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J.N. Andrews Honors Program
Andrews University

Honors Thesis

Service Un-Required: African American Civil War Soldiers and Their Fight for Freedom and
Pension Compensation

Submitted to J.N Andrews Honors Department in Partial
Fulfillment of the Requirements for the Completion of HONS 497

By

Clifford Allen

3/31/14

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Abstract

My research project consisted of delving through over nine hundred pension records from the files of fifteen African American soldiers who participated in the Civil War. These documents are comprised of general affidavits, witness statements, physicians' certificates, military enlistment records, marriage certificates, military roll/attendance records, certificates for discharge, and documentation of receipt of or rejection of pension requests. Using these documents I investigated the cases of these soldiers in order to discover why they did or did not receive their military pensions, the length of time the process of attaining their pensions required, and I also explored the stories of the soldiers and their families, which were behind each case. Using a combination of my findings and a variety of secondary source materials, this work will illustrate that in addition to their opportunities to receive pension assistance, the livelihood and quality of life of black soldiers and their families after the Civil War were adversely affected by the prejudiced treatment they received from the United States pension system. The primary goal of my research is to add a personal dimension to the statistics from my secondary source material, which infers that the military pension system was prejudiced against African American soldiers.

Service Un-Required: African American Civil War Soldiers and Their Fight for Freedom and Pension Compensation

For over two hundred years African Americans participated in the process of creating the infrastructure of America. Much of this labor was involuntary, but it nonetheless was an integral part of this building process. Despite this history of necessary contribution, the role African Americans has been undervalued and denigrated. This lack of appreciation especially showed itself from the period of American conception until the Civil War when blacks finally began to start the process of being more than property or second class citizens.

Many factors contributed to this change in perception including the efforts of African American soldiers during the war. By demonstrating courage, reliability, and patriotism, these soldiers discredited racial stereotypes and proved their equality to whites. Though the role of African American soldiers in the Civil War was more than that of a supporting cast, by the end of the nineteenth century these efforts were all but forgotten because of the Jim Crow South and white supremacist ideologies.

In addition to the denial of their part to play in the victory of the Union, African American soldiers also experienced structural prejudice through the denial of warranted

pension compensation. This paper will re-establish the major contributions of African Americans to the Civil War by recounting note-worthy operations within the war effort. Then this paper will outline the experience of African Americans during the Reconstruction period to provide social context for the lives of the soldiers involved in the pension cases. By establishing this background information the relevance of the primary source documents will be more apparent. Thus, after establishing a firm background this paper will subsequently demonstrate the prejudice which was within the United States pension bureau. This will be accomplished by using data on African Americans being recommended for and receiving pensions from Fogel & colleagues at the Center for Population Economics at the University of Chicago and by analyzing the pension cases of specific African American soldiers who participated in the Civil War.

Origins and Purpose of the United States Military Pension System

Both during and after the Civil War the Military Pension system played a major role in providing support to American soldiers and their families. The role of this system as a welfare organization especially took shape on June 27, 1890 when Congress passed a new disability act for veterans and their families.¹ This system which had essentially become an age retirement fund was not originally intended for this purpose. The original purpose of the military pension system was to provide for invalids, widows, and orphans from the War of 1812, the

¹ Peter Blanck and Chen Song, "Never Forget What They Did Here: Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America," *William & Mary L. Review*. 44 (2003): 1120, Accessed November 15, 2013, <http://scholarship.law.wm.edu/wmlr/vol44/iss3/5>. The second period of the Civil War pension scheme began in 1890 when Congress passed the Disability Pension Act.⁵⁴ Unlike the "invalid" scheme under the General Law, the 1890 Act was a service-based pension system, compensating veterans based on their length of military service. The 1890 Act expanded pension eligibility to include physical and mental disabilities not related to wartime experience.

Revolutionary War, the Indian Wars, and the War with Mexico. By the end of 1860, only 11,284 names existed on the pension rolls.² Without the occurrence of the Civil War, the pension system primarily would have died out with its pensioners as time passed by. However, because of the war it became necessary to revamp and expand the system to accommodate for the sheer number of people that the war affected.

Initially, President Lincoln and the Union did not believe that the war would last as long as it did. President Lincoln only called for seventy five thousand volunteers to serve, and they did not anticipate the war to last for more than a year. Yet, as the war still progressed past the end of many Union soldiers' enlistment tours, a need for new incentives became necessary.³ By promising pensions to the soldiers, the Union government allowed the apprehensive men to feel more secure about their families being provided for in the event that they became injured or killed during the war.⁴

As the war progressed and the number of casualties increased, the Union government expanded the pension program in order to accommodate the larger number of soldiers and their families who needed assistance. Military pensions for widows, orphans, and poor mothers often times made the difference in their struggles to survive.⁵ Though these pensions were

² John W. Oliver, "History of the Civil War Military Pensions, 1861-1885" (PhD diss., University of Wisconsin Madison, 1917), 5.

³ Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: The Belknap Press of Harvard University Press), 106. "Without a creditable standing army, and lacking the power to compel men to enter upon military service, our Government had to resort to the policy of persuasion...In 1862, a new law specifically addressing the needs of Union soldiers and their dependents was enthusiastically enacted by the Republican-dominated Congress."

⁴ Megan J. McClintock, "Civil War Pensions and the Reconstruction of Union Families," *The Journal of American History*, Vol. 83, No. 2 (Sep., 1996): 465. "Lawmakers argued that pensions encouraged patriotism and a willingness to volunteer in wartime...the promises made to Civil War enlistees "for the maintenance of their families" had encouraged an enthusiastic response to calls for volunteers".

⁵ Megan J. McClintock, "Civil War Pensions and the Reconstruction of Union Families," *The Journal of American History*, Vol. 83, No. 2 (Sep., 1996): 458; 460, accessed March 26, 2014,

important to white soldiers, what they represented also posed great significance to black families. Any guaranteed income offered financial stability and assurance to them which was crucial in a world where they were not fully accepted as members of society. Before going into further details on the benefits of pensions and African Americans, it is important to give an overview of the participation of African Americans during the Civil War, and why the war offered opportunity and freedom.

