Juneteenth, Black Texans and the Case for Reparations

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Introduction

In June of 2001 this writer, with several others, sponsored the first Juneteenth extravaganza in Lafayette, Indiana. In the days leading up to the festivities, television and local newspaper coverage recounted the history of Juneteenth. Prior to that summer many Tippecanoe County residents had undoubtedly never heard of Juneteenth.

The history of Juneteenth, slavery, and deferred freedom is filled with heroes, plots and interesting twists. For many of African descent, Juneteenth is a day to commemorate the official ending of American slavery. Over the past ten years the number of cities and communities that have hosted Juneteenth activities has grown. Three of the largest Juneteenth celebrations (outside of Texas) occur in Minneapolis, Milwaukee, and Tulsa. (Struby, 2002). Even the Smithsonian and the Henry Ford Museum have Juneteenth activities. In Texas, Juneteenth is indelibly etched into the political and cultural history of the state. Legislators there made it an official state holiday in 1980.

Slavery did not end with the issuance of the Emancipation Proclamation. Not until June 19, 1865 was slavery abolished — two and a half years after President Abraham Lincoln signed the landmark mandate on January 1, 1863. It declared freedom for Confederate slaves in all areas that were still in rebellion against the Union. The proclamation allowed for the use of blacks in the Union Army and Navy, aiding the North’s ability to achieve victory in the war.

Events Leading up to the Proclamation

The eleven states of the Confederacy seceded from the Union in 1860 and 1861. They seceded primarily because they feared that the President would restrict their right to choose slavery. The North, however, entered the Civil War to reunite the nation, not to end slavery.

During the first half of the war, abolitionists and several Union military leaders encouraged Lincoln to issue a proclamation freeing the slaves. Lincoln agreed with the abolitionists’ position on slavery. He once declared that “if slavery is not wrong, nothing is wrong” (Young, 1994). But early in the war, Lincoln believed that if he freed the slaves, he would divide the North. Lincoln feared that four slave-owning border states—Delaware, Kentucky, Maryland, and Missouri—would secede if he adopted the policy.

In July 1862, with the war going badly for the North, Congress passed a law freeing all slaves from the Confederacy who came into Union lines. At about that same time, Lincoln changed his position on slavery. So that his decision would not appear to be a desperate act, Lincoln waited for a Union victory.

On September 22, 1862, five days after Union forces won the Battle of Antietam, Lincoln issued a preliminary proclamation that demanded that the rebelling states return to the Union by January 1, 1863, or their slaves would be declared “forever free”. The South rejected Lincoln’s policy, hence he issued the Emancipation Proclamation on January 1,

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1 The words black and African have been used interchangeably throughout this paper according to sound and context.

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1863, calling it a “fit and necessary” war measure.

Blacks in Texas, however, remained in bondage until 1865. On the 19th of June 1865, Union soldiers led by Major General Gordon Granger rode into Galveston, Texas with news that the Civil War had ended and that the enslaved were at last free. General Order Number 3 read by Granger stated:

The people of Texas are informed that in accordance with a Proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer.

Blacks greeted the news with the overwhelming joy that accompanies receiving the answer to a life-long prayer. As Felix Haywood remembered it, “Everyone was singing. We was all walking on golden clouds. Hallelujah!” According to Lu Lee, a fellow slave on her place called out “Free, free my Lord. Oh free, free, free, my Lord”. In many cases, however, whites did not permit such jubilation. A celebration in Huntsville ended when a sword-wielding man on horseback nearly cut a black woman in half on the street. When John Mosley’s oppressor notified him of the news, Mosley leapt high into the air to express his delight, whereupon the master pulled a pistol and fired several shots between his legs. No more, he said, or I will shoot you between the eyes. (See: Young, 1994).

Because black Texans remained in bondage nearly three years beyond the signing of the Emancipation Proclamation, they are, at a minimum, entitled to reparations comparable to two and a half years of unpaid backbreaking labor.2

Reparations Makes its Splash onto the American Scene

Over the past ten years reparation has been one of the most hotly contested issues in American politics. Yet the issue is not a new one. The idea of black reparations first surfaced in the late 1960s when former Student Nonviolent Coordinating Committee (SNCC) leader James Forman interrupted a Sunday morning worship service at the predominantly white Riverside Church in New York City and read a Black Manifesto. He called upon churches and synagogues to pay $500 million as “a beginning of the reparations due us as people who have been exploited and degraded, brutalized, killed and persecuted” (Bittker, 1973, p.4). Forman also intimated that reparations did not represent any kind of long-range goal in the minds of African Americans, but an intermediate step on the path to liberation (Forman, 1972, p. 445). Moreover he promised to penalize poor response with disruptions of the churches’ operations. To no one’s surprise, Forman’s antics were widely criticized by the white press. However, his theatrics would set in motion a long protracted ideological struggle that produced a bevy of examinations by the media throughout the late 1960s and 1970s on the merits of reparations.

