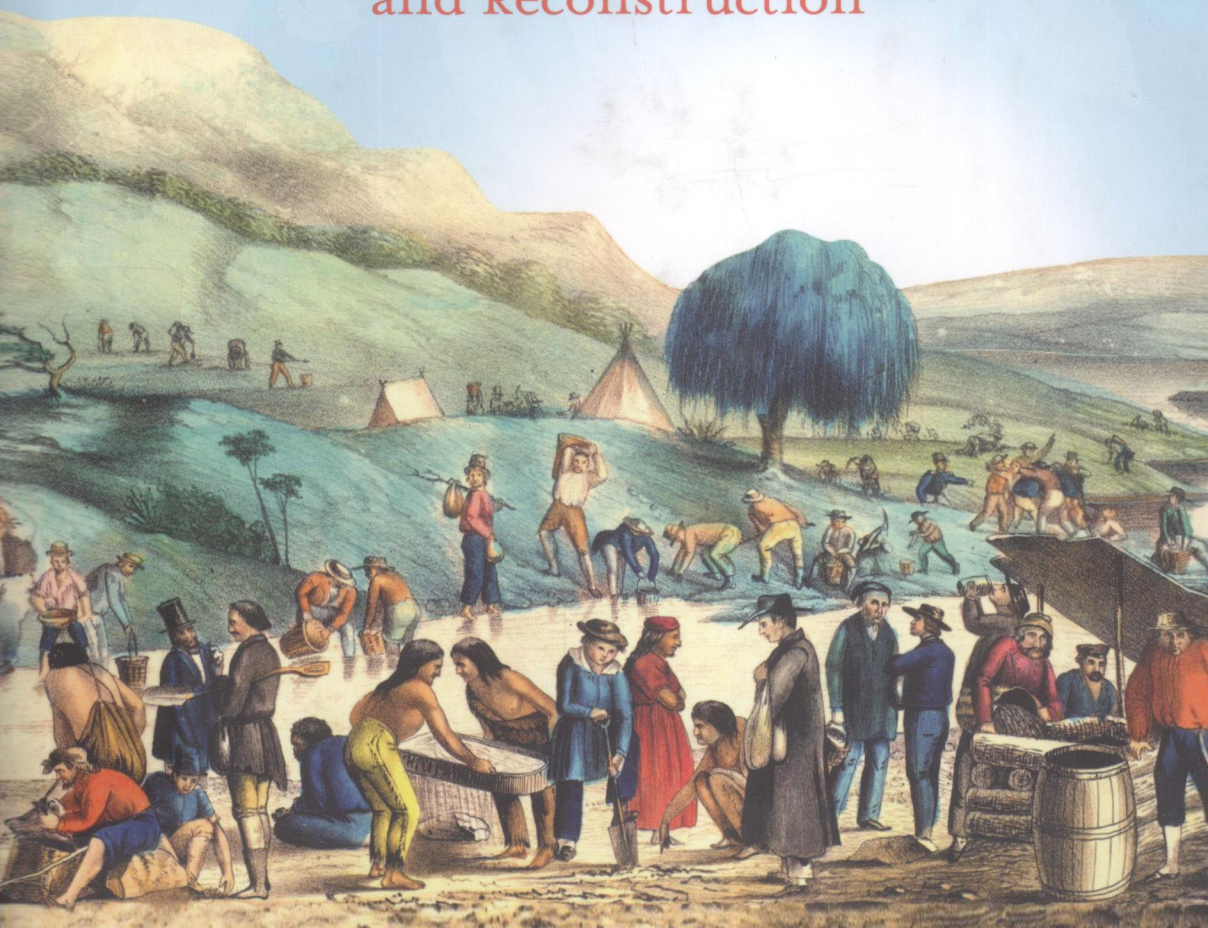


STACEY L. SMITH

# freedom's frontier

California and the Struggle  
over Unfree Labor, Emancipation,  
and Reconstruction



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Stacey L. Smith

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**for David**

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*freedom's frontier*

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# Introduction

## *California, Free and Unfree*

In December 1856, more than six years after California entered the Union as a free state, an African American woman named Charlotte Sophie Gomez appeared before San Francisco's Fourth District Court on charges of kidnapping. Gomez's accuser, a prominent white physician named Oliver Wozencraft, testified that she had taken a nine-year-old girl named Shasta from his home and concealed her for nearly three years. Gomez belonged to a small network of African American abolitionists who aided enslaved people brought to California in violation of the state's antislavery constitution. Shasta's "abduction" had all the trappings of a fugitive slave case. After Gomez took Shasta from Wozencraft's home, she changed the girl's name and eventually cut her hair so that she could pass as a boy. When Wozencraft caught wind of Shasta's whereabouts, Gomez spirited her out of the city to live with a free black family in the countryside. To all appearances, Shasta was a fugitive slave on free soil.<sup>1</sup>

