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The Debate Regarding the Freedman's Bureau: Is Equality of Process Sufficient for Equality of Results?

Historians and political theorists have delineated the concept of equality into two categories: the competitive individualist notion of equality of process and the egalitarian ideal of equality of results. The former is concerned with providing a level playing field for all, while the latter focuses on a just distribution resulting from the process. Richard Ellis, in his book *American Political Cultures*, challenges the Hartzian thesis that historically Americans favored equality of process over equality of results, making them competitive individualists. Ellis argues that “what is exceptional about America is not that it lacked a results-oriented vision of equality but that those who favored equalizing results believed that equal process was a sufficient condition for realizing equal results” (Ellis 1993: 44). In other words, the egalitarian spirit was not absent from American history, but Americans believed that justice would best be served through competition. Ellis is correct in making this fine distinction, yet it is important to note that historical evidence suggests that some factions clearly emphasized equality of results regardless of equality of process. In *The Souls of Black Folk*, W.E.B. Du Bois’ recounting of the political debate regarding the Freedman’s Bureau, clearly highlights this ideological difference.

Du Bois poignantly captures the necessity for a legal equalizing measure in his description of the tragedy of slavery and the ragged, conflicted nature of the black consciousness that resulted. He writes, “the facing of so vast a prejudice could not but bring the inevitable self-questioning, self-disparagement, and lowering of ideals which ever accompany repression . . . our voting is vain” (Du Bois 1997: 51). It was the realization that progress would be painstakingly slow—given the enormous obstacles the ex-slaves faced--that gave way to discussion of a legal equalizer beyond suffrage. One of the legal mechanisms used was the establishment of an agency capable of inculcating African Americans into an obviously prejudicial mainstream society.

This debate became not whether African Americans deserved equality, but rather if suffrage was sufficient, and if not, whether a more extensive organization was needed to introduce the black population to the society that had so savagely decimated its spirit. The initial response to this pressing problem, which Du Bois calls “a hasty bit of legislation, vague and uncertain in outline,” was the compromise of 1865, which created a Freedman’s Bureau “to which was given ‘the supervision and management of all abandoned lands and the control of all subjects relating to refugees and freedmen’” (Du Bois 1997: 61). The earlier unwillingness to pass a more detailed bill for such a Bureau and the haste and vagueness of the 1865 legislation suggest that the creation of an extensive Bureau did not enjoy strong support among lawmakers. Indeed, the debate the following year regarding a more permanent institution of the Bureau revealed, to a much greater extent, the conflict over provisions for equality.

The subsequent discussions of 1866 exposed this conflict between equal process and equal results. Du Bois writes, “the champions of the bill argued that the strengthening of the Freedman’s Bureau was still a military necessity; that it was needed for the proper carrying out of the Thirteenth Amendment, and was a work of sheer justice to the ex-slave” (Du Bois 1997: 65). This faction strongly supported creating a Bureau to guarantee suffrage and aid ex-slaves in the process of finding work and establishing property rights. The Bureau, according to this group, was necessary to ensure that ex-slaves received equal treatment in the end, or equality of results. “The opponents of the measure declared that the war was over, and the necessity for war measures past; that the Bureau, by reason of its extraordinary powers, was clearly unconstitutional in the time of peace, and was destined to irritate the South and pauperize the freedmen” (Du Bois 1997: 65). This faction placed much more confidence in the existing protections of the Constitution and the Civil War amendments to guarantee equality of results for the former slaves.

President Andrew Johnson’s veto of the bill further exemplifies the school of thought that believed the equality of process guaranteed by the Thirteenth Amendment was sufficient to protect equality of results for ex-slaves. A second form of the bill survived Johnson’s second veto providing strong evidence that many legislators believed, that in this case, it was the government’s role to provide a more encompassing guarantor of equality of results.

Du Bois correctly points out the pains of such an endeavor: “in a distracted land where slavery had hardly fallen, to keep the strong from wanton abuse of the weak, and the weak from gloating insolently over the half-shorn strength of the strong, was a thankless, hopeless task” (Du Bois 1997: 72). Perhaps this results-oriented vision was doomed to fail given the barriers the black population faced. The nation was forced to turn to another option. As Du Bois writes, “for . . . if it is unconstitutional, impractical, and futile for the nation to stand guardian over its helpless wards, then there is left but one alternative—to make those wards their own guardians by arming them with the ballot” (Du Bois 1997: 76).

The ultimate solution fell, in large part, onto the plan of those who felt equal-process was sufficient. Suffrage became the primary means to equality for African Americans, and the administration of the Freedmen's Bureau was eliminated.

The short-lived saga of the Freedmen's Bureau sheds light on an important tradition in American political thought—one that Richard Ellis fails to credit. The organization of the Freedmen's Bureau clearly shows, that given dire circumstances, Americans indeed turn to measures to ensure equality of results rather than relying on equality of processes. Of course, suffrage left much to be desired for African American equality. Jim Crow laws and other forms of racism continued to plague American society for many decades to follow. Nonetheless, the legacy of the Bureau remains an important part of American political history. It may require extreme instances of human misery, tragedy, and utter inequality (such as the institution of slavery) to highlight a push for equality of results regardless of the processes. This egalitarian ideology clearly is evident in post-Civil War American legislation.

References

Du Bois, W.E.B. 1997. *The Souls of Black Folk*. Boston: Bedford Books.

Ellis, Richard. 1993. *American Political Cultures*, New York: Oxford University Press.

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