pp. 8-28.

racial uplift based on a strong work ethic. African Americans by their labor were contributing to societal progress, helping build a better world: “We are going to try to make our home [Virginia] the best place in the world, and our country the common home of all of us.” The driver of the New South’s prosperity, the editorialist emphasized, was going to be black labor: “Nothing but work has made the North what it is, and nothing but work will make the south what it ought to be...Come, we say, and help us.”<sup>557</sup>

In giving them a political home the Republican Party had also engendered a fierce loyalty to the party. The black vote, in turn, drove Virginia politics into the late nineteenth century. The coalition that black Republicans formed with the populist Readjustor Party in the late 1870s and early 1880s in effect upended the conventional narrative of Reconstruction as having “collapsed” with Virginia’s readmission to the union in 1870. Their coalition with the Readjustors advanced African Virginians’ racial progress beyond that achieved during Reconstruction. It brought them a more meaningful participation in the Readjustor Party’s politics, as well as affording them other benefits, such as tax relief, better schools for their children and, for the first time, a black state-supported institution of higher learning, the Virginia Collegiate and Normal Institute.

The country is still wrestling with the construction of a more just society. This is Reconstruction’s “unfinished revolution.”<sup>558</sup> Virginia’s rewritten 1901 constitution significantly hampered African Americans’ and poor whites’ exercise

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<sup>557</sup> *The Southern Workman* (February 1872), p. 2, Swem Microfilm Publications, College of William & Mary, Williamsburg, Virginia.

<sup>558</sup> Quoted from the title of Eric Foner’s comprehensive study of the South’s Reconstruction era, *Reconstruction: America’s Unfinished Revolution* ..

of their civil rights during the Jim Crow era. Yet their strong working class identity did give area African Americans ground to stand on as they resisted its oppressions. When Frederick Douglass was asked why the freedpeople had not made more progress, his reply was: "To me the wonder is, not that the freedmen have made so little progress, but, rather, that they have made so much--not that they have been standing still, but that they have been able to stand at all."<sup>559</sup> In Clarke and Frederick Counties, African Americans did stand and they did resist. During Reconstruction, the Republicans' emphasis on the freedpeople's working class standing as foundational to all their other civic entitlements may have been their most enduring legacy to the freedpeople's descendants.

## EPILOGUE

On a mild June day in 2014 as spring turned to summer, a gathering convened to commemorate Josephine City, a nineteenth century African American community located on the eastern edge of Berryville. Josephine City is one of the largest of a string of 20 African American communities established in the early 1870s in Clarke County by African Americans who bought land from cash-strapped white landowners. These African Americans, in turn, subdivided their lands, selling it in small parcels to others of their race. As Reconstruction ended, and with it the protections of the Republican Reconstruction regime, African Americans were literally laying the foundation of their freedom in establishing their own self-regulated communities. In Clarke County alone black property owning rose dramatically from 21 black property owners in 1869 to 69 a

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<sup>559</sup> "Frederick Douglas Assesses the Mistakes of Reconstruction (1880)," *The Civil War and Reconstruction: A Documentary Collection* edited by William F. Gienapp (New York and London: W. W. Norton & Co., 2001), p. 417.

year later.<sup>560</sup>

In a day planned by the Remembering Slavery, Resistance, and Freedom Project sponsored by the College of William & Mary and the Virginia Foundation for the Humanities, members of the Josephine City community and other interested participants had an opportunity to reconsider and more fully appreciate the community's history. The day began as most African American gatherings do with a shared meal at a church, this one the community's old Mt. Zion Baptist Church, the gateway to Josephine City. Reverend Gene Wilson, who grew up in the Josephine City community, invoked a rich community history of those who had supported each other during the Jim Crow era, a sanctified community who were "God's network."

After table fellowship the gathering began a history telling procession through the community with the dedication of Josephine City's new historic marker. The earlier marker had emphasized the paternal beneficence of the landowner selling the Josephine City lots, assuming African Americans had not initiated the sales themselves:

To improve the lives of former slaves, Ellen McCormack, widow of Edward McCormack of Clermont, established this African American community of 31 one-acre lots early in the 1870s.

In a few sentences the new marker revised Josephine City's history, attributing its establishment to those African Americans who had pooled their financial resources to buy the lots:

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<sup>560</sup> See generally Maral S. Kalbian and Leila O. W. Boyer, *Final Report: African-American Historic Context: Clarke County, VA, CLG Project #: 66014*, prepared for the County of Clarke, Berryville, VA, Sept. 26, 2002.



