SLAVERY CONTINUED: PEONAGE IN MISSOURI

by

Jonathan A. Klusmeyer

An Abstract
of a thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Art
in the Department of History
University of Central Missouri

November, 2013
ABSTRACT

by

Jonathan A. Klusmeyer

Peonage is the holding of an individual based on a debt or an alleged debt. It was a tool used by southern whites both to control the labor of blacks and to relegate blacks to a lower social position. Although technically peonage was illegal following the passage of the Federal Peonage Act in 1867, by 1880 at least 10,000 African Americans found themselves in peonage in the South. In the state of Missouri, however, only one case could be found as being federally prosecuted in the state. The problem for study then became “Why was peonage limited in Missouri and how was it different from that in the rest of the South?” The methods used to research this question included archival research at the National Archives in Kansas City, reviewing of the U.S. Justice Department’s Peonage Files on microfilm, and the use of multiple secondary sources. After much research, it can be concluded that peonage in Missouri remained an oddity as conditions in the state had not allowed for the continuance of slavery under a new name.
# LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Black population in Little Dixie 1860-1868</td>
<td>51</td>
</tr>
</tbody>
</table>
Introduction

In 1906, Charles Smith Sr. and five others were convicted of conspiracy to commit peonage in the state of Missouri. These six individuals had entered into a scheme in which they recruited African American laborers in Tennessee with promises of decent wages and living conditions and transported them to Missouri, where they forced the laborers to work on the Smith farm. While on the farm, the black laborers were worked under armed guard during the day and locked away in shacks at night. The laborers were unpaid, poorly clothed, and viciously beaten if they did not perform their work to standard. By the time the conspirators were arrested and charged, some 40 blacks had suffered the cruelest of treatment at the hands of these six men. Following the arrest of the conspirators, the details of peonage on the Smith farm came to light through the testimony of several African Americans who were held on the farm.

Peonage in the South had come about as a transitional labor practice from slavery to free labor as well as a means for white Southerners to limit black freedoms. Although the federal government had made peonage illegal in the United States in 1867, its language had been vague enough to allow Southern legislatures to make laws which sanctioned the practice. In the South, these laws combined with antebellum values, an influx of Northern capital, and the rise of Southern industry to make peonage a simple fix for labor shortage in which virtually few whites, North or South, truly protested. Following the failure of Reconstruction, Southern whites had been left to run their respective states with little interference from the federal government and peonage was a result.
Slavery in Missouri had set the conditions necessary for peonage to occur in the state, although to a lesser extent than other parts of the South. Slavery had existed in the territory while it belonged to France, Spain and the United States. While it belonged to France and Spain, slavery was controlled under the *Code Noir* and Spanish law, which built in protections for slaves, in theory creating a milder form of slavery. After the purchase of the Louisiana Territory, however, and the incorporation of Missouri as a U.S. territory and later a state, the laws and customs began to mirror those of other Southern states like Virginia and Kentucky. After slavery was secured in Missouri’s admittance to the Union as a slave state, Southerners flocked to the state, bringing with them there slave property as well as their customs. By the time of the Civil War, Missouri’s legal mechanisms and societal attitudes towards slavery were fully in line with those in the rest of the South.

However, Missouri slavery was different than slavery in the South primarily in its prevalence and scope. Missouri’s slave population remained low and concentrated in particular areas and slaves were generally not engaged in cotton production. Because of this difference, there were several conditions which altered the course of peonage. Slavery had not been as essential to the economy in Missouri as it had in other Southern states, as Missourians utilized a mixture of slave and wage labor. The fact that slavery was not as prevalent also led to fewer emancipated blacks living in Missouri following the war than in any other slave state except Delaware. This lower population, combined with an early exodus of blacks in Missouri, after the war, meant that there were few blacks available for peonage to begin with compared to the rest of the South.

Missouri’s antebellum experience had created conditions to allow the transition from slavery to peonage. Missouri, however, had undergone extreme changes during the war and in its
immediate aftermath. The political order, which had governed Missouri with an iron fist ever since its statehood, was replaced by Radical Unionists. A new state constitution, new opportunities for education, changing demographics, and a changing economy all combined in the state, allowing Missouri blacks to escape the transition from slavery to peonage that plagued other former slave states in the South. It would be Missouri’s war-time experiences and its rapidly changing socio-economic situation following the war that prevented the onset of peonage.

The conditions within Missouri as the Civil War ended made peonage a non-issue. Conditions in the South, however, made peonage a viable labor option for white farmers and industrialists in the South. Without the demand for labor and the laws which sanctioned peonage in other regions, peonage in Missouri remained an exception not the rule. The Smith case demonstrates peonage as an oddity in Missouri. Occurring in 1906, it was clearly not a result of the state’s past as a slave state. Rather, the case was a result of a sudden increase in labor demand caused by the release of federal swamp lands to private owners that had led one group of conspirators to respond with peonage. The Smith case stands as the only documented example of peonage in the state, providing details of its similarities to peonage in the South. The Smith case also demonstrates the differences in peonage in Missouri to that of the rest of the South. In Missouri, unlike in other states during this time period, legal protections were not given to peon masters and violators of the federal peonage statute were made an example, receiving the heaviest sentencing allowed by law.
Chapter 1
Missouri’s Roots for Peonage

Missouri was a slave state and a slave territory while belonging to Spain, France, and the United States, and it had the necessary roots to create an atmosphere ripe for peonage. Missouri, however, had only one case of peonage brought before the federal court in 1906, with roughly 40 African American peons enslaved, yet by 1880 at least 10,000 African Americans were already re-enslaved in the eleven states of the former Confederacy.¹ Contemporaries and apologists of Missouri slavery have long argued that slavery in Missouri was different from slavery in the rest of the South, and somehow more humane; this is an argument that few historians still hold to this day. Had slavery in Missouri been mild in nature, this could explain the non-abundance of peonage, however, this was not the case. An analysis of Missouri slavery reveals that slavery in the state was unique in comparison to the rest of the South in its prevalence and scope, but the customs and laws pertaining to slavery in the state were clearly in line with the rest of the South. These customs and laws had set the conditions necessary for peonage to occur, and had it not been for the changing conditions of the state as it neared the Civil War, peonage might have developed on a large scale in Missouri.

Bondage of individuals of African descent in Missouri extends as far back as the early seventeenth century when the French brought slaves to the area while on fur trapping expeditions and later lead mining ventures along the Mississippi River Valley.² Initially, Europeans chose to use the most readily available form of slave labor, that of the Native Americans, to extract

resources from the rich land west of the Mississippi River. This proved to be a point of contention for Native Americans and led to a united and armed response against the Europeans living in these areas. In order to avoid conflict, the use of Native Americans as slaves was discouraged by the French and the Spanish, who later initiated a policy of gradual emancipation by blocking the transfer of ownership of Native Americans. By 1750, blacks had become the preferred form of labor, and the French imported blacks from other colonial holdings to the region. With the influx of enslaved blacks, the earliest laws and customs between enslaved blacks and their masters were then applied to Missouri.

The relationship between the black slave and the French master fell under the governing regulation of *Code Noir* or Black Code, which was first issued by the king of France in 1685. *Code Noir* defined black slaves as property but also granted slaves certain rights, considering the slaves to still be human rather than simply chattel. The *Code* limited masters’ control over slaves by prohibiting the working of slaves on Sundays or during hours of darkness and by prohibiting the master from breaking up slave families. The *Code* also required slaves to be fed, clothed, housed, and cared for when sick and in old age. The Catholic Church was the main influence in the development of the *Code* and had further reinforced the *Code* by regularly legitimizing slave marriages, viewing the unions as sacred as marriages between free whites.

The territory that is present day Missouri changed hands multiple times before finding its final geographical outline on the United States map, but while in the hands of the Europeans, little changed in regards to the status of slaves in the territory. Following the Seven Years War,

---

3 Ibid.
the Louisiana Territory was transferred to Spain from France in recognition of its participation in the war against the British. Under the Spanish, blacks were used more frequently, as the use of Native American labor was discouraged by the government and the tasks given to the slaves changed. Under the French, slaves in the areas of what is now Missouri performed primarily extraction of natural resources, while under Spanish control, the focus switched to agriculture.

The laws which governed the treatment of black slaves in Missouri changed slightly following the conversion of the territory to Spanish rule. Initially, the limited number of Spanish administrators and soldiers in the Louisiana territory, and especially in Upper Louisiana, forced the Spanish to simply leave in place French administrators and policies. Although Spain took legal possession of Louisiana from France in November 1762, it would not be until March 1766 when the first Spanish governor arrived in New Orleans with roughly eighty soldiers at his disposal. Due to the lack of personnel, the French Code continued for several years until it was slowly modified to resemble Spanish law. Under the Spanish, enslaved blacks gained greater rights to include: the right to own property, the right to sue masters under limited circumstances, and the ability to buy their freedom.

From 1787 to 1796, the Spanish government actively sought Americans to settle in Louisiana, promising them land, no taxation, and friendly relations with local Indian tribes. Following the limits placed on slavery by the Northwest Ordinance, many Americans crossed the Mississippi into the Louisiana Territory to avoid losing their slaves. Following the rise of

6 Ibid.; Green, Kremer and Holland, 17.
7 Ibid., 18.
8 Ibid.; Foley, 115.
9 Ibid.
Napoleon and the conquering of Spain by the French, the Louisiana Territory fell once again under French control. This, however, did not last long as Napoleon’s dreams of an empire in the New World failed to materialize because of Toussaint L’ouverture’s rebellion in Haiti as well as the continued menacing presence of the British in the New World. In 1803, Robert Livingston’s mission, with its limited intent from Thomas Jefferson to purchase New Orleans, led Napoleon to surprise the Americans with an offer that allowed the United States to double its size for the price of only $15 million. Following Congressional approval, the territory then became part of the United States.

Because of its initial beginnings in French and Spanish rule, slavery in Missouri had the potential to be vastly different than slavery in states like Alabama, Georgia, Mississippi, and Virginia. At the time of the Louisiana Purchase in 1803, estimates put the population of whites in Missouri at 10,340 and the slave population anywhere from 1,320 to 3,000. Americans present in Missouri before the transfer lived under the customs and traditions already established by France and Spain. However, the heavy migration of southerners to the region from other areas of the Upper South, caused this to change, as they brought not only their chattel slaves but also many of their customs and laws. When new laws were imported to the region from the older slave states, black slaves already residing in Missouri lost many of the rights that they had been granted by the Code Noir.

Following the transfer of the Louisiana Territory to the United States came the inauguration of a new government of Upper Louisiana on October 1, 1804. With the new government came new laws concerning the status of slaves in the territory. The customs

---

11 Sources disagree Greene, Kramer, and Holland place the figure at 1,320 p.20, while Trexler places the figure at 2,000 to 3,000 p. 213.
established by France and Spain were quickly replaced with the customs and traditions of other Southern states such as Virginia and Kentucky with the creation of the Slave Code of 1804. Under the Slave Code of 1804, blacks were explicitly and implicitly denied rights which had previously existed under French and Spanish rule. The code denied blacks the right to testify against whites and forbade them from receiving medical care. The 1804 code not only restricted black rights, but it also failed to include protections such as requirements for slave owners to clothe, feed, or provide housing for slaves. Under the 1804 code, slaves could also be worked any day of the week and were no longer protected against physical abuse by their master. The extreme provisions of the new code stemmed from a fear of insurrection and in areas such as St. Louis, where black population was as high as twenty percent, additional ordinances were added to further restrict the black slave population. White Americans present in the new territory clearly restricted the black slave population out of a sense of fear.

Missourians’ insecurity concerning slave rebellion continued following statehood in 1821. Following statehood, Missourians deemed it necessary to restrict not only slaves but also free blacks living in their state. In order to restrict the number of free blacks living in Missouri, Missourians made it difficult for blacks to even gain their freedom by forcing blacks to obtain a “deed of manumission” that had to be certified either by state or county officials. In 1835, the Missouri legislature further limited the number of free blacks in the state when it created a law requiring free blacks to receive a license in order to reside in any Missouri county. By 1847,
this law had been changed to forbid free blacks from immigrating to the state entirely.\textsuperscript{17} In 1835, Missourians further restricted free blacks when they attempted to re-enslave them by requiring any free black ages seven to twenty-one to be legally bound as an apprentice or servant to a white.\textsuperscript{18} Even with these laws in place, the number of free blacks grew from 1810 to 1860 from 607 to 3,572, demonstrating that many slaves had managed either to buy their freedom or were manumitted by their owners.\textsuperscript{19}

Missouri, even with its relatively low slave population prior to the Civil War, had greater numbers of free blacks than Mississippi. The pre-war ratio of free blacks to slaves in Missouri in 1860 was 3,572 to 114,931.\textsuperscript{20} In comparison, the total number of free blacks in Mississippi was 773 to 436,631.\textsuperscript{21} These numbers show that Missouri, prior to emancipation, was more able to incorporate free blacks into its labor system than in Mississippi. Having only 773 free blacks prior to emancipation in Mississippi means that for many white Mississippians, the first free blacks which they most likely encountered were the 436,631 newly emancipated slaves in 1865 who, to white Mississippians, were capable of only one form of labor, slavery.

Missouri laws concerning the rights of slaves were similar to those of other Southern states. The relationship of the slave and the master in Missouri, however, was slightly different from that of their counterparts in the Deep South. Because of the small scale nature of slavery in Missouri, slaves and masters interacted on a daily basis. Missouri slaves often lived in the same

\textsuperscript{18} Ibid.; Green, Kremer and Holland, 64.
\textsuperscript{19} Ibid., 27.
\textsuperscript{20} Ibid., 183.
\textsuperscript{21} Ibid., 158.
house as their owners, reducing the degree of separation that had existed in other parts of the South where slave quarters some distance from the owner’s home was the standard.\textsuperscript{22} In public, Missourians allowed for both integrated and segregated areas.\textsuperscript{23} Masters and slaves fraternized in a great many of public settings, which included the work place, weddings, funerals, and church, at the same time schools, courthouses and militia musters remained areas reserved for whites.\textsuperscript{24} Although Missouri masters and slaves had a greater amount of interaction than their counterparts in the South, the treatment of slaves mirrored that of the South.

In order to gain perspective on how slaves were treated by masters in Missouri, the interviews by the WPA in the 1930s may be used to shed light on the subject. These interviews must be viewed critically as they took place roughly sixty-five years after slavery. In this amount of time, gaps in memory are filled with guesses and false memories, and those being interviewed were only children at the time of slavery. Still, these interviews demonstrate that slavery in Missouri was just like slavery in the Deep South; the conditions depended on the individual circumstance.

Mary Armstrong, who was ninety-one at the time of her interview with WPA writers, had two sets of masters, one pleasant and one contemptible. Mary was originally owed by William and Polly Cleveland in Saint Louis, Missouri, before being passed along to William and Polly’s daughter, Olivia, upon her marriage. Mary recalls only pleasantness once in the hands of Olivia and her husband, but recalls vividly her experience with William and Polly, who were “the

\textsuperscript{22} Ibid., 59.
\textsuperscript{23} Ibid., 11.
\textsuperscript{24} Ibid.
meanest two white folks what ever live.” 25 Mary recalls one instance that shows that the treatment of slaves in Missouri could be just as extreme as in the Deep South:

Old Polly, she was a Polly devil if there ever was one, and she whipped my little sister what was only nine months old, and just a baby to death. She come and took the diaper offen my little sister and whipped till the blood just ran--- just ‘cause she cry like all babies do, and it kilt my sister. 26

Mary Armstrong’s experience shows the dual nature of the treatment of slaves in Missouri. Although Missouri, Georgia, Alabama, and Texas all included provisions in their state constitutions making the killing of a slave under normal circumstances a crime, the prosecution of “Old Polly” or any other slave master was not common. 27

Delicia Patterson, who was interviewed at the age of 92, also provides another account of the dual nature of Missouri slave owners. Delicia, who was born and raised in Boonville, Missouri, before gaining her freedom and moving to Saint Louis, recalls being whipped only once during her entire fifteen years as a slave. Delicia was fortunate, as her owner, Thomas Steele, was very protective of her, even when his own wife was attempting any mistreatment. Delicia recalls, however, that her situation could have been very different. When Delicia had been sold on the auction block, she recalls that “Old Judge Miller” had attempted to buy her originally. Delicia recalls that Miller had been one of the wealthiest and also cruelest of the slave owners in the region. His cruelty was so extreme that Delicia had yelled to him as he bid on her,

26 Ibid.
“Old Judge Miller don’t you bid for me, ‘cause if you do I would not live on your plantation. I will take a knife and cut my own throat from ear to ear before I would be owned by you.”

“Old Judge Miller” had earned a reputation among slaves and slave owners in Boonville, Missouri, for his severe cruelty. This cruelty could be found throughout the South as a means of keeping slaves obedient. It was the threat of escape in Missouri, surrounded on three sides by free states, that led many masters to hand down vicious punishments. This time of intense punishment based on circumstance can also be seen in the deepest of Southern states, Florida. In Florida, masters were generally more relaxed when it came to the individual freedoms of slaves, primarily because there was little option for escape. This relaxed atmosphere, however, was quickly followed by some of the most intense punishment of slaves found anywhere in the South if a slave were to take advantage of the situation. In Florida, punishment for slaves breaking their master’s rules could include: cropping of the slave’s ears, branding, and tying slaves by their thumbs so they could barely stand, and whipping them mercilessly.

Missouri laws and treatment of slaves mirrored those of many other states in the South. Where Missouri slavery differed from slavery in the rest of the South was in its prevalence and scope. Unlike slavery in the South, large plantations in Missouri were uncommon. Rather, slaves were generally engaged in small scale farming enterprises, in which the white farmer worked side-by-side with his slaves and the infamous overseer was generally absent. In Pilot Grove, Missouri, a town in heavily slave-populated Cooper County, for example, there was an average

---

of 6.7 slaves per household.\textsuperscript{30} In the Deep South, in contrast, the average number of slaves per household was 12.7, or nearly double that of one of the most heavily slave saturated regions of Missouri.\textsuperscript{31} In 1850 and again in 1860, eighty-six percent of Missouri slaves were held by masters who owned 20 slaves or fewer.\textsuperscript{32}

Compared to the rest of the South, Missouri had a relatively low pre-emancipation slave population. Prior to the Civil War, Missouri had the lowest number of slaves in any slave state aside from Delaware. The total percent of slaves in Missouri in 1860 was 10 percent.\textsuperscript{33} In comparison, Mississippi’s slave population was 55.3 percent.\textsuperscript{34} This large difference between Missouri and Mississippi shows that Mississippi not only depended more heavily on slave labor, but also had greater numbers of African Americans whom they ultimately felt the need to control through arrest and peonage.

Missouri also had a peculiar geographic location which affected the type of slavery that took hold in the state. Missouri was surrounded on its north, east, and west by free states. Because of this location, large planters were discouraged from moving to the state because of the increased opportunities available to the slave for escape. The geography of Missouri also affected the type of slavery which took hold in other ways. Because of its northern and continental climate, the growing season was much shorter than in the rest of the South and the production of cotton was limited to the areas of the far south portion of the state. Rather than

\textsuperscript{31} Ibid.
\textsuperscript{32} Ibid.; Astor, 49.
\textsuperscript{33} Ibid.; Allen and Jewett, 174.
\textsuperscript{34} Ibid., 158.
growing cotton, most farmers in the state engaged in growing diverse crops such as tobacco, hemp, corn, wheat, flax, and clover, while also actively raising livestock.  

