

## THE LABOR SYSTEM OF GENERAL BANKS—A LOST EPISODE OF CIVIL WAR HISTORY

BY CHARLES KASSEL

THE last three installments of the biography of Edwin Miller Wheelock, as published in the March and November issues, 1926, and the April issue, 1927, of the *Open Court*, dealt with the problems of negro labor and education in the Department of the Gulf, as those problems confronted the Northern conquerors after the fall of New Orleans. Before the brilliant victory of Farragut the contact of the Northern armies with the slave population had been casual and quite superficial, and the abolitionist, wielding pen or voice from desk or platform, could paint in whatever colors he chose the pictures of slave life, and might deride contemptuously, as merely pretended, the fears of the Southern people as to the consequences of wholesale emancipation. The conquest of New Orleans, carrying an intimate touch for the first time with plantation labor, revealed the problem in its naked proportions.

The abolitionist, with a passionate hatred of slavery, and without first hand knowledge of life in the South, idealized the negro, just as John Brown had done, and was blind to the racial defects which made manumission on a grand scale so perilous a thing. Like all reformers, the proponent of sweeping emancipation beheld merely the great iniquity. He saw rightly from the first that only through a purging from that gigantic taint could the republic endure. The towering evils which should themselves follow in the wake of such a change, and which were to tax the wisdom and patience of the most powerful minds, the crusading reformer did not see.

It is no matter for marvel that when the accident of war brought

under federal control the rich lands of the Mississippi, with scores of thousands of plantation laborers, the difficulties which at once arose should have staggered the military commanders, nor need we wonder that any practical remedy should have evoked a cry from abolitionist circles against a fresh thralldom for the newly-liberated slaves. The amazing consideration is that the startling episode, freighted with human interest as it was and forming a highly curious transaction in the story of negro emancipation in America, should have come into existence and vanished with so slight a record in the accepted histories.

It was perhaps the short life of the controversy—furious though it was while it lasted—that accounts for the slender trace it left. If so, the very personality of its obscure historian is responsible for the oblivion the incident has suffered. Had the agitation been longer-lived it would surely have won for itself a signal page in the chronicles of the great conflict. Happily for the prestige of the Northern captains, but unfortunately for his own justly-merited renown, the word of Edwin Miller Wheelock served to calm the storm at its height and before its angry reverberations could leave an adequate echo in history.

From the beginning of the war the negro problem had been a veritable specter and it is not surprising that the course of the government with regard to the status of the negro should have reflected the vacillation of feeling and purpose which the administration underwent as the war progressed.

As early as May, 1861, Gen. Butler had suggested the application of the rules of contraband to the fugitive slaves, but congress decided in August that all slaves confiscated should be held subject to the decision of the United States courts. In April, 1862, Gen. Hunter, at Hilton Head, South Carolina, had taken the authority to proclaim that all slaves in his department were "forever free", but a week later the proclamation was annulled by the President. It was only on July 22, 1862, that the national commanders were ordered to employ as many negroes "as could be advantageously used for military and naval purposes, paying them for their labor and keeping a record as to their ownership as a basis upon which compensation could be made in proper cases", and in September following, the preliminary proclamation of emancipation appeared.

At New Orleans, General Butler had wrestled with the negro

problem early in his regime. The instructions which Butler had received from McClellan were silent upon the subject, but on leaving Washington, as we learn from Parton's *General Butler at New Orleans*, page 491, he had been verbally informed by the President that "while the Government was not yet prepared to announce a negro policy they were anxiously considering the question and hoped before long to arrive at conclusions and that meanwhile he must 'get along' with the negro question the best way he could." Getting along with such a problem was, however, something easier said than done. A new article of war forbade the return of the fugitive negroes to their masters, and as the action of the President in the case of Gen. Hunter's proclamation had shown that the administration was not ready for emancipation, all avenue of escape from the difficulty by that method was closed. The act of Congress of July 22nd authorizing the employment of negro laborers in the public service afforded some, though very limited, relief, but beyond that all things, so far as the negro was concerned, drifted helplessly.