Early in the 1870s African Americans established Josephine City, a community originally composed of 31 one-acre lots lining a 16-foot wide street. 24 former slaves and free blacks purchased the lots at \$100 or more from Helen McCormack, owner of Clermont Farm. The street and the community were probably named for a former slave at Clermont, Josephine Willis, purchaser of 2 lots.

Commemorations like this one have come to be regarded as reconciliation ceremonies. African Americans know and commemorate their history principally through informal storytelling sessions, through their church congregational life and through annual church and family reunions. But reconciliation ceremonies like this one bring together those previously divided by conflicting historical narratives. White officials who attended the Josephine City historic marker ceremony as representatives of the larger Clarke County white community were acknowledging in this rewriting of history the role black initiatives, rather than white benevolence, had played in the establishing of a flourishing black community during the Jim Crow era.

As we walked from one dwelling to another along Josephine Street, community members related the stories of those who had lived in this vibrant community in the early twentieth century, when African Americans in both Clarke and Frederick Counties had access to only the most meager of civic resources. In the Josephine City community, families compensated in both organized and informal ways. With no electricity or running water supplied to Josephine City, community members shared a well. A brigade of young women, the Women's Urban League Light Company, lit the community's gas street lamps each evening

and saw to their maintenance. Mr. James Arthur Gilson plowed each family's backyard vegetable garden. The community also met many of its healthcare needs. Mrs. Franklin, who kept a boardinghouse, served as its midwife. Rosetta Clay spoke of home remedies, such as the cooked pokeberries used to make spring purges. Growing up in the community during the Great Depression, Rosetta recalled how sporadic municipal health services could be. She once jumped onto the running board of a passing doctor's car to be vaccinated.<sup>561</sup>

As those in our history telling procession walked along Josephine Street, deserted, deteriorated homes stood alongside well-kept, lived in ones, giving the Street the aura of a memorial landscape. Among the deserted structures were the deteriorated log house of the garden plower and the vine covered hut that had once sheltered the community's Clarke County Athletic Club (CCAC), sponsors of the Berryville Fast Friends Baseball team. There was also the well-kept, two story home of the Phillips family. "Miss Sadie" Phillips once presided over genteel tea parties in the rose garden bordering her home's elegant front porch. The Phillips, who had no children, boarded school teachers in their home at a time when many black teachers were recruited to educate African American children in the rural one- and two-room schools they continued to attend before school integration.

Other substantial two-story frame homes in the community had doubled as places of business for the families who lived in them. Josephine Johnson operated a lunchroom out of her home and Lucy Franklin, a restaurant and boardinghouse. The Halls operated two businesses out of their home. Those wanting to purchase

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<sup>561</sup> Rosetta Clay interviewed July 21, 2 by Donna Dodenhoff at her home in Josephine City, Berryville, Clarke County, Virginia. See also Val Van Meter, "Josephine City Remembered," *Clarke Courier*, December 25, 1986.

one of Miss Emma Hall's hats entered her hat shop through the front door of the Halls' home and those wanting to purchase a cut of meat from Floyd Hall entered his slaughterhouse at the back door. In the front rooms of their house the Brown family kept a grocery store and barbershop, with the gas pump in their front yard serving as the community's filling station.

At its far end Josephine Street terminates in a gently rolling meadowlands with a vista of the Blue Ridge Mountains. As we reached the end of the street we walked south to the sturdy brick Josephine City School, established in 1882, and now a museum. During the community conversation held at the school on enslaved African Americans' resistance to white oppression, participants agreed that their resistance helped define the bondspeople's humanity; they were not submissive "cattle."

### **Rewriting History; Reconciling Race Relations**

As our day at Josephine City wound down with the community conversation, participants chose as their Civil War hero Thomas Laws, a black spy who had provided General Sheridan with valuable intelligence as he undertook the Third Battle of Winchester in 1864. After this exercise in rewriting African American history to include the contribution of a black Civil War hero, we walked over to the nearby Milton Valley Cemetery. This African American cemetery is set in a rolling pastoral landscape anchored by a stone obelisk honoring those who bought the lots for the cemetery. There we strewed flower petals over the grave of Thomas Laws and the graves of both the known and unknown buried there.