African Americans in the Civil War

The Civil War changed the lives of free and enslaved blacks within America. Due to the passing of the Emancipation proclamation in 1863, enslaved blacks within Confederate territory became free, and free blacks within the Union acquired the privilege of enlisting in the Union forces. The purpose of this proclamation had more to do with political agendas than the goal of enfranchising African Americans; yet, some abolitionists and rights activists saw this proclamation as an opportunity for blacks to create a place for themselves within America.⁶

From the perspective of blacks and abolitionists the Civil War was initiated due to disagreements about the institution of slavery, and the path of the country to abolish it. Other citizens of the Union professed belief that the war was about preserving the Union and many Confederates considered the war to be about State's rights. Despite these claims however, careful observation of which particular Union actions threatened State's rights reveals that they

<http://www.jstor.org/stable/pdfplus/2944943.pdf?acceptTC=true&acceptTC=true&jpdConfirm=true>. "In the second half of the nineteenth century, the federal government intervened in families and supported thousands of widows, orphans, and elderly parents of men who lost their lives to the war... Americans assumed the men would be gone from home for a few weeks or, at most, a few months. Yet even short-term absences created hardships for those who relied on a male breadwinner for financial support."

⁶ Benjamin Quarles, *The Negro in the Civil War*, (Boston: Little, Brown, and Company, 1969), 184. "Once let the black man get upon his person the brass letters, U.S.; let him get an eagle on his button, and a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship in the United States."

had direct relations with slavery. Meanwhile Unionists like Horace Greely who saw slavery as a proponent for the war firmly maintained that the Union would never be fully whole or unified until the issue of slavery was dealt with.⁷

By the war's end Union legislation defeated the institution of slavery; however, in spite of this victory the institution of racism still remained strongly embedded within America. The fight to usurp the power of racism lasted over one hundred years, but an important aspect of the battle against it began within the Civil War through the determination of African American soldiers. These soldiers combatted stereotypes and prejudice by demonstrating courage, combat ability, and usefulness, which all discredited the concept of black inferiority and inadequacy.

The misconception that African Americans were inferior played a major part in their delayed participation in the war. Many whites in the North believed that African American's possessed a natural right to freedom; however, there still remained a general consensus that African Americans did not have a place in American society. In addition to being ostracized African Americans were also viewed as being incompetent, second class citizens in comparison to whites.⁸ This concept about blacks not being adequate soldiers was established on no source of sustainable evidence. In fact, African Americans had participated in all of America's major

⁷ Charles H. Wesley, and Patricia W. Romero, *International Library of Negro Life and History: Negro Americans in The Civil War: From Slavery to Citizenship* (New York: Publishers Company, INC., 1967, 1968), 43. "All attempts to put down the Rebellion and at the same time uphold its inciting cause, are preposterous and futile—that the Rebellion, if crushed out tomorrow, would be renewed within a year if slavery were left in full vigor."

⁸ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Harper Collins Publishers, 1988) 30-32. "the vast changes implied by emancipation, stirred ugly counterattacks from advocates for white supremacy... 'Slavery is dead' the Cincinnati Enquirer announced at the end of the war, 'the negro is not, there is the misfortune'... Any Democrat who did not manage to hint that the negro is a degenerate gorilla would be considered lacking in enthusiasm."

conflicts predating the Civil War.⁹ This active involvement in the Country's past military conflicts should have garnered higher esteem for African Americans; yet, this was meaningless to a society which focused on making blacks inferior. Many white Americans instead disregarded these facts and depended on propaganda and social constructs to determine their views on these controversial, societal issues.

Despite the retrogressive effects of this bigotry, many African Americans remained vigilant for their opportunity to fight. Thus when finally allowed to join the ranks of the Union forces officially in 1863, many African Americans were ready. They proved their value by their determination to resist against the oppression from both northern and southern forces and accordingly establish themselves as citizens. Thus, any undermining of their contributions during the war is damaging because it both robs blacks of their connection to the new society, and it erases an earned respect as a race that blacks had to continually fight for both during, and after the war.

African American soldiers played an impactful role within the Civil War, which contributed to the growing change in the perception of blacks within American society. Initially however African Americans were excluded from participating. In the beginning of the war the Union denied free blacks from the privilege of joining their volunteer forces who were answering Lincoln's call for 75,000 volunteers.¹⁰ Yet, by the middle of 1862, Northern whites started feeling differently about

⁹ Woody Holton, *Black Americans in the Revolutionary Era: A Brief History with Document* (New York: Bedford/St. Martin's, 2009). This book is a strong source which provides primary source documents as evidence of African Americans who participated in the Revolutionary war.

¹⁰ Benjamin Quarles, *The Negro in The Civil War* (Boston: Little, Brown and Company, 1969), 22-41. After the Confederates attacked fort Sumter, President Lincoln issued a proclamation for 75,000 volunteers to join the military and put down the rebellion. Thousands of Negroes formed their own regiments and tried to answer the call. They were very determined to earn their freedom and place in America. "The Negro was not inattentive to the eagle's scream. Here was an opportunity to fight in what he took to be a crusade for liberty". Despite their enthusiasm, they were all turned away or given the order, "As you were". This is partly because Northern whites

admitting blacks into the Union forces. By January 1, 1863 this sentiment was put into action with the Emancipation Proclamation.¹¹ After issuing the Emancipation proclamation, Lincoln directed Secretary of War Edwin Stanton to authorize the official organization of black regiments. Soon Generals such as Lorenzo Thomas became authorized to raise black regiments for the cause. Thomas said he was “authorized to raise as many regiments of blacks as I can”.¹² While organizing, General Thomas began sending letters around for different military men to start raising recruits. These regiments consisted wholly of black troops, but were required to have white officers in command.

Even before the Emancipation proclamation was officially issued, Stanton had authorized select generals to organize black regiments in 1862. One such individual was General Rufus Saxton, military governor of the Department of the South. Towards the end of August 1862, he received permission to organize five regiments of black troops. One of these regiments was the First South Carolina Volunteers, led by Thomas Wentworth Higginson.¹³

This regiment along with the Second South Carolina Volunteers led by Colonel James Montgomery made important contributions to the war effort like capturing Jacksonville, Florida. Harriet Tubman and her scouts also participated with these regiments by gathering valuable information about Confederate troop activities in the region through the use of

believed the war would end quickly and thus didn't need black contributions which might incense the Border States; however, the main reason was the belief that blacks were inferior and lacked courage.

¹¹ Abraham Lincoln, “Emancipation Proclamation,” National Archives & Records Administration, http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/transcript.html (accessed November 17, 2013). “All persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free... And I further declare and make known, that such persons of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.”

¹² Charles H. Wesley and Patricia W. Romero, *International Library of Negro Life and History: Negro Americans in The Civil War: From Slavery to Citizenship* (New York: Publishers Company, INC., 1967, 1968), 66.