Slavery in Missouri, although present in every county of the state, was generally focused in specific areas. These areas along the Missouri and Mississippi Rivers had the soil and irrigation needed for growing hemp and corn, and at a glance the state had its own “Black Belt” along these regions. The largest concentration of slaves was along the Missouri River, running directly through the center portion of the state. This area in central Missouri became commonly referred to as “Little Dixie,” and when the Civil War broke out, a great deal of Southern support came from these counties along the river. By 1860, approximately one-third of the slaves in Missouri were in ten counties, all but one of which contained either the Mississippi or Missouri River. 

In Little Dixie, the practice of hemp production was prevalent. The region produced roughly forty-four percent of the state’s hemp in 1860. The labor demand for the production of hemp relied on the use of slave labor, as it required intense labor during its breaking season. After grown, hemp stalks were cut and left to rot in fields or in standing water, and once sufficiently rotted so the fibers loosened, the hemp was broken with an instrument known as a hemp brake. It was then dressed and pressed into fibers and prepared to sell. The process for making hemp was so physically demanding many whites refused to do the labor, which resulted in a large portion of Missouri slave labor engaged in the production of hemp.

---

36 Ibid.; Green, Kremer and Holland, 28.
37 Ibid.; Astor, 23.
38 Ibid.
39 Ibid.; Burke, 100.
Missourians did not gauge success on the number of slaves held as did many in the South; if slave labor did not create profit and better living conditions, then it was not used. Slave concentration in Missouri was significantly lower in the counties further from either the Mississippi or Missouri Rivers. Counties that touched neither river typically had a slave population of less than five percent, with a few exceptions. Although slaves were used domestically in Missouri, the affordability of owning slaves limited the number of slaves in counties without river access, that could not produce and transport cash crops as easily. Instead, Missourians during the antebellum period rested on an adaptable labor force and were pragmatic in their choice of labor.

It has been estimated that in 1850 in Missouri, 114,931 slaves belonged to 24,000 masters. Slave owners, however, were not the only Missourians invested in the institution. The practice of slave hiring in Missouri was a vital part of the labor system of the state. Slave hiring gave those who could not afford to own slaves a share in the stock of slavery by meeting their seasonal labor needs and allowing them to join the slave holding class, if only at the superficial level. Slaves were also hired by slave holders who needed additional slaves to complete seasonal labor tasks, generally during planting or harvesting. This practice was preferred by industrialists, who did not want to take on the commitment of owning slaves but needed them as a cheaper form of labor. Missouri, as well as other border states, because of the small scale nature of their slavery, had higher rates of slave hiring than the Deep South. In the Deep South, however, slaves were allowed to hire themselves out to make money during off time; in

40 Ibid.; Burke, 310.
41 Ibid.; Texler, 199.
42 Ibid.; Burke, 28.
44 Ibid.; Astor, 25.
Missouri, this was not allowed as these profits were crucial to the Missouri slaveholding economy.

Slave hiring provided both necessary labor for the individual hiring the slave and also necessary income for the individual leasing the slave. Slaves were hired to provide income for the paying of debt, revenue for dependents of slave owners, or income for widows who could no longer rely on the labor of their husbands.\textsuperscript{45} The leasing of the slave provided not only the hiring fee, but also forced the lessee to pay for the slaves’ room and board, clothing, and medical care, further freeing the actual owner of the expenses of owning the slave. Hired slaves worked in a variety of areas, including agriculture, mining, and skilled work. Slaves who had a skillset were hired for greater wages. Slave holders typically hired their best slaves only to trusted individuals for fear that their property might become damaged during the duration of the leasing period. Because this practice proved to be profitable, some Missouri slave owners kept slaves exclusively for the purpose of leasing them.\textsuperscript{46}

In the city of St. Louis, the practice of leasing slaves proved to be very profitable. The city had become home to a burgeoning shipping and manufacturing industry, primarily processing and exporting Missouri’s cash crops.\textsuperscript{47} St. Louis County provides an interesting example of how Missouri slave labor worked side-by-side with free labor. St. Louis County had the seventh largest slave population, yet only two percent of its population were slaves.\textsuperscript{48} With a large slave population and the state’s largest free black population, free blacks, leased slaves, and

\textsuperscript{45} Ibid., Burke, 90.
\textsuperscript{46} Ibid., 111.
\textsuperscript{47} Ibid., 97.
\textsuperscript{48} Ibid.
white wage laborers could all be found working together as deckhands, cooks, waiters, barbers or in manufacturing.\(^4^9\)

Although slavery in Missouri did not compare numerically to the enslavement of blacks in the South, the practice of slave hiring in Missouri created conditions that could have allowed the transition from slave labor to peonage. Slave hiring was a figurative ancestor to peonage. In the peonage system, indebted persons, or peons, were bought and sold to different masters based on labor needs. These patterns, as demonstrated in this chapter, already existed in Missouri. But, the fact that slavery was small in its scale and that Missouri slaves and masters often worked side-by-side in the fields is one peculiar aspect of Missouri slavery. This practice demonstrates that Missourians had not made slave labor the center of their economy as whites had in the Deep South. Missourians mixed free labor with slave labor based on availability of labor and the amount of labor needed to complete the task.\(^5^0\) Peonage in the South occurred out of the necessity for labor. In the absence of cheap free labor, southerners turned to re-enslavement. Missourians, however, were flexible in their labor long before emancipation. This flexibility and non-exclusive reliance on slave labor made the transition from slave to free labor in Missouri smoother and decreased instances of peonage.

Further, Missouri’s customs, laws and slave practices changed as the composition of the population changed. There were several surges in the population of Missouri following its cession to the United States. Migration to Missouri initially was limited to those who accepted Spanish offers or who lived without Spanish sanction in Louisiana. These individuals lived under the Spanish laws governing slavery. The second wave of immigration came after the Louisiana

\(^{4^9}\) Ibid., 190.

\(^{5^0}\) Ibid., 8.
Purchase and the adoption of the 1804 slave code, which encouraged slave holders to move to the region, believing their property rights to be secured. Immigration then continued from the Upper South following the lack of Native American threat after the War of 1812, and new arrivals brought with them the customs of their former states.

The greatest increase in migration to Missouri followed Missouri’s admission to the Union in 1820 as a slave state, which forever locked in the fragile status of slaveholding in the state. The permanent recognition of slavery in Missouri allowed for citizens of the Upper South to move to the state without fear of losing their property. These migrants from the Upper South left areas dominated by the plantation class with their few slaves in order to try to have a better life in a state where the land was cheap, the soil rich, and where small scale slavery reigned over that of plantation style slavery. Migration to Missouri is best explained by Joseph C. Kennedy, superintendent of the 1860 census, when he states, “Men seldom change their climate, because to do so they must change their habits; the almost universal law of internal migration is, that it moves west on the same parallel of latitude.” It was in this way that Kentucky became a virtual carbon copy of Virginia and Missouri a copy of Kentucky. This pattern of latitudinal migration would most likely have continued into Kansas had the influx of abolitionists--and with them, guerrilla war, and later, the onset of full-fledged war not occurred.

Early migration patterns to Missouri rested primarily on security of the individual and security of individual property. The initial flow of persons was a result of the Northwest Ordinance ban on slavery; the next push came from a strongly written slave code; the next push from the security of the end of the War of 1812; and the final and greatest push from statehood.

---

51 Ibid., 23.
52 Quoted in Astor, 15.
The migration of slave holders and their customs continued up to the Civil War, but was greatest during the first two decades following statehood. In the decades leading up to the Civil War, although Southern migration to Missouri remained strong, there also came a push from areas Ohio and New England as well as Irish immigrants. The last change in immigration was a strong influx of Germans to Missouri. During the 1850s, Missouri’s foreign-born population increased by 110 percent, and was comprised primarily of Germans and Irish. These new immigrants were strongly anti-slavery and settled primarily in St. Louis as well as sporadically along the Missouri River and in the northeast portion of the state. These new immigrants often replaced the need for slavery by offering their own services as low wage laborers. Immigrants also strongly influenced Missouri attitudes towards slavery through their numbers and strong opposition. By the onset of the Civil War, Missouri’s white population had undergone a radical change, with fifteen percent of the population having been born in free states.

Missouri as it stood, leading up to the 1850s, held many conditions necessary to transition to a system of peonage. Missouri’s customs, fully in line with those in the rest of the South, its contemptuous attitude toward the rights of even the free blacks in the state, and its slave hiring practices, set the stage for peonage. However, between 1850 and 1860, an influx of northern-born Americans from states such as Ohio and Pennsylvania, German immigrants, and Irish immigrants had an influence on the political landscape of Missouri. This growth accounted for

---

53 Ibid., 7.  
54 Ibid.  
55 Ibid., Burke, 263.  
56 Ibid., Astor, 18.
much of the increase in the white population in Missouri, which had increased from 592,004 to 1,063,489 from 1850 to 1860.\textsuperscript{57} By 1860, fewer than half of Missourians were born in the state.\textsuperscript{58}

At the same time that Missouri’s white population began to drastically increase, so did its slave population. From 1840 to 1860, the population of enslaved persons in Missouri came close to doubling.\textsuperscript{59} During this time period, slave populations in other Border States were becoming stagnant or decreasing, and even slavery in the Deep South was not gaining at such a rate.\textsuperscript{60} The increasing number of slaves, non-Southern born whites, and the national debate over slavery would all come to clash in Missouri.

Although some examples exist of these new arrivals adapting and even participating in the existing slave culture, most did not participate and many actively opposed it. Many of these newcomers clashed with the existing culture, sending Missouri down a very different course than its history had provided and possibly prevented the mass instances of peonage that had occurred in the South. Conditions in Missouri were beginning to change as the Civil War approached, stopping the natural course to peonage. The demand for labor decreased, making the need of large labor forces unnecessary in the areas with heavy slave populations. Missourians maintained flexibility in their choice of labor, providing the ability to transition to wage laborers.

With the influx of non-native/non-Southern Missourians, the culture had the potential to change. The customs, however, were deeply rooted in Missouri society and as Union General

\textsuperscript{57} Ibid.; Green, Kremer and Holland, 27.
\textsuperscript{58} Ibid.; Astor, 19.
\textsuperscript{60} Ibid.
Clinton B. Frisk noted in March 1865, in Missouri, “Slavery dies hard.”\textsuperscript{61} The influx of a Northern population and a decrease in labor needs would not have been enough to change the engrained customs and culture of Missouri. It would take a divisive bloody conflict and the changing of the entire political landscape to stop the rise of peonage in Missouri.

\textsuperscript{61} Ibid., Green, Kremer and Holland, 91.
Chapter 2
Missouri and the Civil War

Slavery had shaped the necessary customs and laws which would have allowed Missouri to easily slide into a state of peonage—as had the rest of the South following emancipation. The Civil War, however, altered the course of enslaved labor in Missouri. From statehood to the beginning of the Civil War, southern-oriented Democrats held firm control over the state of Missouri and its politics. As the Civil War approached, however, divisive national politics, along with a change in Missouri’s population, altered the state’s previously-charted southern course. As conservative Unionists began to rise in Missouri, the state started down a path that ousted the southern-oriented political machine and eventually capitulated to Radical Unionists under the pressure of guerrilla war.

Missouri politics leading up to the Civil War was largely controlled by a small group of organized slave-holding factions. The most notable of these factions was the “Boonslick Democracy,” which operated out of the “Little Dixie” region along the Missouri River.62 The individuals in this group were firmly in control or the governor’s office as well as the state legislature.63 Although slave-holders were the minority in the state, Missourians were largely disinterested in politics and lived, with the exception in St. Louis, in villages of less than 2,000 people, preferring to be left to their own devices.64 This disinterest in politics in the state made controlling a largely homogenous population, with approximately seventy-five percent of its

---

63 Ibid.
64 Ibid., 7.
citizens having southern ancestry in 1850, an easy task for slave-holding factions looking to protect their interests.\textsuperscript{65}

The slave-holding Democrats, who held on ever-so-tightly to Missouri public offices saw Missouri as a southern state, with its allegiance to its sister states in the Lower South. Due to the fact that slave-holders were actually a minority in the state, however, the southern-oriented Democrats were forced to appease the silent majority by disguising themselves as Unionists.\textsuperscript{66} Prior to the Civil War, this delicate political balance, which had been conducive to slaveholding in the state, had existed between Southern Democrats and conservative Unionists. The divisiveness of politics on the national level, however, brought the two groups into conflict as the Civil War approached.

The 1850s were a perilous time for politics on the national level as political organizations succumbed to factionalization and disorganization. The turbulence of the national politics had a strong effect on the politics of the Border States as well as the states of the Upper South. In Missouri, the Southern-oriented, slave-holding, Democrats were forced to react to the changes in national politics as well as the growing number of Northern-born citizens in Missouri. These challenges posed a great threat to the Democratic party of Missouri, that had reigned over Missouri politics since statehood. Southern Democrats were forced to continue to compromise with Unionists until they felt compromise no longer viable, in which case, they attempted to force Missouri to side with the South.

Prior to the Civil War, organizations such as churches and political parties helped to bridge the gap between North and South, having members of both regions working towards

\textsuperscript{65} Ibid., 5.  
\textsuperscript{66} Ibid.
similar goals while largely ignoring regional differences. By the 1850s, these organizations could no longer ignore these issues, however, and began to break apart. The most important of these organizations were the political parties, as they held the ability to compromise between the two regions to achieve common political measures through concession. When parties began to fall apart, Unionists scrambled to pick up the pieces and to prevent the dissolving of the Union.

The first collapse of the political structure came with the fall of the Whig party. The Whigs were divided sectionally by the Compromise of 1850 and further weakened by the death of one of the party’s strongest leaders, “The Great Compromiser,” Henry Clay. The Whig party, in its weakened state, lost most of its constituency to the American party in 1853. The American party then split as its northern section later gave allegiance to the Republican party in 1856. In 1860, the last remaining party, the Democratic Party, split into northern and southern factions under the pressure of continuing sectional issues and the added tension caused by John Brown’s raid on the armory at Harper’s Ferry, Virginia.

The splitting of political factions on the national level led to the creation of several different political organizations such as the American Party, the Opposition Party, the Republican Party, the Union Party, and North/South factions of the Democratic Party. The most important of these parties were the Republican Party, the Union Party, and the Democratic Party. Following the 1860 Democratic convention and the split of the party, Southern Democrats supported John C. Breckenridge and formed the base for what would become the secessionist movement. Northern Democrats, who supported Stephen A. Douglas, favored compromise and Union. The Republican Party quickly built itself on the former American Party electorate, with a

---


68 Ibid., 70.
solid regional base in the North and dedicated itself to preventing the spread of slavery into the territories. The Union party built itself out of the former Whig party in states such as Virginia, North Carolina, and Tennessee to oppose secession and force Constitutional guarantees of Southern rights.\(^69\)

In Missouri, as well as its sister state, Kentucky, a two-party system was set in place throughout the 1850s, consisting of Democrats and Whigs. As political parties began to break apart on the national level, so did parties in Missouri. The Democrats of the state split between free-soilers under the leadership of Thomas Hart Benton and Southern rights Democrats under the leadership of Claiborne Fox Jackson.\(^70\) The free-soil Democratic party was short lived, however, and the pro-Southern faction quickly re-consolidated power. Following the disappearance of the Whigs on the national level, former adherents of the Whig doctrine in Missouri and Kentucky began to move towards the conservative Constitutional Union party, joining the ranks of many other former Whigs in Virginia, North Carolina, and Tennessee.\(^71\)

From their very beginnings, Unionists on the national level organized to prevent states of the Upper South from hastily joining their southern sister states in secession. The Unionism of these individuals, however, was not uniform. Historian Daniel W. Crofts divides Unionists of the Upper South into three categories: “absolute/unconditional,” “anticoercionist/extended ultimatumist,” and “fast ultimatumist.”\(^72\) The term “Unconditional Unionists” needs little explanation; as their title suggests, “Unconditional Unionists” would not stand for secession and believed their survival lay in remaining in the Union. “Unconditional Unionists” were by far the

\(^{69}\) Ibid., 134.
\(^{71}\) Ibid.
\(^{72}\) Ibid.; Croft, 104.
minority of the three groups. The majority of the three, the “Anticoercionists/ extended ultimatumists,” were for remaining in the Union up to the point at which there could no longer be compromise or up to the point that the North attacked the South, at which point they would join their Southern brethren. The last group, “the fast ultimatumists,” were few and far between and demanded quick compromise from the Republican party to bring back the seceding states to the Union; without compromise, “fast ultimatumists” would push for secession.

Of the three types of Unionists, Missouri’s Unionists were for the most part “extended ultimatumists,” with a small contingent of “Unconditional Unionists” based in St. Louis. Conservatives in Missouri turned to Unionism for many of the same reasons as individuals in other states of the Upper South; Missourians believed by staying in the Union they were preserving the status quo and, most importantly, preserving slavery. The conservative Unionists did not care for either abolitionists or secessionists, categorizing the two as “twin heresies.”

Conservatives, although initially small in the Missouri government, were large in numbers, and were the key group which held Missouri in the Union. The power of conservatives and their message of compromise in the state was best demonstrated by the results of the 1860 election. During the 1860 election, candidates of compromise, John Bell and Stephan A. Douglas, received 117,173 out of 165,518 votes cast, with only 17,028 votes for the Republican candidate, Abraham Lincoln, and 31,317 votes for the Southern, soon to be secessionist Democratic candidate, John C. Breckenridge.

\[73\] Ibid., 105.
\[74\] Ibid.
\[75\] Ibid.; Astor, 34.
\[76\] Ibid.; Fellman, 5.
Following the election of Abraham Lincoln to the presidency in November, 1860, secessionists throughout the Lower South believed that the country had reached a point of no return. The election of Lincoln to the presidency led Southern secessionists to believe that slavery was threatened and that their honor had been violated.\textsuperscript{77} It was Lincoln’s election that caused the states of the Lower South, under South Carolina’s leadership, to begin seceding from the Union, followed closely by calls for secession by the “fast ultimatumists.” The tide of secession grew as each state in the Lower South began to call for convention after convention to secede and it would be the Unionists in the Upper South that would act quickly to stem the tide in an attempt to stop their respective states from seceding and also to attempt to bring back the seceded states to the Union.

Senator John J. Crittenden of Kentucky was the first to propose a plan of compromise between the two regions. Crittenden’s plan called for Constitutional amendments to forbid the federal government from interfering in slavery where it already existed, to provide compensation for slave owners who lost fugitive slaves, and to forbid Congress from interfering in slavery south of 36° 30’ and in slavery in territory “hereafter acquired.”\textsuperscript{78} Crittenden’s plan became widely accepted by non-Republicans and became what many in the Upper South came to believe was the only acceptable terms for compromise.\textsuperscript{79} Other plans mirrored Crittenden’s with slight variations in attempt to gain Republican support; these plans were the Border State Plan, the Committee of Thirty-Three Plan, and the Peace Conference Proposal. All of these attempts would, in the end, fail, but they succeeded in the short term goal of preventing states of the Upper South from seceding before all available attempts at compromise were exhausted.

\textsuperscript{77} Ibid.; Croft, 100.
\textsuperscript{78} Ibid., 196.
\textsuperscript{79} Ibid., 198.
Missourians understood their fragile status as a Border State and preferred to be left alone to continue with their current laws and social structure. For the most part, Missourians’ attitudes towards the crisis may be summed up by a meeting which took place in Fayette, Missouri, on December 3, 1860, in response to Lincoln’s election. Citizens of Fayette cursed Lincoln’s election as “fanaticism,” yet they created a resolution which stated, “We believe that the proper remedy is not to dissolve the Union, and fight against the Constitution, but to stand by the Union and maintain the Constitution and the enforcement of the laws.” Through this resolution, it is clear that Missouri conservative Unionists believed that the only way to protect their way of life was to remain in the Union and fight for compromise, not to join their hot-headed brethren to the South in secession. At the time of the Fayette resolution, however, Unionists, though a majority in the state, were a minority in its government.