The flower strewing ceremony was not without its irony. It was the annual

flower-strewing ceremonies held in Winchester's cemetery for Confederate soldiers that launched the Winchester Ladies Memorial Association. As chapters of the Association spread throughout the South several decades before the organization of the United Daughters of the Confederacy, the Ladies Memorial Association, historian Caroline Janney writes, "shape[d] the public rituals of Confederate memory, Reconstruction and reconciliation."<sup>562</sup>

The cultural work involved in shaping the South's, and the nation's, collective memory of the Civil War and Reconstruction engaged an influential Winchester writer as well. In her novels, short stories and histories, Mary Magill Tucker became one of Virginia's foremost interpreters of a romanticized version of antebellum plantation life and a post-Civil War "vanquished South." The granddaughter of Virginia jurist and Congressman Henry St. George Tucker, Miss Tucker influenced several generations of school children with her *History for use in the Schools*. First published in 1873, the primer was required reading for fourth and fifth graders in the state for over 40 years. In the primer, which she claimed to be a "a faithful record of the past history of the old mother of states and statesmen," Tucker allotted all of five pages to the Reconstruction era. Her short, emotionally overwrought narrative described post-War Virginia as "dismembered and bleeding," but serving as an "uncrowned queen sitting among the ruins of her homes, weeping the loss of her children, held down under the military rule of the Union she helped to make."<sup>563</sup>

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<sup>562</sup> Caroline E. Janney, *Burying the Dead But Not the Past: Ladies' Memorial Associations & the Lost Cause* (Chapel Hill: University of North Carolina Press, c. 2008), p. 1 and pp. 2-3.

<sup>563</sup> Mary Tucker Magill, *A History of Virginia for the Use of Schools* (Lynchburg, VA: J. P. Bell Co., 1881) Ch. XVI: 1865-1890, p. 364. Fred Arthur Bailey describes white Virginians' efforts in the

Virginia, and the other southern states, have not been alone in either ignoring or misrepresenting the history of Reconstruction. Across regional boundaries, well into the post-World War II period, accounts of Reconstruction focused on the retribution the North had exacted of the South, bringing it to its knees, pouring acid in its wounds. The key to restoring the Union was the reconciliation process required of whites. Ah, if only President Lincoln had lived and had administered the kind of mercy he had promised in his second “malice toward none” inaugural address. I learned this interpretation of Reconstruction in both my 1950s grade school education in the South and my early 1960s high school education in an affluent New York suburb. It really was not much different from that of Virginia historian Richard L. Morton who wrote in 1919 that black suffrage “was forced upon the South by a group of aggressive radicals led by Thaddeus Stevens as a means of their personal aggrandizement and of executing punishment and revenge upon the Southern States.”<sup>564</sup>

This distorted account has shaped our collective understanding of the Reconstruction era, and has had a profound impact on race relations. In our collective memory of the Civil War and Reconstruction, as whites came to embrace each other across regional borders in gestures of reconciliation, African

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late nineteenth and early twentieth centuries to interpret the meaning of the Civil War and Reconstruction as “the Virginia campaign for historical revisionism.. In Virginia, and throughout the south the region’s ‘best families’ felt their social class threatened by the aspirations of lesser whites and long-oppressed African Americans. Southern elites once again manned the parapets to defend their status, not on the bloody ground of Gettysburg or Shiloh but in interpreting of the past. They sought to inculcate into schoolchildren their historical ideology, a tinted account that was supposed to ensure that all southerners would respect their properly ordained leaders.” Bailey, “Free Speech and the Lost Cause in the Old Dominion,” *The Virginia Magazine of History and Biography*, 103:2 (April 1995), pp. 237-266.

<sup>564</sup> Richard L. Morton, *The Negro in Virginia Politics, 1865-1902* (Charlottesville, VA: The University of Virginia Press, 1919), p. 14.

