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## **Beyond Freedom: New Directions in the Study of Emancipation**

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*The South, the West, and the Imperial State*

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At the very time he was drafting the Preliminary Emancipation Proclamation in September 1862, President Abraham Lincoln dispatched one of his generals, John Pope, to Minnesota with orders to suppress a rebellion of the eastern, or Santee, division of the Sioux. The rebellion was, in good part, the result of two decades of festering tensions with federal officials and white settlers (mostly of German, Scandinavian, and Irish origin), which had forced the surrender of ancestral grounds and the near starvation of some of the Sioux bands. But more directly, the federal government's determination to wage war against the Confederacy caught the Sioux's attention and encouraged them to take the measure of the consequences. Although the Confederates made no efforts to win them as allies – as they did in Indian Territory and the southern Plains – Confederate sympathizers in their orbit eagerly told of Union defeats; and as federal troops moved in and out of nearby forts, some Sioux leaders imagined “that the South was getting the best of the fight, and the North would be whipped.” When, in August 1862, a

Union officer came recruiting young men of mixed ancestry for military service, one of the Sioux chiefs concluded that “the whites must be pretty hard up for men to fight the South, and that now would be a good time to go to war with the whites and get the lands back.”

The Sioux rebellion would spread across the Minnesota countryside and into the Dakota Territory, while alarms were raised as far south as Iowa and Nebraska. Lincoln hastily created a new Military Department of the Northwest, and Pope, who had been hung out to dry after the Union’s second defeat at Bull Run, determined “utterly to exterminate the Sioux if I have the power to do so and even if it requires a campaign lasting the whole of next year.” It almost did. Over the next ten months, 2,000 Sioux came under federal control, 38 were hanged in what would be the largest mass execution in American history (303 had been sentenced to death), treaties with the federal government were abrogated and the remaining Sioux pushed onto the open plains, and Little Crow, one of the most influential of the Sioux leaders was hunted down and killed, his scalp brought back for display at the Minnesota Historical Society.

My purpose here is not to argue for the commensurability of the Preliminary Emancipation Proclamation and the suppression of the Sioux rebellion, but rather to suggest that slave emancipation and the destruction of Indian sovereignties in the trans-Mississippi West, through a variety of means, including exterminism, must be seen as fundamentally related projects that emerged during what I would call the Wars of the Rebellions and ultimately created, for the first time on the American continent, an imperial nation-state. Which is to say that these projects, simultaneously looking South and West, were manifestations of state warfare and then the main work of what we call Reconstruction as a national and international experience.

Now I recognize that I'm making sweeping claims that cannot possibly be defended in the time allotted to me and the panel this morning. But what I would like to do is lay out the logic of these claims and offer some evidence to support them. The logic and evidence concern the crisis of sovereignty (slavery being at the center of it) that made warfare necessary; the assortment of rebellions the federal state faced, most intensely between 1861 and 1865, but also significantly for the following two decades; the conceptualization of social and cultural relations that joined the problem of emancipation and that of Indian peoples; the political development of the trans-Mississippi West, which in many ways anticipated the issues and challenges we tend to associate with the very end of the nineteenth century, and especially with the Spanish-American War; and the woefully understudied – or at least under-appreciated – history of the United States military.

The geographical and chronological boundaries of emancipation in the United States have, of course, a reach and complexity that we have rarely confronted. Although we tend to cordon off the emancipations of the late eighteenth and early nineteenth centuries in the states of New England and the Middle Atlantic (in truth they weren't completed until at least 1857) as minor acts in relation to the great emancipations of the Civil War era, they were in fact quite arguably part of an extended emancipation – and possibly reconstruction – process. The significant difference between what transpired between 1780 and 1857, and what transpired between 1862 and 1865 was not, in my view, the scale of the emancipations or even the centrality of emancipation to the political economy of the affected areas. The significant difference was that the earlier phases of emancipation were initiated either by individuals or by states, while the later phases were initiated, however reluctantly, by the federal government in a context of social and political rebellion-turned-revolution.

