

“UNDER THE REBEL LASH”: BLACK PRISONERS OF WAR IN THE CONFEDERATE
SOUTH

Caroline Wood Newhall

A dissertation submitted to the faculty at the University of North Carolina at Chapel Hill in
partial fulfillment of the requirements for the degree of Doctor of Philosophy in the
Department of History in the College of Arts and Sciences.

Chapel Hill
2020

Approved By:

W. Fitzhugh Brundage

Joseph T. Glatthaar

William Barney

Caroline E. Janney

Thavolia Glymph

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ABSTRACT

Caroline Wood Newhall: "Under The Rebel Lash": Black Prisoners Of War In The
Confederate South
(Under the direction of W. Fitzhugh Brundage)

From 1862 to 1865, the Confederate military and private citizens enslaved captured Black US soldiers by various means rather than treating them as legitimate combatants. Confederates saw Black soldiers as slaves, and treated Black POWs as reclaimed property and as a labor corps subject to the demands of military necessity under the laws of war. Black POWs were therefore relatively mobile and usually labored outside of prison walls, beyond the sight of US officials and White POWs. Black POWs could be (and were) sold, reclaimed by former enslavers, and used as laborers on military works, in hospitals, and in prisons. Black POWs' carceral experiences therefore centered upon their labor rather than their close confinement. Black POWs, navigated these diverse forms of captivity using survival strategies employed by American enslaved people over several generations, such as building personal relationships with one another and Whites, using their particular skills while forced to labor, and escape. Their first person testimony, found in hundreds of military pensions, is vital to making sense of their survival and direct action during the war.

For Garrett

ACKNOWLEDGMENTS

It takes a village to write a dissertation. I could not have gotten to this point without the time, support, and consideration provided by dozens of people who helped me to turn the seedling of an idea into a fully-realized work. There are so many people who have touched my life and helped me and the creation of this dissertation in some way, and I will do my best to convey my thanks to all of them.

The origin of this work lies in my undergraduate senior thesis and the encouragement of my advisor, Dr. J. Ronald Spencer of Trinity College. I would never have considered graduate school had he not nurtured my love of historical research and writing towards a thesis project that continued to stick with me after college. Not only did he inspire me to reach for the stars and pursue a career in history, he was a major reason for my decision to attend Trinity College when we first met during my junior year of high school. I still remember driving home late in the afternoon after our chat over coffee feeling as if a puzzle piece had fallen into place, and for that I am eternally thankful.

I received several generous grants and fellowships from various sources at the University of North Carolina at Chapel Hill that made my several years of research possible. First, I would like to thank the Institute of African American Research and its staff at the University of North Carolina at Chapel Hill, particularly Amatullah Shahida King, for their generous support towards conducting my research through the IAAR Summer Research Grant. The opportunity to present my research process, progress, and findings as part of the

Brown Bag Lunch Seminars helped shape my approach to presenting research that I have carried forward to this day.

I would also like to thank the Graduate School at UNC Chapel Hill and Dr. Charles V. Stewart for their generosity, which funded a full summer at the National Archives through the Cynthia Francisco Stewart Summer Research Fellowship. I thank Charles not only for his continued interest in my work and career, but his kind support and encouragement since our first cup of coffee together. I look forward to many more!

Thank you so much to the staff at the Center for the Study of the American South, as well as Patrick Horn and Malinda Maynor Lowery. They generously provided me with a summer research grant that enabled me to finish my research, as well as the McColl Dissertation Year Fellowship. I was able to not only conduct significant work on my dissertation through this opportunity, but to make lasting connections with other fellows at the Center who are changing the world, and to advance my career by attending several significant conferences and symposia. The Talk About the South program provided me with an opportunity to present my research at an advanced stage to an audience with diverse interests, knowledge, and expertise for which I will be forever grateful.

Thank you to the wonderful team at the John L. Nau III Center for Civil War History at the University of Virginia for their support through a short-term fellowship. Will Kurtz generously provided me with access to holdings such as Roger Pickenpaugh's papers to support my research at the Albert and Shirley Small Special Collections Library, and I greatly enjoyed our many chats and joint research into Black POWs of Virginia. I also want to thank the staff at the Special Collections library, especially Regina, Anne, and Molly, who provided ample help and guidance as I made my way through dozens of files each day.

Bryan Cheeseboro at the National Archives and Records Administration deserves special thanks. I met Bryan during one of my initial research trips to Washington, D.C., and his interest in my research sparked many long conversations filled with his invaluable insights and perspective. I always look forward to our lunches. Furthermore, his help in navigating the complexities of pulling pension files at NARA was life-saving! He and the other archivists made this work possible. I could not have accomplished the amount of research I was ultimately able to without them. Archivists are superheroes. Which leads me to thank Nicholas Graham and Cecelia Moore. The work I conducted under them for the UNC Task Force on History shaped my outlook on research, public outreach, and teaching, and I had great fun working with them. My involvement in the Universities Studying Slavery initiative thanks to Cecelia will continue to shape my work for the rest of my life.

The UNC History Department faculty and staff deserve countless thanks for all of the support and training that had an inestimable influence on my evolution as a scholar, teacher, and person. Sharon and Jennifer, you are lifesavers! We could not function without you!

To my advisor, W. Fitzhugh Brundage, and to my committee members Joseph Glatthaar, William Barney, Caroline Janney, and Thavolia Glymph, thank you. Thank you so much. I wish I had the words to fully convey the depths of my awe and gratitude at having the opportunity to work with you, learn from you, and get to know you. It has been an honor and a pleasure, and I cannot believe how lucky I am to have been able to grow as a historian and a person under your guidance. I still remember the day I found out I had been accepted to UNC. I was jumping for joy while sobbing hysterically in the middle of a busy New York City street. I could not imagine that my journey would take the shape it has, but I think I would have cried harder and jumped higher had I known that I would get to work with you

all, and what an incredible experience it would be.

To my friends who have stuck with me and are patient enough to let me disappear for months on end only to start back up right where we left off, I thank you for everything. I value you more than you know. Aubrey and Steve, your friendship means the world to me. Words cannot express how grateful I am to have you in my life. Your generosity, creativity, and hilarity kept me going. I will miss our game nights and escape room escapades. I am so proud of you and cannot wait to start the next chapter of our lives. Maddie, you have been one of the few constants in my life. You know exactly how I feel. I have always been in awe of you and your bravery, tenacity, and good humor through everything. My life is a series of sense memories tied to our friendship, whether it is Mario Kart on a sunny fall Saturday, sushi and zombie movies, or talking into the early hours of the morning by a campfire. You are my sister, and I love you to the moon and back.

To my family, thank you, thank you, thank you. I still do not know what I did in a previous life to be so lucky in this one. I am so thankful for the constant support, the love, the pep talks, the shoulders to cry on, and the rocks that you have been in my life no matter what. Thank you so much for being patient and understanding when I spent vacations and visits buried in work. I did not expect this to be the path I chose, and it has been a rough path to take, but you helped make it bearable and possible. Mom, Dad, Sarah, Elliot, Hazel, and Laila, I love you all so much. From you I learned how to love history, to never stop being curious and hungry for knowledge, to tell a good story, to be patient, and to laugh. Thank you!

To Garrett's family, I love you all, and thank you a million times for welcoming me with open arms and being the second family I dreamed of and hoped for.

Lastly, to my beebees, thank you. Bean, you cannot read or understand words other than “treats!” but thank you for the emotional uplift and pure joy that you bring, you fluffernutter. Garrett, no matter what happens or where life takes us, I walk with you. I cannot thank you enough for the joy and fun that is our life together. Trust is hard to find in this game, and I trust you wholeheartedly. You are my best friend, my family, and my fire.

I have made many mistakes along the way in learning how to tell the stories of people so different from myself, and the patience with which people have guided me with their critiques and feedback has often been more generous than I perhaps deserved. I am constantly learning from so many different people as a historian, and for that I am humbled and inestimably grateful. Thank you for pushing me to be better, to do better, and to be the change I wish to see in the world.

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LIST OF ABBREVIATIONS

CMSR	Compiled Military Service Records
MSHWR	Medical and Surgical History of the War of the Rebellion
OR	Official Records of the Union and Confederate Armies
POW	Prisoner of War
USCT	United States Colored Troops
USCI	United States Colored Infantry
USCHA	United States Colored Heavy Artillery
USCLA	United States Colored Light Infantry
USCC	United States Colored Cavalry

INTRODUCTION

“Gilbert Adams, colored...came up to Easton a few days ago to pay his taxes. He is a thrifty property-owner and a good citizen. An incident in his life is worthy of note from its singularity, and it is probably the only incident of the kind that ever occurred.” - Baltimore Sun, March 25, 1893

“This is perhaps the only instance during the war where a man wearing the federal uniform was sold at public sale.” - Baltimore Sun, October 24, 1896

In 1893, the *Baltimore Sun* related a seemingly unique story about a Black Civil War POW.¹ Thirty years removed from the events described, the article transformed a horrific wartime journey into a romantic and nostalgic portrayal of one enslaved man’s continued loyalty to (and appreciation for) his former enslaver (fig. 1.1). The article gave a brief account of the Confederates’ imprisonment and sale of a Black soldier named Gilbert Adams during the Civil War. According to the *Sun*, Adams “either volunteered or was drafted into the Federal army in the war between the states.” Confederates captured Adams in “one of the battles,” made him a prisoner, and placed him in Libby prison in Richmond. While incarcerated there, Adams recognized Tench F. Tilghman III, the son of his former enslaver and who was “connected with the quartermaster’s department” in the city. While walking through Libby on business, Tilghman “was seen and recognized by his father’s slave.” Adams, according to the article, “implored” Tilghman “in the most pathetic language” to get

¹ I capitalize both “Black” and “White” throughout this work. For a discussion of this stylistic choice, see Ann Thúy Nguyễn and Maya Pendleton, “Recognizing Race in Language: Why We Capitalize ‘Black’ and ‘White,’” Center for the Study of Social Policy, <https://cssp.org/2020/03/recognizing-race-in-language-why-we-capitalize-black-and-white/>. Accessed March 31, 2020.

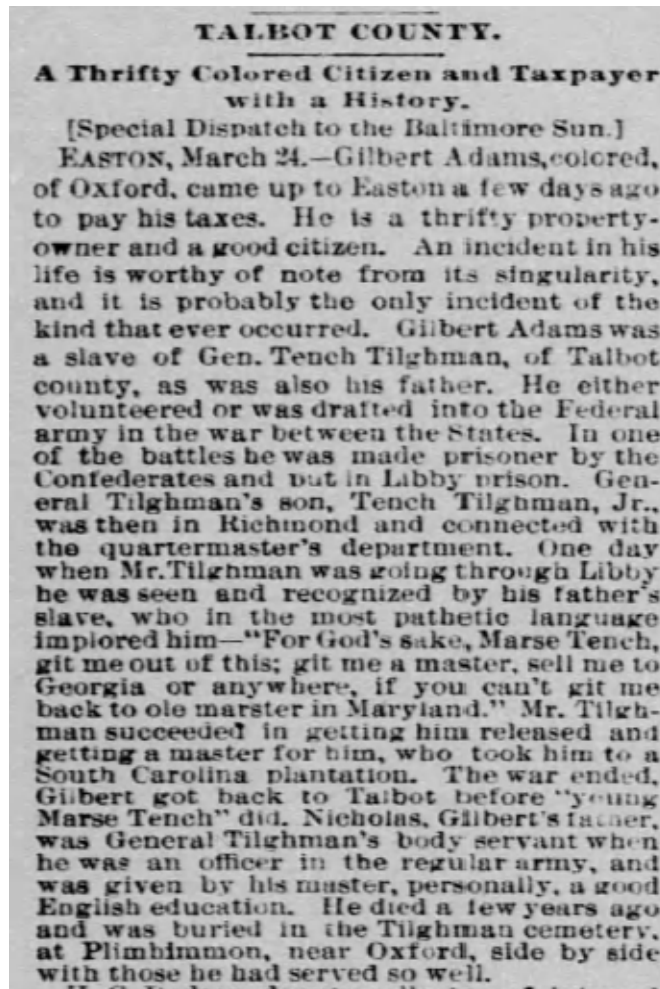


Figure 1.1. Article on Gilbert Adams from the *Baltimore Sun*, dated March 25, 1893.

back to ole marster in Maryland." Tilghman, the story went, complied with Adams's request, and sold him to a new enslaver who owned a plantation in South Carolina. Despite this sale, Adams managed to return home to his Nicholas Adams, Adams's father, had been a body servant to General Tench Tilghman II during the latter's army service, "and was given by his master, personally, a good English education." Nicholas Adams was buried "in the Tilghman

cemetery...side by side with those he had served so well.”² There the story ended, with no more detail on Gilbert Adams, his captivity, or his postwar life.

It is not clear who wrote this story or why the *Sun* ran it. The article was a “Special Dispatch,” suggesting that Adams’s arrival in Easton to pay his taxes was something of an event, and an example of a notable ex-slave who had succeeded in his life after emancipation. Adams likely merited mention because his former enslaver was a prominent Marylander and the son of Revolutionary War soldier (and Gen. George Washington’s aide-de-camp), Gen. Tench Tilghman. Perhaps Adams and his war stories were well-known to the citizens of Easton, and had become a bit of local folklore. The paper noted that Adams was “a thrifty property owner and a good citizen,” and that the story of his sale from a Confederate prison during the Civil War was “probably the only incident of the kind that ever occurred.” The *Sun*, however, was patently wrong on this point.

Private Gilbert Adams, 7th United States Colored Infantry (USCI), enlisted in the US Army at the approximate age of 19.³ Pvt. Adams served in the 7th USCI until he was wounded while charging on Fort Gilmer in September 1864 during several coordinated attacks on Confederate fortifications ringing Richmond. He was shot in the left knee and right thigh. Confederate soldiers picked him up and at some point sent Adams to Libby

² “A Thrifty Colored Citizen and Taxpayer with a History,” *The Baltimore Sun*, March 25, 1893, <https://www.newspapers.com> (accessed July 7, 2017). All images of articles are courtesy of Newspapers.com unless otherwise specified, and each newspaper cited was accessed from October 2016 onward.

³ Gilbert Adams, Compiled Military Service Records, Seventh United States Colored Infantry, M1820, Records of the Adjutant General’s Office, Record Group 94, National Archives and Records Administration, Washington, D.C., accessed via Fold3.com (hereafter cited as CMSR). The USCT service records are all currently available online as digitized microfilm on Fold3.com, and are sorted by regiment and the first letter of every soldier’s last name. I accessed each POW’s service record using Fold3.com from June 2015 onward. It is unclear whether Pvt. Adams secured permission to join the military from Gen. Tilghman. Tilghman does not appear to have been compensated for the loss of Adams’s labor by the US; since his son had joined the Confederate war effort, perhaps Tilghman was not considered to be a loyal Unionist slaveholder, and Adams joined the US military without his permission.

prison in Richmond. He was taken to the city along with 96 other Black soldiers captured from the 7th. Adams remained in a Richmond hospital for several months while his wounds healed, whereas most of his fellow Black prisoners were transferred to other prisons farther south.⁴ Confederates sold at least three other men from the 7th USCI from the confines of Libby and Castle Thunder prisons to new enslavers. Records show that Confederates also sold several men from the 19th, 23rd, and 46th USCI from Richmond military prisons.⁵ Adams's capture was not unique, nor was his alleged sale.