Constitutional Unionists held a majority in Missouri in 1860, but the state’s political system was closely controlled by well-organized pro-southern political factions; these factions were under the leadership of newly elected Governor Claiborne Fox Jackson. Having been born in Kentucky and moved to Missouri at the age of twenty, Jackson had no doubt in his mind that he was a Southerner. As a Southerner, Jackson was prepared to force Missouri to stand with the South. Knowing that Missouri held many Unionists and that the situation in the state was fragile, Jackson acted quietly as he attempted to push Missouri out of the Union.

Shortly after being sworn in as governor of Missouri, Jackson began to prompt the Missouri legislature to call for a constitutional convention, much like those which had already taken place in the Lower South, to determine if Missouri would secede or remain in the Union. The convention, however, would consist of newly elected delegates, not of those Southern

---

80 Quoted in Astor, 33.
representatives already present in the legislature. The election of convention delegates went poorly for secessionists, as not a single identified secessionist was elected to attend the convention, which ultimately voted against secession.\textsuperscript{81}

Jackson’s initial attempt at secession may only be categorized as premature. Jackson had attempted to act out of the momentum of the secession of the Lower South, but this momentum was not enough to sway any conditional Unionist towards secession. Had Jackson waited another month, he might have been able to build more momentum after Lincoln’s call for volunteers following the attack on Fort Sumter. The call for troops alienated the “anticoercionists,” who might have been able to build more support for Jackson and secession. Following Lincoln’s call for troops from the state of Missouri, Governor Jackson simply refused the president’s request. Jackson’s refusal, along with growing tensions in St. Louis, however, provided the kindling for a fire that would soon ignite and consume Missouri.

In St. Louis, a city with a large anti-slavery German population and strong ties to the Northern economy, two rival militias, one pro-Union and one Southern-oriented state militia, had been conducting drills. The presence of the strong state militia and the not-so-hidden agenda of Governor Jackson had concerned a prominent St. Louis Unionist, Francis Blair, who requested that federal troops be dispatched to the area. This call was answered by the federal government, which sent Captain Nathaniel Lyon along with 80 troops to the city.\textsuperscript{82} Upon arrival, Captain Lyon secretly moved nearly 60,000 muskets from a St. Louis arsenal into Illinois.

\textsuperscript{81} Ibid., 61.
\textsuperscript{82} The Civil War Centennial Commission of Missouri, \textit{The Civil War in Missouri, 1861-1865}, (Kansas City, MO: The Civil War Centennial Commission of Missouri), 1.
Blair and Lyon worked together to secure Missouri’s status in the Union through military action. Following Lyon’s repossession of the federal muskets in St. Louis, Blair and Lyon were able to bring the Union militia, the “Home Guards,” into federal service, along with an additional authorized 10,000 men and provide these men with arms.\footnote{William Parrish, \textit{A History of Missouri} Volume III 1860 to 1875 (Columbia, MO: University of Missouri Press, 1973), 11.} The presence of the now armed Home Guards, comprised primarily of German-born immigrants, increased tensions and infuriated Southerners in the city.\footnote{Ibid.} As these Germans began to carry out Union policy, secessionist elements in St. Louis began to call on Governor Jackson for action.

Union efforts in St. Louis were matched by secessionist efforts by Governor Jackson and his followers, leading to confrontation. Governor Jackson ordered the Southern-oriented militias to begin musters and attempted to provide arms to them. After receiving word that the state militia had begun arming itself, Lyon sent the Home Guards to surround the state militia’s camp, Camp Jackson, and forced its surrender. While moving the prisoners out of the camp, however, citizens began to throw rocks at the Union soldiers, who, in return, fired indiscriminately into the crowd, killing 28 unarmed citizens.\footnote{Ibid.; The Civil War Centennial Commission of Missouri, 2.}

Following the incident at Camp Jackson, Captain Lyon was promoted to the rank of general, due in part to the recommendations of Francis Blair. A meeting was then called by Lyon in St. Louis between himself and Blair on one side and Jackson and head of the state militia and former governor, Major General Sterling Price, on the other. The meeting did not go well as Lyon refused any and all demands made by Jackson to not recruit or move troops within.
Missouri, and Lyon told Jackson that their failure to reach an agreement meant war.86 After his return to the state capital at Jefferson City, Jackson prepared to meet Lyon’s threat and called for 50,000 troops.87

After hearing of Jackson’s call to arms, Lyon quickly dispatched troops on steamboats to Jefferson City along the Missouri River. The troops were to lay siege to the capital, if necessary.88 What the soldiers found, however, was that Jackson had advance knowledge of their movement to the capital, had taken the 150 troops he had managed to collect, and had fled upriver to Boonville. At Boonville, Union troops caught up with the state militia and defeated them while Jackson remained on the run.

Jackson continued to push for secession even as the state convention voted to vacate all government offices and hold new elections. Jackson never accepted the convention and even called the legislature back into session to once again consider secession. Although few responded to his call, Jackson declared that Missouri had voted to secede and declared Missouri independent of the Union. On November 28, 1861, Missouri was “admitted” into the Confederacy, although truly, Jackson and his supporters had been chased from the state and “governed” in exile.

By July of 1861, a new provisional government was elected to fill the vacancies left in Missouri’s state offices under the leadership of appointed Unionist governor Hamilton Gamble. With the government under Union control, Unionists raised militias in the state and set out to punish remaining secessionists through arrest, banishment, and in the most extreme cases,

86 Ibid., 3.
87 Ibid.
88 Ibid.
Unionists sought to hold and strengthen their control over the state by shutting down secessionist newspapers and by requiring all office holders to take oaths of loyalty stating on July 31, 1861 and all voters in 1862 to take the oath in order to participate in elections.\textsuperscript{90}

Lyon had acted quickly to ensure that the state of Missouri did not have the opportunity to secede. Under the new provisional government, Conservative Unionists were secure in the fact that Missouri would not go to the Confederacy. By cutting off the secessionist hotbed of “Little Dixie” from the rest of the South, however, the Unionists created a much larger problem than Governor Jackson’s traditional forces, as the remaining rebels turned to guerrilla war.

Guerrilla war came to be a tactic used by both Unionists and secessionists in Missouri. Secessionist guerrillas, generally known as “bushwhackers,” targeted both regular Union army soldiers, Unionist militias, and Union civilians. Guerrillas, without being subjected to the rules and control measures of a regular military unit, turned to brutal tactics such as arson, murder, and general terrorism.\textsuperscript{91} When attacking a regular army unit, Bushwhackers would strike fast and hard, only to disappear back into the wilderness or to blend in with the general population. Civilian targets of Bushwhacker violence extended particularly to Missouri’s new immigrant German population. Bushwhackers targeted this group, not only for the German support for the war, but also out of an ideology which closely tied politics with nativism.\textsuperscript{92}

Secessionists were not the only individuals to turn to guerrilla tactics. Kansas soldiers in Missouri made it policy in some cases to exact revenge on Missourians for disputes which

\textsuperscript{89} Ibid.; Astor, 87.
\textsuperscript{90} Ibid., 89.
\textsuperscript{91} Ibid.; Fellman, 136.
\textsuperscript{92} Ibid., 39.
stemmed from “Bloody Kansas” prior to the Civil War. This “jayhawking,” as it is termed, would occur many times outside of the uniform while not in ranks and only encouraged further violence on the part of Confederate “bushwhackers” against perceived Union civilians. The guerrilla violence on both sides spun out of control in state and left Gamble’s provisional government without a leg to stand on.

As the war began to wind down, the continued violence that plagued the state showed the impotence of the moderate government in controlling guerrilla activity. The events which took place in August 1863 on the western border became the prime example of this deterioration. Major General Thomas Ewing Jr. had arrested women suspected of aiding guerrillas and imprisoned them in makeshift structures. Because of overcrowding, one of these prisons collapsed and killed five of its occupants. The collapse was rumored to have been intentional and led to William Quantrill’s famous raid on Lawrence, Kansas, which killed 150 men and boys. In response to this raid, Ewing and his Kansas troops forced citizens to evacuate most of Jackson, Cass, Bates, and Vernon County, leaving behind most of their possessions. The destruction which accompanied these actions led this portion of Missouri to be referred to as the “Burnt District.” The inability to quell guerrilla efforts alongside continuing to delay the issue of emancipation led to a challenge to the Conservative government by Radical Unionists, who first began to organize as a party in September 1863.

Though conservative Unionists and Radical Unionists fought on the same side in Missouri, the conservative Unionists and the state’s secessionists truly had more in common, as

---

93 Ibid., 35.
94 Ibid., Parrish, History of Missouri, III: 100.
95 Ibid.
96 Ibid.
97 Ibid.
they both agreed that the United States was a white man’s country and that slavery had to be preserved.\(^{98}\) Had Conservatives managed to maintain power in Missouri, re-enslavement of African Americans in the state might have occurred in a \textit{de facto} manner, if not in a \textit{de jure} manner, as it had in many Southern states. Conservative slave holders in Missouri believed the slave order to be not only economic, but also a form of social hierarchy and control.

The conservatives had the means and the intent to stop African American progress in the state and they did so in a manner that had previously suited the Republicans on the national level. Missouri conservatives fought for the concept of the Union, having believed that Northerners would leave slavery in the state of Missouri alone.\(^{99}\) As the war progressed, however, conservative Unionists, who had risked their fragile system of slavery in defending the Union, began to see the nature of the war change from a war for the preservation of the Union to a war for emancipation. Attacks on continuing slavery institutions in Missouri came from state and federal levels, slowly eroding conservative support for the Union war effort. As these attacks became more prevalent, conservatives began to lose their middle ground support that kept their provisional government running.

Although Missourians were secure with their status in the Union, they were left with the conundrum of being Unionists, entirely resentful of federal occupation.\(^{100}\) The conservatives fought a losing battle on all fronts, as they had miscalculated the goals of the war and the growing discontent of Missourians with the conservative party. With the Southern-oriented Democrats blocked from government and waging a losing war for secession and the conservative

\(^{98}\) Ibid.; Astor, 2.
\(^{99}\) Ibid., 43.
\(^{100}\) Ibid.; Fellman, 11.
Unionists fighting a deadlocked battle against guerrillas, Radical Unionists moved to take power of the state government.

Radicals, who drew their support base from German Missourians, poor whites in the Ozarks, merchants from Saint Louis, and abolitionists, moved to overtake Conservatives and vied for power in the state. ¹⁰¹ By February 1864, Radicals had gained strongholds in several areas. Missourians in the southwest chose the Radicals because they believed Radicals could stop guerrilla destruction in their section of the state. Missourians in the northern portion of the state chose the Radicals because of their low black population, which through a lack of interaction with African American slaves led to an absence of the social hierarchical mindset. ¹⁰² Saint Louis went Radical because of the benefits of business Radicals promised to the area. ¹⁰³ With its political base created, the successful radicals then expanded due to the political shrewdness of their leadership in the 1864 election. ¹⁰⁴

The 1864 election gave radicals in Missouri their first taste of real success. The party, that had initially backed abolitionist John C. Freemont in the national election, realized the hopelessness of Freemont’s election and wisely chose to back Lincoln.¹⁰⁵ Because of this choice, radicals were seated in place of the conservative delegation at the Republican National Convention that year in Baltimore, sealing the fate of the conservative party. This recognition by the national Republican party gave legitimacy to the group.

¹⁰² Ibid., 3.
¹⁰³ Ibid.
¹⁰⁴ Ibid., 4.
¹⁰⁵ Ibid.
The new-found legitimacy of the radicals, along with the imminent collapse of the Confederacy, General Sterling Price’s recent raid on Missouri, the death of beloved conservative leader Governor Gamble, and the disenfranchisement of former Southern sympathizers, led to outstanding results for the party at the polls. The radical-nominated governor, Thomas C. Fletcher, who had served as a Brigadier General in Sherman’s army, swept the governor’s race in 1864 with a 40,000 vote majority.\footnote{Ibid., 5.} Both houses of the General Assembly also became majority radical that year and Democrats retained primarily only the counties that comprised the “Little Dixie” river region.

With the war not yet history, a new radical governor, Thomas C. Fletcher, was inaugurated governor in the state of Missouri. Fletcher was accompanied in power by the Twenty-third General Assembly, which, like Fletcher, was radical. On the day of his inauguration, January 11, 1865, Fletcher delivered a message to the Assembly concerning the recently dismantled institution of slavery as well as his bright outlook for the future of the state. His speech gives valuable insight into the thoughts and goals of the new radical government and the hopefulness which accompanied the end of the war and slavery in the state.

Fletcher made clear the radical view of slavery during his inauguration speech when he stated, “The curse laid on [Missouri] forty-four years ago has been lifted.”\footnote{“Inaugural Message of Governor Thomas C. Fletcher, to the Twenty-Third General Assembly of the State of Missouri, In Session January 2, 1865,” The North American Review 100, http://www.jstor.org.cyrano.ucmo.edu:2048/stable/25107800 (accessed March 13, 2013), 476.} This curse, Fletcher believed, had become a deterrent to the growth of the population, intellect, property values, and production in the state.\footnote{Ibid., 478.} Although Fletcher believed this “curse” had “poisoned” the state, Fletcher hoped that with the death of slavery, Missouri, with its advantageous
geographical position, climate, transportation networks, abundance of resources, and attractiveness, would join in the economic prosperity of free labor.\textsuperscript{109}

The new radical government set out to reverse the poison which had, according to the radical view, retarded the growth of industry and population. Through their next five years in power, Missouri radical Unionists set out to change the economic, political, and social landscape of Missouri. The first step in this process began with the General Assembly’s call for a convention concerning emancipation and the creation of a new constitution.

The convention first met on January 6, 1865, and was immediately dominated by one individual: Charles D. Drake. Drake, a former Democrat and Know-nothing turned Radical, dominated the convention so fiercely due to his legal background and eloquent speaking ability, that the resulting constitution came to be known as “Drake’s Constitution.”\textsuperscript{110} The convention, under Drake’s extreme radical views, created a new constitution, resolutions, and ordinances, which aimed at granting Missouri African Americans rights and severely punishing former secessionists. In securing their power, Radicals purged their political opponents by vacating roughly 800 state offices and passed resolutions denying former secessionists the right to hold office and vote as well as passing resolutions granting African Americans rights that had been previously unheard of in the state.

On January 11, 1865, the radical convention abolished slavery within the state of Missouri. With the passing of this legislation, African Americans of the state were freed roughly eleven months before the Thirteenth Amendment was ratified by the states. The radicals did not, however, negate the importance of the national amendment, as they sent a resolution to the

\textsuperscript{109} Ibid., 476.
\textsuperscript{110} Ibid.; Parrish, 7.
General Assembly urging it to support the passage of the Thirteenth Amendment.111 With African Americans of the state unbound, the convention moved forward to secure additional freedoms for the state’s black population that would lay the foundation for Missouri’s black population to resist re-enslavement at the hands of their former masters.

111 Ibid., 8.
Chapter 3

Missouri: A State in Flux

The Civil War had altered the course of enslaved labor in Missouri. The war had forced both the secessionist and conservative Unionist political groups out of office in the state. The two groups were then followed by Radical Unionists who abolished slavery in the state and began to lay a base for continued African American freedom through legal protections and educational opportunity. These new laws and opportunities outlined in the state constitution, coupled with a changing economy and population, led Missouri down a very different path than the Deep South and prevented the re-enslavement of Missouri’s black population. From the end of the Civil War to the turn of the century, Missouri’s industry, transportation, agriculture, demographics, and rights granted to African Americans changed drastically, re-shaping the state as a Midwestern state and preventing the re-enslavement of blacks through peonage.

After emancipating Missouri slaves, Radicals codified legal protections for African American rights in the 1865 state constitution. The constitution granted Missouri blacks two important rights which they would use to resist re-enslavement through peonage: the right to testify in court and the right to education. Through the ability to testify in court, Missouri blacks were able to resist re-enslavement by disputing labor contracts; the importance of this ability is highlighted by Alabama’s 1885 “False Pretenses Act,” which will be discussed in a later chapter. Education in Missouri then built upon African Americans’ ability to resist peonage through labor contracts, raising literacy rates and thereby their ability to understand labor contracts. The right
to testify was easily put into practice following the new constitution, yet black education was not
an easy goal for Missouri blacks to achieve. Although education of African Americans in
Missouri was far ahead of other former slave-holding states, it met with obstacles which impeded
its implementation.\textsuperscript{112}

At the time that the 1865 Missouri Constitution was ratified, Missourians of both races
were opposed to whites teaching African Americans, and few African Americans in the state
held the necessary education to teach, having been forbidden to read and write as slaves.\textsuperscript{113} To
make matters even more difficult, Missouri lacked the physical buildings for black schools, as
they had never before existed. This posed a two-fold problem for the education of Missouri
blacks. It was a problem that was confronted head on by an African American political
organization, the Equal Rights League.

The individual who was essential to the fight for black education in Missouri was the
secretary of the Equal Rights League, James Milton Turner. Turner worked diligently to attack
both issues facing black education. On the issue of physical buildings, Turner directly influenced
the opening of thirty-two schools and the construction of seven new buildings to house
schools.\textsuperscript{114} In order to address the problem of providing teachers for new schools, Turner first
taught at Missouri’s earliest schools and later lobbied the Radical state legislature to create the
Lincoln Institute and to provide it with five thousand dollars annually, which it used to train
teachers.\textsuperscript{115} The impact of Turner’s efforts, as well as efforts of other philanthropic and
advancement groups, was tremendous. In 1866, 34 black schools had been created and by 1871,

\textsuperscript{112} William Parrish, \textit{A History of Missouri} Volume III 1860 to 1875 (Columbia, MO: University
\textsuperscript{113} Greene, Kremer, and Holland, 95.
\textsuperscript{114} Ibid., 98.
\textsuperscript{115} Ibid., 101.
that number had increased over six fold to 212.\textsuperscript{116} These schools aided in increasing the skills and knowledge of Missouri blacks, giving them a tool to resist peonage.

The lack of teachers and facilities were two major problems that black education faced in Missouri. These two issues were not the only hurdles which black educators had to face, however. In attempting to promote education, much resistance was met. Arson of school buildings was one issue that repeatedly impeded attempts at black education, as whites in various localities turned to violence and intimidation in an attempt to prevent the progress of Missouri African Americans.

Although education of African Americans in Missouri resulted in arson in some instances, the process ran fairly smoothly when juxtaposed to that of other Southern states. For example, immediately following the end of the Civil War, Black Codes in Georgia, Arkansas, and Texas forbade African Americans from attending school altogether.\textsuperscript{117} Although these codes were repealed by the 1867 legislatures following the onset of Congressional Reconstruction, they shaped the pattern for how the South would continue discrimination in education under Jim Crow following the end of Reconstruction in 1877. Southern contempt of black education from 1877 through the early half of the 20\textsuperscript{th} century is evident by the fact that by 1915, five Southern states — Georgia, Louisiana, Mississippi, North Carolina, and South Carolina — had not built a

\textsuperscript{116} Aaron Astor, \textit{Rebels on the Border: Civil War, Emancipation, and the Reconstruction of Kentucky and Missouri} (Baton Rouge: Louisiana State University Press, 2012), 150.

single black high school and three others — Delaware, Florida, and Maryland — had built only one each.\textsuperscript{118}

The initial efforts of Radicals provided the opportunity for Missouri blacks to resist re-enslavement by their former masters, but Radical rule was short lived in the state, lasting only five years. The Republican Party in the state began to fracture between Radicals and Liberals, most notably over the issue of voting. Liberals in the Party had supported an end to the disfranchisement of former rebels, while Radicals refused. Radicals had pushed for an amendment to allow black suffrage in 1868, but, without Liberal support, the amendment failed 74,053 to 55,236.\textsuperscript{119} Although there were attempts at compromise, the Liberals would not allow for black suffrage, while Radicals would not allow for the amendment of the loyalty oath, allowing former rebels to vote, unless black suffrage were passed to cancel out the effects of a re-instated rebel vote.