Americans' aspirations to be fully included in a biracial society were marginalized. By the early twentieth century our collective memory of the Civil War era, historian David Blight has observed, "was both settled and unsettled: it rested in a core master narrative that led inexorably to reunion of the sections while whites and blacks divided and struggled mightily even to know one another across separate societies and an anguished history,"<sup>565</sup>

In recent years, the Virginia Foundation for the Humanities has been one of those institutions supporting the study of African American heritage sites and history with the goal of representing black Virginians' contribution to the state's, and the nation's, history. As one of the Foundation's officers, David Bearinger, has noted, "It's not that African Americans enriched the mainstream of Virginia's history by contributing to it from outside; they were in the mainstream all along...." Yet, he notes, even as the evidence of research accumulated. "the African American experience in Virginia continued, for the most part, to be ignored."<sup>566</sup>

### **African American Reunions: Transmitting Black History and Cultural Heritage**

One way African Americans have responded both to the need to tell their own history their own way while keeping their heritage alive in the face of shrinking black communities is by organizing increasingly elaborate reunions. As black families have relocated to other parts of the country and young people grow up in integrated communities, reunions refresh family connections, allowing elders to

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<sup>565</sup> David Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge and London: The Belknap Press of Harvard University Press, c. 2001), p. 397.

<sup>566</sup> David Bearinger in *Don't Grieve After Me: the Black Experience in Virginia, 1619-2005* edited by Christopher S. Draper (Charlottesville and Hampton, VA: The Virginia Foundation for the Humanities and Hampton University, 2007), pp. vii and viii.

transmit a shared history to their descendants. June Gaskins Davis, a professional woman who came home to Winchester in retirement, has been instrumental in preserving her family history and promoting the transmission of Winchester's black history through her family reunions. June is the daughter of Kirk Nathaniel Gaskins, principal of the Douglas School during the 1940s and 1950s, a time, she notes, when Winchester's African American community was a "black Mecca" with a flourishing cultural and civic life. She laments the shrinking cultural imprint of the city's black community. "A lot of the homes I knew, they're just totally gone," she said as she sat in the parlor of her grandparent's home amidst piles of family papers and photograph albums. She also noted with some dismay the increasing dilution of Winchester's black ethnic heritage as Middle Eastern and Hispanic worshippers take up pews at historic black churches like Mt. Carmel Baptist. As an antidote, June related that the Findley family reunions (relatives on her mother's side of the family) draw participants from across the country. In its third decade, the summer reunion boasts a full program of activities ranging from church services and city park picnics to a formal black tie dinner dance at a local country club.

Church reunions draw together a larger black family, church members who share a rich history steeped in congregational life. In Clarke County, the African Americans who gathered for the Guilfield Baptist Church's 49<sup>th</sup> annual reunion in late September of 2014 were committed to watering their roots at the home church of their living and deceased relatives. The Guilfield Baptist church had established a sanctuary of Old School Baptist worship by the early 1880s, although the congregation may have been worshipping together earlier than that. The church is

perched on a steep hill overlooking the Millwood Road. Its rural setting is disturbed every third Sunday of September when cars line the Road as reunion participants gather at the church from as far away as California, Pennsylvania and New York, as well as from nearby Washington and Baltimore.

The reunion always includes a morning and evening service, with those attending having the option of two separate settings of an elaborate table fellowship. Through the reunion's set program those who have left the area participate in an annual ritual that allows them to renew their ties with the church and its congregational life. Participants may also honor their elders by giving the church a donation in their name. Wanda Walker, the granddaughter of one of Guilfield Baptist's former pastors, Asher Williams, helps plan the event. She regards publicizing the reunion and helping with its other organizational chores a joyful community service.<sup>567</sup>

On a practical level maintaining ties with family and community members through reunions has served both those African Americans who stayed in the area as well as those who left for better opportunities elsewhere. At a time in the early twentieth century when the public education of black youths in the area concluded after seventh grade, young people who wanted to earn high school diplomas could go live with relatives in such urban locations as Washington or Baltimore. Gladys Stewart, 87, whose family members have served the church as deacons and pastors, recalls that those who left Clarke County often maintained ties with the church as an antidote to the anonymity of urban living and the hardships of

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<sup>567</sup> Wanda Walker interviewed September 15, 2014 by Donna Dodenhoff at the Guilfield Baptist Church, Millwood, Clarke County, Virginia.



segregation. Deceased relatives were brought home to Guilfield Baptist Church for burial. Former members came back for their children's baptisms, desiring to be encircled by their church family as they shared this important rite of passage.<sup>568</sup>

Dianne Paige Marshall, who attended the Josephine City commemoration and community reunion, and who now lives in the Washington, D.C. area, said that the Josephine City community was always her safety net; anyone in need could return home to "the village" and be cared for. Nurturing family connections has also extended the horizons of both those who stayed in the area as well as those who left, with children experiencing something of either rural or urban life in visits to relatives.