¹³ Kate Clifford Larson, *Harriet Tubman Portrait of an American Hero: Bound for the Promised Land* (New York: One World Ballantine Books, 2004), 207.

espionage. Some of Tubman's most trusted scouts included Isaac Hayward, Mott Blake, and Samuel Hayward. Tubman, her scouts, and the Second South Carolina Volunteers gained their greatest fame and success with their raid of the Rice Plantations on the Combahee River in South Carolina.¹⁴ Though not all of the Union officers agreed with these tactics of warfare, their beneficial effect on the Union war effort is undeniable. The war had dragged on longer than most Americans expected, which caused the Union to sustain devastating losses which pacified the eagerness of many white Northerners to volunteer for the draft. John M. Broomall a Congressman from Pennsylvania remarked, "I have never found the most shaky constituent of mine, who, when he was drafted, refused to let the blackest negro in the district go as a substitute for him".¹⁵ With this surplus of black soldiers willing to fight and a change in sentiment about blacks participating in the war, black regiments could actively fight for their freedom and a place for themselves within America.

Though blacks were finally gaining official recognition and approval to participate in the Union army, they experienced the war differently than others who were in the Union forces. Black soldiers faced many daunting situations and disadvantages; yet, with tenacity and perseverance they refused to back down when challenged, and thus earned reputations of courage and valor for themselves within the Union.

¹⁴ Kate Clifford Larson, *Harriet Tubman Portrait of an American Hero: Bound for the Promised Land*, 210-215. "Col. Montgomery and his gallant band of 300 black soldiers, under the guidance of a black woman, dashed into the enemies' country, struck a bold and effective blow, destroying millions of dollars worth of commissary stores, cotton, and lordly dwellings, and striking terror to the heart of rebellion, brought off near 800 slaves and thousands of dollars worth of property, without losing a man or receiving a scratch."

¹⁵ Susan-Mary Grant, "Pride and prejudice in the American Civil War." *History Today* 48, no. 9 (September 1998): 41, Accessed February 21, 2012. <http://www.historytoday.com/susan-mary-grant/pride-and-prejudice-american-civil-war>.

A sizeable distinction between black troops and others in the army is their treatment by the Confederate forces. Southerners saw the use of 'colored' soldiers as being disrespectful and believed that their involvement threatened the way of life which they stood for. They also viewed the white officers of these black troops with the uttermost contempt. So much so that the Confederate War Department on April 21, 1862, issued a proclamation that stated, "all captured commissioned officers of slaves in the armed services would be held in confinement for execution as felons".¹⁶ Also, on January 12, 1863, the Confederate Congress passed a resolution that stated the officers of colored soldiers "would be charged with inciting servile insurrections and would be put to death or otherwise punished at the discretion of the court".¹⁷

To many Southerners, the sight of black troops reminded them of slave rebellions in the past like the Nat Turner rebellion.¹⁸ With this in mind, it was no problem for Southern troops to deal cruelly and harshly with black troops and their white commanders. This can be especially seen in the "Battle of the Crater" which was on July 30, 1864.¹⁹ This bigoted hatred was present all throughout the South, and black soldiers had to face it and its ferocity wherever they

¹⁶ Wesley and Romero, *Negro Americans in The Civil War: From Slavery to Citizenship*, 66.

¹⁷ Wesley and Romero, *Negro Americans in The Civil War: From Slavery to Citizenship*, 66-67.

¹⁸ Kevin M. Levin, "'Until Every Negro Has Been Slaughtered,'" *Civil War Times* 49, no. 5 (October 2010): 32-37, Accessed February 21, 2012, <http://web.ebscohost.com/ehost/detail?sid=cd7b0796-4e83-4cc0-970c-4ffd71842198%40sessionmgr111&vid=1&hid=114&bdata=JnNpdGU9ZWwhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=52865742>. Whites held a belief that blacks were naturally complacent in slavery and incapable of originating ideas of insurrection and rebellion. Thus they viewed black Union soldiers as ignorant people being forced to fight by Lincoln's administration.

¹⁹ Kevin M. Levin, "'Until Every Negro Has Been Slaughtered,'" *Civil War Time* 49, no. 5 (October 2010): 32-37, Accessed November 21, 2013, <http://web.ebscohost.com/ehost/detail?sid=cd7b0796-4e83-4cc0-970c-4ffd71842198%40sessionmgr111&vid=1&hid=114&bdata=JnNpdGU9ZWwhvc3QtbGl2ZQ%3d%3d#db=a9h&AN=52865742>. The Confederate soldiers at the Battle of the Crater showed no quarter and fought with frenzied hatred when they realized that black troops were in the fight. Jerome B. Yates of the 16th Mississippi recalled: "Most of the Negroes were killed after the battle. Some was killed after they were taken to the rear." According to Henry Van Lewvenigh Bird, "The only sounds which now broke the silence was some poor wounded wretch begging for water and quieted by a bayonet thrust which said unmistakably "Bois ton sang. Tu n'aurais de soif." [Drink your blood. You will have no more thirst].

entered into battle. In spite of the terror such hate should have imparted, black troops faced it head on in order to obtain new freedoms and positions within the United States.

Although the accounts of the ability of African American Civil War soldiers to prevail against racial stereotypes and discrimination are poorly recounted, this by no means disproves their existence. A battle which demonstrates the bravery and aptitude of black troops is the Battle of Milliken's Bend. Milliken's Bend was a crucial point to hold during General Grant's assault on Vicksburg. General Richard Taylor believed that by capturing Milliken's Bend, he could get to Vicksburg and provide it with new supplies and troops. Thus the Confederates drove Union troops towards the earthwork at Milliken's Bend where the troops retreated to safety at night. Bright and early the next day the Confederates attacked, and upon finding black troops facing them, took the stance of showing no quarter and taking no prisoners. One thousand two hundred and fifty raw, black recruits defended Milliken's Bend during the assault. These men were forced into fighting this hard, bloody battle with only sixteen days of training, faulty weapons they weren't properly trained to use, and against a menacing trained army that desired to kill every last one of them.

In spite of the many disadvantages they faced, these men fought bravely, primarily using their bayonets and rifle butts. At the end of the battle the Union Army had 101 killed, 285 wounded, and 264 captured or missing. The Confederates had 44 killed, 130 wounded, and 10 missing. Despite these numbers, the Union troops held the bend and repelled the Confederate assault.²⁰ This battle is just one of several examples of military exchanges where black soldiers overcame white expectations and made integral contributions to the Union war effort. Hence,

²⁰ Wesley and Romero, *Negro Americans in The Civil War: From Slavery to Citizenship*, 85-88.

by the war's end black soldiers played a key role in the Union victory and earned a new type of acceptance within America for themselves and their race, which would continue growing and changing throughout Reconstruction.