Following the ratification of the Fifteenth Amendment in Missouri on January 7, 1870, Radicals conceded to a Liberal Republican effort to modify the loyalty oath to allow former rebels the right to vote. The Party continued to deteriorate, however, over issues such as prohibition, tariffs, convention seats and gubernatorial candidates.\textsuperscript{120} On election day in 1870, the results of the split became obvious. Three Liberal amendments passed which modified the oath for voting and holding office, removed the oath for serving as a juror, and removed racial

\textsuperscript{120} Ibid., 29.
restrictions on office holding.\textsuperscript{121} Democrats, running against a divided Republican Party, gained a majority in the House and a near majority in the Senate, while the Liberal Republican B. Gatz Brown took the governor’s seat over the Radical incumbent. Before the former secessionists had regained the right to vote, Radicals were already on their way out in Missouri.

Although Democrats regained control in the Missouri government in the early 1870s and called for a new constitution, which was ratified in 1875, Democrats did little to strip away the rights of African Americans that had been gained through five years of Radical rule and the Reconstruction Amendments. Missouri African Americans were slow to gain rights in comparison to Southern counterparts, who quickly took office on both the state and national level, but the rights which came about in a slower fashion were longer lasting. In Missouri, conservatism once again found its place in the state government through the Democratic party, and although redeemers undoubtedly slowed black progress, it did not compare to the political and non-political ramifications of redemption in the South.

Redemption legislatures in the South had gone to great lengths to stop African American progress by blocking their education, passing vagrancy and labor laws, and stripping them of their right to vote. Mississippi’s voting laws serve as a prime example of white political backlash which took place in the South. In 1890, Mississippi passed a poll tax designed at keeping blacks from voting, knowing that most blacks in the state would be unable to pay. On top of the tax, the state initiated a literacy test which constituted interpreting parts of the state constitution. The fact that few blacks in the state were literate mattered little, as supposedly, even the most educated blacks in the state could not pass the test. In addition, this clause excluded many illiterate whites but that was also irrelevant, as the individual administering the test determined if the voter

\textsuperscript{121} Ibid., 28.
answered correctly or not, and in most cases, the white voter always answered correctly, while
the black voter did not.\textsuperscript{122} To ensure the white voter could still vote, however, the state also
passed a “grandfather clause.” The “grandfather clause” gave the right to vote to any man whose
grandfather, father, or himself had voted prior to 1867; this clause obviously excluded all blacks
who had been held in bondage.\textsuperscript{123}

Following Mississippi’s lead were multiple other states that began to see the benefits of
these statutes in preventing black voting. Louisiana serves as another example of limiting black
voting through statutes. Prior to changing its laws, Louisiana had 130,000 qualified black
voters.\textsuperscript{124} After implementing similar laws to Mississippi, however, only 5,000 blacks could still
cast their ballots in the state.\textsuperscript{125} Redemption in Missouri did not result in the stripping of black
political rights as it had in many southern states. Missouri, however, did see a limited non-
political reaction to African American rights in the form of lynching mobs.

Although present in Missouri, lynching of African Americans in the state paled in
comparison to instances in the Deep South. Lynching of African Americans in the South
numbered roughly 200 every year.\textsuperscript{126} Missouri, however, actually saw more lynching of whites
than African Americans in the time period from the end of the Civil War to the turn of the
century. From 1866 to 1889, Missouri had only thirty African Americans lynched by mobs and
from 1890 to 1899, only seventeen.\textsuperscript{127} During these two periods, the number of whites lynched in

\begin{flushleft}
\textsuperscript{122} Ibid.; Packard, 68.
\textsuperscript{123} Ibid.
\textsuperscript{124} Ibid.
\textsuperscript{125} Ibid.
University Press, 2009), 115.
\textsuperscript{127} Harriet Frazier, \textit{Lynchings in Missouri, 1803-1981} (Jefferson, North Carolina: McFarland &
\end{flushleft}
the state equate to eighty-nine and fourteen, respectively. Missouri lynching was more of an issue of lingering unrest from the Civil War than an issue of race, while lynching in the South was the result of racial hostilities. Alongside providing legal assurances to freedmen, the Radicals, through their attempts to punish former secessionists, had provided an enemy which secessionists and conservative Unionists could focus on, rather than focusing on African American former freedmen.

Radicals had granted freedoms that allowed African Americans the ability to resist peonage, but what had truly stopped peonage in Missouri was the Radical push for immigration and economics. The greatest would-be demand for peonage in Missouri at the end of the Civil War was on the farm. Agriculture in Missouri, however, changed greatly in the years following the war, thereby decreasing the likelihood of peonage. Following the end of the Civil War, Missourians began to change their crop choices, growing more crops such as grains and corn, while decreasing labor intensive cash crops such as hemp and tobacco. During the 1870s, Missouri farmers responded to an increase in the demand for food products, which resulted from an increasing urban population throughout the country. This increase in demand was also complemented by a decrease in marketing of food products. For example, in St. Louis, between 1867 and 1880, the cost for marketing oats fell two percent annually, the cost for marketing wheat fell 1.6 percent, and the cost for marketing corn and livestock fell one percent. The increased demand and decreased marketing prices were also complemented by an increased transportation network.

128 Ibid.
Transportation networks, which boomed in post-Civil War Missouri, provided Missouri farmers with the ability to transport their crops more easily to outside markets. During the post-war years, rail lines increased as counties and cities contributed $17,219,850 to in-state railways, believing that their future success depended on railways.\textsuperscript{131} By 1870, 2,000 miles of railroad had been completed, and by 1880, this number had increased to 3,965.\textsuperscript{132} The Mississippi and Missouri Rivers, which had long served as transportation networks in the state, were complemented by five major railroads; these rail lines connected the agricultural portions of the state with the industrial city of St. Louis, which became the state’s market for agricultural products.

In conjunction with increased demand in food products was a decreased demand for labor-intensive crops. As previously discussed, hemp demanded back breaking labor and a rather large slave force. The demand for hemp, which was used to tie cotton bales, declined with the loss of the cotton crop in the Civil War.\textsuperscript{133} Beginning in 1870, iron ties further decreased the demand for hemp, as they were used in place of hemp to contain cotton bales. The decrease in demand for hemp, alongside the increased profitability of food products in Missouri, decreased the demand for labor, especially in the “Little Dixie” region, which, in antebellum years, had boasted the largest hemp production as well as the largest slave force in the state.\textsuperscript{134}

Alongside the decrease in labor demand due to crop choice was an increase in labor efficiency on Missouri farms. In order to correct the issue of labor shortages, which had plagued Missouri farmers since before the Civil War, famers responded with labor saving animals and

\textsuperscript{131} Ibid.; Parrish, \textit{A History of Missouri}, 222.
\textsuperscript{132} Lawrence Christensen and Gary Kremer, \textit{A History of Missouri} Volume IV 1875 to 1919, (Columbia, MO: University of Missouri Press, 1997), 29.
\textsuperscript{133} Ibid.; Trexler, 24.
\textsuperscript{134} Ibid.; Astor, 123.
machines. The greatest labor saving farm animal, which became famous in the state, was the mule. In 1860, Missouri ranked seventh in the nation in the raising of mules, and by 1870, Missouri had become number one. In juxtaposition to the mule came a symbol of the new industrial era, farm machinery. By 1880, the total dollar figure of farm machinery totaled $18,103,074, more than doubling the amount of machinery in the state in 1860. Together, mules and machinery decreased the need for labor as well as the need for peonage.

By 1870, Missouri ranked 7th in value of agricultural products, yet life for farmers did not greatly improve. Soil fertility, competition from new farms in the West, increases in the land being cultivated in Missouri, and rising transportation costs began to plague Missouri farmers. In order to address these problems, rather than focusing on increasing cheap labor as many states in the Deep South had, Missouri farmers, beginning 1872, began to flock to the Granger Movement. The Granger movement was founded by a Department of Agriculture employee, Oliver H. Kelley, after he toured the country and noticed the poor agricultural practices of farmers, especially in the South. The Grangers in Missouri pushed for better agricultural education as well as better transportation networks in the state. By 1875, there were more local granges in Missouri than in any other state. The efforts of the Granger movement and other agricultural reformists are obvious when one considers that in 1870 there were 148,328 farms in Missouri and by 1880 that number had increased to 215,575.

---

135 Ibid., Parrish; A History of Missouri, 231.
137 Ibid., 284.
138 Ibid., 285.
139 Ibid.; Christensen and Kremer, 33.
Although Missouri farmers were met with their fair share of hardship following the end of the Civil War, agriculture had changed to such an extent that peonage was no longer a necessary form of labor. The State Bureau of Labor Statistics summed up the change created by labor saving machines in its Sixth Annual Report in 1885, stating, “The barshare plow, requiring three to four men per acre a day of plowing, has given place to the sulky plow, asking for but one man per day for three acres of plowing. The corn planter has replaced ten men; the mower, four to five; the reaper, ten men…” Indeed, machines had decreased the need for laborers on Missouri farms. The change in labor need created by machines along with increased transportation, husbandry, and changes in crop prices, likely stopped peonage from developing on the Missouri farm.

In conjunction with changing agricultural practices in Missouri, demographic changes became another factor which inhibited peonage. The change in demographics that most inhibited peonage in Missouri was the movement of African Americans during the Civil War and in the decades which followed. African Americans, free and slave, moved from Missouri both during the war and in its aftermath, thereby decreasing the likelihood of peonage. Factors for this decrease include Missouri’s northern most position in the South as well as Union army presence, which diminished slave patrols in the state and provided the opportunity to enlist. In Missouri approximately 8,344 blacks served in the Union army during the war, which provided the soldiers the ability to move with the army outside of the state. Although 8,344 blacks were enlisted in the Union army in Missouri, this does not equal the total amount of Missouri blacks who served in the Union war effort. Missouri blacks fled from the state and joined the fight in neighboring states; Kansas serves as one example.

140 Quoted in Christensen and Kremer, 35.
141 Ibid.; Frazier, 41.
In 1860, the federal census for Kansas showed only 627 blacks in the state, yet Union enrollment records indicate that 2,060 black soldiers enlisted from the state.\textsuperscript{142} If every black man, woman and child were to have enlisted in the state of Kansas, this number would still indicate a 1,433 man discrepancy. Missouri African Americans had clearly taken advantage of the lack of slave patrols and the Union army presence during the Civil War to find a means of escaping Missouri to freedom.

The Civil War and emancipation caused Missouri’s black population to decrease. According to the Missouri state census, in 1860 Missouri was home to approximately 116,058 African Americans both free and slave.\textsuperscript{143} By 1868, despite the natural increase due to birthrates, the total population of African Americans equaled only 87,091.\textsuperscript{144} During this eight year period, the state lost roughly 28,967 African Americans, showing that Missouri had experienced an exodus far before the South had in 1879. From the period of 1860 to 1870, Missouri and Kentucky were the only states that experienced a decline in their black population.\textsuperscript{145}

Alongside the general decrease in Missouri’s black population was an overall decrease in the population of the slave-dense counties which comprised “Little Dixie.” If any former slave owner were to attempt to force a former slave back into a state of peonage, it would have most likely occurred in the “Little Dixie” region. The decline in black population, however, offered

\textsuperscript{142} Ibid.
\textsuperscript{145} Ibid.; Astor, 143.
these former slave owners decreased opportunity. The seven counties which comprised the region, Howard, Cooper, Callaway, Boone, Chariton, Saline, and Lafayette, all saw significant decreases in the African American population from 1860 to 1868. African Americans, who were able, clearly fled “Little Dixie” in search of opportunity, leaving their former masters unable to force them back into unfavorable situations on the farm.

Table 1. Black population in Little Dixie 1860-1868

<table>
<thead>
<tr>
<th>County</th>
<th>1860</th>
<th>1868</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howard</td>
<td>5,923</td>
<td>3,200</td>
<td>-2,723</td>
</tr>
<tr>
<td>Cooper</td>
<td>3,800</td>
<td>3,167</td>
<td>-633</td>
</tr>
<tr>
<td>Calloway</td>
<td>4,849</td>
<td>1,970</td>
<td>-2,879</td>
</tr>
<tr>
<td>Boone</td>
<td>5,103</td>
<td>4,946</td>
<td>-157</td>
</tr>
<tr>
<td>Chariton</td>
<td>2,597</td>
<td>1,246</td>
<td>-1,351</td>
</tr>
<tr>
<td>Saline</td>
<td>5,081</td>
<td>1,949</td>
<td>-3,132</td>
</tr>
<tr>
<td>Lafayette</td>
<td>7,054</td>
<td>4,368</td>
<td>-2,686</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>34,407</strong></td>
<td><strong>20,846</strong></td>
<td><strong>-13,561</strong></td>
</tr>
</tbody>
</table>

*Source: Missouri state census 1860, 1868*

The decrease in the population of the slave-dense counties of “Little Dixie” can be accounted for by the general loss of black population in the state as a whole as well as the movement of blacks within the state. St. Louis is one prime example of a city where blacks gravitated in large numbers from their former agricultural counties. In 1860, St. Louis had a black population of 5,964, and by 1868 St. Louis’ black population had risen to 11,841.146 This change in number may very well account for a large portion of the freedmen from the “Little Dixie” counties.

African Americans in Missouri fled the countryside as they were able. The former slave-rich counties of Missouri held little opportunity for African Americans. Newly freed men, however, held only one skill set in these areas, and that was farming. Without land, newly freed

---

146 Ibid.
men owned only their own labor and were forced to work for whatever local whites were willing to pay. This arrangement could have very easily devolved into a state of peonage and abuse of black labor. The cities, however, provided relief from this situation, as they provided new opportunities for blacks. St. Louis had long prospered as a trade and industrial center, having long adapted to the Northern economy, and Kansas City began to grow as a western outpost, providing necessary supplies to those moving westward. By 1890, 47 percent of blacks in Missouri lived in either Kansas City or St. Louis, and by 1900 this number had increased to 55 percent.  

African Americans who fled the rural areas of Missouri for the cities following emancipation found opportunities in manufacturing, mining and milling. By 1870, St. Louis became a testimony to Missouri industrial progress, ranking third in the nation in the value of its manufacturing, behind only the long established industrial cities of New York and Philadelphia. In 1870, Missouri had 11,871 manufacturing establishments, employing 65,354 people, and most of this manufacturing was located in St. Louis. Alongside manufacturing, St. Louis also employed 2,300 workers in the iron industry, 684 in flour mills, 761 in breweries, 3,900 in clothing production among other booming industries in the city.  

African Americans were not the only ones on the move in Missouri during the second half of the 19th century. In the years leading up to the Civil War, Missouri saw an influx of Northern-born and foreign-born immigrants, this was a pattern that continued in the years following the war. Radicals in Missouri not only created an environment that was friendly

---

148 Ibid., 223.
150 Ibid., 224.
towards non-Southern immigration, they strongly encouraged it. As Radical Governor Fletcher had outlined in his inaugural speech, Radicals in Missouri had set out to reverse the negative effects of slavery by promoting transportation, industry, free labor, and population growth. In order to build the state’s population and promote economic growth, not to mention build their own electorate, Radicals created the State Board of Immigration in February, 1865. This immigration board then sent agents to the East and to Europe and strongly encouraged German immigration.¹⁵¹

Radical efforts at population and economic growth clearly succeeded. From 1860 to 1870, Missouri’s population grew by 45.6 percent, which is impressive in its own right, but even more impressive when considering the exodus and deaths from the war.¹⁵² The immigration initiatives under the Radicals, however, were not the only cause of this growth, which continued after the Radicals had fallen from power. The growth was directly related to the growth of the railroad. As historian William E. Parrish illustrates, 56 percent of Missouri’s total population gain in the 1860s came in the thirty-two counties that were the most affected by railroad growth.¹⁵³ From 1870 to 1890, railroad mileage tripled, leading to continued growth.¹⁵⁴ Because of this growth, between 1880 and 1900 Missouri’s population continued to increase from 2,168,000 to 3,106,665.¹⁵⁵

The population growth brought many non-southerners to Missouri. These new immigrants did not have the same social attitudes that many Missourians held prior to the Civil War. These new immigrants also settled primarily in agricultural areas, which were the primary

¹⁵¹ Ibid., 200.
¹⁵² Ibid., 201.
¹⁵³ Ibid., 223
¹⁵⁴ Ibid.; Christensen and Kremer, 79.
¹⁵⁵ Ibid.
regions where peonage would have most likely occurred. The 1870 census shows large increases in rural counties as well as in the total amount of farms in the state. The 1890s then saw a continued influx of immigrants to rural areas, which grew by 60 percent.

Changes in Missouri’s economy, agriculture, transportation networks, demographics, and African American opportunities charted a very different path for Missouri in the post-Civil War years. Missouri’s Southern identity began to disappear as new immigrants poured into the state and its economy became rapidly connected with that of the old Northwest. These rapid changes in Missouri had changed the conditions of the Missouri economy to such an extent that peonage was no longer a necessary or even viable option. In the Deep South, however, where Northern capital, Southern industrialists, new laws, and antebellum customs combined, African Americans would not be so fortunate.

157 Ibid.; Christensen and Kremer, 79.
Missouri Radicals had combined the issues of African American progress and economic progress, leading to a general absence of peonage. Many states to Missouri’s south, however, did the opposite, combining economic progress with black subordination, forcing them to labor without compensation as peons. The term “peon,” having its origins in Spanish, translates to foot soldier, but grew to take on a very different meaning. Peonage is defined as “a form of involuntary servitude based on alleged debt or indebtedness.” It is a condition that plagued the American South from emancipation well into the second half of the twentieth century. Peonage was born in a transitional state from slave to wage labor and provided a way to control a predominately African American labor force and maintain a racial hierarchy. Following emancipation, the Federal government had an obligation to protect the rights granted to newly freed persons; this was an obligation which collective sentimental Civil War memory and profit motives caused Northern allies of Southern blacks to forget. Peonage, therefore, can be seen only as a result of the failure of government to adequately assist newly freedmen and a failure to prevent the abuses of labor by industry.

---

160 Although many Southern peon masters targeted blacks specifically because of their lack of rights and sheer numbers, individuals of any race could find themselves in peonage. For more information on immigrant peonage see Pete Daniel’s *The Shadow of Slavery: Peonage in the South*.
In the final years of the Civil War, slavery appeared to be coming to an end forever in the United States. The process of freeing the massive number of black slaves held in involuntary servitude in the South, which began with the Emancipation Proclamation, was continued by Congress, who turned Lincoln’s strategy for winning the war into law with the Thirteenth Amendment to the Constitution. The amendment, which stated, “Neither slavery nor involuntary servitude, except as a punishment for crime, shall exist in the United States, or any place subject to its jurisdiction,” had ended the de jure practice of slavery on the federal level. The Fourteenth Amendment, which followed on July 9, 1868, further removed former slaves from their chattel bonds by granting citizenship to “all persons born or naturalized in the United States.” Lastly, the Fifteenth Amendment, ratified on February 3, 1870, further empowered former male slaves, ensuring their freedom, having declared that the “right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.”