But Shasta differed from other California runaways in a critical regard: she was a Yuki Indian child. Wozencraft, a former federal Indian commissioner, had captured her during a punitive campaign against her people in northwestern California in 1851.<sup>2</sup> He then bound her as his ward under the provisions of California's 1850 Act for the Government and Protection of Indians. This law allowed whites to keep Indian children and profit from their labor until they reached adulthood. Gomez had, in effect, used the same underground networks developed to smuggle African American slaves out of bondage to liberate an Indian child from long-term servitude in a white household. Gomez appeared before the court and, supported by "a large delegation of the colored population, both male and female," refused to disclose the child's whereabouts. These efforts to conceal the young girl failed. A private detective finally tracked Shasta to her hiding place. Wozencraft reclaimed the



Shasta's master, Oliver Wozencraft (seated center), served as a special Indian commissioner and negotiated several treaties with northern California bands. Wozencraft met with these Maidu headmen in July 1851, three months before he and his entourage clashed with Yuki Indians and took the infant, Shasta, prisoner. Unknown photographer, *Maidu Indians and Treaty Commissioners*, 1851. Courtesy of George Eastman House, International Museum of Photography and Film, Rochester, N.Y.

child, and she remained with his family as a domestic servant until at least the 1880s.<sup>3</sup>

In unearthing stories of people like Shasta and Charlotte Sophie Gomez, this book seeks to recast the narrative of the sectional crisis, emancipation, and Reconstruction in the United States by geographically recentering it in the Far West. It contends that California's struggle over slavery did not end with its entrance into the Union as a free state as part of the Compromise of 1850. Instead, as Shasta's case shows, California's free soil was far less solid, its contests over human bondage far more complicated, contentious, and protracted, than historians have usually imagined. Across the antebellum and Civil War decades, Californians saw the rise of a dense tangle of unfree labor systems—most real, some imagined—that undermined and unsettled

free-state status. The development of African American slavery, diverse forms of American Indian servitude, sexual trafficking in bound women, and contract labor arrangements involving Latin Americans, Asians, and Pacific Islanders all kept the slavery question alive in California during the 1850s. The rise of the Republican Party and national slave liberation in the 1860s eroded the state's coercive labor systems, emancipating California alongside the rest of the nation. By Reconstruction, California's struggles over slavery became narrowly focused on the growing perils that allegedly unfree Chinese, "coolie" contract laborers and bound prostitutes, posed to the accomplishments of emancipation. Deftly fusing the anti-Chinese cause with the antislavery cause, California's legislators formulated immigration restriction laws that excluded Chinese "slaves" without explicitly violating new Reconstruction prohibitions on race-based civil and legal discrimination. California politicians eventually carried these anti-Chinese antislavery laws beyond California's borders to Congress, where, despite recent efforts to liberate and enfranchise African Americans, they became the blueprints for the nation's most racially exclusive immigration statutes to that date. Once we set our sights on the Pacific Coast, it becomes clear not only that the struggle over slavery was a truly national story, encompassing North, South, and West, but that the Far West played a critical role in remaking the post-Civil War nation.

Moving the crisis over slavery, emancipation, and Reconstruction to California upends familiar narratives of regional and national history. First, the presence and persistence of unfree labor in California seems at odds with much of western history. In popular mythology, the American West stands as a kind of ultimate free-labor landscape, a place where autonomous, mobile individuals were at perfect liberty to pursue their economic interests and raise their social status. Historical scholarship, too, has often linked the West's destiny with that of free labor. Frederick Jackson Turner's 1893 frontier thesis depicted the West as a space of freedom characterized by individual autonomy, geographic mobility, and social and economic fluidity. Starting in the 1920s, historians of the American South also naturalized free labor in the West by arguing that western geography and climate were incompatible with plantation agriculture, thus placing "natural limits" on slavery's expansion. Social and political historians working in the latter half of the twentieth century took a different approach, documenting how the militantly free-labor, antiblack, and antimonopoly politics of many western whites, rather than geography alone, precluded slavery. Taken together, these works present the region's history as incompatible with—even antithetical to—slavery. The triumph of free labor in the West appears, if not predetermined, then at least overdetermined.<sup>4</sup>