The federal government's embrace of emancipationism – and especially an emancipationism that rejected compensation or any official partnership with owners in supervising the transition out of slavery – marked an enormously important turning point in the political history of the United States, and it came in the face of an assortment of rebellions against its presumed authority. The slaveholders' rebellion of the 1860s is surely the best known and greatest of them, but it was not alone. Think of Nullification, the Second Seminole War, and white settler rejections of Supreme Court decisions in the 1830s; of filibustering operations in Texas, Canada, Cuba, northern Mexico, and Central America in clear violation of the government's Neutrality Law; and of the Mormon War of 1857 out in what the federal government called the Utah Territory and what resident Mormons hoped to make the state of Deseret. Think, too, in closer proximity, of efforts in the midst of the secession crisis to construct independent political units on the Pacific coast, in the Midwest, and in the city of New York; of copperheadism and working-class insurrections against the federal draft; and, most consequentially, of slave rebellions not only against the authority of their masters but also against the early policies of the Lincoln administration meant to keep the slavery question at the margins of state warfare.

These rebellions were immensely dangerous but they enabled the federal government to commence redefining its powers and extending its reach. Very quickly, in the face of Confederate rebellion and its possible spinoffs, the federal government created new territories in the trans-Mississippi West, admitted Kansas and soon thereafter Nevada to the Union, and reorganized military districts in the West with a view to raising new volunteers and keeping both

disloyalty and potentially rebellious Indians in check. In 1862 a variety of initiatives put the emancipationism of that year (beginning with the federal territories and the District of Columbia) in context, not simply the well-known Homestead Act and Pacific Railway Act but also the Morrill Anti-Polygamy Law passed that July, the first of many federal attacks on one of the “twin relics of barbarism” (slavery being the other) that would continue for the next three decades: together with the decision to suppress and brutally punish the Sioux uprising.

The political history of western territories and states during the last four decades of the nineteenth century and the first two of the twentieth has been passed over by many scholars – though fortunately not by Howard Lamar whose early books on the northern Plains and far Southwest remain essential – but it helps us understand both the imperial project of the new American nation-state as well as the links between the state’s efforts to “reconstruct” the South and the West. One of the things that distinguishes this history is not only the explosion of territory-making during the years of warfare or the size of the territories that were created, but the extended period of time that elapsed between the organization of territories and their ultimate admission as states. Whereas new territories east of the Mississippi generally moved to statehood relatively rapidly (on average 12 years), those west of the Mississippi were often kept under federal jurisdiction for decades. The most striking examples are New Mexico, which remained a territory for 62 years, Arizona for 49, and Utah for 46. But to these we may add Dakota, which was territorialized for 38 years, Idaho for 27, Montana for 25, and Wyoming for 22. The only exceptions are Colorado, which had a 15-year territorial period (the average for all being 36 years) and Nevada which was admitted after only 3 years, though largely to secure Abraham Lincoln’s re-election in 1864.

Territorialization allowed the federal state a stronger hand in western economic and political development, appointing many key territorial officeholders (almost always outsiders) while reducing their discretionary powers. This was no small matter given the increasingly important Pacific trade, the gold, silver, and copper deposits discovered at various sites across the region, and the stateless peoples to be found there who could threaten state authority. And here the imperial projects had both cultural and political dimensions. Utah raised extremely troublesome issues for federal officials because of Mormon suzerainty and especially because of the practice of polygamy among them: a direct affront to the idea that monogamous households served as the foundation of a stable republic. As early as 1861, Congress considered a bill to eliminate the territory entirely (dividing it between Nevada and Colorado), and subsequently looked for other ways to “blot out the Territory” in order to dispose of “the Mormon question.” Federal courts soon joined in, launching assaults on polygamy and the authority of the Mormon Church; only when Mormon elders publicly abandoned polygamy was Utah admitted to the Union (1896).

In New Mexico and Arizona, the issues surrounding territorialization and statehood were quite different though their meanings were no less significant. Since the signing of the Treaty of Guadalupe Hidalgo in 1848, the civil and political standing of people of Mexican descent remained liminal while their numbers remained very substantial. In effect, the federal state had to confront a question that arose there as well as in imagined imperial moves against Cuba and the rest of Mexico in the 1840s and 1850s, and would come up in connection with the Spanish-American War in 1898: does the Constitution follow the flag, and if so, how? The populations in

the southwest were, in the view of many officials and observers, a “foreign people” speaking an “alien language” who were not “Americans.” Albert Beveridge, chair of the Senate’s Committee on the Territories in the early twentieth century, contrasted “American” Oklahoma with “frontier” Arizona and “Mexican” New Mexico, regarding the Hispanic denizens as passive, uneducated, and indolent – and perhaps “treasonous” is their apparent refusal to learn English. Only a growing influx of Anglos, which portended a shift in the demographic balances, made admission possible.