Of the population of Louisiana, amounting to some 600,000, there was before the war, we read at page 489 of Parton's book, a slight excess of whites over blacks, but when the Union armies landed at New Orleans there was a slave in the state to every white person and many of the parishes contained twice, and a few four times, as many slaves as whites. "The marching of a Union column into one of these sugar parishes", remarks that writer, "was like thrusting a walking stick into an ant-hill—the negroes swarmed about the troops, every soldier's gun and knapsack being carried by a black man exulting in the service". The population of New Orleans was about 150,000 of whom 18,000 were slaves and 10,000 free colored. Into the lines, even before the removal of Butler, the negro refugees were pouring by hundreds and thousands, until, as appears from pages 231, 521 and 526 of Parton's interesting account, some ten thousand had gathered in New Orleans alone and rations were being issued to the fugitives in double the amount required by all of Butler's troops. Many of the plantations along the river from New Orleans to Natchez were wholly deserted and the negroes remained in their huts idle and destitute while great numbers gathered about the various posts and camps beyond the city.

It was a vastly different problem which confronted the federal commanders from that which the same situation would present in our own day when education and the experiences of freedom have served to bestow upon the negro a measure of initiative and self-dependence. The black population, cut loose from its plantation moorings, and drifting with the current toward the federal posts, was an inert mass, growing constantly more unmanageable. Let the curious reader consult here, as he did, perhaps, in connection with the siege of Port Hudson, the *Photographic History of the Civil War*, where, now and then, we get an intimate glimpse of the negro life of the time. Let him scan closely, for example, page 273 of volume 3, showing the negroes following in the wake of Sherman's Army—trains of canvas-covered wagons bursting-full with blacks of both sexes and all sizes; page 319, volume 5—negro refugees with their household goods upon the canal at Richmond; page 312 of volume 2—negroes on horseback following Pope's retreat; page 180 of volume 9—"contrabands" serving as teamsters in the Union army. It is apparent from the heavy features, where the faces are visible, that a very primitive type of human being is before us—one where intelligence is in inverse proportion to voracity, and the nomadic instinct of the prime is plainly evidenced. It is pleasing, indeed, to find a picture such as that at page 183, of volume 9, showing a Mississippi plantation with the darkies gathered together to relieve by social contact the tedium of their environment in war time and to recall that not all the blacks had thronged the army posts and that there must have been a farm-stead here and there where something like the normal life of the time before the war was kept up.

When in October, 1862, Butler determined to take the responsibility of working the refugees on behalf of the United States on the abandoned plantations, difficulties of a new kind began, although the storm broke not upon his own but upon the head of his humane successor who took up the plan and evolved from it his own solution of the labor problem. The refusal of one of Butler's favorite Generals, J. W. Phelps, an extreme abolitionist, to co-operate was the first whiff of a whirlwind destined to reach cyclonic proportions and was typical of an attitude which became quite common at the North. "I am willing to prepare African regiments for the defense of the Government against its assailants", Phelps declared

with an insubordination which under other circumstances would have been severely disciplined, but I am not willing to become the mere slave-driver which you propose”.

The kindly suasion with which Butler undertook to overcome the scruples of his subordinate availed nothing against the fanatical devotion of Phelps to a fixed idea, and this imperviousness of the reformer to considerations of a merely practical nature was reflected in the avalanche of criticism that came down upon Banks when on February 3, 1864, he promulgated his carefully worded general Order No. 23 creating a labor system for the negro refugees in his department. “No sooner had General Banks issued his regulation for the employment of the plantation laborers”, we read in the *Christian Examiner* for January-May, 1865, page 383, when it was denounced without hesitation to be a “system of serfdom” and “slavery under another form”. These criticisms, the article continued, were made in advance of an actual trial of the system and represented an interpretation of the order by persons two thousand miles from the scene and who were without the remotest knowledge from personal observation of the condition of things it was intended to remedy. Nonetheless, as we read, “this judgment, passed thus promptly without qualification, has been very generally accepted as a matter of course and it is the prevailing opinion in England, assumed by writers of all variety of sentiment from ‘*The Times*’ to Mr. F. W. Newman, that General Banks has established, and President Lincoln acquiesced in, a system of serfdom or practical slavery in our southwestern states”.

Wendell Phillips, the intimate associate of Garrison, and the most fiery and eloquent of the abolitionist crusaders before the war, denounced in the bitterest terms the whole system as instituted by the commanding general, and his language as quoted in the *Christian Examiner* of the issue referred to, discovers his prejudice and narrow view. “General Banks’ liberty for the negro is no right to fix his own wages; no right to choose his toil, practically no right; any difference between the employer and the employed tried by a provost marshal and not by a jury”.