Collectively, the Thirteenth, Fourteenth and Fifteenth Amendments became known as the Reconstruction Amendments. Although the rumored “forty acres and a mule” were never given to freedmen, the Reconstruction Amendments gave freedmen hope for a brighter future by providing the rights of citizenship and civic participation. This future, however, was put on hold by the leniency of President Andrew Johnson’s plan for Reconstruction. With Johnson in control of Reconstruction, mass pardons were delivered to former Rebels. Under the leadership of former Rebels, Southern state legislatures passed laws known as Black Codes, which were designed to tie laborers to the land as well as strip blacks of their political rights. By 1867,

162 U.S. Constitution, amend. 13.
164 U.S. Constitution, amend. 15.
however, Congress wrestled control of Reconstruction out of the hands of the President and the Radical Republicans ensured that, for at least a limited amount of time, Southern blacks were able to participate in and even hold office in state and national politics. Radicals, however, quickly lost control of the reins of government and the Republican Party moved towards a pro-business stance at the expense of Reconstruction.  

As the Union army marched on its path of to eventual triumph through the South, slaves, termed contraband and refugees at various times by the Union army, flooded Union lines. These refugees sapped army resources and slowed the various armies as they moved further into the Cotton Kingdom. Realizing the necessity of addressing the issue of the nearly four million slaves that would soon be freed from their former masters’ control, Congress created the Bureau of Refugees, Freemen, and Abandoned Lands, or simply the Freedmen’s Bureau. The Freedmen’s Bureau was to last for the remainder of the war and continue for one year past the war, operating in the rebelling states under the supervision of the War Department. The Bureau was tasked with providing clothing, fuel, shelter, and food to refugees and freedmen; this was later expanded to include education, locating lost family members, legalizing marriages, settling freedmen, negotiating labor contracts, etc. Where the Bureau ultimately failed was in securing African Americans’ freedom through labor contracts.

Following the end of the Civil War and the emancipation of nearly four million slaves, an unprecedented labor and social situation erupted in the South. To correct the issue, the federal government delivered simple guidance to Union army officers and Freedmen’s Bureau agents in

---

the South. Northern agents were told that laborers had to be free to choose their own employers, that wages were not to be fixed, and there was to be no forced labor.\textsuperscript{167} The situation, however, was poorly handled, especially when compared to a relatively similar situation which occurred in the same time period in Russia.

It became the responsibility of the Freedmen’s Bureau and commanders of the Union army, stationed in the South, to implement the intent of the government. In order to provide newly freedmen with jobs and landowners with labor, the Bureau and commanders encouraged blacks to enter into labor contracts with whites. These early contracts, however, were soon repudiated by commanders, having contained provisions that virtually re-enslaved blacks.\textsuperscript{168}

Being stationed in a hostile area and having its constitutionality questioned, the Bureau, facing a nearly impossible task, failed in its mission and left freedmen to fend for themselves. The situation that newly freedmen found themselves in is best stated by W.E.B. Du Bois, and is worth quoting in its entirety:

\begin{quote}
I will not stop here to inquire whose duty it was, but I insist it was the duty of some one to see that these workingmen were not left alone and unguided, without capital, without land, without skill, without economic organization, without even the bald protection of law, order, and decency, left in a great land, not to settle down to slow and careful internal development, but destined to be thrown almost immediately into relentless and sharp competition with the best of modern workingmen under an economic system where every participant is fighting for himself, and too often utterly regardless of the rights or welfare of his neighbor.
\end{quote}

\textsuperscript{169}

The hope and glimpses of progress for African Americans in the Reconstruction South could not be realized even with the aid of the Federal government. The 1874 election shifted the

\begin{footnotes}
\item[169] Ibid.; Du Bois, 144.
\end{footnotes}
balance of power in Congress away from the Radical Republicans and the disputed presidential election of 1876, which came to be decided by what historians have termed “the Corrupt Bargain,” further shattered the potential for Southern black progress by driving a nail into the coffin of Reconstruction. The Bargain, which was a conditional offer that allowed Rutherford B. Hayes to take office, forced the withdrawal of federal troops from the South. By removing these troops, Southern whites were left alone to begin the process of Redemption or Home Rule. The New South began to revive itself as a region both economically and politically under the control of Southern whites, who had no regard for the rights of Southern blacks.

The New South, much as the Old South, built itself through the oppression of African Americans. As redemption overcame the South following Reconstruction, memory became shaped in such a way that Reconstruction came to be remembered by the country as a whole as a failure which resulted from the overreaching of federal authority. As Northern and Southern whites united behind a new white supremacist view of the Civil War and emancipation, Northern capitalists grew tired of race issues and invested capital heavily in growing Southern enterprise. Northern capital, Southern industrialists, new laws, and antebellum customs combined to boost the Southern economy, allowing the region to rebuild and rejoin the rest of the country in economic prosperity.

The South had been disadvantaged during the period following the end of Reconstruction, having to compete for capital and a share of the market with the Northern

---

171 Ibid.; Du Bois, 47.
companies that were well versed in manufacturing and production. The South succeeded remarkably, however, as manufacturing capital, the number of wage earners, and the value of products in the New South grew at a faster rate than they had during Industrial Revolution in New England. This growth was due largely to the South’s most abundant resource: cheap labor. In Reconstruction South, that meant black labor.

Northern capitalists had come to realize that the crude labor practices in the South could be beneficial to their bottom line. The South had men available at a much higher rate than the North and was able to force its laborers to work for lower wages, if for wages at all. Southern laborers, however, lacked the specialization of Northern laborers. Specialization came to the North through a demand for industrial production that did not exist in the South. An abundant labor pool and nearly one hundred years of slavery had also retarded the need for skilled workers in the Southern economy.

Because of the lack of skilled workers and advanced machinery, the Southern economy rested largely on extractive industries and remained, in essence, colonial. This Southern colonial economy exported many of its unfinished products to other areas of the country and Europe and imported finished goods. The extractive industries, which employed peons in greater number than any other industry, included the phosphate industry, turpentine and logging camps, as well as mining operations of metals throughout the South.

With the expansion of industry in the South the need arose for the transportation of goods. The preferred means of transportation of the time period were railroads. Southern rail

---

173 Ibid., 22.
174 Ibid., 110.
175 Ibid., 104.
lines, however, had been insignificant compared to Northern rail line before the war and during the war, and the Union army’s destruction of rail added to the disparity. Following the end of the war, rail line had to be built-- and quickly. The absence of rail line in a westward-driven country not only would have created a stagnant population, but would have also hurt Southern economy. In order to foster positive growth in population and economy, the South had to close the disparity.

Joining the ranks of cotton producers and turpentine distillers, the railroad camps were one of the three main labor forces that used peonage to increase their productivity. In the period from the end of Reconstruction in 1877 to the turn of the century, the South closed the gap with Northern rail and constructed more rail line than the rest of the nation.\(^{176}\) This feat was not accomplished through a new appreciation for free labor industrialism; rather, the South was able to rebuild and even advance its rail system at such an astonishing rate on the backs of a new form of slave labor.

With the expansion of the railroad came new towns that grew up alongside of the rail in hopes of economic success.\(^ {177}\) This general movement from rural areas to towns and cities occurred throughout the South and was not limited to whites, as Southern blacks also began to search for new opportunities. By 1900, one out of every six Southerners lived in some sort of population center, either a city, town, or village, leaving the country more isolated than it had ever been.\(^ {178}\) Although the South’s largest city, New Orleans, was only the fifteenth largest city

\(^{176}\) Ibid., 9.\(^ {177}\) Ibid., 56.\(^ {178}\) Ibid., 55.
in the country in 1910, the rise of populous Southern cities demonstrated the changing economy from agriculture to industry that was taking place in this region during this time period.\textsuperscript{179}

Former slaves had constituted the majority of the population in Louisiana, Mississippi, South Carolina, Southern Alabama, and Southern Georgia at the end of the Civil War.\textsuperscript{180} Following the war, however, blacks in the region began moving to other areas of the South and North, leaving the farms of their former masters.\textsuperscript{181} Blacks did this on their own as well as with the aid of labor agents who traveled throughout the South recruiting blacks to work in neighboring states as well as in Northern states.\textsuperscript{182} Blacks who remained in the South began to huddle together for protection in areas such as the “black belt,” making it possible to draw a physical color line on a map of any Southern community.\textsuperscript{183}

Left to fend for themselves, blacks became easy targets for white Southerners in need of labor. In order for peonage to occur, there was typically a combination of the following factors in existence. First, peonage generally occurred only in areas that had previously allowed for the holding of persons in involuntary servitude. Second, violence towards minorities and a general apathy towards individual rights was often the zeitgeist. Third, the political structure caused illiteracy, absence of political power, and an absence of participation of government officials in local, state, and often national positions. Lastly, the areas in which peons worked were generally isolated from main society, helping to maintain the general apathy of the population.

\textsuperscript{179} Ibid., 55.
\textsuperscript{180} Ibid.; Blackmon, 18.
\textsuperscript{181} Ibid.; Ayers, 151.
\textsuperscript{182} Ibid., 120.
\textsuperscript{183} Ibid.; Du Bois, 142.
W.E.B. Du Bois stated in his book, *The Souls of Black Folk*, “The power of the ballot we need in sheer self-defence, else what shall save us from a second slavery?” This quote accurately described the situation of peonage in the South. With the power of the ballot, African Americans would have been better able to influence the situation in which they found themselves. The Fifteenth Amendment, ratified on February 3, 1870, had granted this right to Southern black men. The Radical Republican writers of this promising Reconstruction Amendment, however, could not have predicted the cunning of white Southerners in their ability to virtually nullify the amendment through various statutes.

By 1901, nearly every Southern state had stripped African Americans of their right to vote through restrictions at the ballot box aimed specifically at black voters. Examples of these restrictions include poll taxes, property requirements, literacy tests, and the ability to register oneself without assistance of another. In addition to this their almost complete disenfranchisement, Southern lawmakers also sought to strip blacks of their Fourteenth Amendment rights. In the 1890s and early 1900s, Southern lawmakers passed laws resembling the earlier Black Codes, checking the mobility of blacks, the ability of labor agents to assist blacks in movement North, and criminalizing vagrancy and contract evasion.

The police system in the South had originally been an organ used to keep track not only of criminals, but also Southern blacks. Initial structuring of Southern police forces was geared towards slave patrolling rather than towards anything resembling a modern law enforcement agency, and this carried over into the new South. In most Southern states, this concept had led to

184 Ibid., 15.
185 Ibid.; Blackmon, 111.
186 Ibid., 112.
188 Ibid.; Blackmon, 153.
county sheriffs and deputies receiving no salary, instead, being compensated based on actions taken. Because sheriffs received their compensation primarily from fees that were assessed on the offender by the court, sheriffs were encouraged to make as many arrests as possible. Fees were then paid by white farmers, who used the debt to hold a black person in peonage. Actual crime in the Deep South was insignificant in most areas. This process led to the arrests of many blacks in the South on artificial charges in order to make money for law enforcement officers and also the county.

From the highest level, the United States Supreme Court, to the lowest level of the county justice of the peace, blacks in the South found few allies to act against the perpetual cycle of peonage. In 1883, the U.S. Supreme Court ruled the Civil Rights Act of 1875 could be enforced only in rare instances and even so, it was not a federal issue. This ruling alongside with the failure of the 1892 election bill demonstrated to Southern whites that the Northern whites’ former sympathetic attitudes towards Southern blacks were rapidly fading. Plessy v. Ferguson (1896) further accommodated Southern whites’ attitudes towards blacks, by legitimizing the farce of separate but equal. Southern whites quickly came to the realization that as long as they made an effort to go through the motions of the justice system for African Americans, they could truly do whatever they wished without fear of interference from Northern whites.

At the lowest level of the judicial system, blacks found themselves subjected to what historian Pete Daniel terms “pseudo-law.” This “pseudo-law” was carried out in states, such as

---

189 Ibid., 69.
190 Ibid.; Ayers, 154.
191 Ibid.; Blackmon, 93.
192 Ibid., 104.
193 Ibid., 110.
Alabama, by individuals who had only infinitesimal understanding of the law. In the inferior courts of Alabama, for example, trials and convictions for misdemeanor offenses were often handed down from a town mayor, a justice of the peace, a county magistrate, or even a notary public.  

The apathetic mood of the white populace in the South was only encouraged by the fact that peonage tended to occur only in the most remote of areas. Because of the remoteness of the system, the multitude of southern whites never fully understood the totality of the system, especially the deplorable living conditions and the sheer physical violence that had been used to keep peons in the system. Aside from the general apathy toward and distance separating peonage camps, fervent racism prevailed in the South. This racism coupled with public demand to support Southern honor, the lost cause, and the myth of former slaves having been content in their servitude, increased the likelihood of violence towards blacks.  

The conditions of the turpentine camps in Florida, for example, were less than desirable for even the free worker. Food was limited to “corn bread, bacon, black coffee, and an occasional treat of baking powder and biscuits,” the work was long and grueling, and the living conditions were substandard. Because of these conditions, the camps suffered from chronic labor shortages, to which the superintendents of turpentine camps responded in a variety of ways, including offering decent living conditions or debt peonage, to employing armed guards and
brutality. Occasionally, young blacks were lured with promises of the former and given the latter.

The process of peonage that occurred in the South is a confusing web of laws and customs. Although there were countless ways in which individuals could find themselves in the perpetual cycle of peonage, peonage can be categorized into two basic forms to more easily understand the concept. The first way a person could find him or herself in peonage is through debt incurred while practicing sharecropping. The second way a person could become a peon is through the customs of corruption and collusion between law enforcement and lower courts.

Sharecropping arose out of the need for income for an owner of land and from the need of a laborer to access land to plant and harvest. In theory, sharecropping gave the laborer a chance to work hard, save money and eventually buy land. In actuality, sharecropping was only a step above peonage and with the laws and customs of the South, often became peonage. In the 1860s and 1870s currency in the South was scarce. In order to ensure that farmers were able to purchase seed to plant crops, Southern legislatures passed laws allowing unplanted crops to be used as collateral for loans. Although these laws had good intentions, they often led to debt on behalf of the farmer.

Through the law described above, a farmer secured a loan from the local merchant, who also supplied the farmer with his necessary supplies. The merchant loaned the farmer enough to allow him to plant his yearly crop and placed a lien on the unplanted crop. If the price of the

198 Ibid.; Ayers, 126.
199 Ibid., 13.
200 Ibid., 93.
crop were to fall under the amount owed, the farmer could no longer deal with any other merchant.\footnote{Ibid.}

Once the harvest was complete, the farmer would first have to pay the merchant the amount he owed, and then the rest would be his to spend or save as he chose. In some instances, the merchant who had given the farmer the loan also purchased the crop, making it so that hard currency was hardly even seen by the farmer.\footnote{Ibid.; Blackmon, 63.} If the debt could not be fully paid by the harvest, however, the merchant could foreclose on the farmer’s property. The merchant did not always choose to foreclose, instead allowing the farmer to continue to try to pay the debt with the next year’s yield, but many merchants also became landowners through this process.\footnote{Ibid.; Ayers, 94.}

Where peonage enters this process is when the process is applied not to a land owning farmer, but to a sharecropper. Sharecroppers were generally forced to take their loans from the land owner. The land owner also ran the store in which the sharecropper bought all his supplies. The store marked up prices significantly and allowed the purchase of supplies on credit.\footnote{Ibid., 13.} Once the crops were harvested and sold, the sharecropper often found himself owing more money than he had made. The cropper would then be forced to remain on the land until the debt was paid. If the cropper attempted to leave, he would be forced back to the farm. In this way, the cropper became a peon.

The second way for an individual to fall into the trap of peonage was through the collusion between local law enforcement, the courts, and an individual with a labor need. In this manner, requests generally came from industry executives or large farmers for labor. A law
enforcement officer would then answer the call, seeking to pad his own pockets. The officer would arrest the first black person who came across his path. Often the charges were fabricated and the individual would be arrested for vagrancy or carrying a concealed weapon. The individual would then be taken by the officer to one of the many types of inferior courts described above. The black individual would then be given the option of being convicted and sent into the state sanctioned “chain gangs,” or would be allowed to “confess judgment” and be levied a fine.\textsuperscript{205} The fine would include penalty for the crime, court costs, fees accumulated from his arrest, and fees for any additional witnesses.\textsuperscript{206}

If the black man was unable to pay the fine, a local white man would “graciously” pay the fine allowing the black man, and occasionally a black woman, to work off the debt over time. Once in this system, time could be added to the original contract simply by accusing the peon of another crime.\textsuperscript{207} The key to the entire process was the swift arrest, trial, and sentencing of the black person and the absence of witnesses and lawyers for defense.\textsuperscript{208}

The evolution of peonage relied on a combination of laws, customs, and violence that dominated the American South. Peonage came into being during the transition from slave labor to free labor, and could have been prevented had the necessary measures been taken to secure the rights of freedmen. There were many ways in which a black southerner found him or herself in an everlasting state of peonage, but this generally occurred through sharecropping agreements or through collusion between law enforcement and judicial agencies. Although not all Southerners believed in the system, or simply chose to ignore it, some Southerners chose to stand against the

\textsuperscript{205} Ibid.: Blackmon, 67.
\textsuperscript{206} Ibid., 66.
\textsuperscript{207} Ibid., 144.
\textsuperscript{208} Ibid., 66.
system in sheer disgust of its injustice and inhumanity. These Southerners joined with Northern
neo-abolitionists, philanthropists, and federal agents to combat the system through the true
process of justice.
Chapter 5

Peonage Trials in the South

The failure of the federal government to assist African Americans in their post-emancipation plight allowed industry and custom to dictate how labor would initially be controlled. The continued existence of peonage, however, relied on lethargic federal agencies, impotent statutes, and mild curiosity of neo-abolitionists followed by waning interest which typically categorized the pattern of prosecutions that did little to combat peonage. The process of ending peonage included hundreds of federal trials throughout the South, but rested truly on only a handful of cases. In order to end peonage, the federal government mobilized virtually every asset at its disposal at different points in time to achieve a variety of outcomes. In the end, it would take Secret Service Agents, U.S. Marshals, Federal Bureau of Investigation Agents, Federal Commissioners, U.S. Attorneys, Federal Judges, the Supreme Court, the Senate, and multiple presidents to uproot the deeply entrenched practice through the exposure of cruelties and subsequent punishments of violators. Through the court system, these individuals and agencies met various degrees of success as they confronted both the individual peon masters as well as the states’ statutes which supported them.

Peonage in the United States had a history which predated emancipation. Long before peonage became common practice in the American South, peonage had flourished in the New Mexico Territory. Peonage in New Mexico was a result of its past as a territory of Mexico, prior to the Mexican-American War. In the New Mexican system of peonage, laborers accepted advanced capital from land owners in order to plant crops or pay for other necessary items. The laborer often fell into debt following the advance due to high interest rates or a bad harvest and
was then forced to continue working for the individual who had advanced the capital. The continuation of the Mexican custom in the United States’ newly acquired territory is exemplified by *Jaremillo v. Romero*.

*Jaremillo v. Romero* was the earliest peonage case to be tried in an appellate court, having been heard in the Supreme Court of New Mexico in 1857. This case had been brought to court, ironically, with the peon, Mariana Jaremillo, who was sued by the master, Jose de la Cruz Romero, for leaving his employment while owing him money that he had advanced.\(^{209}\)

Interestingly, with no applicable state or federal law against peonage in 1857, the court could have ultimately ordered Jaremillo back into the employment of Romero for the alleged debt. Jaremillo, however, was not ordered to return to Romero’s employment because the alleged debt was not proven.\(^{210}\) Writing the Court’s opinion, Chief Justice Kirby Benedict unknowingly highlighted how the system later developed in the post-Reconstruction South when he stated, “[it is] easy to perceive how any person whosoever within the territory may be made a debtor and sent into servitude, should an unscrupulous man and an ignorant and faithless prefect or probate judge devise mischief together.”\(^{211}\)

The concern created by the New Mexican labor custom led to the first discussion of peonage by the United States government in 1867 on the Senate floor. The Senators invoked Article XIII, Section II of the Thirteenth Amendment which provides Congress with the authority to create new statutes to enforce the Amendment. The resulting statute applied the Thirteenth Amendment to peonage stating, “[peonage is] forever prohibited in the Territory of


\(^{210}\) Ibid.