The romanticized anecdote of Adams's sale resurfaced once again in 1896, this time with substantive changes to the story and several liberties taken with the details (fig. 1.2). First, the paper claimed that Adams had died several years prior, though he was still alive (and would live until 1931). The *Sun* now stated that "Gilbert always claimed he was forced into the army," for Tilghman was a "good master" and Adams had been a "faithful and satisfied" servant. When Adams cried out to young Tench Tilghman in this retelling, his dialect was far more exaggerated: "'O, Mas' Tench, Mas' Tench, fo' Gawd's sake come here!'" He told Tilghman that he had been captured "fightin' in de crater fo' Petersburg."

⁴ Case Files of Approved Veterans Who Served in the Army and Navy in the Civil War and the War with Spain, 1861-1934, Records of the Veterans Administration, Record Group 15, National Archives and Records Administration, Washington D.C., Soldier's Certificate 193.375, Private Gilbert Adams, Co. D, 7th United States Colored Infantry (USCI). Hereafter referred to as "Gilbert Adams." Pension files will be initially cited as "SC" or "SA" (meaning the certificate number or application number, depending on whether a veterans successfully secured a pension), followed by "Rank, Soldier's Name, Company, Regiment."

⁵ CMSR. The other Black POWs known to have been sold by the military to private buyers include Corporal George Matthews, Co. K, and Pvt. Richard Johnson, Co. C, of the 7th USCI; Pvts. Mildy Finnick, Co. K, Alfred Carter, Co. K, and Edward Jackson, Co. G, 19th USCI; Pvts. Charles Dice, Co. C, and Robert Banks, Co. G, 23rd USCI; and Pvt. Daniel Robinson aka Govan, Co. E, 46th USCI.

SOLD IN HIS UNIFORM.

How a Colored Soldier Was Taken from Libby Prison.

[Special Dispatch to the Baltimore Sun.]

EASTON, MD., Oct. 23.—Charles Adams, colored, a Washington city caterer of some reputation, is from Talbot county and is down here now on a visit. He had a brother named Gilbert Adams, who died a few years ago and who was a Federal soldier a brief period of the war. Gilbert always claimed that he was forced into the army. They were the slaves of Gen. Tench Tilghman, of Pimblimmon—had a good master and were faithful and satisfied servants. General Tilghman's son, Tench Francis Tilghman, went South from Talbot county during the progress of the war and was stationed in Richmond.

One day while walking through Libby prison he heard a voice calling out: "O, Mas' Tench, Mas' Tench, fo' Gawd's sake come here!" Mr. Tilghman turned and saw his father's servant, Gilbert Adams, wearing a Federal uniform and a prisoner in Libby. He capered with joy when he saw the son of his old master, and evidently thought his troubles were over. He claimed he had been forced into the service. Mr. Tilghman asked him where he was made prisoner. "A fightin' in de crater fo' Petersburg," said Gilbert, with a shudder. "O, Mas' Tench, take me out o' dis. Sell me to Georgy, Mas' Tench, and lemme work in de cotton fields; I done smell powder nuff. Don't want to hear no mo' guns nor see no mo' sojers. Git Gilbert out o' dis trouble; do, honey!"

The man was sincere. Mr. Tilghman went to work to get the necessary permission to carry out Gilbert's request. It was an unprecedented piece of business, but finally the order was passed and the papers signed and Gilbert was brought out from prison with his United States uniform on and sold at public auction to a man "from Georgy." The war ended not long afterward. Mr. Tilghman returned to Talbot as soon as he could. One of the first to greet him after his return home was Gilbert Adams, who got back to Talbot before his "Mas' Tench" did.

This is perhaps the only instance during the war where a man wearing the Federal uniform was sold at public sale.

Figure 1.2. Second article on Gilbert Adams, *Baltimore Sun*, dated October 24, 1896.

The paper then related how Adams begged to be sold down into "Georgy" to work in the cotton fields, for he did not "want to hear no mo' guns nor see no mo' sojers." In an apparent appeal to Tilghman for aid, Adams cried out "Git Gilbert out o' dis trouble; do, honey!" In this telling, Tilghman sold Adams "with his United States uniform on...at public

auction” to a man from Georgia, just as Adams had begged. The paper again stated that “this is perhaps the only instance during the war where a man wearing the Federal uniform was sold at public sale.” The 1896 version of the story was picked up by newspapers throughout the US, from New York to Los Angeles, and ran, verbatim, several times until 1898.⁶

These *Baltimore Sun* articles reflected the disappearance of Black prisoners of war (POWs) from the public memories and narratives of the Civil War. More than 2,270 Black soldiers from 44 USCT regiments (as well as several in the US Navy) became captives of the Confederate military, and experienced a variety of captivities ranging from imprisonment to private enslavement to sale.⁷ Many died, yet many also survived. Removed from the reach of the US armies and subjected to Confederate interpretations of the laws of war, captured Black soldiers straddled a precarious situation in which their status as soldiers, prisoners, and men depended in large part upon the context of their capture and the personalities of their captors.

The Confederate government failed to clearly define the status and proper ownership of captured Black soldiers, and often left the issue up to the discretion of individual department commanders and state officials. Black war captives, most of whom Confederates enslaved, were subjected to the requirements of military necessity.⁸ Black soldiers became

⁶ “Sold in His Uniform, How a Colored Soldier Was Taken from Libby Prison,” *The Baltimore Sun*, October 24, 1896.

⁷ I arrived at this total after combing through the individual service records for every soldier in selected regiments of the USCT, as well as looking through official correspondence contained in the *Official Records of the Union and Confederate Armies*. See the Appendix for further discussion of data on Black POWs and their survival rates.

⁸ United States, *General Orders, No. 100, War Department, Adjutant General's Office, Washington, March 15, 1864* (Washington, D.C.: s.n., 1864); “Military necessity” is a broad term that means armed forces can do whatever is necessary to achieve legitimate military objectives in warfare. President Abraham Lincoln’s Emancipation Proclamation is a famous example of using war powers to justify emancipation in the secession states as a tactic for achieving military objectives. For discussions of the Emancipation Proclamation as a use of military necessity, see Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern*

reclaimed property to which the Confederate government, soldiers, and private citizens could lay claim. As many as 250 Black POWs may have been reclaimed by their former enslavers, while prison commandants, commissary officers, and quartermasters sold several Black POWs, including Adams's comrade, Pvt. Richard Johnson, 7th USCI, to new enslavers.⁹ The various phrases used to refer to captive Black soldiers resulted in their almost total disappearance from public view, even while the majority of these men survived captivity to become free men once more. Usually called "negroes in Yankee uniforms," "captured negroes," "negro prisoners," and "slaves," men like Gilbert Adams disappeared into the Confederate landscape.¹⁰ In the end, the majority of Black POWs remained in military custody to be used as enslaved labor, and the Confederate government did not clarify whether these men were ultimately owned by the government, military, or private citizens. To understand Adams's wartime captivity and enslavement (and that of his fellow Black POWs) therefore requires an evaluation of American slavery as it existed and evolved in the Confederate states during the war.

Black POWs' wartime experiences were defined by both violence and restraint. Black soldiers' presence in the Civil War complicated and confounded Whites' notions of proper

Civilians (New York: Cambridge University Press, 1995), 120-144; and Paul D. Escott, *Military Necessity: Civil-Military Relations in the Confederacy* (Westport, Conn: Praeger Security International, 2006), xiv.

⁹ CMSR; SC 1.144.901, Pvt. Richard Johnson, Co. C, 7th USCI.

¹⁰ I call Black men captured in arms and in US uniforms "POWs" because they were legitimate, regular soldiers bearing the uniform of a sovereign nation. For those Black captives whose status as combatants is in some doubt, I avoid using the term "POW." For examples of typical euphemisms to which Black POWs were referred, see "By Telegraph," *Weekly Advertiser*, December 10, 1862; "Captured Negroes," *Richmond Dispatch* (Richmond, Virginia), August 27, 1864; James Ford Rhodes, *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877: 1864-1866* (Columbus: The Ohio State University Press, 1912), 510. Most references to Black POWs in the *Official Records* are listed in the indexes as "Negroes, Captured in arms," and as "Negroes, Prisoners." See *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C., 1880-1899), Series 2, Volume 7, 1343 (hereafter referred to as *OR* and cited as *OR: Series: Volume(Part): Page Numbers*), for examples of this terminology.

conduct in warfare, yet the strong feelings Black combatants inspired did not simply lead to their massacre. Historians have rightly emphasized Black soldiers' high mortality rates in battles and the many atrocities committed by Confederates, and have acknowledged the practice of enslaving Black POWs.¹¹ Scholars still lack a full picture of Black captivity, however, especially due to the often informal carceral practices used for holding Black POWs captive. A reckoning of the number of Black soldiers who fell into Confederate hands has not been successfully undertaken.¹² Several recent scholarly works, however, have presented compelling evidence of Black POWs' survival after capture. With few written records to follow beyond brief mentions in the *Official Records* from the war, however, and emphasis placed upon particular battles, prisons, and regions, scholars posit that Black POWs overwhelmingly died in captivity as part of intentional racial violence at the hands of vengeful southern Whites. Black POWs therefore must have been relatively few in number

¹¹ A selection of the best works on this subject include Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York: Free Press, 1990); Bryce Suderow, "The Battle of the Crater: The Civil War's Worst Massacre," *Civil War History*, Vol. 43, No. 3 (1997), 219-24; Noah Andre Trudeau, *Like Men of War: Black Troops in the Civil War* (Edison: Castle Books, 1998); Gregory J.W. Urwin, ed., *Black Flag Over Dixie: Racial Atrocities and Reprisals in the Civil War* (Carbondale, Southern Illinois University Press, 2004); George Burkhardt, *Confederate Rage, Yankee Wrath: No Quarter in the Civil War* (Carbondale: Southern Illinois University Press, 2007); William A. Dobak, *Freedom by the Sword: The U.S. Colored Troops, 1862-1867* (New York: Skyhorse Publishers, 2013); Linda Barnickel, *Milliken's Bend: A Civil War Battle in History and Memory* (Baton Rouge: Louisiana State University Press, 2013). These historians have written impressively detailed works on the USCT in the field of battle and the moment of capture.

¹² Thus far, the most extensive and accurate undertakings to enumerate the Black POWs in Confederate captivity include Lonnie Speer, *Portals to Hell: Military Prisons of the Civil War* (Mechanicsburg: Stackpole Books, 1997), 107-18; and Bob O'Connor, *U.S. Colored Troops Prisoners of War* (this work is unavailable in print except through purchase on the author's website at <https://boboconnorbooks.com>). Speer's work asserts that the number of Black POWs who reached Confederate prisons is approximately 800, with many hundreds more who never reached prisons at all, largely due to massacres and atrocities. Some of the numbers Speer provides are inaccurate, however, and he emphasizes atrocities rather than captivity. O'Connor states he identified 2,600 Black POWs using the CMSR, a finding that is closely reflected by my own data (see Appendix). Recently, the National Bureau of Economic Research has undertaken the digital Union Army Data project, which compiled data on 15,000 men in the USCT using the CMSR and other pertinent records. Only 2 of these 15,000 are identified as POWs. A detailed dive into the USCT data based upon questions regarding regional characteristics, passage of time, and connections to the antebellum and postwar is much-needed, and a better understanding of Black soldiers' full experiences in captivity is vital to such a project. See Dora L Costa, Robert W. Fogel, Louis Cain, Sok Chul Hong, Sven Wilson, Louis Nguyen, Joseph Burton, and Noelle Yetter, *The Aging of US Colored Troops* (Chicago: Center for Population Economics, University of Chicago Booth School of Business, and The National Bureau of Economic Research, 2015).

because wrathful Confederates executed the majority of them soon after capture. According to this narrative, only several hundred survivors lived to enter military prisons or be enslaved, and they survived largely due to chance, confusion over policy, and concerns over US retaliation.¹³ Black POWs' survival, the argument goes, was "contrary to normal practice" and likely the result of external pressures (such as fear of Union retaliation and losing international support) rather than a consistent strategy.¹⁴

The Confederate military treated Black POWs as *recovered property*, and enslaved the majority of the more than 2,270 Black soldiers whom they captured.¹⁵ I argue that Black POWs' survival off of the battlefield and in captivity was in fact a common and intentional outcome. Though Confederates denied Black POWs protection as legitimate enemy combatants, they did provide Black POWs with a degree of protection under the laws of war as recovered property. Though Confederates' "racial antagonism" and "virulent hatred" could be deadly for Black POWs, mortal violence was unpredictable and usually confined to small groups and individuals.¹⁶ Confederates often killed small numbers of Black soldiers,

¹³ Burkhardt, *Confederate Rage*, 187. For further examples of works that examine Black POWs' captures, as well as discussions of captivity in places such as Charleston, South Carolina, and Camp Sumpter (known as Andersonville prison), Georgia, see Urwin, *Black Flag Over Dixie*; Dobak, *Freedom by the Sword*; and Barnickel, *Milliken's Bend*. Speer's work was one of the first attempts to enumerate the number of Black POWs held by the Confederacy, and his estimate that approximately 800 Black POWs is accurate for the Upper South, but lacks definitive evidence regarding the number of Black POWs taken captive in the Trans-Mississippi and Gulf regions. Barnickel's attempt to follow the paths of Black POWs following the Battle of Milliken's Bend lays significant groundwork for further research into Commissary and Quartermaster departments' records, and she shows how Black survival after capture was not only possible but probable (Barnickel, *Milliken's Bend*, 128-135). Burkhardt takes Black POWs into account throughout his work, but his focus is on battlefield atrocities and mortality at the hands of Confederates, and thus does not usually follow the Black POWs he identifies beyond the moment of capture.

¹⁴ Burkhardt, *Confederate Rage*, 175.

¹⁵ See the Appendix for further discussion of data on Black POWs and their survival rates.

¹⁶ Albert Castel, "The Fort Pillow Massacre: An Examination of the Evidence," in Urwin et al, *Black Flag Over Dixie*, 97.

whom Confederates referred to as “examples,” to exert control over the majority through terror.¹⁷ Confederates were familiar with making examples of rebellious enslaved people, and Confederate soldiers murdered Black POWs and committed horrific acts against Black soldiers on numerous occasions so as to deter Black support for the US; they bear direct responsibility for the excessive violence Black soldiers faced. Death and murder were stark realities of Black POWs’ wartime captivity experiences, and I estimate that at least 700 Black soldiers perished in the hands of their captors. Many hundreds more, however, survived to outlive the Confederacy.¹⁸ The survival of at least 70% of these Black POWs bespeaks a greater logic at work within the Confederacy than an unyielding policy of retribution against or hatred of Black soldiers. Black POWs’ survival was not anomalous, but, to Confederates, logical and necessary.

Confederates justified the enslavement of Black soldiers as an acceptable and legal practice within Confederate borders. Confederates argued that they simply upheld their sovereign property laws, which were recognized under commonly recognized customs of war as well as the US Constitution. The choices made by Confederates revealed the lengths to which they went to preserve the institution of slavery, and their desperate need for enslaved labor to prop up the Confederate war effort. In the following chapters, I demonstrate that

¹⁷ H. W. Mercer to T. Jordan, November 14, 1862, *OR*: 2:4: 945-46.