Since 1993 there has been a renewed interest in the reparations debate. In January of that year Congressman John Conyers of Detroit introduced into Congress a bill

... to establish a commission to examine the institution of slavery, subsequent de jure and de facto racial and economic discrimination against African Americans, and the impact of these forces on living African Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes (Robinson, 2000, p.201).

The bill, which ironically did not ask for reparations for the descendants of slaves but

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2 Webster’s International Dictionary defines reparations as the act of making amends or giving satisfaction or compensation for a wrong, injury. As a norm, reparations seek to redress government-sanctioned persecution and oppression of a group.
merely a commission to study the effects of slavery, won a mere 28 cosponsors in the House of Representatives, 18 of whom were African American. The bill was referred to the House Judiciary Committee and from there to the House Subcommittee on Civil and Constitutional Rights. While the bill has never made it out of committee, it has resurrected an old discourse.

The matter of reparations is a politically charged issue that is polarized along racial lines. The African-American community favors reparations, whereas in the white community, support for reparations leaves much to be desired. Typically, the arguments in favor of reparations fall within two camps—those who assert that blacks should be awarded reparations because of the 246 years spent in slavery, and others who argue that blacks are entitled to reparations due to the inferior position to which white America consigned them during the Jim Crow era. In *The Origins of the Civil Rights Movement*, Aldon Morris (1984) describes in bold relief black people’s situation in the South when he states that blacks lived under a tripartite system of government whereby they were oppressed politically, socially and economically.

While this author believes that blacks are owed reparations, this paper approaches the matter from a somewhat different angle. This essay focuses on the two and a half years black Texans spent enslaved after the signing of the emancipation proclamation.

### Reasons for Delayed Freedom

That slavery did not officially end in some states until nearly three years after the signing of the Emancipation Proclamation should be no surprise to students of history and politics. We may remember that the widespread desegregation of public schools did not occur until well after the U.S. Supreme Court ruled in *Brown v. Board of Education of Topeka, Kansas* (347 US 433), that segregation (separate but equal) in public schools was unconstitutional, and ordered states to desegregate with all deliberate speed. The ruling was handed down in 1954. In some jurisdictions in the state of Virginia, for example, the dismantling of segregation in public schools did not get under way until the late 1960s. Old customs die hard in the South, especially when race is involved.

There are a number of theories that may help to explain the two and a half-year delay between the signing of the Emancipation Proclamation and the release of blacks held as slaves in Texas. Perhaps the most legendary is the story of a messenger who was killed at some point during his journey to Texas with news of freedom.

A second hypothesis is that whites kept the news from blacks as retribution for the unruly behavior that they exhibited during the previous twenty years. For example, by 1850 the killing of slave masters and overseers had become “painfully frequent”, and at least one traveler through the Mississippi Valley noted that “overseers carried arms in constant fear of their lives” (Harding, 1981, p. 196).

As the mid 1850s approached, reports of black rebelliousness were increasing throughout the South. It was in Texas, however, that signs of trouble were most evident. That summer the whites in Colorado County claimed to have discovered a plot which would have brought blacks and Mexicans together in a collective effort for black liberation. Reportedly, there was a well organized and elaborate plot to murder all whites except for

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1 It should be noted that not all whites oppose the idea of reparations. In fact, in Florida in 1994, seventy-one years after the Rosewood massacre in which white lynch mobs, during a week long rampage of hate, killed six blacks and drove scores of others out of town, Governor Lawton Chiles signed into law a bill (House Bill 581) that provided for the payment of $2.1 million in reparations to the descendants of the black victims of Rosewood, Florida.
the young women, who were to be taken as wives when the insurrectionists swept down into Mexico (Harding, 1981, p.197). At the end of 1855, the Galveston News observed that "never had so many insurrections, or attempt at insurrection, occurred as in the past six months" (Harding, 1981, p.197).