The fury of Northern opinion reached the stage where argument seemed impossible. “Many of our friends at the North”, wrote Maj. Plumly on September 6, 1864, as the letter appears in the *Liberator* of September 23rd, “seem possessed by some spirit

of hostility to whatever we do in this Department", adding that General Banks had not issued an order in reference to the negro without consulting him; and under date of November 11, 1864, we read in the *Liberator* of a lecture by General Banks himself in defense of his actions.

It might have seemed that a few months would suffice to still the storm of rage and vituperation, but the contrary appears to have been the case, for we find on February 24, 1865, a letter from General Banks to Garrison replying at length to the unreasoning censure of which he had been the victim. When he found, he remarks in this letter, thousands of negroes being supported out of the commissary, he took the problem in hand and on January 20, 1863, began the work of compelling the fugitives to work for compensation, and for the protection of the laborers employed colored men of education to visit the plantations, and he adds:

"The abuses they reported were immediately corrected by orders issued from my headquarters. Subsequently I employed Rev. Mr. Hepworth, Chaplain of one of the Boston regiments, and Rev. E. M. Wheelock, commissioning them as lieutenants in *Corps D'Afrique* that they might have official authority to visit and investigate the conditions and treatment of the negroes. Their reports were full and their recommendations immediately put into execution. Mr. Hepworth is in Boston and Mr. Wheelock in New Orleans. I have written both gentlemen to communicate with you upon the subject without suggesting that you desired information".

No word, as far as the present writer has been able to find, ever came from Hepworth, whose knowledge indeed was limited to the early months of the experiment, but from the hand of our minister there appeared in the *Liberator* on March 3, 1865, a letter to Garrison so noble in phrase and so elevated in tone, and which in its results proved so effective that we yield to the temptation of quoting the communication in full. It was by far the most important contribution of the time to a subject which the editor of the *Christian Examiner*, in the pages from which we have copied, ranked with Reconstruction as "the great social questions of the country at the present time".

It was that letter, extensively quoted by the *Examiner* and elsewhere often referred to, which finally soothed the angry passions of blindly zealous reformers. It was the utterance of one who had in the most trying hour given ample proof of his courage and his strength of conviction, and his signature was an all-sufficient token that the statement could be accepted as authoritative and as precluding further controversy.

"Banks vindicated by John Brown abolitionist" announced the *Liberator* in conspicuous fashion, and followed the announcement with the letter verbatim.

"New Orleans, February 8, 1865.

My dear Mr. Garrison:

"You will doubtless remember me as a contributor to the *Liberator* prior to the War and while I was settled in Dover, New Hampshire, as minister of the Unitarian Society of that town.

"In the winter of 1862 I accompanied the "Banks Expedition" to Louisiana, acting as chaplain to a New Hampshire regiment. Being an abolitionist in every globule of my blood my sympathies became deeply stirred by the sufferings of the colored people here. They were in a forlorn condition. They were feeling all the ills that inevitably attend the violent disruption of a settled social condition without tasting the corresponding good.

"The emancipation proclamation of the President had in express terms exempted these people from its scope and the Military Commander of the Department was left without power to declare them free. At the same time the mere presence of the army had strangled the internal force of slavery and arrested the action of its black code. The old system was in its death throes and the new not yet born. The rod of slavery was broken but the reign of liberty not yet begun.

"On scores of plantations labor was wholly suspended; and the laborers in hundreds, with their wives and little ones, had gathered around the forts and soldiers' camps. There they earned a precarious

living by such uncertain and intermittent employment as they might find; the men as servants, hostlers, camp-followers and hangers-on—their wives as cooks, wash women, etc.

“Hunger, cold, fever and small pox were carrying off the children at a fearful rate of mortality. The morals of the men were being undermined by idleness and evil example and the modesty of the women debauched by contact with all that is debasing in military life. From month to month their numbers visibly decreased and it really seemed as though the Southern Negro, like the Indian, the Caffre, the Carib and the Australian would become extinct before the rude shock of war and the corrosive venom of our vices.