¹⁸ William F. Fox, *Regimental Losses in the American Civil War, 1861-1865*... (Albany: Albany Publishing Co., 1898), 529. These include 42 infantry and 4 cavalry regiments, 2 artillery batteries, as well as four sailors and two bodyservants captured with a White regiment. Any attempt to provide a precise statistical breakdown of Black POWs is an ungainly effort, but a necessary one. Mortality rates were high for Black POWs, but also reflected a much higher rate of survival for Black captives than might be expected. Out of 2,273 Black POWs I have positively identified across 48 regiments, at least 1,587 survived their captivity, resulting in an overall survival rate of 69.8%. Of the 686 men who likely perished, 273 are confirmed mortalities, while 413 are currently unaccounted for, meaning there was no subsequent record of either their death or survival based upon regimental and pension records. The mortality rates are calculated from Black POWs noted as confirmed deaths while in captivity, as well as those with no subsequent record, or were noted as having never returned following a battle or capture and never mustered out. See the Appendix for an explanation of my methodology for identifying Black POWs.

while Confederates did indeed kill many Black POWs, they consistently attempted to enslave the majority of the more than 2,270 Black soldiers whom they captured. Though Black POWs were only a few thousand in number, their worth as commodities and laborers to a slave society in the midst of war served as a form of protection.

In Chapter 1, I demonstrate that Confederates took Black POWs alive rather than refusing to give them quarter, and consistently treated Black POWs as recaptured property throughout the war. Confederate officials ultimately justified this practice using *postliminy*, a law of war that dictated recaptured property must be returned to original owners when possible, and may be claimed (by soldiers, commanders, and officials) as war booty if not possible. The US Constitution, argued Confederate officials, protected both property law and slavery, and the US historically pursued restitution for lost slaves in the aftermath of the Revolutionary War, the War of 1812, the Second Seminole War, and possibly other conflicts as well.¹⁹ Such protection had limits, and many Black POWs died at the hands of Confederates both on and off the battlefield, with several instances of outright slaughter. In numerous instances, Confederates murdered individuals and small groups of Black POWs as “examples” to ensure the cooperation of the majority. Yet many hundreds of Black POWs also managed to survive and navigate the contingencies of their captivity. The focus of the chapter is confined to Confederate policy and practices, whereas subsequent chapters delves

¹⁹ United States Department of State, *Message from the President of the United States, transmitting documents relative to the execution of the first article of the late treaty between the United States and Great Britain, February 7, 1817* (Washington D.C.: William A. Davis, 1817); Benjamin Quarles, *The Negro in the American Revolution* (Chapel Hill: Published for the Institute of Early American History and Culture, Williamsburg, Va., by University of North Carolina Press, 1961), 90, 138, 157, 169, 171; Don E. Fehrenbacher, *The Slaveholding Republic: An Account of the United States Government's Relations to Slavery* (New York: Oxford University press, 2001) 216, 231-32; Alan Taylor, *The Internal Enemy*, 28, 429-35; Joshua R. Giddings, “Payment for slaves. Speech of Mr. J.R. Giddings, of Ohio, on the bill to pay the heirs of Antonio Pacheco for a slave sent west of the Mississippi with the Seminole Indians in 1838. Made in the House of Representatives, Dec. 28, 1848, and Jan. 6, 1849” (Washington: Buell and Blanchard, 1849).

into the Black POWs' lived experiences. I argue that the overarching logic of preserving and laying claim to Black POWs as recaptured property proved to be a powerful motivation for taking Black soldiers captive, one which Black POWs exploited where possible.

I argue in Chapter 2 that Confederates' intentional and extensive medical treatment of Black POWs throughout the Confederate states affirms that postliminy became a consistent practice. Both military and private Confederate doctors treated Black POWs on and off the field. They performed amputations, treated wounds and injuries, and often kept Black POWs in hospitals for up to several months. Medical care of Black POWs appears to be a *de facto* Confederate policy in which physicians, many of whom likely treated enslaved people in the antebellum period, treated Black POWs as they would any slaves to be made physically sound for labor. Medical care, however, did not equate beneficence. I argue that Confederate concerns over the soundness of Black POWs reflected antebellum era practices of preserving Black bodies for labor and commodification.

In Chapter 3 I discuss how Confederate military authority over Black POWs was an unintended consequence of the war that ultimately served the needs of the war effort rather than private property rights. The progress of the war more often than not impeded the military's efforts to return Black POWs to former enslavers. Though Confederate officials and commanders repeatedly stated that captured Black soldiers should be returned to their former enslavers, the impact of the war upon lines of communication, travel, and wealth, as well as Confederates' misspelling of Black POWs' names (and those of their former enslavers), inhibited efforts to uphold private property rights. Though Confederate military prisons became sites wherein enslaved people, combatant and noncombatant alike, could be reclaimed by their previous enslavers, more often than not Black POWs remained in captivity

and were ultimately put to use as an enslaved labor corps. The Confederate government, via the military, therefore effectively came to control and even own slaves, and Black POWs essentially became state-owned slaves. While White POWs (whom the Confederacy treated as legitimate combatants) were confined in military prisons, Black POWs had more diverse captivity experiences. Black POWs were relatively mobile and usually labored outside of prison walls, beyond the sight of US officials and White POWs.

I examine the authority of private citizens over Black POWs who returned to them via postliminy in Chapter 4. I call the practice of postliminy *reclamation*. Though far less common than military enslavement, allowances for reclamation suggested that proper authority over Black war captives did ultimately lie with private slaveholders. The military appears to have offered no resistance to - and in a few significant cases, encouraged - reclamation. The relatively small scale of reclamation suggests that the practice was often logistically impractical, and usually only made possible on a large scale if a military commander decided to encourage it or happened to capture Black soldiers near their former enslavers' residences. Once back in private hands, Black POWs effectively disappeared from the sight of US officials, and reclamations are difficult to confirm in the existing records. Most reclaimed Black POWs never reported back to their regiments after the war, and it is possible the majority were ultimately executed by their enslavers. The potentially high mortality rates for reclaimed Black POWs emphasizes the relative protection military custody provided compared to private possession. As in the antebellum, private slaveholders held ultimate authority over enslaved people, and they may have exacted retribution to a degree the Confederate military did not. The few Black POWs who survived and bore witness to their reclamation reveal a highly contingent situation where their survival

depended almost entirely upon the whims of enslavers, the strength of antebellum era relationships, and Black POWs' social skills.

Black POWs navigated captivity as best they could, and I discuss the means by which Black POWs tried to ensure their survival in Chapter 5. The systems in place and the choices Whites made greatly circumscribed Black POWs' agency during the war, and more often than not dictated the circumstances of Black POWs' captivity. Black POWs' survival strategies thus depended on where (and how) they ended up as captives, and who exerted authority over them. Those who had not been previously enslaved forged a sense of community in military prisons with one another, including those who had been their comrades prior to imprisonment. Formerly enslaved Black POWs who labored for the Confederate military faced some of the most challenging experiences and dangerous conditions. They relied on one another through furtive and overt means of resistance. Reclaimed Black POWs, meanwhile, encountered familiar circumstances fraught with tense relations between themselves and their former enslavers. These POWs, removed from the aid and protection of their comrades and fellow prisoners, had to anticipate enslavers' whims and assuage anxieties. Black POWs thus employed different strategies for different experiences, including forging communities, employing deception (such as misinformation and superficial conformity), and, most overtly, escape. Indeed, at least 357 Black POWs either managed to or attempted to escape captivity. Black POWs' accounts, though often brief, reveal much about the means by which they navigated captivity in diverse ways.

In Chapter 6, I discuss the pension application process through which Black POWs gave voice to their captivity experiences during the war. Black POWs, the majority of whom had been formerly enslaved southerners and who predominantly remained in the former

Confederacy following the war, did not have the opportunity nor the means by which to tell their stories to the public. Though Gilbert Adams' wartime experience was not unique, the publication of his story in the postwar period may be the only instance of a Black POW narrative reaching the public through published sources. White POWs' collective trauma dominated postwar discussions of wartime captivity, while that of Black POWs faded into obscurity. Pensions proved to be one of the few avenues available to Black POWs to tell their stories. Though the majority of Black POWs did not discuss their captivity in detail, those who did provided the information regarding their movements, treatment, and medical care that enable us to reconstruct their experiences as prisoners.

The Appendix contains a short methodological essay on the quantitative analysis forming the basis of this dissertation and several tables that provide information on Black POWs' survival rates. My intent is to provide quantitative data that contextualizes the qualitative analysis provided in the body of this work.

While I undertake a broad examination of Black POWs across region and time, this work is not an exhaustive examination of Black captives taken during the Civil War. I focus on Black soldiers rather than Black sailors, and though I contend with noncombatant Black captives to some degree, my emphasis is on the Black combatants captured while wearing US uniforms. The legal questions posed by Black POWs were different from those posed by runaways or contrabands whom the Confederate military recaptured. I examine practices toward Black POWs throughout the Confederacy, but the bulk of my evidence focuses on Virginia and Alabama due to the large numbers of Black POWs captured, imprisoned, and enslaved in those states. I focus on the Confederate South, and as such I do not contend to a great degree with border slave states such as Maryland, or with the US army's own

appropriation of enslaved labor during the war. These are topics that need to be examined to fully understand not only Confederate slavery, but the US's own role in upholding slavery through claims of military necessity. Additionally, the stories of Confederate soldiers bringing their body servants with them to POW camps (and allowed to do so by US authorities) would serve as an interesting comparative study, but is not my focus in this particular work.²⁰

Additionally, I do not deal with questions surrounding White USCT officers' captivity. Approximately 96% of these officers survived captivity if they managed to survive the moment of capture. The vast majority of White USCT were also eventually paroled and exchanged. Though Confederate Secretary of War James A. Seddon outright recommended that White USCT officers "be dealt with red-handed on the field or immediately thereafter," and several historians have pointed to summary executions of White USCT officers, the men who managed to survive long enough to become POWs fared far better than their Black compatriots.²¹ Research remains to be done regarding these men.

The Black Civil War POW experience reveals the consistent logic of the Confederacy in treating Black people as property following decades of legal precedent and established traditions of war. Black men fought to establish their standing as free, autonomous humans and citizens, but in the eyes of Confederates, they simply remained property. In the absence of concrete evidence, discussions of Black POWs have centered upon Confederates'

²⁰ For in-depth analyses of so-called "Black Confederates," see Ervin Jordan, *Black Confederates and Afro-Yankees in Civil War Virginia* (Charlottesville: University Press of Georgia, 1995); Kevin Levin, *Searching for Black Confederates: The Civil War's Most Persistent Myth* (Chapel Hill: University of North Carolina Press, 2019); Adam Domby, *The False Cause: Fraud, Fabrication, and White Supremacy in Confederate Memory* (Charlottesville: The University of Pennsylvania Press, 2020).

²¹ J.A. Seddon to E.K. Smith, August 12, 1863, *OR* 1:22(2): 964-65; Urwin, *Black Flag Over Dixie*, 61. George Burkhardt, for example, argues that hundreds of White USCT officers were murdered in "small-scale events, involving individuals or small groups." (Burkhardt, *Confederate Rage*, 7)

retaliation and hatred, obscuring the extent of Black POWs' survival. I posit, however, that the consistent and all-pervasive logic of the Confederacy was to preserve slavery, and therefore to preserve the lives (and bodies) of Black people who could be (and should be) enslaved. Black POWs' experiences demonstrate how the Confederacy became an enslaving republic. Defending and implementing slavery infused the entire Confederate project, and Black POWs shed light on the overarching mission of the Confederate nation. Confederate beliefs regarding property rights in wartime, influenced by past federal protection, dictated the prospects of survival for Black Americans who waged war. Though relatively small in number, Black POWs illuminate the diversity of wartime captivities, the practical applications of Confederate policies, and the connections between slavery, law, and warfare in the Confederacy. Black POWs were not simply passive victims, and proved central to what the US and the Confederacy both professed to fight for during the American Civil War.

CHAPTER 1

“The Discretion of Deciding and Giving the Order of Execution”: Confederate Policy and Practice Regarding Black POWs

“I regard captured negroes as I do other captured property and not as captured soldiers...It is not the policy nor the interest of the South to destroy the negro - on the contrary to preserve and protect him.” - Major General N. Bedford Forrest, June 23, 1864¹

“I contended if Southern soldiers recaptured their former slaves that, under the just postliminii, they had the right to hold them in their former state; that under our Constitutions, Confederate and State, slaves were recognized as property, and on recapture followed the rule of all property, and reverted to their former condition. I held that an edict of emancipation promulgated by a hostile power did not defeat the rights of the owner, when the slave came back into his possession by recapture.” - Robert C. Ould, Confederate Prisoner Exchange Agent, 1879²

Of approximately 49 Black soldiers taken prisoner by Major General N. Bedford Forrest’s forces after the Battle of Fort Pillow in Henning, Tennessee on April 12, 1864, 31 survived to the end of the war. One of these survivors, Private Samuel Green, 11th United States Colored Infantry, detailed the events of the battle, its aftermath, and the injuries he had received when he applied for a pension in 1891 at the approximate age of 50.³ Pvt. Green was a former slave who believed himself to be around twenty-two years old at the Battle of Fort Pillow, where he had received several severe wounds that debilitated him for the

¹ N.B. Forrest to C.C. Washburn, June 23, 1864, *OR* 1:32(I): 590-91.

² Robert C. Ould, “The Exchange of Prisoners,” in *The Annals of the War Written By Leading Participants, North and South* (Philadelphia: The Times Publishing Company, 1879), 44.

³ Dyer, *A Compendium*, 247, 1344. The 11th USCI is the final designation of the 6th US Colored Heavy Artillery (USCHA), 7th USCHA, and parts of the 2nd US Colored Light Infantry (USCLA). For the sake of clarity and consistency with other source bases such as the digitized CMSR, I will refer to Black regiments using their final designation.

remainder of his life. Shot in the right foot and right hand, and with a severe artillery recoil injury to his right hip, Green had been easily captured. A Confederate soldier cracked his musket butt across the back of Green's head, knocking him senseless. Green claimed he then revived in time to witness Forrest ride into the fort and put a stop to the killing of the United States troops. Green and his fellow prisoners were then placed under guard and "marched nearly all that night" to the southeast.