African Americans after the Civil War in Reconstruction

When General Lee surrendered at Appomattox courthouse on April 9, 1865, the South by that time had been laid to waste, and was in complete disarray. The Emancipation Proclamation, with the finalizing support of the thirteenth amendment, liberated the slave labor force, which shattered the roots of Southern economic prowess. In addition to losing their free labor, General Sherman's "total war" caused millions of dollars in damages to the Southern infrastructure and countryside. In conjunction to this physical destruction, many Southern whites were suffering from mental turmoil as well.

This mental consternation resulted from a growing fear among Southern whites of the recently liberated African Americans.²¹ This fear and anticipation of violent, African American retaliation throughout the South drew its basis both from the inherent guilt within the Southern whites, and also a general lack of understanding in regards to what African Americans desired from life in America. It is true that freed slaves existed who desired to exact physical vengeance upon their masters; however, the majority of freed blacks wanted to build a life of liberty and equality, while simultaneously creating a place for themselves within the country. Hence, during the Reconstruction era two things occurred. African Americans worked to

²¹ John Hope Franklin, *Reconstruction after the Civil War* (Chicago: The University of Chicago Press, 1994), 3. "Even before the war white Southerners had frequently entertained a wild, nightmarish fear that the slaves would rise up, slay them, and overthrow the institution of slavery...In 1865 Southern whites 'knew' that there was nothing to hold back the tide. Wild rumors flashed through the South that the freedmen would strike in vengeance."

establish themselves as American citizens in order to utilize their new rights as free Americans, while the South rebuilt and reformed itself behind rejuvenated ideologies of white supremacy.

African Americans eagerly desired to establish themselves within America, but a large portion of them faced restrictions in regards to job mobility. For example, limited occupational knowledge beyond farming due to slavery contributed significantly to this lack of job mobility. Also, labor contracts and laws established to prevent “idleness” among blacks prevented many of them within the South from having job security and occupational options.²² Thus in order to avoid these working conditions which resembled slavery, many became sharecroppers. This allowed for them to be able to grow crops and earn money despite the fact that they did not possess enough money to purchase land for themselves. African American sharecropping was done primarily on farms owned by white landowners. These owners saw benefits in sharecropping as well because of its cost effectiveness and diminished need of worker supervision when compared to plantation labor.²³

The relationship between these two groups has sparked historical discussion. Though share cropping shared more characteristics with the black definition of free labor than paid plantation labor, it is still arguable that the system of share cropping limited the African American free labor experience. Some historians believe that whites used this sharecropping system to control the mobility and economic success of African Americans, thus causing them

²² Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Perennial Classics, 2002), 161. “The freedmen pleaded with Howard for the right to rent or purchase land, and displayed the ‘greatest aversion’ to signing labor contracts with the landowners, equating such agreements, a Union officer noted, with a practical return to slavery.”

²³ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Perennial Classics, 2002), 174. “To blacks, sharecropping offered an escape from gang labor and day-to-day white supervision. For planters, the system provided a way to reduce the cost and difficulty of labor supervision, share risk with tenants...”

to work in a system of bound labor which appeared to be free.²⁴ For example, Jonathan Wiener believed that the Southern white planter class controlled both black mobilization, and economic capability in order to keep blacks under their influence.

There are other historians who disagree however with Wiener's assertions. Stephen DeCanio for example attempted to show how there was no suppression of black economics by whites, and that the Southern labor system was in fact free.²⁵ DeCanio used a sophisticated analytical method to go through census records and concluded that from 1880 to 1910 the South had a competitive economy where black labor was not oppressed. This information could not be used as the closing argument on this discussion however because it is based on insufficient data.²⁶ Also, looking at economics starting from 1880 ignores the economic oppression blacks faced in the South from 1865 until 1880, and the long-term prejudicial social systems that the Reconstruction period established.

A middle ground view is given by Robert Higgins. He believed that from the Reconstruction period until World War I, blacks experienced two systems of behavior; a competitive economic system and a coercive racial system. Higgins believes that there were moves made by the government of the South to control blacks, but he does not believe this

²⁴ William Cohen, *At Freedom's Edge* (Baton Rouge: Louisiana State University Press, 1991) 24-25. "For Jonathan Wiener, on the other hand, class is all-important...after the Civil War the planters regained control of the South and crushed both black and white workers under their heels...the South became a large prison for blacks...the migration rate from the Southern states was significantly lower than that from other areas of the country, another measure of the success of repressive law and regional practice."

²⁵ William Cohen, *At Freedom's Edge* (Baton Rouge: Louisiana State University Press, 1991) 26. "Stephen DeCanio's *Agriculture in the Postbellum South* is an ambitious work that tries to address directly the question of whether the southern labor market was free."

²⁶ William Cohen, *At Freedom's Edge* (Baton Rouge: Louisiana State University Press, 1991), 26. "Despite a formidable technical apparatus, however, the study contains a flaw that renders its results invalid. Lacking adequate information on the size of the black and white labor forces, DeCaino makes the assumption that data on the rural population are an acceptable substitute for data about the labor force."

stance came from the economic realm because it would jeopardize the income of Southern whites.²⁷

Despite different evidences that come up for supporting or attacking the idea that blacks were economically oppressed in the South by whites, there are evidences which show how adamantly the South was attempting to keep blacks under their control. A good example of the South's intentional oppression is the black codes.²⁸ These codes in effect enslaved blacks to whomever they made a contract with, because breaking the contract was punishable by what was basically slavery. The black codes were influenced by a Southern misconception that the black labor force would not be efficient without slavery.

The fear of Southern whites that there was a disadvantageous change in the labor force arguably possessed some legitimacy. There existed a shortage of labor when compared to the work force of the South when slavery was legal. Also, Southern whites still held the belief that blacks should work as long and hard as they did during slavery. If blacks were not working such hours, they were viewed as lazy by Southern whites.²⁹ Eventually the North intervened to stop the discrimination of the black codes and by 1868 the South repealed the most discriminatory laws within the code. This repeal of the black codes had progressive effects for the social cause

²⁷ Ibid, 27. "Competition and self-interest forced southerners to choose between their desire to discriminate and their desire to acquire...In the free agricultural labor market, where most blacks existed...discrimination in employment and wages scarcely existed.

²⁸ Ibid, 33. "Taken as a whole, the new black codes were firmly rooted in the southern heritage. Resting on the widely held belief that blacks would not work without coercion, the codes were an amalgam of familiar ideas...A provision in the Mississippi code pertaining to the apprehension of runaway contract breakers harks back directly to provisions in the Mississippi slave code dealing with fugitives."