The persistence of the slavery question in California also challenges us to rethink the broader narrative of nineteenth-century U.S. history. Histories of the sectional crisis invariably focus on politics east of the Mississippi River and treat the Far West as an imagined space, a place onto which northerners and southerners projected their hopes and fears about slavery's future. Pro- and antislavery advocates, North and South, argued over whether the region would be opened to slaves and slaveholders, or whether it would be preserved for prospective free white laborers. Once California adopted an antislavery constitution and gained admission as a free state under the Compromise of 1850, it promptly disappears from most discussions of the sectional crisis and the Civil War.<sup>5</sup> As a result, we lose sight of how slavery became an issue of long-term social and economic importance within western communities. California, and, by extension, the rest of the Far West, seems an isolated, peripheral region, disconnected from the monumental conflict over slavery and freedom that rocked the nation after 1850.

*Freedom's Frontier* addresses the absence of slavery in western regional history and the absence of the Far West in the broader history of American slavery and emancipation by bringing the two fields into dialogue with each other. It both integrates California into the history of the Civil War and Reconstruction eras and suggests that California's story can enhance our understanding of U.S. national history in fundamental ways. A multiracial society with multiple systems of bound and semibound labor, California complicates familiar black-white, slave-free binaries at the heart of most histories of the era. There, categories like "free" and "slave" often adhered to racially marked bodies in unfamiliar or unpredictable ways. In the legal and political struggles over the state's multitude of labor systems, white Californians were just as likely to express concern about American Indian, Mexican, Chilean, and Chinese "slaves" as they were to discuss the fate of African American bondpeople. Politicians, reformers, and lawyers refashioned the language of antislavery in new and surprising ways to contest labor systems ranging from peonage to contract labor to prostitution. California, then, opens new insights into the instability and fluidity of racial categories, particularly the ideological linkages between slavery and race. It also shows that "slavery" and "free labor" were not rigid oppositional categories but fluid concepts that could each be reimagined to encompass a wide range of waged, unwaged, voluntary, and involuntary work.<sup>6</sup>

California's freedom struggles not only give scholars a more complete, complex understanding of this transformative period in American politics, law, and race relations. They also help to explain a critical paradox of the

postwar era: how Reconstruction, a period focused on the breakdown of race-based civil and legal inequalities, also witnessed the nation's most virulent anti-Chinese immigration laws. This book suggests that the re-racialization of slavery in California—the association of Chinese with forms of degraded servitude that threatened the United States' new birth of freedom—helped shape national debates over race and liberty in the wake of emancipation. California politicians, both Democrats and Republicans, framed Chinese immigration restriction as an antislavery measure that advanced the emancipatory principles of the Thirteenth Amendment rather than as a racially exclusive policy. In doing so, they evaded the guarantees of due process and equal protection, regardless of race, embedded in the Civil Rights Act of 1866, the Fourteenth Amendment, and the Ku Klux Klan Acts and made anti-Chinese laws appear wholly consistent with the national Republican Party's emerging Reconstruction policy on race, slavery, and civil rights.<sup>7</sup> This strategy hastened the federal march toward Chinese immigration restriction, inspiring both the Page Law of 1875 and the general exclusion of most Chinese in 1882. California's internal slavery debate reached eastward to shape national Reconstruction policy in crucial, but overlooked, ways.<sup>8</sup>

This story of California's contest over unfree labor builds on the work of other historians who have begun to narrow the chasm between the history of the American West and the history of American slavery. In the past three decades, scholars of western North America have problematized free labor in the region. In a pathbreaking 1985 essay, "From Bondage to Contract," Howard Lamar challenged Frederick Jackson Turner's assertion that in the West "free land meant free people and a democratic society." Instead, slavery, debt bondage, contract labor, and indentured servitude were critical to the development of western colonial economies. The American West was, in fact, "more properly a symbol of bondage than freedom when it comes to labor systems," and scholars would do well to explore the connections between western labor history and the broader national history of slavery.<sup>9</sup>

Many western historians have heeded the call. The burgeoning field of western borderlands history has done much to dispel the myth that the West was a landscape of liberty. Borderlands scholars have documented the importance of captive raiding and slavery to the social, cultural, economic, and biological reproduction of both Native and European borderlands communities. Scholars of transnational labor migrations across the West have also demonstrated how the region's vast geography and seemingly limitless opportunities restricted rather than enhanced workers' freedom. Reliant on employers and labor contractors to move them to and across the West's