Though bleeding, limping, and likely suffering from a splitting headache, nausea, dizziness and ringing in the ears, Green dragged himself along for the entire 160 mile journey to Okolona, Mississippi. Samuel implied that Confederates gunned down those who were unable (or unwilling) to keep up. "I walked and made no complaint," Green remembered, for "it was not healthy for 'niggers' to complain in my condition." A Pension Bureau agent wondered how Green could march so quickly and so far if he was so badly wounded. "Well, Boss," Green replied, "to tell you the God's truth from the sights I saw there that day after we were captured it just meant walk on that leg or die." He cited the small number of surviving US troops as his motivation: "There were some white soldiers and a few colored ones. I do not think there was another man from my gun left alive and taken prisoner." Green did not know the exact number. In fact, only 67 of the 262 Black soldiers at Fort Pillow initially survived their capture during and immediately after the battle. Of those 67 survivors, eleven remained with the US forces, while Confederates took the remaining 56 men captive. Forrest exchanged eight injured Black soldiers two days after the battle on April 14, which left 49 Black POWs in his custody.⁴

⁴ See CSMR; United States., *Fort Pillow Massacre; Inquiry and Testimony*, 38th Cong., 1st Sess. Senate. Rept. Com. 63 (Washington, 1864); John Gauss, *Black Flag! Black Flag! The Battle at Fort Pillow* (Lanham, MD: University Press of America, 2003), 202-23; Bruce Tap, *The Fort Pillow Massacre: North, South, and the*

For Black prisoners of war like Green, Confederates' "mercy" was a hard thing to bear. A Confederate surgeon gave superficial treatment to Green at Okolona: "The only treatment I received while a captive for my wounds was...by a Confederate surgeon, who looked at my wound of the big toe and dressed it over." Neither his hand nor his hip were treated by the doctor, but Green may have concealed his injuries out of fear that he would be killed if he was unable to work or keep up. The doctor may not have realized the number and extent of Green's injuries.⁵ The Black prisoners then remained in Okolona "for about three weeks under guard." The only detail Green provided about the circumstances of their captivity there was that the prisoners were kept in a "guard house." The White POWs were eventually sent to Confederate prisons while Forrest ordered all the guns, property, and Black prisoners captured at Fort Pillow be sent down to Mobile, Alabama.⁶ He did so at the behest of Maj. Gen. Dabney H. Maury, commander of the Department of the Gulf, in a concerted effort to acquire sufficient numbers of Black laborers to build and repair fortifications.⁷

Green and his comrades spent the rest of the war in the Confederate army's custody as enslaved laborers forced to work for the Confederate war effort. When they arrived in

Status of African-Americans in the Civil War Era (New York: Routledge, 2014), 61. Of the 19 survivors in US custody, 18 men testified for the US Joint Committee on the Conduct of the War in May 1864.

⁵ For works that discuss Whites' antebellum era medical care for enslaved people, and enslaved peoples' responses and own approaches to health and self-care, see Todd Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana: The University of Illinois Press, 1978); Sharla M. Fett, *Working Cures: Healing, Health, and Power on Southern Slave Plantations* (Chapel Hill: The University of North Carolina Press, 2002); Dea H. Boster, *African American Slavery and Disability: Bodies, Property, and Power in the Antebellum South, 1800-1860* (New York: Routledge, Taylor & Francis Group, 2013). These scholars have noted how Black Americans sometimes hid the extent of wounds and illnesses from White doctors, and performed their own health care in ways often invisible to White observers.

⁶ Gauss, *Black Flag*, 193.

⁷ D.H. Maury to J.A. Seddon, August 12, 1864, *OR* 1:39(III): 427-28; N.B. Forrest Report, October 17, 1864, *OR* 1:39(III): 548; V. Sheliha to A.L. Rives, July 9, 1864, *OR* 1:39(III): 698; V. Sheliha to A.L. Rives, July 11, 1864, *OR* 1:39(III): 705; V. Sheliha to G.G. Garner, July 9, 1864, *OR* 1:39(III): 706-08; N.B. Forrest to S.D. Lee, July 17, 1864, *OR* 1:39(III): 715-16.

Mobile in early May, they were separated into groups by type of work, such as carpentry, blacksmithing, and digging.⁸ Green's initial assignment consisted of dumping sand and mud into the bay around large wooden supports in order to "plant siege guns upon the forts we built." Green did not mention how his wounds fared while working waist deep in the bay waters for six months.⁹ Whatever it was that Green experienced during this time, he pushed his body to perform what was expected of him. He was separated from his fellow POWs around November 1864 when hundreds of Black POWs recently captured in Georgia by Forrest and Gen. John Bell Hood took up the labor in the bay. Samuel's comrades "were put at other kinds of work," and he asserted that he "never saw any of them again" until after the war. For his part, Green was put to work at "a large iron smiths shop where they forged iron for the pontoons and...all other kinds of blacksmith work." Green worked as a striker for a White blacksmith while there.

When US forces took back the city of Mobile on April 12, 1865, the Confederates attempted to evacuate their enslaved laborers, including Green and several hundred other Black POWs. He seems to have had no fellow soldiers to rely upon or to strategize with in his final hours as an enslaved captive. The Confederates intended "that all the workmen" should be loaded up onto boats with supplies and head to Selma, Alabama, but after loading some iron onto these vessels, recalled Green, "I just stepped around the corner and went to this Irish woman's house." Green reminisced that he had sawed wood for this woman while a prisoner, and that she allowed him to remain in her home overnight as he waited out the evacuation. He loaded the iron onto the boat on Saturday, and the US forces came into

⁸ SC 862.008, Pvt. Jackson Conner, Co. D, 110th USCI; See Victor Sheliha's reports, footnote 9.

⁹ SC 503.815, Pvt. Pompey Allen, Co. H, 110th USCI.

Mobile on Sunday. “I stayed at this house until Sunday 10 or 11...when I made for the US camp,” said Green. It is unknown if he ever saw the Irish woman who sheltered him again or what passed between them, if anything, during their time together. He eventually returned to his regiment, and finally back to his home in Tennessee.¹⁰

Pvt. Samuel Green’s survival and subsequent experience as a Black POW in the Confederacy was not unique. Hundreds of Black POWs across the Confederacy went through similar ordeals, aided by the long-extant carceral landscape of the slave states.¹¹ The types of spaces in which Black POWs were held captive, the modes of transport used to move them from place to place, the punishments and care they received, and the hierarchies of authority placed over them reflected antebellum practices that continued to take place along mature routes of the internal slave trade during the war.¹² Antebellum slavery shaped the strategies, tactics, and general practices of the Confederate South.¹³ Black POWs’ perspectives show

¹⁰ SC 410.754, Pvt. Samuel Green, Co. B, 11th USCI. I use Black POWs’ testimonies from their affidavits and depositions in their pension files, and have reproduced their language exactly as it was written down. How accurately their voices are depicted in these files is unclear, and could change from document to document within the same file depending upon who wrote down the POWs’ testimony.

¹¹ Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap Press of Harvard University Press, 2013), 10, 168, 209-43, 395. Johnson terms the “carceral landscape” of the American South as a space in which slaveholders used their dominion over land and people to shape both nature and law towards policing enslaved people. Enslaved people who resisted and pushed against their bonds shaped the culture, society, politics, and natural world of the antebellum South. The means of maintaining internal security from both internal and external agitation led to development of the carceral landscape at the local and state level across the American Southeast and Trans-Mississippi. This carceral landscape had even reached into the free states with Fugitive Slave Acts of 1793 and 1850, as well as various compromises over the extension and presence of slavery in US territories.

¹² For works that address the internal slave trade and enslaved peoples’ movements along these routes, see Walter Johnson, *Soul by Soul: Life Inside the Antebellum Slave Market* (Cambridge: Harvard University Press, 1999); Damian Alan Pargas, *Slavery and Forced Migration in the American South* (Cambridge: Cambridge University Press, 2014).

¹³ Donald J. Stoker, *The Grand Design: Strategy and the U.S. Civil War* (New York: Oxford University Press, 2010), 5, 2-10.

how Confederate policy developed out of antebellum principles that guided both Confederates' treatment of Black POWs and Black POWs' behavior in captivity.

Confederates adopted a policy toward Black POWs that was first and foremost a defense of property rights using the laws of war and existing slave codes. This policy resulted in higher rates of capture and survival among Black POWs than is currently understood. Though many Black soldiers and POWs died at the hands of Confederate soldiers, as happened at Fort Pillow, many also survived. Looking solely at the mortality of Black soldiers is only part of their story, and obscures the active efforts taken by Black POWs to survive, as well as the vested interest Confederates held in preserving Black POWs who could augment the enslaved labor force.

Confederate Secretary of War James Seddon and prisoner exchange agent Robert C. Ould justified handling Black POWs as reclaimed property under a principle known as the *jus postliminii* (or postliminy). Theorist Emer de Vattel defined postliminy in his landmark work, *Le Droit de Gens*, which outlined the legal rules governing the relationships between nations. De Vattel wrote that, in war, “persons and things taken by the enemy are restored to their former state, on coming again into the power of the nation to which they belonged.” Should an event result in the recovery of captured people or property from an enemy, it was the recovering nation’s “duty to restore [such people and property] to their former condition” and “to give back the effects to the owners - in a word, to replace everything on the same footing on which it stood previous to the enemy’s capture.”¹⁴ Confederates applied

¹⁴ Emer de Vattel, *The Law of Nations; or, Principles of the Law of Nature, applied to the conduct and affairs of nations and sovereigns*, trans. Joseph Chitty (Philadelphia: T. & J.W. Johnson, 1844), 392; John Fabian Witt, *Lincoln’s Code: The Laws of War in American History* (New York: Free Press, 2012), 16-17. De Vattel originally wrote this work in 1758, which was published in English for the first time in 1760 and went through several English editions throughout the eighteenth and nineteenth centuries.

postliminy to thousands of enslaved people during the war, most visibly in the case of Black POWs.

Confederates did not wholly exclude Black POWs from the protection of the laws of war, but rather defined and treated Black POWs as recaptured property instead of as enemy combatants. Black POWs' "protection" as chattel was scant, however, and resulted in ad hoc applications of violence and mercy. While it is impossible to know the exact number of men killed *after* being taken as POWs, the number of Black POWs who survived their captivity suggests a Confederate strategy that did not advocate slaughtering a majority of Black soldiers, but rather made examples of individuals and small groups to cow the majority into submitting to enslavement under postliminy. The evolution of Confederate policy regarding Black soldiers and POWs (viewed through officials' communications as well as military officials' tactics and strategies) showed the calculus behind Confederates' exhibitions of mercy and violence toward Black war captives.¹⁵

Unmake the Soldier, Remake the Slave: The Evolution of Confederate Policy on Black Troops

Confederates asserted legal claims to Black people taken from the hands of the enemy during the Civil War using postliminy, a practice that had been established during prior wars. Postliminy was the policy by which Confederates justified Black POWs' enslavement. The Confederacy refused to recognize Black soldiers as combatants, treating them not as POWs (legitimate combatants) or as guerrillas (illegitimate combatants), but as slaves in rebellion. Unlike White soldiers, Black soldiers received no protection from the US uniform, but unlike guerrillas, were protected to some degree by their status as slaves in the Confederacy. Black

¹⁵ Aaron Sheehan Dean, *The Calculus of Violence: How Americans Fought the Civil War* (Cambridge: Harvard University Press, 2018), 7-8.

POWs were treated as reclaimed property subject to execution, punishment, and enslavement as Confederates saw fit.¹⁶ The Confederacy therefore did not refer to Black POWs by the same terms as White POWs (who were called “prisoners of war,” “Federal prisoners,” and “Union prisoners”), but rather as “captured negroes in arms” and other similar terms.¹⁷ Nor would the Confederacy exchange Black POWs back to the US, even if they were northern freemen, until late in the war. Though Confederates ultimately decided to treat northern freemen similarly to White POWs by August 1864, formerly enslaved Black soldiers remained subject to postliminy and enslavement until the end of the war.

By the time of the Civil War, the US had established processes to reclaim escaped enslaved people from enemy belligerents in wartime, as well as postwar processes to compensate affected slaveholders for their losses. The US had sought compensation from its adversaries for the loss of enslaved people after both the Revolutionary War and the War of 1812, though it was only successful following the latter. Following the end of the War of 1812, US slaveholders received monetary reparations for the loss of enslaved people who had successfully found refuge with British forces.¹⁸ On a least one occasion following the Second Seminole War, the Joint Committee on Claims (of which a majority of members were slaveholders) approved payment to the heirs of a slaveholder whose enslaved bodyservant,

¹⁶ Confederate States of America, *Report of the Secretary of War, Richmond, November 3, 1864* (Richmond: War Department, 1864), 17; *The Annals of the War*, 44.

¹⁷ As noted in the introduction, most references to Black POWs in the *Official Records* are listed in the indexes as “Negroes, Captured in arms,” and as “Negroes, Prisoners.” For examples of typical terms used to describe Black POWs, see “By Telegraph,” *Weekly Advertiser*, December 10, 1862; “Captured Negroes,” *Richmond Dispatch* (Richmond, Virginia), August 27, 1864; Index, *OR* 2:7: 1343.

¹⁸ United States Department of State, *Message from the President of the United States* (Washington D.C.: William A. Davis, 1817); Quarles, *The Negro in the American*, 90, 138, 157, 169, 171; Fehrenbacher, *The Slaveholding Republic*, 216, 231-32; Taylor, *The Internal Enemy*, 28, 429-35.

called Lewis, was captured and claimed by the Seminole Indians.¹⁹ The Fugitive Slave Acts of 1793 and 1850 had likewise established a national legal obligation toward preserving slaveholders' rights over enslaved people. Escaped enslaved people did not, under the Fugitive Slave Acts, become free even if they had escaped into a free state or foreign country. Fugitive slaves still owed a lifetime of labor to their enslavers; any removal of enslaved people from the slave states, by escape or otherwise, was considered theft of labor.²⁰ The unauthorized physical removal of an enslaved person from a slaveholder's control constituted a violation of slaveholders' rights to full authority over enslaved people and their bodies.

Despite northern states' defiance, prior to the Civil War federal law and the Supreme Court had ruled that refugees from enslavement did not cease to be enslaved within the boundaries of free states or foreign countries.²¹ Northern states passed personal-liberty laws throughout the antebellum period that sought to virtually annul the Fugitive Slave Acts through "positive defiance," an assertion of state sovereignty akin to nullification as enumerated in the Kentucky Resolutions of 1799.²² Though the Supreme Court effectively upheld the constitutionality of the Fugitive Slave Act of 1793 in the 1842 case *Prigg v. Pennsylvania*, and of the Fugitive Slave Act of 1850 in *Ableman v. Booth* in 1859, free states

¹⁹ Giddings, "Payment for slaves," 3-4.

²⁰ Jacob D. Wheeler, *A Practical Treatise on the Laws of Slavery* (New York: Allan Pollock, Jr., 1837), 233; R. J. M. Blackett, *The Captive's Quest for Freedom: Fugitive Slaves, the 1850 Fugitive Slave Law, and the Politics of Slavery* (New York: Cambridge University Press, 2018), 3-41.

²¹ John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 1999), 149; Laura Edwards, *A Legal History of the Civil War and Reconstruction: A Nation of Rights* (New York: Cambridge University Press, 2015), 3.

²² Thomas D. Morris, *Free Men All: The Personal Liberty Laws of the North, 1780- 1861* (Baltimore : Johns Hopkins University Press, 1974), 179-80.

continued to fight back against the rulings.²³ Indeed, pro-slavery politicians cited northern states' attempts to circumvent the Fugitive Slave Acts as a primary reason for secession.²⁴ Upon seceding from the US, the Confederate states pointed to the long-standing federal laws such as the Fugitive Slave Acts as justification for applying postliminy within Confederate territory, regardless of Black soldiers' status in the US as free men and as legitimate combatants.