In important respects, of course, these were the very problems the federal government had to grapple with in relation to the political reconstruction of the former Confederate South. Commencing with Lincoln’s Ten-Percent Plan, federal officials – and Republicans in particular – struggled over the terms of reunification, the extent of central state authority, and the required cultural dispositions of resident populations. What, in fact, was the former Confederate South? Did those states truly leave the Union, and should they now be remanded to territorial status? What criteria did they need to meet in order to gain readmission, and should those criteria be imposed or coaxed? Although the most far-reaching proposals were defeated, the former Confederacy was effectively territorialized in the early phases of Radical Reconstruction, placed under military authority, and subject to extended federal oversight as to political conduct. Even when federal power was ultimately rolled back and “home rule” conceded, the federal state had wholly shifted the balances of policy-making in its favor – and in the favor of its strongest supporters who had gained enormous leverage in the course of defeating the slaveholders’ rebellion.

To be sure, the chief socio-economic problem of the emancipationist era was the remaking of a slave-based political economy in the South. But it is well to remember that federal officials and their allies understood many of the challenges in cultural terms. What, after all, was “free labor” to mean and how was such a regime to be designed and instated? Not surprisingly, one of the first important federal initiatives along these lines was the creation of the American Freedmen’s Inquiry Commission, which was to report on the legacy of slavery, the impact of emancipation, and the future of people of African descent in the United States. The Commission, headed up by Robert Dale Owens, was especially concerned with slave and ex-slave practices regarding private property, marriage, parenting, education, faith, and sexuality. Quite aware of the shortcomings of the British system of apprenticeship in the 1830s, they hoped to determine whether the freedpeople would be ready to work without the coercions of slavery, and believed the answer was closely related to an assortment of cultural questions: Did they understand the difference between *meum* and *tuum* (or, would they steal)? Did they grasp the responsibilities of the marital relation? Did they (and especially freedwomen) have a casual attitude about extra-marital sex? Did they have acquisitive dispositions and could they respond to market incentives? The Commission report was relatively optimistic but it was joined to recommendations for constitutional prohibitions against enslavement (it was clear that slaveholders needed legal restraints that would withstand court challenges together with tutelage in the requirements of a post-slave world) and the creation of what became the Freedmen’s Bureau to supervise the transition from slavery to freedom.

The work of the AFIQ, as we know, was accompanied by a raft of “free labor” experiments across the war-torn South, which were also meant to reveal the capacities of the

freedpeople and especially the prospects of rehabilitating the cotton economy in the aftermath of emancipation. They ranged from the contract labor system, to the laboratories at Port Royal in the east and Davis Bend in the west, to freedmen's villages in connection with contraband camps. Important to all of these were northern administrators, planters, reformers, and missionaries who often fought with one another yet shared an interest in promoting new forms of character and behavior – and who reported extensively on what they found and on what they achieved (or failed to achieve). Together they set the terms of what, for more than the next century, would be called the “negro problem” and the idea of “race relations” that emerged in close relation to it, and that would be integral to the projects of the new imperial nation-state.

So would the “Indian problem.” The Indian peoples of the trans-Mississippi West did not pose the same sort of challenges as the freedpeople of the former Confederate South. They were far fewer in number and were never imagined as important components of a national economic system. Quite the contrary. They were obstacles to the consolidation of federal authority and to plans for western development. But by putting their experience in relation to that of the freedpeople, we can get a deeper sense of what was unfolding across the country. Without question, the “Indian problem” had a history as long as European settlement in North America and well before the Civil War policy-makers and reformers alike seemed to share a view of what needed to be done: Indians had to be removed from the path of white settlement, concentrated in defined territories, and “civilized” by means of education and detribalization.

Yet, with the Civil War, the “Indian problem” entered a new phase. For one thing, Confederate alliances with plains Indians, together with the initial refusal of the Lincoln administration to collect its own native allies, both increased the likelihood of violent encounters in the West and turned the Union side to a more general policy of subjugation and pacification

(the Confederates offered representation in their Congress). As General Pope suggested, the suppression of the Sioux rebellion effectively initiated more than two decades of warfare, some of the most wide-ranging and devastating of which (think of the Sand Creek massacre in Colorado or Kit Carson's campaign against the Navajo in 1863-64) took place before the Confederate surrender.