Rewriting Reconstruction's history to include the voices and the freedom struggles of African Americans is an ongoing reconciliation project. During the Northern Valley's Reconstruction era, Republicans Aaron Crane and George Rye counseled Virginians on the rebuilding of their post-emancipation society. They stressed there could ultimately be no social harmony without social justice. In contemporary America, with the Voting Rights Act unraveling and violent incidences of black inequality before the law mounting, unresolved racial tensions point to the reckonings still before us.

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<sup>568</sup> Gladys Stewart interviewed September 15, 2014 by Donna Dodenhoff at the Guilfield Baptist Church, Millwood, Clarke County, Virginia.

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## **VIII. Oral History Interviews**

Mae Allison's July 21, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

Elizabeth Banks interviewed at her home in Millwood, Clarke County, VA by Donna Dodenhoff on July 27, 2006.

Mildred and Malcolm Bromback interviewed at their Middletown, Frederick county, Va. Home on August 12, 2006.

Rosetta Clay interviewed July 21, 2 by Donna Dodenhoff at her home in Josephine City, Berryville, Clarke County, Va..

William Cross interviewed on July 28, 2006 by Donna Dodenhoff at the African American Episcopal Church parish hall in Berryville, Clarke County Va..

Judy Humbert's July 20, 2006 interview with Donna Dodenhoff in her Winchester, Va. home.

Maurita Powell's July 21, 2006 interview with Donna Dodenhoff at the Josephine City School Museum, Berryville, Va..

Gladys Stewart interviewed September 15, 2014 by Donna Dodenhoff at the Guilfield Baptist Church, Millwood, Clarke County, Va..

Wanda Walker interviewed September 15, 2014 by Donna Dodenhoff at the Guilfield Baptist Church, Millwood, Clarke County, Va..

Nancy Washington's July 28, 2006 interview with Donna Dodenhoff in Middletown, Frederick County, Va.

Pearl Williams' July 21, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

Virginia Williams' July 19, 2006 interview with Donna Dodenhoff in her Berryville, Va. home.

## **IX. Internet Resources**

-[http://Virginia.edu/collections/stats/his\\_census/](http://Virginia.edu/collections/stats/his_census/) University of Virginia's geostat data bank for U.S. federal census information

-[www.archive.org/details/google.books](http://www.archive.org/details/google.books)

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**Table 1: Demographic Overview of the Northern Shenandoah Valley**  
 Note: All data derived from *the University of Virginia's geostat data bank*.

	1850	1860	1870
<b>Clarke</b>			
total	7,352	7,146	6,670
white	3,614	3,707	4,511
free black	124	64	2,159
slave	3,614	3,375	---
<b>Frederick</b>			
total	15,975	16,546	16,596
white	12,769	13,079	13,863
free black	912	1,208	2,733
slave	2,294	2,259	---
<b>Shenandoah</b>			
total	13,769	13,896	14,936
white	12,565	12,827	14,260
free black	292	316	676
slave	911	753	---
<b>Warren</b>			
total	6,607	6,442	5,716
white	4,564	4,583	4,611
	366	284	1,105
slave	1,748	1,575	---

**Table 2: Pre- and Post-Civil War Demographics in the Northern Shenandoah Valley**

<b>County</b>	<b>1860: Total No. of African Americans</b>	<b>1860: Total No. of Whites</b>	<b>1870: Total No. of African Americans</b>	<b>1870: Total No. of Whites</b>
<b>Clarke</b>	3,439	3,707	2,159	4,511
<b>Frederick</b>	3,467	13,079	2,733	13,863
<b>Shenandoah</b>	1,069	12,827	676	14,260
<b>Warren</b>	1,859	4,583	1,105	4,611