The creation of the Confederacy created a new set of jurisdictional issues over enslaved people in treating with the US as an enemy nation while the US refused to recognize Confederate sovereignty. Maj. Gen. Benjamin Butler's deft application of the term "contraband of war" to apply to refugees from enslavement in early 1861 laid the groundwork for crippling the Confederate war effort through emancipation, while walking a fine line that risked recognizing the Confederacy as a foreign power (and thus, sovereign and legitimate). The formalization of this strategy through the Militia Act of July 1862 and the Emancipation Proclamation in 1863 justified giving refuge to escaped enslaved people from the secession states and allowing them to participate in the US war effort as laborers, and, eventually, as soldiers, precisely because the Confederacy's existence was an act of insurrection against the US.²⁵ The Emancipation Proclamation of January 1, 1863 was thus framed as a measure of military necessity rather than as federal encroachment upon states'

²³ Leon Litwack, *North of Slavery: The Negro in the Free States, 1790-1860* (Chicago: The University of Chicago Press, 1961), 250; Morris, *Free Men All*, 127, 179-80; Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill : University of North Carolina Press, 1996), 340; Paul Finkelman, ed., *Slavery & the Law*, 1st ed. (Madison: Madison House, 1997), 147-48.

²⁴ Morris, *Free Men All*, 1.

²⁵ James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865* (New York: W.W. Norton, 2013), 138-43.

and slaveholders' rights, and would not be applied to slaves states that remained within the Union.²⁶

The Confederate government, meanwhile, also used military necessity to increase its control over private property, including enslaved people, to sustain its war effort. Military necessity, according to precedents in international laws of war, gave license to certain behaviors normally prohibited in civil law (such as destroying enemy citizens' private property) as strategically necessary acts of retaliation and escalation to hasten an enemy's capitulation.²⁷ Under the requirements of military necessity, expansive measures such as a national draft and the seizure of goods (including enslaved people) from private citizens became the means to raise and support the army in the Confederacy, despite its stated principles of states' rights and limited government.²⁸ The impressment of enslaved people from private slaveholders throughout the war, for example, served to free White men from menial labor for military service, but also effectively shifted authority over privately-held enslaved people to the Confederate government as a war measure.²⁹ As such, the

²⁶ Grimsley, *Hard Hand of War*, 121-27.

²⁷ United States, *General Orders, No. 100*, Articles 14, 28; Burrus M. Carnahan, "Lincoln, Lieber, and the Laws of War: The Origins and Limits of the Principle of Military Necessity," *The American Journal of International Law*, Vol. 92, No. 2 (April 1998), 213-216; Escott, *Military Necessity*, 1-2; Witt, *Lincoln's Code*, 28. According to General Orders No. 100, Article 28, retaliation served "as a means of protective retribution," rather than as "mere revenge," and described as a *response* to atrocity as a means of deterring future excess, not an *initiation* of atrocity.

²⁸ Escott, *Military Necessity*, 16.

²⁹ For in-depth treatments of the Confederacy's impressment of enslaved people from private slaveholders, see Bernard H. Nelson, "Confederate Slave Impressment Legislation, 1861-1865," *The Journal of Negro History* 31, no. 4 (October 1946): 392-410; Jaime Amanda Martinez, *Confederate Slave Impressment in the Upper South* (Chapel Hill: The University of North Carolina Press, 2013). Martinez argues that the Confederate state became a relatively strong central government because of military necessity. The Confederacy's White male population was much smaller than that of the US, and enslaved people served as a deep labor pool from which the Confederate government attempted to sustain the war effort. (Martinez, *Confederate Slave Impressment*, 4-5)

Confederacy transformed into an enslaving state. In the antebellum era, it was the state governments that held the power to step in under extraordinary circumstances to seize private citizens' slaves, confiscate goods, and fine guilty parties in cases where private disputes or issues spilled into public view. If a slaveholder or employer "so greatly abused a slave as to maim or kill them," that labor was not only lost to the slaveholder, but often to their creditors, and thus constituted a loss to the state.³⁰ The interest of the antebellum state lay in keeping enslaved labor alive and submissive. This aim remained paramount during the Civil War as well, and became part of Confederate military strategy in order to put White men on the battlefield.³¹ Warfare created extraordinary circumstances that required citizens' cooperation with their government and the military in order to continue the war effort and ensure the Confederacy's survival.

The Confederate War Department's first instructions that directly discussed Black POWs took place prior to the Emancipation Proclamation's passage and the formal entry of Black soldiers into the war. The 1st Kansas Colored Infantry, later consolidated into the 79th (New) USCI, was the first regiment involving Black US soldiers to engage Confederates, though its organization in August 1862 was not authorized by the War Department.³² The soldiers of the 79th were a mix of freemen and enslaved men predominantly from Kansas

³⁰ William Goodell, *The American Slave Code in Theory and Practice: its distinctive features shown by its statutes, judicial decisions, and illustrative facts* (New York: American and Foreign Anti-Slavery Society, 1853), 161.

³¹ Goodell states that "the protection of slave *property*, rather than the prevention of *suffering* by the slave, appears to be the leading object in view. The slave may not be maimed, he may not be mutilated, he may not be killed. Beyond this, there is nothing in the war of *prohibition* that is tangible or definite." (Goodell, *American Slave Code*, 161).

³² Glatthaar, *Forged in Battle*, 7.

whose enslavers would be compensated by the US Congress for their loss to the military.³³ The regiment's first action was a skirmish at Island Mound, Missouri on October 29, 1862. During the engagement, ten men of the 79th were killed in action. Only one soldier, Pvt. Jacob Rodgers, is noted in the regimental records as being taken captive at Island Mound. He survived captivity, despite severely injuring himself in an escape attempt from a Confederate prison in Parkville, Missouri.³⁴ With no formal Confederate policy yet in place regarding armed and uniformed Black men, Confederates appear to have taken the small numbers of Black soldiers whom they initially encountered captive rather than resorting to summary execution, and sought instruction from Richmond.

Confederate soldiers took Black men in blue uniforms captive in small-scale engagements until June 1863, resulting in *ad hoc* decisions of how to handle them. On November 14, 1862, two weeks after the Island Mound skirmish, Brig. Gen. Hugh W. Mercer wrote to Brig. Gen. Thomas Jordan asking for instructions regarding four Black men who had been captured near Savannah, Georgia, in US uniforms and carrying arms. One of the prisoners, Manuel, had been acquired by slave traders named Blount and Dawson by unspecified means. What happened to the other three men is unknown, but it seems at least one other captive was still alive.³⁵ Jordan deemed the issue a military matter rather than a civilian one, and took Manuel from the traders and placed him in a jail. Mercer then asked for instructions from Richmond. He requested "that these negroes be made an example of,"

³³ Dyer, *A Compendium*, 1186; John W. Blassingame, "The Recruitment of Negro Troops in Missouri during the Civil War," *Missouri Historical Review*, Vol. 58, No. 3 (April 1964), 326-37; Dobak, *Freedom by the Sword*, 165-66.

³⁴ SC 239.301, Pvt. Jacob Rodgers, Co. J, 79th USCI

³⁵ I have been unable to identify Manuel or the traders Blount and Dawson.

which suggests Manuel may not have been the only survivor. “They are slaves taken with arms in hand against their masters and wearing the abolition uniform,” Mercer continued, and “some swift and terrible punishment should be inflicted that their fellows may be deterred from following their example.”³⁶ Such displays of deterrence had been common in the slave states in the antebellum era. By taking Black soldiers alive in these first encounters, though, these commanders made no assumptions that murdering Black soldiers had been explicitly approved.

With no formal instructions as to how commanders should deal with Black soldiers yet in place, however, Jordan forwarded Mercer’s request along to Gen. P.G.T. Beauregard, who sent it to Secretary of War Seddon. Seddon referred the matter to President Jefferson Davis, and both agreed on November 17 that Manuel, called “the negro,” should be executed “as an example,” which Seddon relayed back to the commanders.³⁷ Seddon made no mention of the other three Black soldiers captured alongside Manuel in this instruction. His silence on what to do with the other men was likely an oversight, and while there is no record as to what Mercer ultimately did with the four captives, it is likely that he ordered that they all be executed. Beauregard, who commanded the Confederate defenses along the eastern seaboard, asked for “the general instructions of the War Department...in such cases” to swiftly handle them in the future.³⁸ Though Seddon had recommended summary execution in the particular case of Manuel, Beauregard’s request for further, general instruction indicated that he

³⁶ Mercer to Jordan, November 14, 1862, *OR* 2:4: 945-46.

³⁷ J.A. Seddon to J. Davis, Undated, *OR* 2:4: 946.

³⁸ P.G.T. Beauregard to J.A. Seddon, November 17, 1862, *OR* 2:4: 946.

perhaps did not assume this recommendation was standardized policy, and expected potentially different instructions regarding larger groups of Black soldiers.

In the wake of these first communications involving small numbers of Black POWs, Seddon outlined a flexible policy toward Black soldiers that allowed for their execution as well as their captivity and enslavement. He responded to Beauregard's request for further instruction on November 30, 1862, outlining his general views, which Seddon had developed "in conference with the President." Seddon's summary of the legal questions in this directive must not be misconstrued as instructions. Seddon stated a fact when he said that "slaves in flagrant rebellion are subject to death by the laws of every slave-holding State."³⁹ The existing slave codes in every Confederate state prescribed execution for slaves who rebelled against slaveholders. The aftermath of pre-war plots and rebellions, such as Denmark Vesey's in 1820 and Nat Turner's in 1831, resulted in widespread massacres of slaves to instill terror as a measure of deterrence. Such punishment, however, also accompanied the formation of civil tribunals to try suspected enslaved rebels, with many survivors receiving pardons or sold out of state.⁴⁰ Though such legal proceedings were swift, hardly impartial, and resulted in widespread executions of "conspirators" and innocent bystanders on flimsy

³⁹ Seddon to Beauregard, November 30, 1862, *OR* 2:4: 954.

⁴⁰ James Hamilton, *Negro Plot. An Account of the Late Intended Insurrection among a Portion of the Blacks of the City of Charleston, South Carolina* (Boston: Joseph W. Ingraham, 1822), 50; Thomas Doughty Condy, *A digest of the laws of the United States & the State of South-Carolina now of force, relating to the militia...the laws of the government of slaves and free persons of colour...* (Charleston: A.E. Miller, printer and publisher, 1830), 162; Virginia Writer's Project, *Virginia: A Guide to the Old Dominion* (New York : Oxford University Press, 1992), 78; Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap University Press, 2013), 240-43; Patrick H. Breen, *The Land Shall be Deluged in Blood: A New History of the Nat Turner Revolt* (New York: Oxford University Press, 2015), 94.

evidence, however, Seddon argued the use of such civil actions in wartime would cause both delays and “military inconvenience.”⁴¹

By terming these captured Black men as “slaves in flagrant rebellion,” Seddon indicated that Black soldiers would be recognized as property, not as regular or irregular combatants. The question of treating Black soldiers as irregular combatants, such as guerrillas, does not appear to have ever been a consideration.⁴² Black people were considered to be, first and foremost, property in the Confederacy. Those who were first captured were presumed to be formerly enslaved. Furthermore, Black men found armed and clad in US uniforms would be officially recognized and sanctioned as legitimate combatants by the US government after January 1, 1863, which posed problems with how the Confederacy could proceed. Should Confederates treat Black troops as legitimate combatants, Seddon stated, Black POWs would fall under the protections of “the rules of war and trial by military courts.” Allowing such processes to take place might challenge slaves’ status and encourage other slaves to abscond and possibly incite rebellion and violence against Whites. Seddon explicitly informed Beauregard that Black troops “cannot be recognized in any way as soldiers.” Rather than risk delays attendant with legal processes, and draw public attention to Black POWs that might inspire further slave insurrection (and US retaliation), Seddon

⁴¹ Seddon to Beauregard, November 30, 1862, *OR* 2:4: 954; Daniel J. Flanigan, “Criminal Procedure in Slave Trials in the Antebellum South,” *The Journal of Southern History* 40, no. 4 (November 1974), 537-64.

⁴² Guerrillas, as irregular combatants who did not operate in uniforms that marked them as combatants, and who did not observe the rules of engagement, were not subject to the protection of the laws of war and could, under the laws of war, be summarily executed without retaliation or reprisal. Guerrillas, as irregular combatants, could not become POWs, and thus were not subject to protections accorded enemy combatants. Disagreements over whether people were guerrillas or not could sow seeds of conflict, however. See United States, *General Orders No. 100*, Art. 82-85; Daniel E. Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the Civil War* (Chapel Hill: The University of North Carolina Press, 2009), 33, 64; Joseph M. Belein, Jr., and Matthew Hulbert, *The Civil War Guerrilla: Unfolding the Black Flag in History, Memory, and Myth* (Lexington: The University Press of Kentucky, 2015), 23-4, 31.

therefore recommended Black POWs be treated under existing laws solely as fugitive slaves subject to “condign” punishment (meaning appropriate to the crime committed). Such punishment first and foremost would serve to “repress any spirit of insubordination.”⁴³

Seddon posed the question of deterrence and punishment, however, as an issue of authority and jurisdiction rather than as positive instructions to immediately execute all captured Black soldiers.

Seddon clarified that Black POWs must be punished, but *only* at ranking officials’ discretion, and that enlisted men and subordinate officers lacked the authority to execute Black POWs unless directed to by a commanding officer. Though he deemed execution appropriate in the particular case brought forward by Mercer on November 14, 1862, Seddon stated in his subsequent November 30 communication to Beauregard that execution was appropriate “under circumstances indicative beyond doubt of actual rebellion.”⁴⁴ In the instance Mercer presented to Seddon, Confederate rangers had captured a small force of six Black men bearing arms and in “Federal uniforms,” two of whom died while fighting.⁴⁵ The men were overtly rebelling, yet did not appear to be accompanied by any White US officers. With only four captives, and no official recognition from the US of these men as soldiers, executions were practicable in this case. Seddon knew all too well, however, the “possible abuse of this grave power under the immediate excitement of capture” and the “over-zeal” of subordinates. He therefore “deemed [it] judicious” that “the general commanding the special locality of the capture” exercise “discretion,” meaning their judgment, when giving the order

⁴³ Seddon to Beauregard, November 30, 1862, *OR* 2:4: 954.

⁴⁴ Seddon to Beauregard, November 30, 1862, *OR* 2:4: 954.

⁴⁵ Mercer to Jordan, November 14, 1862, *OR* 2:4: 945-46.

to execute Black soldiers.⁴⁶ Seddon here explicitly placed power over Black POWs in the hands of commanding officers heading various geographical departments. Seddon sent a copy of his directive to Maj. Gen. John H. Forney, then commanding the Departments of Alabama and West Florida, who had already received inquiries from subordinate officers about what to do with Black men in arms. Only commanders, stated Seddon, must exercise the “discretion of deciding and giving the order of execution.”⁴⁷ What should happen to the Black POWs who *survived* capture was not discussed. Exercising flexibility and discretion when handling Black soldiers became Seddon’s repeated advice to Confederate commanders throughout 1862 and 1863, and increasingly recommended returning Black POWs to their former enslavers when possible, and otherwise placing them at work.

Seddon’s instructions were by no means exhaustive, and he would continue to address commanders’ questions on the issue as they arose. He did not explicitly discourage executions, he did not provide directions for what to do with survivors, and specific directives addressed to commanders *after* such situations arose could (and, as will be seen, did) result in executions (both large and small in scale). In anticipation of the Emancipation Proclamation and with the Confederate Congress no longer in session, President Davis publicly declared the official Confederate position on Black soldiers and POWs on December

⁴⁶ Seddon to Beauregard, November 30, 1862, *OR* 2:4: 954.