In the summer of 1860, black rebelliousness in Texas seemed to be quickening. The State Gazette in Austin, reported that the northeastern section of the State was almost in "the condition of revolution, which we are forced to regard as a repetition of the horrors enacted at Harpers Ferry" (Harding, 1981, p.198). At various points, at least nine fires had broken out in a single day. Weapons were said to have been found in the cabins of blacks. Similarly, during that same summer, white authorities in Waxahachie, Texas claimed to have discovered a plan of a black uprising. According to newspaper accounts, the conspirators had already moved to the point of agreeing on "a tentative division of land" (Harding, 1981, p.215).

It is difficult to know how reliable the white press was, on both major and minor points, but at least five blacks were executed, three of them flogged to death, and all Mexicans were forced to leave the country.

Some have argued that the Emancipation Proclamation had minimal impact on Texas because of the small number of Union troops available to enforce the decree. But, with the surrender of Confederate General Robert E. Lee in April of 1865, and the arrival of General Granger’s Union regiment, the forces were finally strong enough to overcome any resistance by slaveholders and their allies.

A fourth hypothesis is that slaveholders deliberately withheld the news in order to maintain the labor force on their plantations. This is especially noteworthy because a substantial portion of the states’ population consisted of blacks. Hence, setting blacks free would have been a tremendous blow to the economy. Moreover, since most Texans lived in East Texas, whites were counting on using slave labor to help develop the largely undeveloped land to the west.

Another interesting theory is that federal troops colluded with slave owners and held off notice of Emancipation so that plantation owners could reap the benefits of using slave labor for one last cotton harvest. A final and equally interesting point is that slaves contributed greatly to the Confederate war effort. By doing much of the South’s farming and other work, the enslaved made whites available for the Confederate Army. Hence, Texans had a vested interest in keeping blacks in bondage. The extent to which any of these accounts are true will be debated for years to come. What is true is that slavery remained intact in Texas well beyond what was its statutory end.

**Why Some Oppose Reparations**

Some argue that it is impossible to attach a monetary value on suffering. In fact, the impossibility of a fair assessment is a standard objection by whites to reparations. In the case of Texas, one could imagine that opponents would ask incredulously,

... how can we put a price tag on two and a half years of indentured servitude? Amorphous ideas such as sovereignty, dignity, personhood and liberty are incapable of uniform valuation (Matsuda, 1987, pp. 323-363).

This argument carries little weight. Judges and juries calculate non-quantifiable damages all the time. As Richard Delgado (1982) astutely points out, the refusal to formulate compensation for racial injustice is in itself racist, given a tort law system that calculates damages for loss of such intangibles as privacy, reputation and mental tranquility. Because this is such common practice, the selective choice to refuse to quantify damages for reparations claimants is suspect.
Juneteenth

Many whites oppose the idea of reparations because they do not believe that they should be held responsible for acts that their ancestors may or may not have committed. More specifically, many whites ask, “why should my tax dollars be used to pay reparations to blacks when I have perpetrated no crime against them?” (Merida, 1999). To the extent that the descendants of slaves are taxpayers, they too would on some level contribute financially to their own reparations. Moreover, it should be made clear that while not all whites are descendants of slave owners, most whites have profited from the labor of those held as slaves. Nevertheless, that whites do not believe that they should be held libel for crimes for which they were not involved is not totally without merit.

Needless to say, taxpayers are typically not afforded the option to pick and choose which governmental expenditures they would like to support. Nor should they. The real issue though is not about personal responsibility per se but about responsibility as a nation. Interestingly, most whites do not verbalize this type of outrage when their tax dollars are used in award settlements to victims of police brutality. When victims like Rodney King, Abner Louima and others charge police officers with use of excessive force, they sometimes win monetary settlements for their pain and suffering. However, for the most part, whites are not as put off. In the 1990s the City of San Francisco was noted for doling out huge settlements stemming from incidents of police brutality. Yet there was no public outcry from whites regarding this use of their tax dollars. It should be noted that the majority of those subjected to police use of excessive force were people of color, namely African Americans.

It is conceivable that the reason why many whites do not take issue with city leaders regarding police brutality, is because the police are doing what some white residents believe they should do—that is, keeping blacks in their place. Some whites believe that blacks who find themselves the target of excessive force by police are criminals, therefore deserving of such treatment. In other words, the police should admonish those dangerous black criminals, not be lenient with them. Consequently, the use of taxpayers dollars to help pay for the transgressions of some police officers is an unfortunate, but sometimes necessary, byproduct of good law enforcement.