\(^{211}\) Quoted in ibid.
New Mexico, or of any other Territory or State of the United States” and that “all acts, laws, resolutions, orders, regulations, or usages” to enforce peonage were declared null and void.\textsuperscript{212} The new federal statute aimed to end peonage specifically in New Mexico, and the Senators who created this new statute failed to conceptualize how it would become applied to African Americans ensnared in a new slavery in the South.

Until 1899, the federal peonage statute had remained an untested piece of legislation passed by Congress to prevent the spillage of the Mexican system of peonage into U.S. territory. Its constitutionality had remained in question and it was unclear if was even applicable to African Americans in the South, who were held under various laws created by Southern states, particularly Alabama, Georgia, and Florida. It would not be until thirty-two years after the creation of the peonage statute, that a federal prosecutor, Edward A. Angier, applied the statute for the first time.

The first defendant in a federal peonage trial was William Eberhart. Eberhart used a fictitious debt to enslave Charles Calloway as well as his family on his farm.\textsuperscript{213} What should have proved an easy open and shut case, turned into an impossible task. Angier’s attempt to indict Eberhart failed when the presiding judge dismissed the case, ruling that the offense listed in the indictment was not a matter for federal courts.\textsuperscript{214} Following the rejection of the case in federal court, the state courts never tried the case. With no court willing to hear the case, the constitutionality of the peonage statue still remained in question.

\textsuperscript{213} Douglas Blackmond, Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World WWII (New York: Doubleday, 2008), 173.
\textsuperscript{214} Ibid.
After the failure of the prosecution of Eberhart, the fate of African Americans held in peonage continued to rely on the mild curiosity of a few neo-abolitionists in the South who remained in contact with individuals in Washington. Through continuing observation and correspondence, word of the horrible conditions of peonage eventually reached the desk of progressive president Theodore Roosevelt. Roosevelt saw peonage as an opportunity for the Federal government to assert jurisdiction to act in support of the quandary of African Americans in the South.

Previously, Roosevelt had attempted to extend federal authority over lynching of African Americans in the South to no avail. At the time, the only charges which could be filed for the race-baited killing of African Americans was murder, a crime in which only state courts held jurisdiction. Peonage, unlike lynching, clearly fell under federal jurisdiction and provided Roosevelt with the opportunity to show Southern African Americans that the Federal government and his Republican Party were still keeping their interests in mind. When Roosevelt first ordered an investigation into allegations of peonage, the federal government was not prepared for what it would uncover. Believing peonage to be isolated in small areas, the progressive president, agents, judges, and prosecutors attacked what was only the tip of an iceberg.

The first case which followed the federal government’s new interest in prosecuting peonage occurred in 1901. A Georgian, Samuel Clyatt, had several African Americans working for him in order to pay off a debt. When four of these laborers decided they could no longer tolerate the abuses they endured under Clyatt, they decided to flee across state lines to Florida where they became employed by James R. Dean at his turpentine camp. In order to secure what Clyatt most certainly considered his property, he led two armed men along with a Florida deputy
sheriff to Dean’s camp and demanded their arrest and return to Georgia. These events came to the attention of U.S. Attorney John Eagan, who then began an investigation. Once sufficient evidence was gathered in the case, Eagan wrote the United States Attorney General on July 13, 1901, to inform him that the first case to test the peonage statute was about to begin. On November 21, 1901, Clyatt was indicted by a grand jury for peonage. The trial then commenced on March 24, 1902, in Tallahassee, Florida. Following the government’s well prepared case, presented by Eagan, and the defense’s obvious guilt, the presiding judge, Judge Charles Swayne, sentenced Clyatt to four years in a federal penitentiary.

The proceedings highlighted the “pseudo-law” practiced in the South and the ability of whites to manipulate black labor, but when Clyatt chose to appeal the decision, the extent of the practice began to surface. In the time between the original trial and the appeals process that eventually led the case to the Supreme Court, approximately $90,000 was raised by naval store operators to aid in Clyatt’s defense. The turpentine distiller’s and sawmill operator’s generosity came from more than empathy for Clyatt, as their industries relied heavily on the labor that this case argued was illegal. If the statute proved to be constitutional, Southern extractive industries feared it would free their main source of labor. The obstinate support given by Southern industry drove federal prosecutors to come to a realization; forced enslavement had extended en masse following the Thirteenth Amendment and had become the backbone of Southern industry and agriculture.

---

216 Ibid., 7.
217 Ibid., 9.
218 Ibid.
On March 13, 1905, Justice David Brewer wrote the opinion of the Supreme Court, interpreting the history and validity of the statute. Brewer argued that the statute had prohibited the “holding, arresting, [and] returning” of a peon.\(^{219}\) Since the laborers had disappeared after leaving Dean’s turpentine camp and were never seen again, it could not be proven they were ever returned to a state of peonage, and Clyatt was ordered a new trial.\(^{220}\) Although Clyatt was not convicted, the constitutionality of the law was upheld, and the Justice Department could move forward with other cases that were being deferred awaiting the outcome of the *Clyatt* case.

The *Clyatt* case had proven the constitutionality of the federal peonage statute, it had gained the attention of the nation. In 1903 and 1904, however, a small group of progressive-minded individuals began looking into an occurrence of peonage that sent a shockwave throughout the country. Progressives had set out during this time period to change the chaotic and colliding interests of a country in flux. Through reform, based in reason and education, Progressives sought to shed light on corruption. Believing that shedding light on peonage would cause Southerners to be embarrassed and change, Progressives attacked what they believed was an isolated issue that would bring a symbolic victory for African American rights. This attack was led by Thomas Goode Jones.

Following a vacancy in an Alabama district court seat, President Roosevelt, taking the advice of Booker T. Washington, appointed Jones to a federal judgeship in Alabama. Jones, a Confederate war hero, two-time Alabama governor, and previous anti-labor leader, was an unlikely choice to become the champion of the rights of peons.\(^{221}\) Yet Jones had one criterion that made him stand out as an advocate of the oppressed Southern blacks: Jones was a

\(^{219}\) Ibid., 16.
\(^{220}\) Ibid., 17.
\(^{221}\) Ibid., 43.
progressive. Jones had previously supported black suffrage in Alabama and believed, like most progressives, that through the exposure and education on its evils, peonage would correct itself.222

Jones led the attack on peonage with the support of Roosevelt, who saw his opportunity to attack southern peonage through the 1867 federal statute and sent Secret Service agents to Alabama at the request of Jones. These agents made reports that confirmed the allegations of peonage in the state. Alongside these agents, who were sent under Roosevelt’s executive power, were U.S. attorneys, who were ordered by the Attorney General to fully investigate any alleged instances of peonage. Through investigations and grand jury testimony, a perpetual cycle of peonage which occurred in the counties of Coosa and Tallapoosa, Alabama, and relied on four groups of conspirators, was brought to light.223 The four groups found to be in collusion were the landowners, the constables, the justices of the peace and the overseers.224

By June 1903, a grand jury in Birmingham had returned eighty indictments against men in Coosa and Tallapoosa counties.225 The trials which followed shed light on the practice of peonage in the South, but as each case arose, Southerners were quick to save face, declaring the end of peonage after each case. The system was deeply entrenched, however, and could not be destroyed by the isolated efforts of a few neo-abolitionists and their progressive allies. The system had deep roots in Southern custom and was only extended by the growth of industry in the New South.

---

222 Ibid., 44.
223 Ibid., 47.
224 Ibid.
225 Ibid.
The first trial to come before Judge Jones was the trial of John W. Pace. Pace fell under the first category of conspirators; he was a landowner and a driving force behind the conspiracy. Pace had legally contracted convicts through Alabama’s convict leasing system, but he often mixed in individuals that he illegally held as peons, with convicts on his farm to supplement his labor force.²²⁶ Pace was brought before the court on thirty six counts of peonage.

The process which Pace used to acquire his peon workers was relatively simple. Pace worked through the local justice of the peace, James M. Kennedy, using a system of mock trials, generally left off of the official docket, to convict African Americans of a made-up crime. Following the false trial, Pace, or another farmer, George D. Cosby, would pay the fines levied by Kennedy, pretending to be acting out of kindness, and allow the African American to pay them back through laboring on their farm.

Instead of going to trial and allowing the exposure of the system through testimony, Pace pled guilty to eleven counts of peonage. Two other landowners, George and Barancus Cosby, who accounted for 45 of the 99 eventual indictments secured by the Birmingham grand jury, followed Pace’s lead and also pled guilty.²²⁷ Pace was sentenced by Judge Jones to five years for each count of peonage that would run concurrently.²²⁸ George and Barnacus Cosby both received a sentence of one year and one day in the penitentiary at Atlanta.²²⁹ Pace secured a writ of error in the case and appealed.²³⁰ Following the appellate case in New Orleans, Pace’s conviction was reaffirmed. Pace never spent a day in jail or paid a single fine. Reese informed Attorney General Knox that if Pace were to serve his sentence, considering his age and condition, the sentence

²²⁶ Ibid., 51.
²²⁷ Ibid., 53.
²²⁸ Ibid., 52.
²²⁹ Ibid., 53.
²³⁰ Ibid., 52.
would amount to capital punishment.\textsuperscript{231} The spirit of leniency and the idea of subduing societal evils through exposure and progressive education led to Pace’s receiving a pardon in April 1906. Following his pardon, Pace continued the practice of convict leasing through the county leasing of prisoners.

Next in the series of trials which followed that of Pace and the Cosbys came the trial of J. Fletcher Turner. Turner acquired peons through John G. Dunbar, a night marshal for Coosa County, who used his authority as a night marshal to arrest blacks who were travelling through the county on charges of vagrancy. Following arrest, the black “criminals” were processed by inferior courts, as demonstrated in the \textit{Pace} trial, and forced into peonage.

Unlike Pace and the Cosbys, Turner stood trial. Turner’s lawyers decided that they could successfully convince the jury that Turner had not committed peonage; rather, he had committed slavery.\textsuperscript{232} Slavery, unlike peonage, technically had no specific law at the time to make the act illegal and carried no specific methods of enforcement.\textsuperscript{233} During the trial, the defense succeeded in confusing the jury by blurring the lines of peonage and slavery enough to force the jury to remain hung. Unable to convict a white Southerner of crimes against a black, on July 13, the jury remained deadlocked with seven for conviction and five for acquittal.\textsuperscript{234} With no verdict in sight, Judge Jones declared a mistrial. Turner, however, fearing another trial, changed his plea to guilty and received the minimum allowable fine by law of $1,000.\textsuperscript{235}

\textsuperscript{231} Ibid., 63.  
\textsuperscript{232} Ibid.; Blackmond, 226.  
\textsuperscript{233} Ibid.  
\textsuperscript{234} Ibid. 232.  
\textsuperscript{235} Ibid.
The mistrial of Turner had been a setback for federal prosecutors. It had become clear to federal agents that momentum would not continue to be in their favor for long. Prosecutors, however, were able to gain a conviction in their next case in the summer of 1903. Robert Franklin, who had brought blacks before a notary public and then delivered them to the Pace farm, stood trial and was convicted. This time, a Southern jury proved capable of finding another white guilty of infringing on the rights of an African American and Judge Jones fined Franklin the minimum fine of $1,000. This conviction led District Attorney Reese to speak too soon, stating that the government had “convicted every man that we put on trial, either by pleas of guilt or by a verdict of guilty.”

During the cases he tried in 1903-04, Judge Jones attempted to outline how a person could violate the federal peonage statute. If an employer held a laborer and forced him to perform a contract, placing the laborer under guard and not allowing him to leave, he was guilty of peonage. An employer or law enforcement official who accused a laborer of a crime and informed the laborer that the only way to escape conviction was to confess judgment and enter into a contract with the employer was guilty of peonage. If the allegation was false, then the offenders would then be guilty of violating the slave kidnapping act.

The cases which occurred in Alabama in 1903 and 1904 do not hold legal significance as far as a precedent is concerned. The constitutionality had already been determined prior to these cases during the Claytt case. These trials, however, are worth discussion in detail as they demonstrate the greatest effort put into combating peonage through the collaboration of U.S.

236 Ibid.; Daniel, Shadow of Slavery, 57.
237 Ibid., 48.
238 Ibid.
239 Ibid.; Blackmond, 205.
Attorneys in the South, federal judges, African American leader Booker T. Washington, and President Theodore Roosevelt. These cases also represented the height of public interest in peonage. Unfortunately, once these progressives realized the extent of the practice, it became in their best political interests to deliver light sentences and continue in a less highly publicized manner. The federal government was forced to turn its attention away from the individual and towards the institution which allowed the individual to operate; the Southern states came under federal scrutiny.

After opening a can of worms and spreading panic throughout the South, the federal government decided to turn its attention away from individual violators of the peonage statute and towards the laws which sanctioned the practice. The case of *Alonzo Bailey v. Alabama* (1908) was the first case which proceeded in this manner, testing the constitutionality of an Alabama statute which was commonly referred to as the “False Pretenses Act.” This statute originated in 1885 and was similar to many other state statutes throughout the South which intended to tie a laborer to the land. The statute states:

> Any person, who with intent to injure, or defraud his employer, enters into a contract in writing for the performance of any act or service and thereby obtains money or other personal property from such employer, and with like intent and without just cause and without refunding such money or act of service, must, on conviction, be punished by a fine in double the damage suffered by the injured party, but not more than three hundred dollars, one-half of said fine to go to the county and one-half to the party injured…And the refusal of such act or service…or refund such money… shall be prima facie evidence of the intent to injure his employer… or to defraud him.  

Essentially, this Alabama statute, along with similar statutes in other states, enslaved African Americans in the South in two ways. First, it attempted to force African Americans to continue

to work for whites, who had advanced them money, essentially legalizing debt peonage. Second, if an African American refused to continue work, he or she would then be arrested and sent to work either for the state sanctioned chain gangs or “private wardens.”

Initially, Alabama’s statute as well as other states’ statutes read in such a way that the prosecution of the act depended on being able to show the intent of the laborer. 241 If intent could not be proven, then the individual could not be sentenced; this was reinforced by the Supreme Court of Alabama in the 1890s. 242 The intent clause made it very difficult for African Americans to be found guilty of fraud, causing little concern from the federal government. After much frustration on the part of white Southerners, Southern legislatures amended their laws to close the need for proof of intent, with Alabama and Georgia updating their laws in 1903 and Florida following suit in 1907. 243 These new laws were cause for concern for African Americans as well as the federal government.

White Southerners had previously utilized several methods of stripping African Americans of their legal rights, and the prima facie concept became simply another form of doing so. Not only had this statute taken away freedom of movement of African American laborers, but an additional clause took away the ability of the accused to testify in court and explain the reasons for leaving employment. The statute had essentially created an environment in which the accused would inevitably face only a show trial and sentencing.

242 Ibid.
243 Ibid.
The first attempt at prosecuting the Bailey case began with Bailey’s arrest on April 14, 1908, and continued until December 21, 1909. Initially, the case was brought through the court system to the Supreme Court, where it was sent back to trial in the lower courts, having been supposedly brought to trial prematurely.\textsuperscript{244} The case spanned the presidencies of Theodore Roosevelt as well as William H. Taft, and was prosecuted with a great deal of monetary expense, effort by prosecutors, Judge Jones’ seat as judge, and the disappearance of Alonzo Bailey.\textsuperscript{245} The effort, however, paid off on January 3, 1911, when the statute was struck down on the basis that it violated the federal peonage statute. The Bailey case had also paved the way for an attack on Southern statutes that would continue with United States v. Reynolds.

United States v. Reynolds (1910) is arguably the most important case of peonage to arise out of the South. The statute tested in the Reynolds case is the statute that made peonage an almost perpetual cycle of debt and enslavement. The statute reads:

\begin{quote}
Failure of defendant to perform contract with surety confessing judgment for fine and costs—Any defendant on whom a fine is imposed on conviction for a misdemeanor, who in open court signs a written contract, approved in writing by the judge of the court in which the conviction is had, whereby, in consideration of another becoming his surety on a confession of judgment for the fine and costs, agrees to do any act, or perform the service, which in such contract he promised or agreed to do or perform, must, on conviction, be fined not less than the amount of the damages which the party contracting with him has suffered by such failure or refusal, and not more than $500; and the jury shall assess the amount of such damages; but no conviction shall be had under this section, unless it is shown on trial that such contract was filed for record in the office of the judge of probate of the county in which the confession of judgment was had, within ten days after the day of the execution thereof.\textsuperscript{246}
\end{quote}

\begin{footnotes}
\item[244] Ibid., 464.
\item[245] Ibid.; Daniel, \textit{Shadow of Slavery}, 74.
\end{footnotes}
This Alabama statute was more troublesome than even the “false pretenses act” in question in the Bailey case because it allowed for the arrest and continued re-arrest based solely on a debt. The constitutionality of the statute was also intentionally blurred with a clause of the thirteenth amendment, which allowed for forced labor as punishment for a crime. This statute, however, clearly did not meet the intent of the Amendment. Following the Reynolds case, the Alabama statute was declared unconstitutional.

Although the prosecution of peonage in the Deep South was sluggish at best, the efforts of a few neo-abolitionists and progressives managed to slowly expose the evils of peonage. By attacking both the individuals and the statutes which sanctioned individuals’ actions, federal agents allowed peonage to die a slow, but steady death. By 1925, all states had abolished their convict leasing system and by 1945, peonage had become more of a rarity than a common occurrence.\(^{247}\) In the Deep South, peon masters managed to survive prosecutions relatively unscathed, yet their confidence was shaken, knowing that their system could no longer continue without repercussion.

The federal government had granted leniency to Southern peon masters in the face of strong opposition. Progressives believed that through education and exposure, Southerners would be embarrassed into stopping the practice. Realizing the extent of the practice, federal prosecutors delivered light sentences to peon masters and moved to attacking statutes rather than individuals. Examples of leniency throughout the early 1900s exist in the most high-profile cases. Charges against Samuel Clyatt, which were filed in 1901, were dropped in 1909, following a continued inability to secure conviction. In 1903, Turner received a mistrial; rather

than face a future trial, Turner pled guilty and received a small fine. John Pace, who was convicted of eleven counts of peonage in 1903, received a full pardon in April 1906.

Indeed, the first decade of peonage trials in the Deep South were handled with leniency. Five short months after the pardon of John Pace, however, six conspirators were convicted of peonage in the state of Missouri and received sentences from one year to three and a half years in prison and a fine of $5,000. In Missouri, peonage occurred on one isolated farm, in an isolated region, and was prosecuted to the fullest extent, ensuring that the first case of peonage remained the only case to occur in the state.
Following the Civil War, Missouri successfully escaped the transition from slavery to peonage that plagued much of the South. Changes in the state’s economy, demographics, and laws had stopped this transition. Missouri did not, however, manage to escape peonage altogether. In the extreme southeast portion of the state known as the “boot heel,” named for its geographic resemblance to a boot, peonage managed to rear its ugly head. This one incidence of peonage in the state occurred because of a sudden increase in labor demand that came to exist in the region. This increase in demand did not lead to mass peonage, however, as it existed in the South, because Missouri did not sanction the practice as did Alabama, Georgia, Florida, and other Southern states. Rather, peonage in Missouri remained an oddity; it was a crime, much like murder, that could be carried out if it were the perverse will of an individual to do so. Missouri’s laws and societal attitudes forced peonage in the state to transpire differently in the recruitment of laborers, holding of peons, and prosecution of peon masters. The conditions of peonage in the state, however, closely resembled those of peonage in the South.