⁴⁷ Seddon to J.H. Forney, December 13, 1862, *OR* 2:4: 954; Colin E. Woodward, *Marching Masters: Slavery, Race, and the Confederate Army during the Civil War* (Charlottesville: University of Virginia Press, 2014), 133-34; Burkhardt, *Confederate Rage*, 46. On November 8, 1862, Alabama Colonel John F. Tattall had consulted his commanding officer, Captain S. Croom, on what to do with Black men captured in arms alongside White US troops. Croom passed the inquiry on to Forney, who held ultimate military authority in that department. Forney’s response has been interpreted as a blanket approval for giving no quarter to Black soldiers because he recommended hanging captured Blacks in arms rather than shooting them, “a punishment he apparently deemed more appropriate for traitors and spies.” Forney included a caveat, however, that guilt needed to be determined first, and that “when force has been used to make a captured negro” serve as a guide in any way, “the same guilt is not involved.” Forney thus made allowances for some process of determining coercion that could prevent indiscriminate killings. Seddon’s instructions to Forney and Beauregard only a few weeks later emphasized similar practices of discretion. (Berlin et al., *The Black Military Experience*, 570-71).

23, 1862, in his General Orders No. 111: “That all negro slaves *captured in arms* be at once delivered over to the executive authorities of the respective States to which they belong to be dealt with according to the laws of said States.”⁴⁸ Though Seddon did not want Black POWs to fall under the protection of the laws of war as combatants, Davis gave Black POWs a modicum of protection by defining them as enslaved people, and thus as property, rather than as irregular combatants unprotected by the laws of war. Slaves in rebellion and wearing the US uniform were dangerous, but they remained, under Confederate interpretations of the law, subject to state laws regarding enslaved people. Whereas White US soldiers could generally expect to be held in a military prison until they could be paroled and exchanged, Black POWs would not be subject to these same processes, and, as will be seen, were vulnerable to enslavement through military labor, sale, and reclamation.⁴⁹ Once captive in the Confederacy, they were effectively recaptured Confederate property not liable to any claim by the US government under the laws of war, which was in turn using military necessity to seize Confederate enslaved people as contraband of war (and thus, legally treating enslaved people as property).

Additionally, Davis placed them under the final authority of the states’ governments rather than individual department commanders, countering Seddon’s November instructions.

⁴⁸ General Orders, No. 111, December 24, 1862, *OR* 2:5: 797. Emphasis mine.

⁴⁹ Typically, POWs, as uniformed regular soldiers of an enemy belligerent, were afforded protection under the laws of war and the right to be paroled and exchanged. They were not to be treated as irregular combatants, such as guerrillas, and though they could be placed at labor as deemed necessary, were to be fed, housed, and protected from torture and brutality. Ideals were rarely the reality, but the important detail (and distinction between Black and White Civil War POWs) was that POWs could be eventually exchanged back to their side, while Black POWs were not, and subjected to enslavement through military labor, sale, and reclamation. For in-depth examinations of the rights of POWs, see United States, *General Orders No. 100*, Art. 49-80; William E.S. Flory, *Prisoners of War: A Study in the Development of International Law* (Washington, D.C.: American Council on Public Affairs, 1942); Robert C. Doyle, *The Enemy in Our Hands : America’s Treatment of Enemy Prisoners of War, from the Revolution to the War on Terror* (Lexington: University Press of Kentucky, 2010); Paul J. Springer and Glenn Robins, *Transforming Civil War Prisons : Lincoln, Lieber, and the Politics of Captivity* (New York, NY : Routledge, 2015); Michael P. Gray, ed., *Crossing the Deadlines: Civil War Prisons Reconsidered* (Kent: The Kent State University Press, 2018).

In doing so, Davis rendered Black POWs subject to similar treatment as other fugitive enslaved people as outlined in the Fugitive Slave Act of 1850. Section 9 stated that “it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent, or attorney.”⁵⁰ Davis therefore effectively placed Black POWs under the same authority as fugitive non-combatant enslaved people who were to be held in the states from which they had escaped so that they might be reclaimed by their enslaver(s). Black POWs were to be considered property while in Confederate territory, and nothing else.

Davis’ wording in G.O., 111 is significant. Confederate commanders would have to keep Black soldiers alive in order to deliver them “at once” to the proper state authorities. Davis thus modified Seddon’s instructions in such a way as to discourage executions committed by the military, and to make the capture of Black POWs a civil issue. State governments historically dealt with slave trials, slave rebellions, fugitives, criminals, and conflicting property claims over enslaved people, and continued to do so during the war where civilian courts and governments remained in operation. Davis stated that White USCT officers likewise would be divested of their combatant status and subject to civil action rather than military authority. Davis’s order did not explicitly or implicitly recommend execution for Black soldiers, but rather for certain White soldiers. In fact, Davis targeted Maj. Gen. Benjamin Butler and stated that he and the White commissioned officers under his command were inciting slave insurrection, and as such, were to be treated as “robbers and criminals deserving death.” Similarly, White officers leading “armed slaves in insurrection” were to be

⁵⁰ “Fugitive Slave Act of 1850,” an electronic publication of the Avalon Project. William C. Fray and Lisa A. Spar, Co-Directors. *The Avalon Project at the Yale School: Documents in Law, History, and Diplomacy* (New Haven: The Avalon Project, 1996), https://avalon.law.yale.edu/19th_century/fugitive.asp (accessed March 21, 2018).

executed. “Armed slaves” on the other hand, were to be captured and delivered to state authorities.⁵¹ Davis thus provided an official statement that denied Black soldiers’ status as legitimate combatants, rendered them property, and placed them under states’ control, but did not explicitly recommend execution as he did for certain White officers.

Seddon and Davis had therefore laid some of the groundwork for handling Black soldiers by January 1863, while certain ambiguities remained to be addressed as circumstances demanded. Davis’s address to the Confederate Congress on January 12, 1863, clarified instructions on handling White officers leading Black troops, but did not clarify instructions regarding Black troops themselves. Davis stated that any “commissioned officers of the United States” attempting to carry out the Emancipation Proclamation by liberating slaves within Confederate territory would be delivered, on Davis’s order, “to the several State authorities...that they may be dealt with in accordance with the laws of those States providing for the punishment of criminals engaged in exciting servile insurrection.”⁵² Davis again made no specific provision for punishment, but rather placed the power of punishing White officers in the hands of state officials rather than the military or federal government. Any enlisted White US soldiers would be treated “as unwilling instruments in the commission of these crimes,” and still subject to discharge and return to their homes on the “proper and usual parole.”⁵³ Davis’s phrasing echoed the descriptions used to refer to Black men allegedly coerced by the US into rebelling against their masters and proper place in

⁵¹ General Orders, No. 111, December 24, 1862, *OR* 2:5: 797.

⁵² James D. Richardson, ed., *A Compilation of the Messages and Papers of the Confederacy, Including the Diplomatic Correspondence, 1861-1865, Volume I* (Nashville: United States Publishing Company, 1904), 276-97.

⁵³ Richardson, *Messages and Papers*, 276-97.

society. Here, Davis framed enlisted US men as victims of coercion at the hands of officers who were undermining proper racial hierarchy.

Between December 1862 and June 1863, Confederates approached the issue of Black captives on an *ad hoc* basis, in part because most of the initial prisoners were small groups of unarmed northern freemen. At least four free Black sailors captured in North and South Carolina in January 1863 simply remained incarcerated in Charleston military prisons.

Clarence Miller, a “freeman by birth” hailing from Philadelphia, was captured from the *USS Columbia* with his White crew when the gunboat was shipwrecked off of Wilmington, North Carolina. The crew was sent to Richmond, where they were held at Libby prison until the White sailors were exchanged. “Though nearly white,” Clarence remained in prison, as the Confederates “do not recognize me as a soldier entitled to treatment as a prisoner of war.”⁵⁴

His status as property, however, appears to have been uncertain. What happened to him is unknown. He may have died, been enslaved, or even sold, but it is currently only possible to speculate. The US gunboat *Isaac Smith* and its crew was captured in South Carolina on January 30 with three Black sailors on board. The White crewmembers were exchanged within weeks while three Black crew members, Orin H. Brown, William H. Johnson, and William Wilson, all of whom came from New York, were kept in a jail in Charleston until the end of the war, likely due to their status as northern freemen.⁵⁵

The first Black men captured in US uniforms who were sold into slavery were not soldiers and were unarmed. In February 1863, two teenaged bodyservants captured with the

⁵⁴ C. Miller to G. Welles, March 13, 1864, *OR* 2:7: 93.

⁵⁵ W. Ludlow to R. Ould, July 15, 1863, *OR* 2:6: 121; E.M. Stanton to Hitchcock, August 8, 1863, *OR* 2:6: 188; W. Ludlow to L. Thomas, May 30, 1863, *OR* 2:5: 721; Report of S.P. Lee to G. Welles, United States, Naval War Records Department, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, 30 vols., (Washington, D.C.: Govt. Printing Office, 1894-1922), Series 1, Volume 8, 543 (hereafter referred to as *ORN*); Lee to Welles, January 31, 1863, *ORN* 1:13: 563.

42nd Massachusetts Volunteer Infantry in Texas were sold and enslaved until the end of the war. It seems that their youth and presence among a White regiment may have rendered them less of a threat and more of an opportunity for profit. Charles Fairfax Revaleon and Charles Gerrish Amos (possibly “Ames”) hailed from Massachusetts, and were the descendants of a Black Revolutionary War veteran named Prince Ames. They were sold two or three days after their capture, with one apparently meriting a “pitiful sum of \$47.”⁵⁶ Their sale outraged the men of the 42nd Massachusetts, at least one of whom sent letters to Massachusetts Governor John Andrew, President Lincoln, and Maj. Gen. Ethan A. Hitchcock, who served as an adviser to Secretary of War Edwin M. Stanton. Maj. Gen. Edward R.S. Canby regretfully informed Governor Andrew on April 15 that “at present it appears to be impossible to do anything in this case except as a result of success in the war.”⁵⁷ Held deep in Confederate territory in Texas, both boys managed to survive their enslavement and return home, but only after the close of the war. Northern freemen’s imprisonment, it will be seen, would become a major concern following large-scale captures of men from the 54th and 55th Massachusetts Colored Infantries in July 1863.

A significant yet often overlooked Confederate policy that highlights antebellum slavery’s influence upon Confederate processes of slave incarceration and reclamation came into effect by March 1863. On October 13, 1862 the Confederate Congress had passed an act

⁵⁶ C.B. Burrell to E.W. Quincy, March 2, 1863, *OR* 2:5: 455; Hitchcock to Stanton, April 14, 1863, *OR* 2:5: 484. Charles Gerrish’s surname is spelled “Amos” in the letter, but his great-grandfather is listed in the 1800 census and service record as Prince Ames. His wife, Eunice Ames, was still living at age 97 and collecting a pension. See US Census, 1800; CMSR, 5th Massachusetts Infantry.

⁵⁷ H. Ware to A.G. Browne, April 8, 1863, *OR* 2:5: 455; J. Barbour to A. Lincoln, April 11, 1863, *OR* 2:5: 469; Canby to Andrew, April 15, 1863, *OR* 2:5: 484; Hitchcock to Andrew, May 31, 1865, *OR* 2:8: 586-587; Ware to Hitchcock, June 2, 1865, *OR* 2:8: 633-634; Hitchcock to Canby, June 5, 1865, *OR* 2:8: 640; Ware to Hitchcock, June 7, 1865, *OR* 2:8: 646.

“to protect the rights of owners of slaves taken by or employed by the army.”⁵⁸ The act enumerated a system of five depots for each Confederate state wherein (re)captured slaves would be housed, and from which they could be reclaimed by their enslavers. Descriptions and names of the enslaved people were to be “advertised in each State, in one or more newspapers of general circulation.”⁵⁹ Furthermore, Congress allowed the military to use the people held at these depots as a labor pool until enslavers arrived to reclaim them. While “such slaves are in depot, they may be employed, under proper guard, on public works” if they remained in the depot for a month after first advertised without being reclaimed.⁶⁰ The military used these slave depots throughout the war to house and distribute recaptured enslaved people, including several Black POWs, though the camps were *not* originally intended to house Black combatants.⁶¹

Though not intended to include captured Black soldiers who were captured in overt rebellion against the Confederacy, this policy provided a set of guidelines that military leaders ultimately replicated when handling Black POWs. On March 6, 1863, Davis enacted General Orders, No. 25 to create this system first described and authorized by Congress in October 1862. G.O., 25 officially established slave depots in major towns and cities in every Confederate state, and echoed Seddon’s November 1862 instructions to department commanders regarding the proper authority over Black POWs. The order stipulated that

⁵⁸ Confederate States of America, *The Statutes at Large of the Confederate States of America, Passed at the Second Session of the First Congress...* (Richmond: R.M. Smith, Printer to Congress, 1862), 89. To date, I cannot find a single mention of this order in extant historiography. Howard C. Westwood discusses the October 13, 1862 Act of Congress, but not General Order, No. 25 in Urwin, *Black Flag Over Dixie*, 45-46.

⁵⁹ Confederate States, *The Statutes at Large*, 89.

⁶⁰ Confederate States, 89.

⁶¹ S. Cooper to B. Bragg, May 8, 1863, *OR* 1:23(I): 294; Bragg to Cooper, May 24, 1863, *OR* 1:23:(II): 850; I. Carrington to Seddon, August 11, 1864, *OR* 2:7: 583. These depots are discussed in more detail Chapter 3.

“every person connected with the Army or Navy of the Confederate States arresting or coming into possession of any slave by capture from the enemy...*shall immediately report the same to the commanding officer of the post or brigade or station to which he may be attached.*” No person of any rank within the Confederate army or navy had any authority over captured slaves (who, like Black POWs, were often referred to as “captured negroes,” which may have accounted for some confusion in August 1864) *except* to bring them to the attention of the commanding officer of a particular locality.⁶² Alleged owners could then travel to any camp of instruction in any state in order to reclaim a recaptured enslaved person. The order stated that “Free access shall be permitted to all persons desiring to inspect the said slaves for the purpose of identifying them and establishing ownership, and upon due proof they shall be immediately restored to the persons claiming them.”⁶³ What that proof of ownership should be was not specified.⁶⁴

Large groups of Black soldiers participating in engagements beginning in June 1863 presented thornier issues for the Davis administration than the small, initial groups taken prisoner from October 1862 to May 1863. Rumors of massacre abounded following the first major engagements with Black troops at Milliken’s Bend on June 7, and at “Mound Plantation” near Goodrich’s Landing on June 29 and 30 in Louisiana.⁶⁵ Dozens of Black

⁶² See Chapter 3.

⁶³ General Orders, No. 25, March 6, 1863, *OR* 2:5: 844. Emphasis mine. The depots were established in Richmond, Petersburg, and Dublin Station in Virginia; Raleigh in North Carolina; Columbia in South Carolina; Macon and Decatur in Georgia; Notasulga and Talladega in Alabama; Tallahassee in Florida; Brookhaven and Enterprise in Mississippi; Monroe, Camp Moore, and New Iberia in Louisiana; Houston in Texas; Knoxville and McMinnville in Tennessee; and Little Rock in Arkansas. The McMinnville, TN, depot was later moved to Chattanooga. (B. Bragg to S. Cooper, May 24, 1863, *OR* 1:23(II): 850)

⁶⁴ See Chapter 3 for a discussion of Black POWs entering camps of instruction.