²⁹ Eric Foner, *Reconstruction: America's Unfinished Revolution 1863-1877* (New York: Perennial Classics, 2002), 54. "As Northern investors understood the term, "free labor" meant working for wages on plantations; to blacks it meant farming their own land, and living independent of the marketplace".

of African Americans, but it did nothing for the true cause behind the laws, which was the growth of racial prejudice.

The lack of acceptance of blacks as citizens by many white Americans also threatened blacks and their new social identities during Reconstruction. The North collectively held the sentiment that slavery was wrong, but at the same time many Northerners were not prepared to accept blacks as their equals. Even President Andrew Johnson did not understand the importance of helping blacks become incorporated as members of America, nor did he truly sympathize with their predicament.³⁰ In addition to his lack of understanding, Johnson also held misconceptions about the capabilities of blacks to live civilized and not return to “barbarian” ways. Johnson said, “Negroes showed less capacity for government than any other race of people...they have shown a constant tendency to relapse into barbarism.”³¹ With such opposition and discouragement, the decision of blacks to remain and endure through it all, is rather remarkable.

Besides Southern maneuvers to manifest its white supremacist beliefs, the North also presented some unwelcoming challenges. Many such challenges were linked to the President’s doubt in the ability of African Americans to function as human beings, while others were connected to the belief of many Northern whites that blacks would steal their jobs. Yet, regardless of these obstacles, African Americans still chose to fight for their freedom in America, and establish a place for themselves. With this in mind, not all blacks were manual laborers who were dependent on whites for sustenance and survival.

³⁰Robert Cruden, *The Negro in Reconstruction* (New Jersey: Prentice-Hall Inc., 1969), 5-6. “His Jacksonian philosophy had perhaps an even greater flaw in the view of the problems he confronted: it had some place for the Negro as a free man, but it had none for him as an equal...Like most of his fellow Americans, Andrew Johnson was little equipped to deal sympathetically with black people as human beings.”

³¹ Robert Cruden, *The Negro in Reconstruction*, 5.

Many historians who write about Reconstruction history paint a picture of struggle and destitution as the overall Black Reconstruction experience. For example, Robert Cruden in his book, *The Negro in Reconstruction*, acknowledges the successfulness of some blacks during the Reconstruction period, but he spends a large portion of the chapters speaking about the hardships and trials of African Americans during this period. These situations that are highlighted are factual, and many African Americans did struggle with finding work and acceptance, but the blacks who found success are often mentioned as an after-thought.

Unlike historians who primarily present blacks as vulnerable and susceptible to control, others including Charles H. Wesley and E. L. Thornbrough give educated, empowered blacks equal mention to those who had to struggle. Wesley uses a chapter of his book, *International Library of Afro-American Life and History*, to discuss at length different African Americans who worked as members of the State Legislature.³² E. L. Thornbrough also discusses the activities of black Reconstructionists who fought for the rights of African Americans against the tyranny of whites in the South.³³ It is also through the efforts of black officials and Reconstructionists, that a continued voice remained to speak out against the attempted oppression of the South.

These fighters for social change and the over one hundred and eighty thousand black Civil War soldiers who fought physically for both freedom from slavery and for a permanent place of their own within the country endured persecution and unequal treatment within the North and the South. They did not always endure these trials quietly, but they endured to the

³² Charles Wesley, *The Quest for Equality: From Civil War to Civil Rights* (Cornwell heights: The Publishers Agency, 1976). "Black Reconstruction, moreover was not as bleak as some historians have maintained...South Carolina's Charleston Daily News observed that the best men in the convention are the colored members.

³³ Ed. Emma Lou Thornbrough, *Black Reconstructionists* (New Jersey: Prentice-Hall INC. 1972), 64. "Some black Congressmen aware of the activities of the Ku Klux Klan and other white vigilante groups... Demanded intervention by a federal government".

end nonetheless, all for the sake of freedom and equality. Though these warriors and activists did much for their country, instead of being treated as war heroes and commemorated for their bravery, their feats were instead buried and a myth cultivated that African American soldiers were inadequate, and their efforts inconsequential to the final outcome of the war. Robert Cruden very adequately describes this situation in his book, *The Negro in Reconstruction*.³⁴

The previously given background illuminates the social and political situations of blacks within the nineteenth and early twentieth centuries. With these situations in mind, one can better understand the difficulty of African American veterans and soldiers during this time period, and why the hindrance of these men from receiving pensions for themselves and their families by the Pension Bureau was so detrimental to their circumstances.

The African American Pension Experience

The federal government constructed provisions of care for the regular Union soldier, but what about African American Union soldiers? On paper there were provisions made for both regular Union troops and African American soldiers to receive pensions.³⁵ The reality of the situation however was, that the federal government did not treat the white Union soldier and the African American Union soldier the same. Even during the war this inequality of treatment in regards to

³⁴ Robert Cruden, *The Negro in Reconstruction* (New Jersey: Prentice-Hall Inc., 1969) 12. "The situation of the black American when the war ended was ambiguous. As soldier and civilian he had contributed significantly to the Union and winning his own freedom...Yet in neither section was the freedman welcome. Northerners as a whole, willing to concede freedom, were hostile to equality.

³⁵ Larry M. Logue and Peter David Blanck, "'Benefit of the Doubt': African-American Civil War Veterans and Pensions." *Journal of Interdisciplinary History* 38.3 (2008): 377-399, Accessed May 2, 2013, <http://www.mitpressjournals.org/doi/pdf/10.1162/jinh.2008.38.3.377>. "Congressional committee saw "no reason why the heirs of colored soldiers should not be put on the same footing as to bounty and pensions as the heirs of white soldiers...Yet race was never far from the minds of the men"

pay and the government occurred.³⁶ The Union government officially extended pension assistance to black soldiers and their families, but through underhanded measures many pension evaluators found reasons to delay or deny blacks from receiving their pensions. It is true that black soldiers started participating in the war later than whites, but in the end they experienced many casualties and possibly even more hardships. This is because they faced discrimination and persecution from both sides, all the while having to prove their fortitude as soldiers during every battle which they participated in.