“The slave in Louisiana had become free *de facto* and in a qualified sense; but, alas! his freedom only meant the power to become idle, to become immoral, to sicken and to die.

“Major General Banks decided to deal with this immense evil. *He sought to ascertain and carry out the freedman's own wishes for himself and his little ones.* After much consultation and thought he decreed a new order of things, entitled ‘The Free Labor System’. It was a contract between the planter and the government, the latter representing the interests of the negro. It was a temporary arrangement, renewable from year to year, and intended to bridge over *this chaotic period of transition which threatened to absorb the colored race like a quicksand.*

“By its terms the planter, in whose hands centered the entire agricultural welfare of the State, obtained a single concession—the labor needed to carry on his plantation, pay his taxes and secure his crop. In all things else he was shorn of his ancient masterful privileges, and onerous duties laid upon him instead. He was required to furnish to the able-bodied laborer a house to live in for himself and all the members of his household, an acre of land to cultivate on his own private account, together with food, clothing,



fuel, medical attendance and eight dollars a month in money. The use of the whip, and all cruel and unusual punishments were forbidden; his seigneurial rights were entirely swept away and his absolute authority reduced to a degree corresponding with that of an employer over his hired workmen.

“The magisterial and punishing power was vested exclusively in the Provost Marshall who, as representative of the government in a parish or county, decided all questions between employer and employed. The laborer was permitted to choose his employer; but the choice once made he was required to work faithfully for one year under the protection of the government. Free instruction was promised to his children; and the quiet possession of his Sunday as a day of rest (a boon unknown to slavery) was guaranteed. Idleness and vagrancy were to be suppressed by forfeiture of pay and such punishments as are provided for similar offenses in the army regulations. Bad faith on the employer's part was to be punished by fine, imprisonment and loss of estate.

“Such were the main features of the Free Labor System which it was hoped would supersede the lingering remnants of chattel slavery on the one hand and on the other the idleness, misery and vice with which the Department was filled.

“Now coming, as I did, fresh from a long discipline under your faithful ministry of humanity and righteousness, I could easily see that this system fell short of ideal justice to the negro. He it was whose unpaid toil had cleared and drained from forest and swamp those mile-long cane fields of more than Egyptian fertility. He it was who beyond all question stood forth as the eminently and absolutely loyal man.

“Up and down the river stretched vast plantations whose owners had become rebel Majors and Brigadiers. To have divided them into hundred acre farms—to each black household a farm in fee simple—this would have been but the requital. They had earned

it by the patient toil of one hundred and eighty years and as the reward of being faithful found among the faithless.

"A statesman's duty is measured by his power. When he finds it not possible to do the best thing he must do the best thing possible. To succeed he must move with events, not outrun them.

"At that time, under those circumstances, the *Labor System was the best thing possible*. Its scope was equal to the exigencies of the occasion and in its features were happily blended philanthropic purpose with those steps of gradation, that slow labor of years and mediation of time, which are the conditions of its practical embodiment.

"With these views I accepted the following appointment:

"Chaplain E. M. Wheelock is hereby detailed as one of the Superintendents of Negro Education and Labor in this Department. He will visit plantations and jails and correct and report upon all irregularities and abuses of the Labor System coming under his notice. From time to time he will report to the General Commanding. He will be obeyed and respected accordingly.

N. P. BANKS,  
M. G. C."

"In company with Rev. G. H. Hepworth, of your city, then an army chaplain, I began at once my work. From the forts near the River Mouth to Baton Rouge, a distance of nearly two hundred and fifty miles, we visited nearly all the important plantations on each side of the River.

"By personal and minute inspection, continuing over a period of many months, I made myself acquainted with the workings of the Labor System, the needs of the negro and the varying attitudes and moods of the planter and overseer.

"At first there was much disorder. The system found no advocates outside of the friends of the gov-

ernment. Many of the planters, especially of French and Spanish extraction, were wedded to the past and did not comprehend the Revolution. Although accepting perforce the conditions of the Free Labor System they wished for its failure and hated its humane restraints. They issued to their laborers scanty rations, treated them with churlish unkindness, paid their wages irregularly and made unjust deductions therefrom; and employed overseers notorious in the old times for their cruelty, who had forgotten nothing and who had learned nothing, and whose single expedient in every difficulty was a resort to the ancient method of discipline—the whip, the chain and the stocks.