⁶⁵ Barnickel, *Milliken’s Bend*, 111.

soldiers from the 1st and 11th Arkansas Infantry, African Descent (later designated the 46th and 49th USCI, respectively), survived these battles and were subjected to a number of fates, including executions, imprisonment, enslavement, and sale. The exact numbers remain unknown, but as many as 113 enlisted men from the 46th and 29 men from the 49th were taken prisoner; at least 83 of these men survived.⁶⁶ One Confederate soldier, Pvt. John Simmons, 22nd Texas Infantry, stated that about a dozen Black soldiers from the 46th died immediately after their surrender.⁶⁷ At least 49 men from the 46th and 49th likely did not survive capture or captivity. What happened to most of them remains unclear, but several POWs reported that Confederates killed at least one man on the forced march to Monroe, Louisiana, along with brutalizing and threatening the wounded Black soldiers who had trouble keeping up. It is likely many men died in the immediate aftermath, but the majority were ultimately distributed throughout Louisiana and Texas to be put to work on fortifications, and in at least one instance, sold to a new enslaver.⁶⁸

From the earliest captures onward, Black POWs were subjected to forms of captivity that underscored Confederates' treatment of them as slaves in rebellion and thus as property to be dealt with as commanders saw fit, even in the absence of clear orders. At times, atrocities committed or threatened against Black POWs at this early juncture at times appear to have violated orders. Pvt. William Hunter, 49th USCI, recalled that after his capture at

⁶⁶ Historian William Dobak asserts that 80 enlisted men from the 46th USCI were captured at Mound Plantation on June 30. He finds that 8 escaped, 8 died in captivity, and 22 returned to the regiment. The remaining 42 did not return. (Dobak, *Freedom by the Sword*, 187-88) I have identified 103 men from the 46th USCI who appear to have survived capture long enough to be noted as POWs, which aligns with the claim that perhaps a dozen of 113 men from the 46th perished shortly after capture. Historian Linda Barnickel dedicates an entire chapter to parsing out the fates of POWs from the 46th and 49th USCI after their captures, and suggests as many as 128 men were captured on June 30. (Barnickel, *Milliken's Bend*, 124) I discuss the aftermath of capture following the Battle of Mound Plantation from Black POWs' perspectives in more detail in Chapters 2, 3, and 5.

⁶⁷ Barnickel, 123.

⁶⁸ SC 1.071.808, Pvt. Daniel Govan aka Robinson, Co. E, 46th USCI. See Chapter 3.

Milliken's Bend on June 7, he and his fellow Black POWs were transported to Monroe, Louisiana. The Confederates, part of the Third Brigade, Texas Division, "carried us to the court house yard, and said they were going to hang us, and had the rope," despite the fact that Brig. Gen. Henry E. McCulloch, commanding, had said the Confederates "should not do anything until they consulted with him." Hunter heard "Gen. McCulloch [sic] tell Gen. [Thomas J.] Churchill that we had to be treated as prisoners of war and he would *wade to his saddle skirts in blood before we should be hung*. He said the owners by proving property should come and take them."⁶⁹ McCulloch managed to stop his men from carrying out their intent, at least in this instance. McCulloch's alleged specification that Black prisoners were to be kept alive for the purposes of reclamation is significant, and suggests that some commanders attempted to make use of Black POWs early on. Whether Seddon communicated with McCulloch on this point is currently unknown, but given Seddon's instructions to Gov. Milledge Bonham of South Carolina and Lieut. Gen. E. Kirby Smith in the Department of the Trans-Mississippi in July and August 1863, it seems possible that Seddon was already recommending that Black POWs be kept alive in order to enslave them. US threats of retaliation may have been the impetus for Seddon's recommended course of action.

As more Black soldiers engaged Confederates in battle, Seddon became increasingly explicit throughout the summer of 1863 in his suggestions to commanders to use Black POWs as labor rather than executing them, and began to make distinctions between northern freemen and formerly enslaved men. The capture of free northern Black soldiers in South Carolina in July 1863, for example, pushed Seddon to advocate more diverse approaches to

⁶⁹ SC 413.772, Pvt. Cy Taylor, Co. I, 49th USCI. Emphasis mine.

handling Black POWs of various backgrounds in order to avoid “embarrassments.”⁷⁰ On July 22, 1863, South Carolina Governor Bonham demanded that General Beauregard hand over all the Black POWs captured in engagements on July 11 and 18 near Charleston. The POWs taken in this action came from the 54th and 55th Massachusetts Colored Infantries, as well as the 2nd South Carolina Colored Infantry (later organized as the 34th USCI). Governor Bonham stated that, per President Davis’s General Orders, No. 111, he held authority over the free- and slave-born POWs from South Carolina. In terms of legal action and punishment of freemen from northern states, however, Bonham stated his authority was less clear “till I can correspond directly with the War Department as to [the POWs’] disposition.”⁷¹

Beauregard and Bonham did not know what the proper course of action should be with regard to the men of the 54th and 55th Massachusetts Colored Infantry and 34th USCI in the summer of 1863. Both Beauregard and Bonham desired clarification on how to proceed with such POWs, given that the wording of Davis’ December 1862 proclamation stipulated that Black POWs “be at once delivered over to the executive authorities of the states *to which they belong*.”⁷² Though Bonham presumed that northern freemen would simply be dealt with by the authorities of the state in which they were captured, he wrote to Beauregard on July 22 asking for elucidation since these particular Black POWs were not simply escaped property subject to reclamation by private citizens.⁷³ Seddon, Davis,

⁷⁰ J.A. Seddon to M.L. Bonham, August 31, 1864, *OR* 2:7: 703-04.

⁷¹ M.L. Bonham to Beauregard, July 22, 1863, *OR* 2:6: 139.

⁷² General Orders, No. 111, December 24, 1862, *OR* 2:5: 797. For an in-depth examination of this correspondence, see Howard Westwood, “Captive Black Union Soldiers in Charleston: What to Do?” in Urwin, *Black Flag Over Dixie*, 34-50.

⁷³ M.L. Bonham to P.G.T. Beauregard, July 22, 1863, *OR* 2:6: 139-40.

Beauregard, and Bonham consulted back and forth throughout August 1863 regarding who held authority over White USCT officers and northern freemen, as well as the proper course to be taken with them.⁷⁴

Seddon ultimately advised Bonham to hold northern freemen in prisons for indefinite periods rather than place them on trial or execute them. Seddon recommended to Davis on August 23 that a definitive policy with regard to northern freemen be announced so as to avoid further confusion. Seddon stated to Davis that authorities had two courses of action. They would either have to “promptly” execute northern freemen, or, if they were not executed, to deal with them “in some exceptional way to mark our stern reprobation of the barbarous employment of such inciters to insurrection with all its attendant horrors in our slave-holding States.” Seddon advocated for the latter, preferring to hold northern freemen to “hard labor.” Such a course would not only “deter” slave insurrection, it would “meet the requirements of our own people” to benefit from the captives’ forced labor.⁷⁵ Two days later Davis responded to Seddon wherein he stated that, as president, he only held authority over the handling and punishment of White USCT officers, but *not* over any “captured negroes” in US uniform. Such a determination was not his to make, and was up to the governors of the states. Davis declared the power to “commute penalty” such as execution had been granted to the governors so as to “make discriminations...to avoid the *danger of sinking the spirit in the letter of the law.*”⁷⁶ Though Davis did not recommend any specific course of action, his

⁷⁴ M.L. Bonham to J.A. Seddon, July 23, 1863, *OR* 2:6: 145; M.L. Bonham to J.A. Seddon, August 10, 1863, *OR* 2:6: 193; J.A. Seddon to J. Davis, August 14, 1863, *OR* 2:6: 193.

⁷⁵ Seddon to Davis, August 23, 1863, *OR* 2:6: 194.

⁷⁶ Davis to Seddon, August 25, 1863, *OR* 2:6: 194. Emphasis mine.

analysis of the scope of authority and punishment with regard to the northern Black POWs gave Seddon leeway to recommend clemency.

By the time Seddon communicated this recommendation to Bonham on September 1, however, the governor had already ordered a trial be convened to determine the guilt of four Black POWs who had previously been slaves. None of these men were native to South Carolina, however, and the civil court ultimately determined on September 10 that it did not have the authority to make a ruling regarding Black soldiers of any background. Seddon had stated to Bonham on September 1 that “I venture to recommend further, that the captured negroes be *not* brought to trial; or, if condemned, that your powers of executive clemency be exercised to suspend their execution.”⁷⁷ He therefore suggested Black POWs *not* be tried in courts, and their sentences of execution commuted. The court subsequently concluded that because these Black POWs were enemy combatants, it did not have jurisdiction as a civil court to make a ruling as to the POWs’ proper punishment. That authority, it deemed, lay with the military.⁷⁸ Following this ruling and Seddon’s guidance, Bonham let the Black POWs remain in Charleston for several months until they were transferred to the military prison at Florence, South Carolina.⁷⁹

In the midst of his communications with Governor Bonham, Seddon was also advising Lieut. Gen. E. Kirby Smith on what to do with Black POWs moving forward following the June 1863 rumors of executions. A week after the large group of Black POWs from the 46th and 49th USCI had been taken alive in June 1863 in Louisiana, Smith (who

⁷⁷ Seddon to Bonham, September 1, 1863, *OR* 2:6: 246. Emphasis mine.

⁷⁸ Urwin, *Black Flag Over Dixie*, 41-46.

⁷⁹ Urwin, 41-46.

commanded the Department of the Trans-Mississippi) wrote to Maj. Gen. Richard Taylor that “I hope this may not be so, and that your subordinates...in command of capturing parties may have recognized the propriety of giving no quarter to armed negroes and their officers.” Smith then stated that giving no quarter to the Black soldiers would have relieved Confederates of “a disagreeable dilemma.”⁸⁰ Smith appears to have been reprimanding Taylor for keeping Black POWs under military authority following their capture rather than forwarding them to the Louisiana governor. The fundamental issue Smith laid out for Taylor was not that Taylor had taken Black POWs alive (though Smith was certainly frustrated by that outcome), but rather that Taylor was still holding them under his authority nearly a week after the battle. Smith had been confronted by Governor Thomas O. Moore about Taylor’s Black POWs. The governor, as the executive authority of the state of Louisiana, the state in which the Black soldiers were taken captive, demanded that Taylor immediately remit any Black POWs in his possession to the attorney-general to begin the process of prosecuting them under civil law. It appears that Taylor’s seeming failure to inform Smith regarding the capture of the Black POWs had embarrassed Smith in front of the governor. Smith then sought instructions from Seddon as to what the proper course of action should be with Black POWs moving forward.

On August 12, 1863 Seddon stated in correspondence with Lieutenant General Smith that he was against executing Black POWs except when absolutely necessary, and that they should instead be “returned to their owners.” Again, Seddon emphasized discretion. Though

⁸⁰ Per Seddon’s instructions of November 30, 1862, it was Smith who was the proper military authority entrusted with deciding Black troops’ fates in battle as the commander of the geographical department in which Taylor operated. Although Taylor had informed Smith’s chief of staff, Brig. Gen. William R. Boggs, on June 8 that Taylor’s men had “unfortunately” captured 50 black troops and two officers and asked for instructions, it seems this report failed to reach Smith before June 13. Gov. Moore’s confrontation therefore caught Smith both uninformed and unprepared. Smith did not know whether Taylor had taken Black POWs or not. (EK Smith to R. Taylor, *OR* 1:24(III): 459; 2:8: 21-22.)

he did not “design these as positive instructions,” they were “suggestions which I hope will receive the concurrence of your judgment and become your rule of action.” While he may not have intended his advice to be interpreted as an order, Seddon advocated showing “mercy” to Black troops, and that “the *white men* leading them...had better be dealt with red-handed on the field or immediately thereafter.”⁸¹ The only instance in which Seddon appears to have openly advocated the execution of enemy soldiers was the capture of *white USCT officers*.⁸²

Seddon’s communications with Bonham and Smith made clear that executing Black soldiers of any background was an unwise invitation to US retaliation.⁸³ Why Seddon felt that executing White USCT officers would not invite similar retaliation was not made clear. On July 30, 1863, President Abraham Lincoln had issued General Orders No. 252. “For every soldier of the United States killed in violation of the laws of war, a rebel soldier shall be executed,” the order stated. Furthermore, for “every one enslaved by the enemy or sold into slavery, a rebel soldier shall be placed at hard labor on the public works, and continued at such labor until the other shall be released and receive the treatment due to a prisoner of war.”⁸⁴ US commanders such as Maj. Gen. David Hunter had already threatened retaliation

⁸¹ Seddon to E.K. Smith, August 12, 1863, *OR* 1:22(II): 965. Emphasis mine.

⁸² James G. Hollandsworth, “The Execution of White Officers from Black Units by Confederate Forces during the Civil War,” *Louisiana History*, Vol 35, No 4, (Autumn 1994), 475-89. Despite Seddon’s point regarding White officers of Black regiments, nearly every White USCT officer positively identified as a POW survived captivity and was paroled and exchanged. Out of 27 USCT regiments surveyed for White officer mortality, 25 had survival rates of 100% among White POWs.

⁸³ E.K. Owen to D. Porter, June 16, 1863, *OR* 1:24(III): 425; R. Taylor to U.S. Grant, June 27, 1863, *OR* 1:24(III): 443; Grant to Taylor, July 4, 1863, *OR* 1:24(III): 469; G. Andrews to J. Logan, W. Adams, August 5, 1863, *OR* 2:6: 177; Urwin, *Black Flag Over Dixie*, 36.

⁸⁴ General Orders No. 252, July 30 1863, *OR* 2:6: 163. As early as August 8, 1863, US officials placed Confederate POWs in like conditions as Black POWs whose treatment had been communicated to them, including placing three men in close confinement as a response to the imprisonment of the three Black sailors from the *Isaac Smith*. (E.M. Stanton to E.A. Hitchcock, August 8, 1863, *OR* 2:6: 187-88) In at least one instance, Major General Butler placed Confederate soldiers at hard labor in October 1864 as retaliation for

against Confederate POWs for violence toward Black POWs. The US was aware of the various usages to which Confederates put Black POWs, and hoped to put a stop to executions and enslavement. Confederates would not admit to executions, fearing that like punishment would be committed against Confederate POWs in US hands, but readily defended the principle of enslaving Black POWs who had been recaptured. Maj. Gen. Richard Taylor denied such activities had taken place following the Battle of Milliken's Bend to Gen. U.S. Grant on June 27.⁸⁵ Several weeks later, a massacre took place that Confederate commanders likewise denied when questioned by US authorities. Following these communications, it seems Seddon and Davis deemed it best to try to avoid further complications by enslaving Black POWs instead.

In the midst of Seddon's communications with Bonham and Smith in August 1863, an outright slaughter of Black POWs took place in Louisiana. On September 3, 1863, Col. John L. Logan, commanding the Eleventh and Seventeenth Consolidated Mounted Arkansas, Infantry, reported to Col. Benjamin S. Ewell that on August 3, two of his officers had "summarily disposed of" a group of Black POWs, 73rd USCI, who had been captured at Jackson, Louisiana.⁸⁶ Logan's report included testimony from two officers, Cols. John Griffith and Frank Powers, who admitted to opening fire upon the black troops after an attempted escape by a few resulted in a "general stampede." Powers took personal responsibility for ordering his troops to open fire, and betrayed his feelings on the matter by

reports that Black soldiers were laboring on Confederate fortifications in their uniforms and while under threat of fire from the US. (Butler to R. Ould, October 12, 1864, *OR* 2:7: 876)

⁸⁵ Grant to Taylor, June 22, 1863, *OR* 1:24(III): 425; Taylor to Grant, June 27, 1863, *OR* 1:24(III): 443-44; Grant to Taylor, July 4, 1863, *OR* 1:24(III): 469.