Evidence of the discrimination within the pension system can be shown using statistics from soldiers who applied for and were awarded pensions after the war. During the years of the General Law from 1862 to 1890, only 19.7% of black veterans applied for pensions while during this same period 43.9% of white veterans applied for pensions. These figures are based on a study done by Fogel & colleagues at the Center for Population Economics at the University of Chicago, using a sample size of 29,527 cases.³⁷ Also during the General Law period, 67.9% of African American veterans who applied for pensions were recommended by examining physicians to receive a pension, but only 39.4% were actually awarded pension assistance. This is in stark contrast to the 75.1% of white veteran applicants who were recommended by examining physicians for receiving pensions, of whom 77.9% were actually awarded pensions. The disparity between these figures point towards a prejudice within the pension system,

³⁶ Robert Cruden, *The Negro in Reconstruction* (New Jersey: Prentice-Hall Inc., 1969) 9. "They were segregated and discriminated against. For a long time their pay was substantially less than that of white soldiers, they were denied bounties paid to whites, their families shared little in the financial aid extended to soldiers' families by the states, and capable Negroes found it almost impossible to become officers."

³⁷ Larry M. Logue and Peter Blanck, "Benefit of the Doubt: African American Civil War Veterans and Pensions," *Journal of Interdisciplinary History* 38:3 [Winter, 2008]: 382, Accessed November 29, 2013, <http://www.mitpressjournals.org/doi/pdf/10.1162/jinh.2008.38.3.377>

which created difficulty for blacks attempting to participate in the pension process. Other researchers who have investigated this issue have come to the same conclusion as well.³⁸

The low rate of pension applications from black veteran soldiers during the General Law period is alarming, but there are several factors which could potentially explain the low percentage. One of these factors is that many black soldiers were slaves before the Civil War. Being a slave complicated a soldier's background when it came to the pension process. Slaves were not allowed to officially be taught reading and writing, slaves had no birth certificate to show their true age, many slaves were given the last name of their masters, which many changed after the war; and slaves within the South were not officially married by a minister so their marriages were based on common law principles with no legal documentation.³⁹ A low literacy rate could particularly explain why so few black soldiers applied for pensions after the war because of how intensive the process of application was. Low literacy rates within a community could also result in a lack of documentation of important events like deaths, marriages, and births. This is evidenced in Lucy Heyward's case documents for applying for her widow's pension.⁴⁰

³⁸ Peter Blanck and Chen Song, "Never Forget What They Did Here: Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America," *William & Mary L. Review*. 44 (2003): 1114, Accessed November 29, 2013, <http://scholarship.law.wm.edu/wmlr/vol44/iss3/5>. "the beneficial class of UA pension recipients was primarily white, native-born UA veterans residing in rural Republican strongholds...we find that inequality of access to and benefits from the UA pension system existed on the basis of disability type, ethnicity, and occupation, among other factors. We attribute much of this inequality to underlying partisan and discriminatory attitudes, independent of disability itself, that accounted for such a disadvantage."

³⁹ Larry M. Logue and Peter Blanck, "Benefit of the Doubt: African American Civil War Veterans and Pensions," *Journal of Interdisciplinary History* 38:3 [Winter, 2008]: 381, accessed November 29, 2013, <http://www.mitpressjournals.org/doi/pdf/10.1162/jinh.2008.38.3.377>.

⁴⁰ General Affidavit of Lucy Hayward, n.d., Pension File of Isaac Hayward (Company D 128th Regiment U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration), National Archives, Washington, D.C. "She is unable to get record evidence of the death of the former wives of soldier for the reason of their having been residents of a country place and on a plantation where records of such facts were never kept in slavery time... the only information obtainable is from those who knew those people as a part of the plantation

Other factors which could have contributed to low application rates could be that these men lacked sufficient evidence to prove that they had sustained an injury during the war, while others may not have known the procedures by which to apply for a pension. Also, given the strict nature of the working environment and labor contracts for blacks during the Reconstruction period and after, many men may not have had extra time from their occupations to apply for pensions during this period. Thus the lingering effects of slavery and racially motivated working laws of the South prevented many black soldiers from applying for their pensions when they needed them.

By 1890 when the Disability Law came into effect, many of these problems should have been alleviated. A soldier could receive their pension through proof of honorable service and proof of identity without the need to show signs of war related injury. The rise in education among African Americans would have simultaneously raised the literacy of African Americans, allowing them to be more capable of going through the pension process. Yet, despite the fact that the percentage of black applicants jumped from 19.7% to an astounding 93.6%, only 45.7% were awarded pensions. This number again is lower than the 72.5% of white soldiers awarded pensions.

What is even more astonishing about these figures is that twenty eight years after the general law began, when the disability law was enacted, there was an increased literacy rate amongst African American soldiers, and an increase in application for pensions by 74%. Yet, there was only a 6% increase in pensions awarded to African American veterans; whereas, the

folk. That they cannot remember exact dates being illiterate. That records of deaths, births and marriages are not kept even now (1903). That people die in the country places and are buried without ceremony unless the death is under suspicious circumstances.”

percentage of white veteran applicants receiving pensions remained virtually the same. This disparagement between percentages of pensions awarded despite the change in accessibility reveals that there were in fact discriminatory practices within the Pension Bureau system. This inequality can be further demonstrated by examining the cases of some of the black Civil War soldiers from the South, some of whom fought along-side Harriett Tubman during her Combahee River raid.

Research Methodology and Findings

The research methodology used for this paper was the Historical Research process of document review. The sample for this study consisted of fifteen Civil War era pension cases (which included over 900 pension documents) from the National Archives; along with three Civil War era pension cases (which included 67 files) from <http://www.fold3.com>. The fifteen cases from the National Archives consisted of soldiers who were recruited from the South, and participated in the Combahee river raid with Harriet Tubman. The three cases from <http://www.fold3.com>, were members of the famous 54th Massachusetts who attacked Fort Wagner. Appendix A provides an example of these primary source documents, which were examined over a period of three months and resulted in a spread sheet which delineated the following information from these cases and files:

- Name of soldier
- Place enlisted
- Date enlisted
- Date discharged

- Military standing upon discharge
- Rank
- Company
- Occupation before military service
- Name of Soldier's spouse
- Claimant for pension
- Reason for acquiring pension
- Details for acquiring pension
- Medical opinions and statements
- Death information
- Other relevant information

Review of the cases revealed that not all of them contained enough files to extract the before listed information, or reach a conclusion about the outcome of their case. As a result, the spread sheet deals with ten individuals and their families, whose cases contained enough evidence to make conclusive determinations from their files. Results from examining these cases and files revealed that the process of applying and receiving pensions for African American civil war veterans and their spouses or parents was indeed fraught with complications, barriers, and discrimination. To demonstrate these issues, consider the following two cases which have been included in this paper as examples.