“In some districts we found jails filled with negroes maliciously imprisoned and against whom no charge whatever could be found on the prison books. In other places the Provost Marshals had been bought or bribed and from being the protector of the negro had become his tyrant and terror.

“These disorders and abuses were speedily reported to the Commanding General and as swiftly remedied. The prisoners unjustly held were released; the sinning overseer dismissed from every employment or imprisoned; the Marshal who had disgraced his uniform was removed, and the offending planter heavily fined or even deprived of his plantation.

“Said the General to me, ‘If any planter, after due warning, persists in mutiny against these just restraints, I will remove his laborers and strip his plantation as bare as the palm of my hand’. This was done in more than one instance and with the best moral effect. The negroes themselves, wearied with herding together in discomfort, idleness and starvation, everywhere accepting with gratitude the new order of things, returned to their homes, ready to render faithful service for wages. For by a sort of divine instinct these poor creatures comprehended

that in this matter the military power was their saviour and friend.

“Order was gradually brought out of chaos, abandoned soil was retiled and new capital and new proprietorship took the place of the old. The most intelligent and honorable of the planters, many of whom had long questioned both the wisdom and economy of slave labor, accepted frankly the new idea, kept in good faith its conditions and found that just treatment and prompt pay furnished all the incentive needed by their workmen in order to raise and gather their crops.

“At the end of the year 1863 I was enabled to report that the law of God was still in force, and that the system which in the midst of the war, and in the heart of a slave-holding community, proposed to substitute paid labor for unpaid, and justice for violence, was a success on the Delta of Louisiana. I am not an enthusiast but I thanked God I was able to say so much.

“The new year of 1864 smiled upon our labors. The experience of the last twelve months had served to correct errors and to strengthen Liberty and Progress in every weak point. The machinery of the system had become well adjusted and in working order. A Bureau of Free Labor was established. Here complaints were heard, wrongs righted, fair dealing enforced and a complete registry of all the Freedmen made.

“Meanwhile, a great moral change was passing over the state. A sense of permanence, unknown before, was attaching itself to the Federal arms and authority, and daily many souls were born again. The old things were passing away and all things becoming new. The incorrigible portion of the planting interest had been disposed of; the great majority had learned gracefully to accept the inevitable, while the brains of the state had been with us from the first.

“In 1863, this community, throbbing with volcanic passions of Slavery and Faction, were against us in

this grand test of the applicability of Free Labor; a twelve month later, and this same community, cooled, repentant, wearied of the war and its burdens, and sinking under the loss of their sons, their fortunes and their hopes, were with us; and in morals as in battle success marches with the heaviest battalions.

“Now, too, the promise of free schools for the colored people began to be fulfilled and education followed in the footsteps of Liberty. In the latter part of March, 1864, General Order 38 was issued constituting a Board of Education, whereof Major B. Rush Plumly was Chairman, empowered to employ teachers and establish and conduct common schools for the rudimentary instruction of the Freedmen of this Department.

“The success of Major Plumly has been a wonder even to the most hopeful of his friends. In the face of every obstacle the good work has gone on, until ninety-eight schools, amply supplied with school furniture, and the best textbooks of the North, have been established; with an attendance of upwards of eleven thousand pupils and with night schools and Sunday schools dispensing instruction to twenty-two hundred laboring adults. At the end of another twelve months there will be more white men than black men in Louisiana unable to read and write.

“Where else in the bloody passage of this war can such benign results be shown? Was there ever so much gained in so short a time? The anti-slavery seed sown by your hand in apostolic faith through so many weary, waiting years has grown to a golden harvest here and has become the bread of life to our free and toiling thousands.

“In January, 1863, these people were congregated in herds within our lines and around our military posts; the old, the young and the women living together in little huts, in unhealthy localities, with nothing to do and no comforts when ill, contracting the most vicious habits and dying in frightful numbers. They produced nothing. They were a contamination

to the troops and a heavy expense to the government. The conservative pointed to them as a proof that the negro was fitted only to be a slave, while many true men said with a sigh 'it is perhaps necessary that this generation should perish amid the throes and pangs of the Revolution and only their children reap the distant promised good'.