**Table 3: Profile of African American Literacy in the Northern Shenandoah Valley**

**Clarke County**

**1870**

**Total personal attending school: 370**

Total colored females: 48

Total white females: 155

Total colored males: 31

Total white males: 136

**Total persons who cannot write: 2,152**

Total colored females 10 years of age and older who cannot write: 719

Total white females 10 years of age and older who cannot write: 327

Total colored males 10 years of age and older who cannot write: 738

Total white males 10 year of age and older who cannot write: 368

**1920**

**Total persons 7-20 years of age attending school: 1,464**

Total illiterate Negroes: 305

Total illiterate white persons: 215

**Frederick**

**1870**

**Total personal attending school: 2,151**

Total colored females: 69

Total white females: 865

Total colored males: 76

Total white males: 1,141

**Total persons who cannot write: 3,024**

Total colored females 10 years of age and older who cannot write: 956

Total white females 10 years of age and older who cannot write: 661

Total colored males 10 years of age and older who cannot write: 831

Total white males 10 year of age and older who cannot write: 576

**1920**

**Total persons 7-20 years of age attending school: 2,458**

Total illiterate persons 10 years of age and older: 441

Total illiterate Negroes: 73

Total illiterate white persons: 368

**Shenandoah**

**1870**

**Total personal attending school: 1,894**

Total colored females: 9

Total white females: 826

Total colored males: 13

Total white males: 1,046

**Table 3 cont'd****Total persons who cannot write: 940**

Total colored females 10 years of age and older who cannot write: 59

Total white females 10 years of age and older who cannot write: 369

Total colored males 10 years of age and older who cannot write: 341

Total white males 10 year of age and older who cannot write: 235

**1920****Total persons 7-20 years of age attending school: 4,434****Total illiterate persons 10 years of age and older: 918**

Total illiterate Negroes: 98

Total illiterate white persons: 820

**Warren****1870****Total personal attending school: 388**

Total colored females: 8

Total white females: 148

Total colored males: 18

Total white males: 214

**Total persons who cannot write: 1,455**

Total colored females 10 years of age and older who cannot write: 358

Total white females 10 years of age and older who cannot write: 391

Total colored males 10 years of age and older who cannot write: 341

Total white males 10 year of age and older who cannot write: 365

**1920****Total persons 7-20 years of age attending school: 1,742**

Total illiterate persons 10 years of age and older: 617

Total illiterate Negroes: 215

Total illiterate white persons: 401

**Table 4: Patterns in Religious Diversity in the Northern Shenandoah Valley, 1850 and 1870**

<b>County</b>	<b>1850</b>	<b>1870</b>
<b>Frederick</b>		
Baptist	3	6
Quaker	4	0
Episcopal	2	2
German Reformed	1	1
Lutheran	4	8
Methodist	10	30
Presbyterian	4	6
Catholic	1	0
United Brethren in Christ	0	9
<b>Clarke</b>		
Baptist	3	3
Quaker	0	0
Episcopal	3	4
German Reformed	0	0
Lutheran	1	1
Methodist	4	6
Presbyterian	0	0
Catholic	0	0
United Brethren in Christ	0	0
<b>Shenandoah</b>		
Baptist	1	13
Quaker	0	0
Episcopal	0	0
German Reformed	1	15
Lutheran	4	22
Methodist	2	14

<b>Table 4</b> cont'd		
<b>Shenandoah</b>	<b>1850</b>	<b>1870</b>
Presbyterian	2	4
Catholic	0	0
United Brethren in Christ	0	6
<b>Warren</b>		
Baptist	5	2
Quaker	0	0
Episcopal	0	0
German Reformed	0	0
Lutheran	0	0
Methodist	6	10
Presbyterian	1	0
Catholic	0	0
United Brethren in Christ	0	0

**Table 5: The Civil War's Impact on Farming in Northern Shenandoah Valley Counties**

<b>County</b>	<b>1860: Total No. of Farms</b>	<b>1860: Cash Value of Farms</b>	<b>1870: Total No. of Farms</b>	<b>1870: Cash Value of Farms</b>	<b>1870: Total Agricultural Wages Paid</b>
<b>Clarke</b>	289	\$3,645,185	381	\$4,014,970	\$158, 645
<b>Frederick</b>	751	\$3,987,945	1,013	\$4,494,430	\$144,310
<b>Shenandoah</b>	493	\$4,035,244	1,078	\$4,409,310	\$86,520
<b>Warren</b>	415	\$2,205,979	409	\$2,041,435	\$54,721
<b>Virginia</b>	86,468	\$371,761,661	73,849	\$213,020,845	\$9,753,041

**Table 6: Value of Farms Measured in Workers' Output**

<b>County</b>	<b>Value of Farm Production measured in labor output-1870*</b>	<b>Total Investment in Farm Equipment-1860</b>	<b>Total Investment In Farm Equipment-1870</b>
Clarke	\$980,764	\$80,170	\$73,253
Frederick	\$994,911	\$148,515	\$124,749
Shenandoah	\$524,506	\$99,133	\$116,034
Warren	\$524,506	\$44,739	\$49,048

\*Statistical information on the value of farm labor output was first gathered by federal census takers in 1870.