Why Descendants of the Enslaved are Entitled to Reparations

Descendants of blacks held as slaves in Texas are entitled to reparations for three straightforward reasons. First, the two and a half years that blacks spent in servitude is analogous to a prison inmate being pardoned by the governor, yet having this information withheld from him for two and a half years. If such a scenario were to take place, this prisoner for all intents and purposes would have grounds to sue the state. It is reasonable to expect that anyone who has been falsely imprisoned be entitled to monetary restitution. In fact a number of states offer some compensation to those who have been falsely imprisoned. The dollar amount varies among states.

The State of California offers the falsely imprisoned a mere $100 for each day spent behind bars. The State of Alabama provides a minimum of $50,000 per year. Although considered by many to be politically conservative, Texas is one of the more generous states. There, inmates who are found innocent are awarded $500,000 in compensation (Willing, 2002). Whether the awarding of $500,000 to the descendants of those held as slaves in Texas is the appropriate amount of remuneration is debatable. It is difficult to determine with precision the amount of labor produced in monetary terms by those held as slaves over that two and a half-year period. However, the awarding of $500,000 to the descendants of those enslaved would certainly help close the wealth and income gap that exists between black and white households.

Second, it is difficult to ascertain the exact reason for the two and a half-year delay. What is less ambiguous though is the immorality of deliberately keeping the news of the Emancipation Proclamation from black Texans as a way of reprimanding them for
their dissidence over the preceding years. Immanuel Kant (Watson, 1927) argued that any behavior that cannot be categorized as “just and proper” is immoral. If news of the Emancipation Proclamation was conveniently withheld from blacks as a form of reprimand, in addition to being immoral such behavior runs contrary to the principles of one of this country’s most sacrosanct documents—the Declaration of Independence. The Declaration identifies the right to life, liberty, and the pursuit of happiness as the inalienable endowment of humankind, and tells us that the quintessential purpose of government is to “secure these rights”, and so (as the basic condition of its tenure) to “effect”, so far as may be, the safety and the happiness of its people. As a right, and not as a mere mocking truism, the right to the pursuit of happiness is the right to be in a situation where that endeavor has some reasonable and continually refreshed chance of moving toward its goal. The duty of the government to secure this right is an obligation to act affirmatively, just as the duty to effect the safety of the people is a duty so to act. It is also worth mentioning that intentionally withholding news of freedom, as a form of retribution, was also a violation of the Eighth Amendment to the U.S. Constitution, which specifically prohibits the infliction of cruel and unusual punishment.  

Third, few can deny that the Trans-Atlantic Slave Trade and American Slavery were crimes against humanity. Indeed international law supports this point. The Charter of the Nuremberg Tribunal defined crimes against humanity as murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population whether or not in violation of the domestic law of the country where perpetrated. The awarding of reparations to the surviving descendants of those held as slaves would be in keeping with America’s characterization of itself as a Christian nation. In fact, the notion of compensation is a fundamental moral norm, a norm presupposed, for example, in the Biblical injunction in Exodus 22:  

If a man steals an ox, or a sheep, and kills it, or sells it; he shall restore five oxen for one ox, and four sheep for one sheep.  

In other words, one must make good the wrong one does. Robert Fullerwider (2000) contends that “this principle in one form or another underlies every mature moral and legal system in the world”.  

Even the notoriously repressive regime of South Africa has been begrudgingly open to the idea of reparations. There, the Committee on Reparation and Rehabilitation of the Truth and Reconciliation Commission (TRC) is responsible for taking applications for reparations from the victims of apartheid (Daley, 1997), although as of this writing it is uncertain as to the form such reparations will take and when they will actually be disbursed.  

The passing of a Civil Liberties Act fourteen years ago by the United States Congress that awarded reparations to individuals of Japanese ancestry seemed to be in accord with Fullwider’s observation. In 1942, under the authority of President Franklin D. Roosevelt, 120,000 persons of Japanese ancestry from the West Coast were ordered to be evacuated, relocated and interned by the U.S. military (Tang, 1988). The order was issued in direct response to the bombing of Pearl Harbor. The penalties and indignities suffered by the internees, as a result of this detainment, were not confined to their loss of freedom. They lost both real and personal property. They lost businesses and jobs. They were forced to wear identification tags, and many were subjected to living conditions unfit for animals.  