"Now these people are quite thrifty, *the laborers doing better as to wages than farm hands at the North.* They are no longer benighted, torn by the whip, mutilated and sold. The dark days are past. They have redress for their grievances, pay for their services and schools for their children. They know that they are no longer chattels. They have their homes where they may earn their daily bread. They have their families about them whom no man can abuse or sell. They stand as equals of their former masters before the law; they are enrolled in the militia with the whites and their testimony is received in courts of justice. From things counted at so much per head they have grown into the likeness of men who know and dare maintain their rights.

"They are rapidly rising in the social scale and learning their own power and worth. They are moving, and that not tardily, on the straight line to the goal of all their rights. Already, in our state legislature, vigorous effort is being made to extend the franchise to those of the colored race who pay taxes, who have fought for their country or who shall be qualified by educational fitness to vote. This measure will pass the legislature, and become a law; then each minor question can take care of itself.

"In speaking thus of the results of the Labor System of General Banks I have said nothing but what I know. I have had every opportunity of judging of its merits, and I have presented the facts which my long and varied experience has enabled me to gather.

"Some one has said that it required more genius and capacity to govern the single commonwealth of England in the time of Cromwell than would be need-

ed to control all Europe now. So I think that in all our land there has been no such trying and difficult field for the statesman to regulate and subject to rule as this.

*"I think the policy of General Banks with respect to the Southern negro has been dictated by profound wisdom. Considering the peculiar population here, the mixture of elements, the pro-slavery tone of much of our army and the hesitating policy of the Central Government in 1862, a better system could not have been devised. The present generation is too near the successive waves of this great movement to give to each its true grandeur and prominence. But history will do both the events and the actors justice.*

"We have been waging a tremendous war for the Freedman here—a war in which the bullet, the pen, the mind, the heart, the spelling book and the Bible have all been engaged. By the grace of God we have gained the day. The tide of freedom rears its flood. The Freedman in Louisiana has won or is fast winning all his rights. He already shares our civilization; he will soon share our political equality and the franchise of a citizen.

"With sincerest regards,

E. M. WHEELOCK,

Secretary of Board of  
Education for Freedman,  
Department of the Gulf".

In the same issue an editorial appeared in which the attention of the readers of the *Liberator* was called to the letter of our minister and where its author was referred to as "a John Brown abolitionist whose interest in the rights of the colored freedman of Louisiana none who know him will question" and his words are spoken of as "a vindication of General Banks from imputations cast upon him, showing him to have acted with consummate judgment and good sense and great kindness and humanity in his free labor and educational efforts".

There could be no reply to a statement so indubitably sane, so obviously just, so plainly accurate as that which had come from

the eloquent pen of the Dover minister. As its sentences, freighted with manifest truth and fine feeling, stirred the thought of readers the last gasp of criticism died upon the lips. No abolitionist had forgotten the great sermon upon John Brown—that sermon which had with such remarkable forevision predicted the new epoch in American history; none could forget that the prophetic young minister, caught in the passion of the movement, had given up the quiet of clerical and family life for the hazards and discomforts of a soldier's career; and certainly the readers of the *Liberator* could not but feel—and it was from the readers of the *Liberator* that the criticism and opposition had come—that if what General Banks had done was not the best it was at least, in the language of the author of the letter, the best possible.

It is not unfitting that we should find in the life of William Lloyd Garrison, written by his children and published by the *Century Company*, an acknowledgment of the influence which our minister exercised in conjunction with Major Plumly in persuading Garrison that the torrent of abuse which General Banks had endured was wholly unmerited, and we cannot do better than close this chapter with a quotation of this passage in full as it appears in volume 4, page 122, note 1:

“Another indictment constantly reiterated against Mr. Lincoln was his assent to the Labor System established by General Banks in Louisiana, who was accused of having forced the freedmen back under their old masters and reduced them to a state of serfdom scarcely better than slavery. Mr. Garrison refused to accept those assertions until he could investigate the matter and it subsequently appeared that they were altogether unjust and exaggerated. The labor system which insured employment at fair wages to the men and provision and shelter for their families, saved hundreds from demoralization and death which decimated them when they swarmed about the Union camps, and the educational system which went hand in hand with it gave instruction to more than eleven thousand children. Both departments were under the charge of radical abolitionists and friends of Mr. Garrison, Major B. Rush Plumly of Philadelphia and Rev. Edwin M. Wheelock of New Hampshire”.