The name of the first African American soldier is Simon Washington. Simon Washington enlisted in Beaufort South Carolina on March 1, 1865. He was a private in Company G, the 34th Regiment U.S.C Vol. Infantry. He sustained a bayonet wound to his left leg from a fellow soldier after an accident while marching. After going to the hospital surgeon Dr. Clay, he continued his service until he was discharged without incident on February 28, 1866. This wound proceeded to bother him by flaring up intermittently throughout the rest of his life, preventing him from

working, or hampering him from laboring at full strength when he could work.⁴¹ Despite this handicap, Washington did not apply for a pension until February 27, 1892.

During his process of application for pension, affidavit testimony was presented by soldiers from his company who either corroborated his story, or testified to possessing a lack of knowledge of the incident. Also, testimony was provided about Washington's difficulty to work consistently due to his leg injury. Yet, despite these eye witness accounts, the examining physicians for the Pension Bureau claimed that the injury was due to syphilis and not a bayonet wound. They also ruled that the injury itself was not highly cumbersome in regards to Washington's everyday life. Their assessment of it based usually ranged between 4/18 and 8/18, based on their injury/disability rating system.⁴² Originally the numbers of the rating system were supposed to be based on the applicant's level of disability. Yet, many times this system was instead based on the physician's opinion of what the applicant deserved.⁴³

⁴¹ Neighbor's Affidavit, n.d., affidavit of Simon Washington, n.d., Pension File of Simon Washington (Company G 34th Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration) National Archives, Washington, D.C. "They are farmers and near neighbors of the claimant Simon Washington and have worked with him since 1866 and 1880 respectively...have known him to be continuously complaining that he was suffering from pain caused we verily believe from a wound in his left leg... they have known him to be incapacitated for work half of the time; he is only able to earn about fifty cents per day when he can work."

⁴² Peter Blanck and Chen Song, "Never Forget What They Did Here": Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America," *44 Wm. & Mary L. Rev.*, (2003): 1117, <http://scholarship.law.wm.edu/wmlr/vol44/iss3/5>. "The examining surgeon's ratings of the claimant's degree of "total disability" determined its severity... Under the General Law, an army private in 1862 received a maximum of \$8 per month for being rated as "totally disabled" A veteran whose disability was rated less than "total" received a proportion of that \$8. The system defined fractional rates of total disability for diseases or conditions; for instance, a war-related lost finger or small toe was compensated by a prescribed rating of 2/8 totally disabled, with a corresponding pension allotment of \$2 per month."

⁴³ Peter Blanck and Chen Song, "Never Forget What They Did Here": Civil War Pensions for Gettysburg Union Army Veterans and Disability in Nineteenth-Century America," (1147). "There are evidences based on previous studies that the examining surgeons of the Pension bureau made assessments based on personal prejudices and concepts of deservedness. "Increased access to the pension scheme for Gettysburg participants also could result from the preferential attitudes and practices of the Pension Bureau or its administrators and examining surgeons"... What might be the reasons for such preferential, or conversely discriminatory, attitudes? The prominent view of the period was the perceived "moral worthiness" of UA veterans for pensions."

Between 1891 and 1904, Washington was examined by physicians appointed by the bureau seven times; yet, it was not until the seventh examination on September 7, 1904 that the examiners wrote on the Surgeon's certificate, "Surgeon's certificate Sept 7, 1904: "a careful examination of the genitals reveal no evidences of venereal disease."⁴⁴ They then subsequently declared that Washington's disability was due partially to his leg wound, but primarily to his varicose veins and rheumatism and granted him \$8 per month.

This \$8 per month was very helpful to Simon Washington's well-being, but his own testimony, the testimony of his neighbors and other farmers claim that Washington in fact was incapacitated half of the time because of this disability. Thus, according to a law enacted by Congress from June 4, 1872 and onward, soldiers who possessed injuries which incapacitated them from performing manual labor should have received \$24 per month. Since Washington was not totally incapacitated, half of this rate would still be an acceptable amount; yet, despite the fact that examiners recommended that Washington was entitled to \$12 per month on December 16, 1908, Washington did not begin receiving his rightfully deserved \$12 per month because of his disabilities until March 17, 1910. In the end, it took Washington eighteen years to acquire his pension, not including the thirty years before that, where Washington did not apply.

Over the course of Simon and Rachel Washington's time together, they had eleven children.⁴⁵ The combination of providing food, shelter, and clothing for eleven children while

⁴⁴ Surgeon's Certificate, n.d., (Pension claim No. 698606), Pension File of Simon Washington (Company G 34th Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration), National Archives, Washington, D.C.

⁴⁵ Deposition A pg. 5, n.d., Case of Rachel Washington, (Case No. 938218), Pension File of Simon Washington (Company G 34th Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration), National Archives, Washington, D.C.

avoiding the loss of his job due to the debilitating nature of his leg wound would have proved very burdensome for Simon Washington. Receiving a pension during the thirty year period between the war and his first application would not have alleviated all of his problems, but it definitely would have improved the living conditions and prosperity of Washington and his family. Yet, the residual effects of slavery, and obstacles created within the Pension Bureau system for blacks, strongly contributed to the factors which delayed his application process from beginning until 1892.

Another point of issue of the Pension system was the difficulty it created for the widows and mothers of African American soldiers to gain access to its assistance. In slavery, African Americans were not allowed to officially be married. Thus, if a widow desired to apply for the pension of her husband who fought in the war, she would not be able to furnish a marriage certificate as evidence of their marriage. Officially this problem was solved by Section fourteen of the Pension Act passed on June 18, 1866.⁴⁶ This Act allowed for the habitual cohabitation of the couple and testimony from credible witnesses to serve as sufficient evidence of the couple's marriage. This recognition however proved troublesome in cases of divorce, separation and remarriage.

⁴⁶ Drbronsontours, "Understanding Civil War Pensions," Accessed November 25, 2013, <http://drbronsontours.com/pensionafricanamericanbountiesandpayarrearsandspecificstatutereferences.html>. "Sec.14. And be it further enacted, That the fourteenth section of an act entitled "An act supplementary to an act entitled 'An act to grant pensions,' approved July fourteenth, eighteen hundred and sixty-two," approved July fourth, eighteen hundred and sixty-four, be, and the same is hereby, repealed, and that the widows and children of colored soldiers and sailors who have been or may be hereafter killed, or who have died or may hereafter die of wounds received or of disease contracted in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pensions, bounty, and back pay provided by law, without other evidence of marriage than proof, satisfactory to the Commissioner of Pensions, that the parties had habitually recognized each other as man and wife, and lived together as such; and the children born of any marriage so proved shall be deemed and taken to be the children of the soldier or sailor party thereto."