Although subsequent years are often portrayed in terms of the twists and turns of federal policy and the struggles involving the War Department, the Department of the Interior, and social reformers, the period between 1862 and 1871 was crucial. It was then that the federal state commenced pursuit of Indians regarded as rebellious (meaning that they resisted confinement on reservations), lowered the boom on the so-called Five Civilized Tribes ("erring children" they were called) for aligning with the Confederacy, and, perhaps most important, abolished the treaty system. "The time has come," the Indian Peace Commission resolved in 1868, "when the Government should cease to recognize the Indian tribes as "domestic dependent nations [except owing to existing treaties] . . . and hereafter all Indians should be considered and held to be individually subject to the laws of the United States." Three years later, in an Indian appropriation bill, the Congress made it official: "hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." This was a decade and a half before the Dawes Severalty Act provided a framework for detribalization and the extension of citizenship.

As part of the process, the federal state moved against slavery among various Indian tribes, most notably the Cherokees, Seminoles, Creek, Choctaws, and Chickasaws who held slaves of African descent (and who were ordered to incorporate them on an “equal footing”), but also against the captive economies of the southwest and southern Plains. It proved a lengthy and complex road of emancipation, in good part because the line between slavery, captivity, and debt bondage could be indistinct. It may, however, be useful for us not only to think about emancipationism in its western as well as southern settings, but also to consider the languages of “civilizationism” deployed in the Indian context in relation to developing languages of race and racial prospect deployed against African Americans, and of course the relation between the logic (and choreography) of reservations and that of segregation.

The connections and complications in these matters between South and West were in many ways embodied in military personnel. Although most of us associate the names of William Sherman, Philip Sheridan, Nelson Miles, E.R.S. Canby, and a host of other Union officers with the war against the Confederacy and then the reconstruction of the former Confederate states, they had important subsequent careers in the trans-Mississippi West that throw their roles in the defeat of one rebellion and transition out of slavery into meaningful relief. Sherman, who advanced the idea and practice of “total warfare” and then issued Field Orders No. 15 in January 1865, went on to negotiate an agreement with the Sioux in 1868 at Fort Laramie which both delineated the boundaries of their reservation and demanded that they “withdraw all opposition to the construction of railroads now being built on the plains”; not long after, as General-in-Chief of the Army, he pressed for War Department control of Indian affairs and argued that Indian peoples of the plains “be made self-supporting” through means of livestock raising.

Perhaps even more compelling is the case of O.O. Howard, wartime officer and subsequently Commissioner of the Freedmen's Bureau, who brought missionary zeal and shortsightedness to the question of what "shall we do with the negro?" For this he is best known. But Howard, who cut his military teeth in the Seminole War, spent far more time criss-crossing the trans-Mississippi West, from the far southwest to the far northwest, bringing Apaches, Modocs, Nez Perce, Crows, and Sioux to heel through military and diplomatic methods. He was by no means hostile to them and readily conceded the misdeeds that had been committed by whites; he believed that some of them might well be capable of moving from "savagery" to "civilization." Yet as was true for the freedpeople in the Reconstruction South, his vision required that they accommodate to the relations of power and cultural practices that a new-nation state was imagined to represent. "In dealing with the Indians," he later wrote, "we must neither fear nor hate them; after instructions are given by the proper authority see to it that the Indians are made to understand the orders; afterwards, see to it that they are carried into execution without hesitancy or delay."

Historians have long debated the appropriate chronologies of emancipation and Reconstruction in the United States, and although some of them recognize the national perimeters of the processes, they have mostly looked to the former Confederacy and have effectively exported issues about "class," "race," and "race relations" when shifting (usually fleetingly) to the North and West. This, of course, makes a good deal of sense. But I would suggest that nation-state formation – and imperial nation-state formation in particular – might be a better hub around which the spokes of emancipation and Reconstruction turned. So considered, we may find new episodes to mark the era's end points: the Dawes Act and Plessy v.

Ferguson, the Spanish-American War and the admission of the last of the continental states, and perhaps even the Mexican Revolution.