In 1948, Congress enacted the American-Japanese Evacuation Claims Act, which attempted to compensate Japanese Americans for property losses. This legislation was not without its flaws. First it required the Attorney General to limit any award to $100,000 upon demonstrating that damage or loss of property was a reasonable and natural consequence of the internment (L.A. Daily, 1989). Second, it required that compensation be paid only for loss of property that could be verified by records. Finally, once a claim had been paid
under the Act, the claimant waived his or her right to make any further claims against the United States stemming from the evacuation.

On August 10, 1988, President Ronald Reagan signed into law the Civil Liberties Act of 1988. In doing so, he set the stage for statutory means by which Japanese Americans would begin to receive federal reparations. This piece of legislation would also become a precedent for other groups that suffered serious injury at the hands of the U.S. government. Under this measure payments to Japanese American internees did not differentiate according to who suffered what, or to what extent, or for how long. Rather, each internment survivor was paid the same amount, $20,000 free of taxes.¹

Given the contributions that indentured blacks made to the building of Texas, and the circumstances and conditions that they were subjected to in the process, there is no just reason why the U.S. government should be any less hospitable to the demands of African Americans than they were to those of the Japanese.

Discussion and Conclusion

It has been said that from 1619 to 1865 over 8,000,000 Africans and their descendants were enslaved in the United States (Worrill, 2002, p. 5). Of those eight million Africans, 182,566 lived and labored in Texas, comprising over thirty percent of the State’s total population in 1860.² The vast majority of the enslaved lived on large cotton plantations in East Texas. The life of a Texas slave differed little from other places in the South. Most were field hands who worked from sunup to sundown. And, while Texas law prohibited an owner from killing or maiming a slave, whippings were considered acceptable and were a common form of punishment.

Aside from the law, perhaps the main reason why plantation owners were reluctant to kill those held as slaves is because they were a valuable commodity. During the late 1850s for example, a young male field hand cost approximately $800, while a skilled blacksmith would sell for over $2,000—the equivalent today of $16,000 and $40,000 respectively.³ Black labor made plantation farming very lucrative for the slaveholders. Slavery was the key to an agricultural economy in antebellum Texas that was profitable, self-sufficient in food production and growing cotton. In addition, slaveholders dominated economic, political and social life in Texas. They produced 90 percent of the state’s cotton, held most of the important offices in government, and by virtue of their wealth occupied the top rungs of the social ladder.

To say that slavery contributed greatly to the economic and material infrastructure of Texas is an understatement. It is also true that the damage done by the effects of slavery on the social, political and economic life chances of African Americans in Texas over generations is profound and arguably irreversible. Given that, the payment of reparations to the descendants of those enslaved in Texas is merited. While most blacks agree that a reparations payment is in order for past atrocities there is little agreement on the form which the payment should take and how it should be doled out. Some idea of the scope of possibilities follows:

1. A per capita cash payment to each black Texan, based on a pro-rata share of the agreed upon reparations debt.

¹ If the detained person was deceased, then the $20,000 would go to the surviving spouse or children.
² See: the 1860 County Level Census Data for the State of Texas.
³ http://www.tsl.state.tx.us/treasures/earlystate/slavery-01.html

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2. Investment of the reparations payment in income-earning assets, with the income being allocated annually on a per capita basis to the surviving black community, in perpetuity.

3. A federal and state funded educational trust fund designed to pay the college tuition of the descendants of those enslaved in Texas. This would be similar in objective to the opportunities now afforded the college bound children of those who perished in the attacks of September 11, 2001.

4. The reinstatement of affirmative action programs in the state of Texas.

The above list is not intended to be exhaustive. Opportunities exist for any number of variations on these proposals as well as for entirely different innovations. It may be that monetary awards cannot compensate for the horrendous losses sustained during slavery. Strictly speaking no sum can make up for the loss of freedom or sovereignty. Such an award would be largely symbolic. The judgment would state:

Something heinous has happened for which we are responsible. While no amount can compensate for your extraordinary loss, we offer this as a gesture of goodwill and a token of our deep regret.

While monetary restitution may not suffice, each year the government fails to offer redress the debt increases rather then diminishes. Over time, this neglect could have dire consequences for the state of race relations in the 21st Century.

References

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