Radicals in Missouri had set out to build protections against peonage for African Americans during their short time in office following the Civil War having laid the foundation for freedom through education and opportunity. In addition to this, Radicals also put in place official policies that prevented peonage in Missouri. The framers of the 1865 Missouri Constitution wrote, “That imprisonment for debt cannot exist in this state except for fines or
penalties imposed for violation of law.” It was not only the absence of this type of law in the Deep South, but also the inclusion of statutes which contained provisions for landowners to legally enslave laborers through debt, such as in the statutes examined in the Bailey and Reynolds cases, that allowed peonage to become rampant in the South. With protections for African Americans created on both the federal and state level, potential peon masters found few allies in Missouri.

The first, and only case of peonage to be prosecuted in Missouri occurred in 1906 on a farm near Sikeston, Missouri. The owner of the farm, Charles Smith Sr., had resorted to peonage as a way to provide his large tracts of land with cheap, and desperately needed, labor. In order to do so, Smith employed recruiters, overseers, and guards to ensure his operation ran smoothly. Without the laws that existed in the South, however, Smith was forced to run his operation in a way that closely resembled a prison, knowing that if a laborer escaped, he would be arrested. Ultimately, this is exactly what happened, and Smith was brought to trial in September 1906. The resulting trial, The United States v. Charles Smith Sr. et. al., demonstrated how peonage occurred in a state in which it was not sanctioned and that the onset of peonage stemmed from much larger labor issues which had occurred in the “boot heel.”

During the late nineteenth and early twentieth century, swamps covered seventy percent of all land in southeast Missouri, leaving most of the land unfit for the cultivation of crops. Because most of the land remained non-arable, there was a low demand for labor in the region. This slowly changed, however, as Congress began to grant swamplands throughout the U.S. to the states which contained them. In 1850, Congress granted Missouri ownership of its

---

swamplands, and in the following two years, Missouri turned over these areas to its counties.\footnote{Ibid.}

Once these lands came under the possession of the counties, they were then turned over to private landowners, and the process of reclamation began. The reclamation process forced the need for labor to skyrocket, as landowners attempted to turn massive swamps into profitable farms.

The reclamation of land in southeast Missouri took place both individually and collectively. Individually, farmers such as Charles Smith Sr., used laborers to dig ditches on their private land. Collectively, counties formed drainage districts to funnel water collected from individual ditches into the Mississippi River. The largest, and most well-known, example of this drainage began in 1907 and was known as the Little River Drainage Project. The Little River Drainage Project called for a tax to be levied on land owners in order to pay for levees and ditches to drain water from the area. The drainage project eventually resulted in the construction of 957.8 miles of ditches and 304.43 miles of levees between the years of 1914 and 1928.\footnote{Mary Anton, \textit{New Madrid: A Mississippi River Town in History and Legend} (Cape Girardeau, MO: Southeast Missouri State University Press, 2009), 241.}

With large tracts of land being sold at low rates by the counties which had inherited them, speculators set out to acquire vast tracks of land using a very basic formula. First, a speculator would purchase large areas of uncleared land. The speculator would then divide the land into smaller parcels and sell the parcels at a slightly higher rate than the original purchase rate to farmers to begin the clearing process. The farmer would then dedicate money and effort to clear the land for farming, thereby improving the value. Frequently, the farmer would fall behind on payments due to the heavy taxes levied against farmers to pay for the drainage projects and be
forced to sell the land back to a speculator. The speculator would then resell the land again at an even higher price.\textsuperscript{252}

Thus vast tracks of new land were consolidated under the control of large landowners. These large landowners generally lived outside of the “boot heel” region and maintained an interest in the land only for profit while leaving another individual to manage the production of crops; this individual became known as the over tenant. The over tenant subleased rented land to the farmer and was everything from the cotton buyer to the banker for the farmer.\textsuperscript{253} The farmer then became the bottom rung of the ladder in the “boot heel” and was usually one of three subcategories: sharecroppers, day laborers, or tenants.\textsuperscript{254}

Of the farm workers who comprised the lowest rung of the ladder in the “boot heel” production of crops, farmers strived to become tenants. The tenant could lay claim to everything which he used to operate his farm. A tenant owned the mules, tools, seed, etc., needed to produce his crop. Following harvest, the tenant owed the over-tenant a share of his crop or a dollar amount; however, the remainder of the profit was his own to spend as he saw fit. Those who did not have the required capital to become tenants became sharecroppers and day laborers.

The differences between the laborers at the very bottom of the sharecropping system were minor and both types of laborers stood little chance in achieving a better economic situation. The cropper was given advances for necessary tools from a landlord and charged a large amount of interest following the harvest. At the lowest rung of farm workers was the wage or day laborer. The wage laborer owned nothing but his or her own labor and was given no


\textsuperscript{253} Ibid., 9.

\textsuperscript{254} Ibid., 10.
additional supplies or sustenance from the over tenant. Compounding the wage laborers’ troubles was the fact that wage laborers were paid only for the time they worked, leaving them to fend for themselves during the offseason. Although the farming/labor practice of sharecropping was not as restrictive to the individual freedom of laborers as peonage, the upward mobility of croppers and day laborers continued to be restrictive under “boot heel” labor practices.

The massive amounts of newly purchased lands in the southeast Missouri left a demand for intensive labor in an area in which labor demand had previously been relatively low. The new labor demands that arose caused a labor shortage that continued to plague southeast Missouri farmers for the next half century. While the question of how to fill the need for labor led many farmers to respond with some form of sharecropping arrangements, the Smith conspirators responded with peonage.

Thad Snow sheds light on the situation of farmers in Southeast, or as he called it “Swampeast” Missouri, in his memoir. Born in Greenfield, Indiana, Snow transplanted his family to the “boot heel” of Missouri, because he was unable to find enough land for sale in Indiana. Snow believed Indiana had been too developed and was looking for land that still needed settling. What Snow found in Charleston, Missouri, was large tracts of un-cleared land and a country that was “afloat.” This suited Snow’s pioneering spirit, as he chose to move his family to the swamp that was southeast Missouri and began the process of clearing and farming the land.

---

255 Ibid., 9.
256 Ibid., 10.
257 Ibid.; Snow, 69.
258 Ibid., 73.
Snow gives many details on the situation of Southeast Missouri, such as its flooding, its diseases, its problem with cattle-stealing, and the use of mules. What is most important is that Snow details the process of clearing newly-purchased farmland in the region. The conspirators on the Smith farm were using African Americans in this process, but Snow shows that this was an exceptional occurrence, not a common one. According to Snow, family units, ranging from one to twelve individuals, staked out ten or more acres, charged $8 to $12 per acre, and cleared the land in southeast Missouri. In addition, almost, but not all, clearing was done by white workers. There is only one instance which Snow could recall in his memoir in which African Americans were forced to conduct labor, and he describes the instance as such:

…a few large landholders were in such a hurry to get the job done that they brought up great droves of Negro workers from the cotton South, and handled them in a highly organized fashion. At least two big operators overemphasized the matter of organization. They built great stockades to confine the Negroes at night to keep them from straying into the woods where they might get lost. It is said that in the daytime the white foremen carried guns to prevent straying and bull whips to preserve order and to keep the work going at a uniform pace. I do not know all the facts but these two big operators somehow came to the notice of federal officers, and finally served terms in a federal prison for violation of the peonage act.

The occurrence Snow details, the only case of enslaved African American labor which he could recall, clearly describes the Smith conspirators, who had recruited and maintained a large black labor force in the region for the purposes of clearing and farming newly acquired land.

In order for peonage to occur, there had to first be a demand for labor. The demand for labor came from Charles Smith Sr., who owned several plots of land in Southeast Missouri. Each of these plots had to be drained, cleared of trees, and farmed. Rather than employing the family

259 Ibid., 106.
260 Ibid.
261 Ibid., 111.
units and the sharecropping system like other southeast Missouri farmers, Smith employed several individuals and family members to act as overseers and recruiters for a peon workforce to ensure the productivity of each plot. Although the overseers seemed to operate independently at times, leading Thad Snow to believe there were two large operators, rather than just one, every individual connected to the Smith land worked together to achieve a common goal under the direction of Charles Smith Sr.262

Charles Smith Sr. was essential to the peonage conspiracy as the landowner, the financier, and the brains behind the scheme. As the landowner, Charles Smith Sr. had the least direct interaction with the laborers but was, however, directly involved in managing his overseers and other employees. Smith financed the rare paychecks for the peons who had been present the longest, paid the bills for the occasional doctor visits, coordinated the transportation of the peons, and paid the guards and overseers who carried out the operation. Although Smith owned the land, he acted very much like the landowners who subleased their property to over tenants, having lived in Sikeston and divided the land into two farms under the supervision of overseers: one operated by William Woods, and the other by W. Lee Rodgers.

William Woods and W. Lee Rodgers were responsible for the housing of the peons, the productivity of the farms, and the supervision of the guards on their respective plots. The overseers often went to great lengths to ensure that their peons did not escape, and, if peons escaped, the two would ensure they did not make it far. The overseers were assisted on their respective farms by Benjamin Stone, Benjamin Field, and Floyd Woods, who came to be

262 Ibid.
employed as guards by Smith. As guards, these employees were the lowest workers in the conspiracy but had a great deal of interaction with the peons. Together, guards and overseers ensured the productivity and retention of the peon labor force on the Smith farm. The retention of peons on the Smith farm was vital to its operation. If peons escaped, not only did the conspirators risk arrest in Missouri, but they also lost labor which was difficult to replace as the recruitment of laborers did not occur in Missouri.

The recruitment of laborers was the responsibility of Charles Smith Jr. who traveled primarily to the South in order to obtain much needed labor for his farming interests in the “boot heel” region of southern Missouri. From the testimony of African Americans held on the Smith farm, a vivid picture is drawn of the labor recruitment process. In the absence of cheap labor and abundant labor, Smith was forced to recruit in a region where African Americans had fewer rights and less education, and were more abundant in order to coerce laborers to his farm.

Many of the African Americans who ended up on the Smith farm were from Missouri’s neighbor to the South, Tennessee. Tennessee had been a likely choice for many reasons. First, Tennessee held a larger population of African Americans than Missouri, and that population was more agriculturally oriented. In Missouri, the African American population was located primarily in the cities and not accustomed to the type of work the Smiths would inevitably demand from their peon laborers. Second, African Americans in Tennessee were more vulnerable to propositioning by the Smiths since they were lacking a strong education. Third,

---

once the African Americans left their homes to go to work far away, they were unlikely to be checked on by family members as they might have been if they had still been in the region. Lastly, the proximity of Tennessee to southern Missouri and decent railroad access provided a cheap way to import these workers to the farm.

The process by which Charles Smith Jr. recruited laborers was relatively simple. Charles Smith Jr. would travel along the railroad to Tennessee, where he stopped at the Memphis station. Once at the station, Smith approached African Americans looking for work in the vicinity of the station and promised respectable wages, board, and a train ticket to Missouri in exchange for labor. Once Smith gained the interest of enough laborers, he then paid their passage, and they were be on their way to the train depot in Sikeston.

One African American peon, James Hayes, testified as to how the recruitment process worked at the time he was recruited by Charles Smith Jr. Hayes, a man of 27 years, born in Shelby County, Tennessee, happened to be at the Union Depot in Memphis on April 17, 1906, when Charles Smith Jr. approached a group of African Americans with a proposition to employ them. Hayes was not told directly by Smith what kind of work he would be doing, but instead heard of it second hand from another man, who was promised work by Smith. He was told that they would be operating a grain elevator and would be given $1.50 a day plus board. Hayes went to confirm the wage directly with Smith, but did not confirm the type of work, taking the other man’s word instead.

---


266 Ibid.
Once enough laborers were recruited, Charles Smith Jr., and Hayes, along with what Hayes estimates to be around fourteen or fifteen laborers, all boarded the Frisco Railroad and made their way towards Sikeston. The journey, which began around 6:10 p.m., lasted until roughly 1:00 a.m. when the group arrived in Sikeston. Once the group arrived at Sikeston, the men were placed into three “hacks” and then transported the seven miles from the depot to the farm.267 Once the men arrived at the farm, they were immediately locked into stockades for the remainder of the night. After only two hours of sleep on the first night, the men were then taken out and searched for weapons before beginning their first day of work.

In order to ensure peons did not escape from the farm, guards and overseers kept the peons under the watch of a gun or locked in a stockade at all times. The details of the stockades in which the peons were jailed are told through the testimony of many of the men held on the Smith farm. John Reed, an African American of thirty-nine years of age, was born in Pine Bluff, Arkansas, and was one of the men recruited along with Hayes by Smith in Memphis. Reed had traveled with Hayes and was promised the same wages, only Reed was told he would receive $1.50 with board or $2.00 without board for his labor.268 From the details of his incarceration on the farm, he would have been much better off if the second option was truly a possibility. Reed was held in what the peons referred to as stockade number two on the Woods’ portion of the Smith farm:

Whe [sic] house was setting south and north. It had a door in the east, and one in the west, and two windows in the east. As we went in the east door, all of us went into the east door, the fifteen of us, he ordered the door locked on the inside, and the door was locked on the outside…the door was made of one by twelves, nailed together with thick one by sixes, across the door on the inside. There was a hole

267 Ibid.
268 Ibid.
cut in this door and that had a chain run through it… The windows had two by fours across them and nailed, and this barbed wire over it.\textsuperscript{269}

The buildings in which the peons were held were twenty feet long by ten feet wide. Inside the stockades were bunks that were fixed to the walls and built in two levels, with two men sleeping in each bunk.\textsuperscript{270} The buildings stood roughly three feet from the ground on blocks which held up the frame. The inside of one building Reed described as being “filthy” and “full of vermin,” making it difficult to breath.\textsuperscript{271} One contributing factor to the air quality was the facilities provided for the men. Inside the stockades, the men were provided a toilet that was comprised of a hole in the floor about six to seven inches wide. The laborers’ excrement simply dropped to the ground below the house.

The horrible conditions of both stockades were testified to by all who had been peons on the farm. Henry Stokes, a man of forty-five years of age, who arrived on the Smith farm on April 17 from Memphis, further testified to the conditions. Stokes, who had served five years in the Ninth U.S. Cavalry, having been discharged in 1896, had undoubtedly spent many nights without the luxuries of civilization, but had not experienced anything that would have prepared him for the grueling labor and horrible conditions that he faced during his forty-eight nights on the Smith farm. Stokes testified that the living quarters were so terrible that he was constantly covered in lice, which was only further worsened by the fact he was given only one pair of clothes.\textsuperscript{272} His body had become what he describes as, “a solid mass of scabs.”\textsuperscript{273}

\begin{footnotes}
\item[\textsuperscript{269}] Testimony of John Reed in \textit{U.S. v. Charles Smith}.
\item[\textsuperscript{270}] Ibid.
\item[\textsuperscript{271}] Ibid.
\item[\textsuperscript{272}] Testimony of Henry Stokes in \textit{U.S. v. Charles Smith}.
\item[\textsuperscript{273}] Ibid.
\end{footnotes}
Men held by the Smith conspirators on various farms were held in a way that resembled a combination of peonage and slavery. As Jodie Homes testified to his enslavement from May 25 to June 12, 1906, details were brought to the surface that showed conditions of both forms of involuntary servitude. Holmes arrived at Sikeston from Memphis in the same manner as most others, via the railroad from Memphis. Holmes was promised the same $1.50 a day wage as others and, like the others, soon realized he had been duped into a conspiracy to take away his freedom. Upon arriving at the Rodgers’ farm, Holmes quickly came to the realization that this opportunity had been too good to be true. Holmes testified in detail about the conditions of the holding area at the Rodgers’ portion of the Smith farm:

There was a room there with some bunks spread down and a comfort to cover us with… The door on the east side, one of them was nailed up and the other one we went through it on into the kitchen and from there on into a room. The door that led out to the tent where we eat was nailed up and it had some bar wire [sic] with 2x6’s over them; strips 2” think [sic] and 6” wide nailed up across them and wire worked in through there. 274

Although the living conditions were not as deplorable as those on Woods’ portion of the farm, with barbed wire, nailed doors, and a guard posted on the door, it was enough to make Holmes realize he was not free to go. Once Holmes came to this realization he immediately inquired why he was being held in such a manner. The answer he received was typical for peonage. Smith had paid Holmes’ way from Memphis to Sikeston on the railroad. Upon arriving in Sikeston, Holmes owed a debt to the Smiths that had to be worked off. Holmes, unlike most, had the amount needed to cover his expenses of $4.34 for his passage. When Holmes offered to

---

274 Testimony of Jodie Holmes in *U.S. v. Charles Smith*. 
pay, however, Rodgers simply replied, “we don’t want your money, we have plenty of money.”275

Typically, the holding of an individual in peonage was based on an alleged debt. Since Holmes offered payment, and no fictitious debt was added to Holmes’ debt (i.e., housing expenses, clothing costs, etc.), the method by which Holmes was held more closely resembles true slavery. Holmes’ circumstances could be tried as peonage, however. Judge Jones, who presided over the peonage trials in Coosa and Tallapoosa Counties, detailed in 1903, that if an employer held a laborer and forced him to perform a contract, placing the laborer under guard and not allowing him to leave, he was guilty of peonage.276 Justice Brewer further expanded on peonage violations in the Clyatt (1905) decision, stating that the federal peonage statute had prohibited the “holding, arresting, [and] returning” of a peon.277 The testimony of Jodie Holmes in the Smith case demonstrates that the defendants intended not only to hold peons, but also return them if they managed to escape. Holmes, stated that Rodgers had told him that “the road’s guaranteed for twenty miles,” which led Holmes to believe that, even if he had escaped, he would be brought back.278

In Missouri, the system of legal processes did not prove to be as conducive to peonage as it had in the Deep South. Where peon masters in the South depended on lower courts and law enforcement; the Smiths relied simply on recruitment of laborers from the South, landowners and overseers. The cases of 1903 and 1904 of Pace, Turner, and Cosby in Coosa and Tallapoosa, Alabama, show the typical pattern of how peons became enslaved by four categories of

275 Ibid.
277 Ibid., 16.
278 Ibid.; Holmes.
conspirators: the landowner, the constable, the justice of the peace, and the overseer. On the Smith farm, however, this was not the case. In Missouri, peonage could not remain a perpetual cycle because there were no criminal surety laws such as the statute in question in Reynolds or a prima facie law as in Bailey. These laws had stripped blacks of their right to testify in labor disputes and allowed for the arrest and continued re-arrest based solely on a debt. In Missouri, the Smith conspirators could not rely on legal mechanisms to force their laborers to continue to work. Rather, the Smith conspirators had to operate without the power of the state behind them.

Although the way in which the conspirators recruited peons from other states and the way in which the conspirators forced peons to remain on their farm varied from peon masters in the South, many characteristics of the farm varied little. The use of African Americans in the oppression of other African Americans, the use of, or the appearance of, “law enforcement” to hold peons, the attitude of local whites, and the characteristics of trial defense paralleled that of the South. The Smith case was indeed an oddity in Missouri, as the only case, and held differences to peonage in the South because of the absence of legal sanctions, but many characteristics still mirrored peonage in the South.

One of the peculiar parts of antebellum slavery which carried over to peonage was the African American participation in the holding of other African Americans. This strange practice, continued in both the South, where peonage continued as a transitional state from slavery to free labor, and in Missouri, where peonage was transplanted as an oddity. During the trials of Pace and Turner in Alabama in 1903 and 1904, it came to light that Pace and Turner had empowered several African Americans to control, manipulate, and even punish other African Americans on their farms. This was no different on the farms of the Smith conspirators. Four African American
men, A.J. Johnson, Joe Washington, Scott Britton, and a man known only as “Cattle Dad” all acted as guards for the conspirators.