For example, Lucy Hayward applied for the widow's pension of her husband Isaac Hayward. Lucy was officially married to Isaac on July 15, 1883. Lucy also possessed witness affidavits testifying that her marriage to Isaac was legal.⁴⁷ A problem within her case was that a man by the name of Lan Washington claimed to be her lawful husband as well. In spite of this claim however, Washington admitted that they were never legally married.⁴⁸ Also, Washington remarried after Lucy Hayward married Isaac Hayward. In a court of law, when met with the outside witness testimony and a marriage certificate, this claim should have been rendered insufficient, yet it was instead used to deny Lucy Hayward her pension.⁴⁹ With no formal government document binding them, why would Lucy Hayward be required to foster an official divorce from Lan Washington? In the particular case of Lucy Hayward, it is difficult to prove that the motives of the Pension Bureau in making their decision were guided by discriminatory attitudes, but one can come to the conclusion that the case is unfair to the widow Lucy Hayward, who supplied the necessary documentation to be awarded a pension.

In the end, the discrimination faced by African American soldiers and their families was an unfair product of the rampant racial prejudice which was embedded in America in the nineteenth and twentieth centuries. The strength of this adversary was too great to be toppled

⁴⁷ General Affidavit of Ellen Ladson, n.d., affidavit of Lucy Hayward, n.d., Pension File of Isaac Hayward (Company D 128th U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration) National Archives, Washington, D.C. Intimately acquainted with Claimant Lucy Hayward and her late Husband Isaac Hayward...Affiant was present at the marriage between her and Isaac Hayward...about twenty one years ago...both claimant and her husband lived and cohabitated together up to the time of his death."

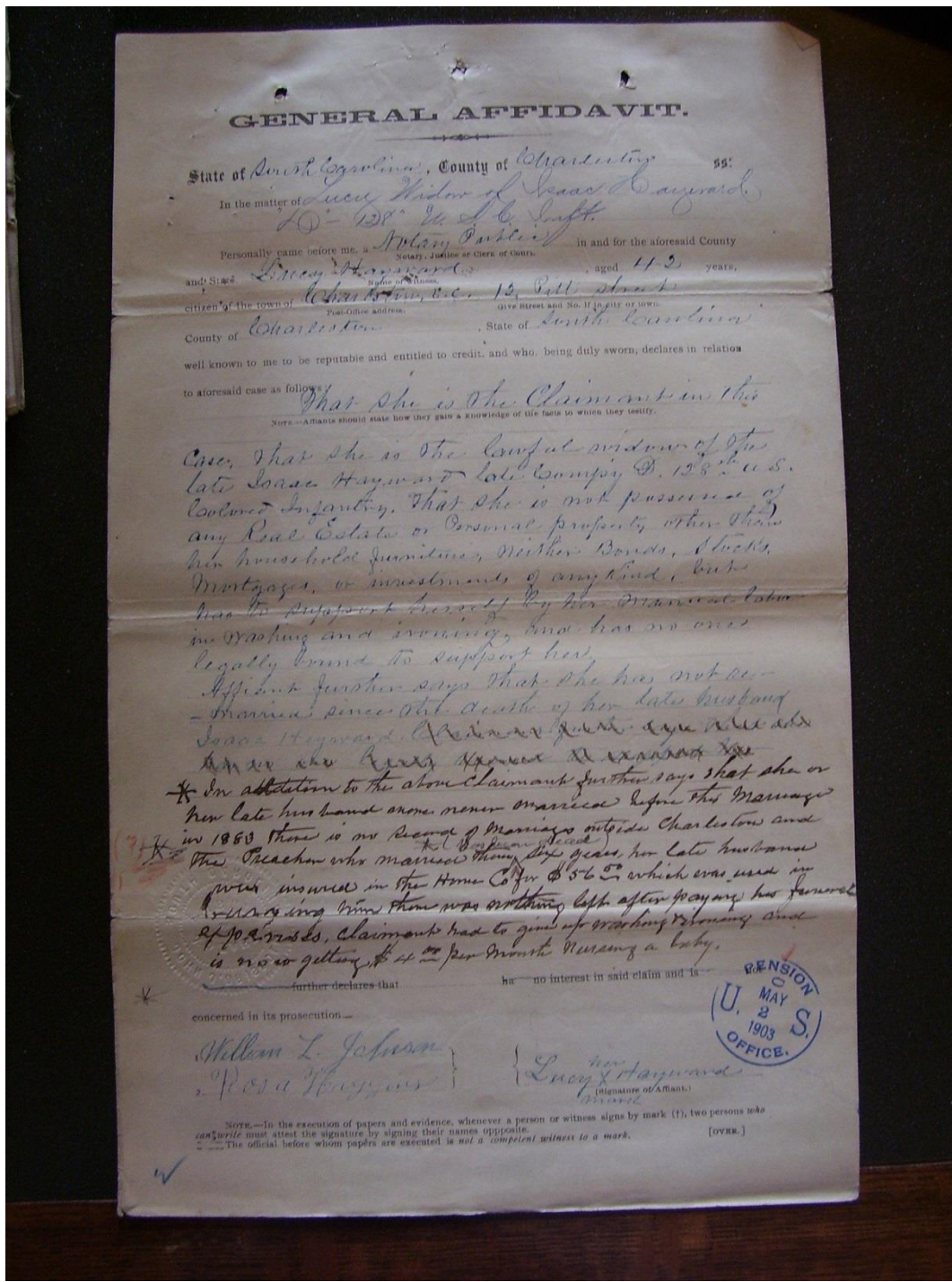
⁴⁸ Deposition of Lan Washington, n.d., case of Lucy Hayward, n.d., Pension File of Isaac Hayward (Company D 128th U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration). "We were not married by a preacher. I just asked her mother to give her to me for a wife and she did so...lived with me for four or five years...We were together until I got in trouble and was sent to prison."

⁴⁹ Widow's Pension, n.d., case of Lucy Hayward, n.d., Pension File of Isaac Hayward (Company D 128th U.S. Colored Infantry), Federal Military Pension Applications (RG 15: Records of the Veterans Administration) National Archives, Washington D.C. "Approved for rejection on ground that claimant is not the legal widow of soldier as she had a husband living at date of her marriage... said husband is still living and undivorced."

with the Civil War, or Reconstruction; however, the perseverance of African Americans to fight for what their country owed them, changed the social and political dynamics of the country. Thus, even though blacks did not experience all of the freedoms they were due during Reconstruction, and even though many black veterans were mistreated by the military pension system, their struggles within this era laid the groundwork towards an America which provides equality and justice for all of its citizens.

Appendix A

Example of Primary Source Document



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