The use of African Americans to oversee other African Americans is not the only area which parallels may be drawn between the Smith farm and other Southern peon masters. The *Smith* case has striking resemblances to the cases brought before the court in Alabama in 1903 and 1904 in the use of or apparent use of law enforcement. In the *Turner* case, Night Marshal John G. Dunbar had arrested men on behalf of J. Fletcher Turner, using his role as a peace officer to secure labor.\(^\text{279}\) In the *Smith* case, law enforcement was used in a different manner, but the significance was the same.

As Alfred Jackson and Jake Finley testified, Rodgers pretended to be a police officer while on his farm, going so far as to display a fake badge which read, “United States of America” on it.\(^\text{280}\) Although Rodgers was not a commissioned police officer, he gave the African Americans on the farm the belief that the process under which they were being held was legitimate. Jackson testified, “He had a star on, some kind of star, and he said, ‘See here, boys, I get my authority from the United States to do what I am doing.’”\(^\text{281}\) If the concept of legitimacy was not enough for the men to believe his “credentials” forced their continued enslavement, he further enforced the powers of the badge. Jones testifies, “He said he had authority, that the U.S. was backing him up, and that he had 13,000,000 in Sikeston backing him up.”\(^\text{282}\) Although there were no legal mechanisms in Missouri to back the false sheriff, Rodgers was able to trick the


\(^{280}\) Testimony of Tom Jones in *U.S. v. Charles Smith*.

\(^{281}\) Testimony of Alfred Jackson in *U.S. v. Charles Smith*.

\(^{282}\) Ibid., Jones.
African Americans, all of whom came from Southern states, into believing that the law was not on their side.

Although Rodgers had the peons believing that the laws in Missouri supported the masters rather than the peons, this was hardly the case. In Missouri, the prosecution vigorously tried the conspirators. Although Missouri laws did not sanction peonage, as had the statutes in the Southern states, the defense in the Smith case took the relatively same approach as the defense in cases such as Pace, Turner, and other cases of peonage which came out of the South. The defense set out to show that the conditions at the Smith farm did not always present the characteristics of peonage or involuntary servitude and that the conditions on the farm were not as deplorable as the prosecution had made them out to be. The defense also attempted to portray guards as not “bad guys,” holding the laborers on the farm, but rather “good guys,” there for their protection.

The defense used the testimony of Robert Butler to prove the first two points of their defense. Butler was one of the younger African Americans who had been recruited by Charles Smith Jr., having been only twenty-three while working on the Smith farm. Much like others recruited by the Smith conspirators, Butler met Smith in Memphis and had been promised $1.50 a day for his work. Butler, who was recruited with four other men, was told the exact nature of the work he would be performing. Butler was told that upon arrival to the farm he would tote logs and clean new ground to prepare it for crops. Upon arrival in Sikeston, Butler had not been locked up in a shack until the second day on the farm. Butler also highlighted for the defense that he had at various times gone to Sikeston and had gone fishing away from the farm, showing that he had the opportunity to escape. Butler also testified that at times he was treated “very
nicely.” Through the testimony of Butler, the defense also attempted to show that the road, which was a primary and heavily traveled road in the county, ran directly by the shacks, which would have put the shacks in plain view of the public. If the shacks had been in plain view, this would suggest that either the shacks did not outwardly appear decrepit, or that those travelling by the shacks simply ignored them.

One of the characteristics of peonage in the South was a general lack of empathy for the African Americans held in the cruelest of conditions. The general mood of the public was mixed when it came to those in the “boot heel.” The defense argues, on multiple occasions, that the men who guarded the African Americans were there to protect them from outside interference; that the area had experienced multiple shootings of African Americans, and they were not welcome as laborers. Whether blacks were accepted as laborers or even present in high enough numbers to cause concern is debatable. Thad Snow, in his personal narrative, states, “There were few Negroes in the Missouri Delta. Most of the smaller towns had none at all and nowhere were there enough to generate a Negro problem, even if some white folks had a spiritual need for that sort of thing.” The testimony of a local white citizen, Gid Slinkard, shows multiple whites were well aware of the practice, but did not bring anything to the attention of federal agents because it was not any of their business to interfere. Slinkard testified, “As the old saying is, it was not my butt-in.”

The indifferent attitude of whites in the “boot heel” region of Missouri towards the peons is reinforced by Arthur Robertson. A neighboring farmer of Rodgers, Arthur Robertson, confronted Rodgers about his practices, but did so only in his own self-interest, not for the

284 Ibid.; Snow, 115.
welfare of the African Americans held on the Smith farm. On the night in which a peon fled from Rodgers’ portion of the farm and was shot at in pursuit, the chase of the African Americans went through the adjoining Mathews’ farm, where Robertson had contracted to clear and farm land. The conspirators, who pursued the laborers from Rodgers’ farm, fired indiscriminately into the night, which infuriated Robertson, as the shots might have hit his workers or even himself. When Robertson confronted Rodgers, Robertson threatened to inform law enforcement if he did not stop.

Although most whites in the area responded with indifference, this was not always the case. Two guards, Oliver Williams and James Stamm, did not fully understand their duties when they were hired to work on the Rodgers farm. Williams had been employed for two weeks on the farm, while Stamm had held employment for seventeen days. Both men had been hired and given a pistol to watch over the laborers at night. Both men, however, believed that they were there not to keep the men in, but to protect them from outsiders. This argument was given on multiple occasions as a defense for the entire operation, but in this particular instance, it might be a true statement concerning the two guards’ involvement. Stamm and Williams were both fired from their positions after allowing multiple laborers to leave one day, not realizing that it had been their job to retain them.

The African American peons on the Smith farm were held in the cruelest of conditions, resembling those of peon camps throughout the South. Since Missouri laws did not sanction this practice, however, it would take only the escape of one man to bring the entire operation to the attention of law enforcement. It was for this reason that the peons on the Smith farm were

---

286 Testimony of Oliver Williams in U.S. v. Charles Smith.

287 Ibid.
guarded so closely and that the indifferent attitude of whites in the immediate vicinity was so important. It was the escape of John Reed which eventually led to the arrest, trial, and sentencing of the Smith conspirators.

Reed had become tired of living in the dirty shacks, tired of being beat on, and tired of performing hard labor without pay. One night, Reed decided to change his situation that by tricking the conspirators in return. At dinner one night, Reed faked a “fit” while eating, knowing that he would be sent back to the shacks rather than back to work. Before he faked his fit, Reed secured a small dinner knife, which, although not meant for cutting through material as tough as wood, sufficed in securing his freedom.

After being returned to his shack, Reed used the knife to begin a long process of slicing away at the hole in the floor, which served as the latrine. Once the hole was large enough to fit through, he covered it and returned to bed. When the laborers, as well as the inside guard, returned from the field, they did not notice the size difference Reed had cut in the toilet. Once night fell, Reed waited for the inside guard to fall asleep and the outside guard to wander from his post. Reed then slipped down the latrine hole, into the excrement, only to smell the sweet smell of freedom on the other side.

Once away from the farm, Reed informed local authorities, who promptly relayed the incident to the state’s governor, Joseph Folk. After receiving the notice, Governor Folk then passed word onto U.S. Attorney David Dyer, who sent U.S. Marshals to the farm to

---

288 Ibid.; Reed.
289 Ibid.
290 Ibid.; Dyer, 231.
investigate.\footnote{Ibid.} Once at the farm, U.S. Marshals along with an assistant U.S. attorney, concluded that there was more than enough evidence to arrest the conspirators.\footnote{Ibid.} Following arrest, a grand jury met in Cape Girardeau and served indictments against the conspirators.

The original indictment against Smith accused the conspirators of holding forty African Americans in peonage on the land owned by Smith in New Madrid County, Missouri.\footnote{“Missouri Peonage Cases: Heavy Sentences must be Served by the Smiths, Rich Landowners,” Raleigh Harold, November 28, 1907.} Because the group had entered into and executed a plan together to commit peonage, each of the men involved was tried for conspiracy. Charles M. Smith Sr., Charles M. Smith Jr., William Woods, Floyd Woods, Benjamin Field, W.L. Rodgers, and Benjamin Stone were all indicted for their participation in the mass enslavement of these forty men.

At the time of the Smith case, federal prosecutors in the South were toning down their investigations of individuals and beginning to turn their focus towards the laws which sanctioned the actions of individuals in the South. In the most highly publicized cases, which occurred in Alabama in 1903 and 1904, Judge Jones had dealt with violators of the federal peonage statute with leniency, delivering the offenders the lightest sentences, hoping by simply not delivering punishment that he could instead educate Southerners on the practice and deter them from continuing.\footnote{Ibid.; Blackmond, 247.} Following the leniency of Judge Jones in 1906, the same year in which the Smith case came before Judge John Pollock, the notorious peon master John Pace had received a pardon for his crimes. The federal government, during the first decade of the twentieth century, seemed to be handling Southerners with forgiveness, yet the conspirators in the Smith case were not granted sympathy when tried in Missouri.
Once the word of the peonage on the Smith farm leaked to the rest of Missouri following Reed’s escape, the state and federal government acted immediately in response to secure conviction. The successful sentencing of the Smith conspirators was largely the result of the hard work of U.S. Attorney David P. Dyer, who was shocked into action. Dyer recalled in his autobiography that

…a letter from a public officer of southeast Missouri was forwarded to me from Jefferson City by Governor Folk, calling [the Governor's] attention to what was termed "an appalling condition existing in that section of the State." The letter purported to give the facts bearing upon the manner in which more than fifty negro men were being inhumanly treated by certain parties. I could hardly believe these statements for the reason that it seemed incredible that cruelties such as he described could occur in the State of Missouri.\(^{295}\)

Although he could hardly believe that peonage occurred in the state, after ordering an investigation of the Smith farm, Dyer found that conditions were much worse than he had ever believed possible. The cruelty and inhuman treatment led Dyer to prosecute the conspirators to the fullest extent.\(^{296}\)

Although the case was presented in such a manner that it left little doubt that the conspirators were guilty, much as in the South, one juror found it difficult to convict a white farmer for abuses of black laborers. Although eleven of the twelve jurors voted to convict on all counts of the indictments, one juror continuously voted for acquittal.\(^{297}\) Dyer had fought all he could for conviction and in the end it came down to a lecture delivered by the presiding judge, Judge Pollock, to secure the conviction. Pollock lectured the jury:

---

\(^{295}\) Ibid.; Dyer, 231.

\(^{296}\) Dyer believed his successful prosecution of this case led to his later appointment as a federal judge and election to Congress. Dyer’s nephew, Leonidas C. Dyer would later follow in his uncle’s footsteps, introducing an anti-lynching law in the U.S. House of Representatives in 1918.

\(^{297}\) Ibid.; Dyer, 235.
Whatever your preconceived ideas upon any subject may be, you cannot bring
into that jury box—under your sworn oath. You can only take the facts that have
been proven upon the trial. It would not do for you, or any of you, upon any
preconceived ideas about what the rights of parties are, or what they should be, to
allow that in any way to affect your deliberations or the result of your verdict.\textsuperscript{298}

Judge Pollock, unlike Judge Jones in the \textit{Turner} case, refused to allow a mistrial. Following his
lectures, the one jury member, who had voted acquittal, agreed to vote guilty on one count.\textsuperscript{299}

Despite the conviction in the District Court of the U.S., Southeastern Division, the battle
did not end. The Smith conspirators continued to fight the case, much as their Southern
counterparts had, in the court of appeals. The appeals court, however, only reaffirmed the lower
court’s decision; the conspirators were fined and sentenced to prison terms at Fort Leavenworth,
Kansas.

Peonage was one group of farmers’ response to an increasingly large demand for labor,
but was not the standard in Missouri. It is clear by analyzing the labor practices throughout the
first half of the twentieth century that labor practices in the region continued to be anything but
perfect and that Missouri had put in place the necessary precautions to prevent peonage from
becoming the answer to the labor issue. Instead of peonage, farmers in the boot heel generally
responded with a system of sharecropping and day labor, which created a situation that was only
faintly different from peonage. The sharecropping arrangements, however, quickly proved to be
unsuitable following the farm depression of the 1920s and the great depression of the 1930s, but
never again did they devolve into peonage.\textsuperscript{300}

Indeed, peonage in Missouri was the exception and not the rule, brought on by labor
demand and the recalcitrant response of seven conspirators. The need for labor was created from

\begin{footnotes}
\item[298] Judge Pollock address to the jury in \textit{U.S. v. Charles Smith}.
\item[299] Ibid.; Dyer, 235.
\item[300] Ibid.; Cantor, 7.
\end{footnotes}
the draining of the swamps, which led to massive amounts of new land, in need of clearing and farming. The massive labor vacuum led to varied responses by landowners who had acquired large tracts of land in hopes of making large profits. Although most landowners responded with sharecropping, the Smith conspirators responded to the labor question in a way in which no other landowners had.

The conspirators of the Smith farm operated their peon farm in a way that had both similarities and differences to their counterparts in the South. Because Missouri laws had been different from those of other Southern states, the Smith conspirators were forced to adapt their methods, operating their farms as more of a prison, and resembling true slavery. Although some farmers in the area did not clearly disapprove of the Smith conspirators’ methods, the rest of the state and the laws in the state were in opposition to the Smith group. When the crimes committed on the Smith farms came to light, Missourians responded with sheer disgust; it was this outrage that led to the harsher sentencing of the Smith conspirators in a time in which the federal government was granting leniency to other peon masters in the South. Missouri had abolished slavery before the federal government and had made it clear that it would not stand for its continuance under a new name.
Conclusion

Peonage occurred throughout the South as a transitional form of social and labor control following slavery. Indeed, without pre-existing involuntary servitude in a state or territory, peonage is unlikely to occur. Slavery provided the necessary laws, customs, and societal attitudes in the states in which it existed to allow for an easy transition from formal slavery to a new system of debt slavery. Peonage did not, however, transition from slavery in every state which had previously engaged in involuntary servitude; rather, peonage needed a continued political, social, and economic atmosphere that was conducive to the practice. In the state of Missouri, slavery set the stage for peonage, yet the environment needed for its continuance was generally absent. The one instance of peonage, which occurred on the Smith farm in 1906, was the result of one group of recalcitrant individuals and occurred only as an oddity in the state.

Missouri’s long history as a slave state and territory provided the necessary roots for peonage to take hold following emancipation. African slavery existed in Missouri as early as the seventeenth century and continued in its government sanctioned form until January 11, 1865, when it was abolished by the radical state convention. With its origins in both French and Spanish rule, slavery in Missouri had the potential to be vastly different from slavery in states like Alabama, Mississippi, Georgia, and Virginia. Following Missouri’s admission as a slave state, however, Southerners flocked to the state, bringing with them both their slaves and their laws and customs regarding slavery. By the time the Civil War approached, Missouri slavery differed from slavery in the South only through its prevalence and scope. The laws and customs concerning slavery, which were needed for the onset of peonage, were well in place.
Missouri was fully in line with the South leading up to the Civil War and would have most likely transitioned to peonage, as did many Southern states, had it not been for changing circumstances during the war and in the war’s aftermath. Initially, conservative Unionists wrestled the reins of power away from Southern Democrats and ultimately prevented the state’s secession. As the war deteriorated into guerrilla conflict, conservatism gave way to radicalism. Radicals, during their short time in office, built a legal base for African American freedom that allowed Missouri blacks to resist any attempts at re-enslavement. Unlike in many states in the South, black Missourians exercised the right to education, the right to vote, the right to testify in court, and the right to choose their employment with little resistance from whites in their state. Also, unlike in the South, where peonage came to be codified in state statues, Missouri’s laws strictly forbade the practice of peonage.

As Missouri moved past the Civil War, toward the turn of the century, new agricultural methods, growing industries, and population movements all further reduced the ability for slavery to transition to peonage. Missouri’s societal attitudes continued to change from those of the South as immigration initiatives led to an influx of Americans from the North as well as immigrants from Europe in the state. Black population in both rural Missouri, as well as in the state as a whole, decreased in the decade following the Civil War, leading to fewer individuals available for peonage. On the farm, labor saving machines and animals came to replace laborers, and husbandry was adopted, improving efficiency. New efficiency, as well as the rise in the demand for food products over labor-intensive cash crops, led to a decreased need for labor. With a larger Northern population, a decrease in the available black labor pool, and a decrease in labor need, Missouri, unlike much of the South, looked forward toward free labor rather than backwards toward slavery.
Indeed, peonage proved to be both difficult and unnecessary in Missouri following the Civil War. Missouri’s political, economic, and social structure changed greatly from that of the South. Missouri, however, did not manage to escape peonage completely. Following the desperate need for labor, which arose in the early 1900s in southwest Missouri, one group of farmers chose to respond with peonage. These individuals, however, did so without the legal protections that peon masters enjoyed in the South and paid greatly for their actions.

In the late nineteenth and early twentieth centuries, Missourians began the difficult task of clearing the massive swamps that existed in the southeast portion of the state. The clearing process was done both collectively and as individuals. Collectively, counties took on projects such as the Little River Drainage District. Individually, farmers dug ditches and canals to larger canals to clear their own farms. Charles Smith, realizing the massive amount of labor it would take to drain, clear, and farm his property, resulted to peonage. Smith, however, appears to be the only individual in the state to have responded in such a manner. After much research in the U.S. Justice Department’s Peonage Files, Missouri newspaper databases, and secondary sources, the Smith case stands as the only case of peonage that could be located as taking place in Missouri.

The case of the United States v. Charles Smith Sr. et al provides an interesting example of how peonage developed in a state in which it was not legally sanctioned. Peonage on the Smith farm operated much like peonage in the South. Peons were worked hard to achieve productivity and when they did not perform to standard, they paid heavy consequences. Where peonage on the Smith farm varied greatly, however, was in its recruiting and holding of laborers. The Smiths did not use the same methods as other peon masters in the South. There were no contract laws that would force a laborer to continue working in Missouri and there were no vagrancy laws in which a potential peon could be charged and confess judgment. The Smith
conspirators were forced to result to trickery to lure laborers to their farm and stockades and armed guards to keep them there. If a laborer escaped the farm, their entire operation would be put in jeopardy, and this is exactly what happened.

The lack of peonage in Missouri compared to the peonage in the Deep South was the result of not only its preventative measures, but also its reactionary measures. Following each alleged instance of peonage in the South, agents met with resistance from a hostile populace and federal attorneys found conviction near impossible; this was not the case in Missouri. Following the escape of John Reed, conditions on the Smith farm were brought to the attention of the U.S. Attorney David Dyer by the Governor Folk, who had received descriptions of the camp by letter. The governor acted quickly in relaying the message to the U.S. attorney, who then acted promptly to begin an investigation. The grand jury quickly served indictments and the government was able to secure a conviction in a matter of two weeks following the onset of the trial. In appellate court, the defense’s appeal on a writ of error was denied, and the Smith conspirators were forced to serve their full sentences.

Peonage began in the South immediately following emancipation and continued well into the 1940s. The Second World War played a large role in ending the practice in the United States. Japanese propaganda used peonage to highlight the hypocrisy of Western democracy and Hitler’s Germany showed American GIs what unchecked racism could ultimately lead to. Pressure created from the war experience led to more efficient prosecutions and an end to peonage as common practice. In Missouri, peonage did not span some seventy years as it did in the South; rather conditions in the state ended antebellum slavery before the passage of the Thirteenth Amendment and prevented slavery’s continuance under peonage following emancipation. As the Smith case highlights, peonage in Missouri was the exception and not the rule.
Bibliography

Primary Sources


*The United States of America v. Charles M. Smith Sr. et al.*, District Court of the U.S., Southeastern Division, Eastern Judicial District of Missouri, copy located at National Archives and Records Administration, Kansas City, Missouri.


Secondary Sources