⁸⁶ J. Logan to B.S. Ewell, September 3, 1863, *OR* 2:6: 258.

stating that “with my six-shooter [I] assisted in the execution of the order.” Only a “few” managed to escape, the rest “being killed instantly.”⁸⁷ It appears that at least one officer, 2nd Lieut. Oscar Orillon, was killed in this massacre. Though Orillon was a free man of color, he was mistaken for a White officer.⁸⁸ Logan was less than pleased with this sequence of events, at least on paper. When he “demanded” to know what had happened, he received conflicting reports, including the falsehood that the Black POWs had been sent to Mobile. When he determined that the POWs had in fact been killed, Logan “rebuked Colonels Powers and Griffith severely for making any disposition of them without my orders...the whole transaction was contrary to my wishes and against my own consent.” The remainder of the command apparently would not confess to participating in the event.⁸⁹

Though several commanders expressed consternation at the massacre, they closed ranks and refused to admit to the incident upon inquiries from US officials. Gen. Joseph E. Johnston, commanding the Department of the West, wrote to Maj. Gen. Stephen D. Lee of the Griffith-Powers massacre on August 31. Johnston wanted Lee to “inquire into the truth” of the report regarding the Griffith-Powers massacre. Johnston noted that 23 prisoners, comprising one White officer (Orillon) and 22 “colored and negro privates” had been “put to death in cold blood and without form of law.” If the report was indeed true, Johnston wanted to “bring the culprits to trial.”⁹⁰ Lee, however, disagreed, and no record has been found to indicate that Griffith, Powers, or any others were punished for their roles in the massacre.

⁸⁷ N. Warren to J. Griffith, September 2, 1863 *OR* 2:6: 258-59.

⁸⁸ Urwin, *Black Flag Over Dixie*, 55, 63.

⁸⁹ J.L. Logan to B.S. Ewell, September 3, 1863, *OR* 2:6: 258.

⁹⁰ J.E. Johnston to S.D. Lee, August 31, 1863, *OR* 1:30(IV): 573.

Logan likewise categorically denied any knowledge of the Griffith-Powers massacre on August 5 when US Brig. Gen. George Andrews, hearing that two Black POWs had been hanged near Jackson, demanded a disavowal of such acts and the punishment of the men involved. Andrews issued a threat: “it is not at all difficult to retaliate severely upon the prisoners in our hands and upon those that may be taken hereafter. The severest measures of retaliation will certainly be adopted on my part if such outrages should again be committed, or if those herein mentioned are not disavowed and the perpetrators properly dealt with.”⁹¹ It is likely that Logan already knew of the far more deadly acts that had indeed taken place, but he denied it to Andrews on August 8, and threatened retaliation of his own should Andrews “exercise cruel or unkind treatment toward any officer or soldier captured by your forces belonging to this command.” Andrews backed down, citing a lack of sufficient evidence to pursue retaliation.⁹²

Most Confederate commanders staunchly denied any knowledge or approval of massacres. When Maj. Gen. Lee received Logan’s report from Ewell, he recognized the potential consequences of admitting guilt to the US. Unlike Johnston, Lee did “not consider it in the interest of the service that this matter be further investigated at present, as a court of inquiry or court-martial will afford the only means of gaining correct information.”⁹³ To prevent an unending cycle of retaliation, plausible deniability in the wake of post-capture executions of Black POWs seemed the only possible option. According to Lee, a trial would

⁹¹ G. Andrews to J. Logan, August 5, 1863, *OR* 2:6: 177.

⁹² Andrews eventually received further evidence in February 1864 that convinced him the soldiers of the 73rd USCI had, in fact, been “deliberately murdered after capture.” Andrews demanded to know whether the men had been killed under or against orders. He would, if the former, retaliate, and if the latter, demanded the perpetrators be punished. It is unclear whether Andrews ever received a response or if retaliatory measures were taken. (G. Andrews to W. Adams, February 16, 1864, *OR* 2:6: 960-61)

⁹³ S.D. Lee, inclosure, September 3, 1863, *OR* 2:6: 258.

simply draw unwelcome attention. Lack of official reprimands or consequences for these early massacres of Black POWs shielded Confederate soldiers, particularly those held by the US as POWs, from retaliation, and contributed to the continued violence toward Black prisoners.⁹⁴

Seddon further clarified his position in August 1864 when he sanctioned enslaving southern Black POWs and imprisoning northern Black POWs. Two months earlier on June 24, Governor Bonham had written to Seddon that he had seen two notices in Richmond newspapers stating “that certain slaves recently captured from the enemy by our troops will be delivered to their owners upon [slaveholders’] application to certain officers who have [the slaves in their] charge.” This was *reclamation*, the process in which private slaveholders identified and reclaimed escaped slaves. Bonham, not having seen any proposed laws or resolutions regarding this practice, asked whether any had been passed that “have escaped my notice.”⁹⁵ On August 31, Seddon stated that “It has been considered best...to make a distinction between negroes...who can be recognized, or identified as slaves and those who were free inhabitants of the Federal States.” Seddon told Bonham that the October 13, 1862 statute was to be applied to formerly enslaved men, “which makes arrangement for their return to the owners establishing title.”⁹⁶ This was an explicit description of postliminy in practice, if not by name.

Former slaves would thus be returned to private slaveholders where *practicable*. Seddon noted that Black POWs’ return to owners “will not free them from the liability to

⁹⁴ Burkhardt, *Confederate Rage*, 1.

⁹⁵ M.L. Bonham to J.A. Seddon, June 24, 1864, *OR* 2:7: 409.

⁹⁶ J.A. Seddon to M.L. Bonham, August 31, 1864, *OR* 2:7: 703-04.

criminal proceeding in the hands of owners...while at the same time it recognizes and secures the property of the owner.” Seddon expressly linked private slaveholders’ property rights over Black POWs to the process of postliminy. Northern freemen, on the other hand, “are held in strict confinement and not as yet formally recognized in any official dealings with the enemy as prisoners of war” Seddon noted. Except “in some trivial particulars indicative of inferior consideration,” he said, they “are treated very much in the same manner as our other captives,” meaning White POWs. Northern freemen, like those of the 54th and 55th Massachusetts, were thus held in military prisons and less likely to be used as enslaved labor beyond prison walls, which was the common fate for formerly enslaved Black POWs from the South. “The decision as to [the freemens’] ultimate disposition,” Seddon said, “will probably be referred to Congress, and...it is probable they will be recognized in some form as prisoners of war.” Seddon then advised Bonham that southern Black POWs “as are identified as slave” be delivered to “their owners” and the “return of those discovered to have been originally free to the Confederate authorities.”⁹⁷ Thus, by mid-1864, and in the wake of repeated dealings with the US over Black POWs’ executions after capture, the Confederacy adopted a distinction between Black POWs based on prior status. Formerly enslaved men from the southern states, however, would continue to be liable to treatment as recovered property under postliminy.

In October 1864, Gen. Robert E. Lee, the commander of the Army of Northern Virginia, gave clear voice to the Confederate government’s policy of treating Black soldiers as recaptured property under postliminy. He did so to refute the US claim that the Confederacy violated the laws of war in its treatment of Black combatants. Lee wrote to Maj.

⁹⁷ J.A. Seddon to M.L. Bonham, August 31, 1864, *OR* 2:7: 703-04.

Gen. Ulysees S. Grant only several weeks after *en masse* captures of the 106th, 110th, 111th, and 44th USCI in Georgia in September and October 1864, and in the midst of successful reclamations of Black Virginian and Marylander POWs in Richmond prisons by their former enslavers.⁹⁸ Grant demanded information regarding reports that Black POWs had been placed at work on Confederate fortifications while still in their blue uniforms and exposed to US fire.⁹⁹ “Before stating the facts with reference to the negroes alluded to,” Lee wrote, “I beg to explain the policy pursued by the Confederate Government towards this class of persons, when captured by its forces.” Lee noted he had been “instructed” to tell Grant “that all such slaves when properly identified as belonging to citizens of the Confederate States, or to persons enjoying the protection of their laws, will be restored, like other recaptured private property, to those entitled to them.” Though Lee did not use the term postliminy, he summarized its definition under Confederate law. Lee confirmed that there were indeed at least 59 Black POWs who were currently at work on Confederate fortifications who had been identified as formerly enslaved to Confederate citizens. They were, he stated, simply at work on fortifications until they could be reclaimed. Lee asserted that the “legal right of the owner to reclaim” recaptured enslaved people was as strong in the present cases as in past wars such as the Revolutionary War and the War of 1812.¹⁰⁰

Lee elided discussion of how his army’s raids in Pennsylvania in June and July 1863 to capture and kidnap formerly enslaved and free Black people fit with this policy, but by the

⁹⁸ See Chapters 3 and 4.

⁹⁹ Grant was referencing a communication from Maj. Gen. Benjamin Butler wherein Butler stated that he had heard Confederates placed Black POWs under fire while laboring on fortifications while in uniform. Butler declared he would retaliate by placing a like number of Confederate soldiers in captivity under the US to hard labor under fire in the Dutch Canal. (Butler to Grant, October 12, 1864. *OR* 2:7: 966)

¹⁰⁰ “Correspondence Between Generals Lee and Grant, relative to the treatment of negro soldiers and the retaliation measure of Gen. Butler,” *The Daily Confederate*, November 2, 1864.

time he communicated with Grant on this issue, the Confederate policy had adjusted. Like Black POWs, these noncombatants from Pennsylvania had been murdered, “sold, reclaimed as fugitives, or forced to labor in Confederate prisons or on military projects.” Many of the people targeted by the Pennsylvania slave raids were alleged refugees from slavery.¹⁰¹ The raids reflected a policy laid out by President Davis in a speech to the Confederate Congress on January 5, 1863 in which Davis had declared that “on and after February 22, 1863, all free negroes within the limits of the Southern Confederacy shall be placed on the slave status, and be deemed to be chattels, they and their issue forever.” This second proclamation thumbed its nose at the Emancipation Proclamation by terming *all* Black people within the Confederacy as slaves. Davis further declared all Blacks, even in states where slavery did *not* exist, as “*ipso facto*” slaves should they be captured by the Confederacy “in the progress of our arms.” Should the Confederacy invade and occupy or conquer any of the free states, “the respective normal conditions of the white and black races may be placed on a permanent basis, so as to prevent the public peace from being thereafter endangered.”¹⁰² When Lee and his men invaded Pennsylvania and captured as many as 1,000 people for the purpose of enslaving them, the soldiers upheld Davis’s proclamation. Following the issues of the summer of 1863 regarding executions, enslavement, and retaliation, however, Confederate military slave raids did not take place in US territory again. Confederate policy likewise adapted following the 1863 raids to make distinctions between northern freemen and formerly enslaved southerners captured in arms.

¹⁰¹ David G. Smith, “Race and Retaliation: The Capture of African Americans During the Gettysburg Campaign,” in Peter Wallenstein and Bertram Wyatt-Brown, eds., *Virginia’s Civil War* (Charlottesville: University of Virginia Press, 2005), 138.

¹⁰² The full proclamation is provided in Jordan, *Black Confederates*, 319-20.

Confederate policy therefore declared that, under postliminy, *enslaved* peoples' escape to the US did not terminate their obligation of lifetime servitude to their enslavers. Formerly enslaved Black POWs, Lee claimed, continued to "owe service or labor to citizens or residents of the Confederate States." Even if slaveholders did not come forward to reclaim Black POWs, the prisoners still owed a lifetime of labor. Furthermore, Lee referenced a previous communication regarding the recent policy toward Black POWs "who are not identified as property of citizens or residents of any of the Confederate States." This particular class of Black POW, namely freemen from free states, were not subject to the requirements of postliminy because they did not owe any enslavers their labor. Northern freemen would henceforth be "regarded as prisoners of war, being held to be proper subjects of exchange, as I recently had the honor to inform you. No labor is exacted from such prisoners by the Confederate authorities." As such, Lee declared, the Black POWs placed at work could not have been exposed to fire except as a violation of orders - endangering enslaved laborers was, quite simply, against the policy and interests of the Confederacy.¹⁰³

In a report to Congress on November 3, 1864, Seddon specifically cited postliminy as the Confederate policy toward Black POWs. He stated that "the principle that a slave withdrawn from his master in war or peace, by desertion, capture, or other act not sanctioned by the law of the State, or the will of the master, *does not change [the slave's] condition within the State to which he belongs, or prevent the right of the master [to reclaim him] upon his re-capture.*" The "principle of the *jus post liminium* in regard to persons such as slaves," noted Seddon, "has been uniformly applied on the continent of Europe."¹⁰⁴ Here Seddon

¹⁰³ "Correspondence between Generals Lee and Grant."

¹⁰⁴ *Report of the Secretary of War*, 17.

clearly laid out the official policy of postliminy that had been applied, and would continue to be applied, to formerly enslaved men acting as enemy combatants.

On November 7, 1864 in his last message to the Confederate Congress, President Davis proposed a “radical modification in the theory of the law” regarding slavery. Davis suggested that it was time to consider whether the Confederate government should purchase enslaved people in order to augment the military’s impressed slave labor corps. Up to this point in the war, Davis stated, the government had considered enslaved people “only as private property...out of respect for their masters’ property rights” and had taken steps to ensure slaveholders received compensation should an impressed slave be maimed, die, or escape to the enemy while in the custody of the Confederate military.¹⁰⁵ Yet the exorbitant financial costs of losing impressed slave laborers to maiming, death, or escape affected both government and slaveholder alike. Davis therefore suggested that the government purchase up to 40,000 enslaved people to “be advantageously employed” as military laborers, primarily for the Engineer Department. In doing so, the government would secure a labor corps without having to continue adjudicating slaveholders’ claims for lost impressed labor. Davis felt that state-owned enslaved people would be less expensive in the long run, as well as sidestep thorny questions of state deference to private property rights or the state’s obligation to pay restitution. Rather than immediately manumit state-owned slaves, or “retaining [them] in servitude” after the war’s end, Davis suggested promising manumission to state-owned slaves in order to secure their full and faithful service to the Confederacy.¹⁰⁶

¹⁰⁵ Confederate States of America, *Journal of Confederate Congress, Vol. 7* (Washington : Government Printing Office, 1904-1905), 254-55. For further discussion of Davis’s proposal, see Jamie Amanda Martinez, *Confederate Slave Impressment in the Upper South* (Chapel Hill: University of North Carolina Press, 2013) 132-33.

¹⁰⁶ *Journal of Confederate Congress* (7), 254-55. Emphasis mine. One particular issue Davis noted regarding the February 1864 Slave Impressment Act was that there could arise “cases where the slave might be

Davis's message provoked "a firestorm of controversy" among slaveholders who were fearful of the "long-term implications of his suggestion that the central government pay less attention to their property rights as slaveholders." Impressment "shattered any illusion that the master held ultimate authority over his slaves." Additionally, promising manumission to enslaved people as a "reward" flew in the face of pro-slavery rhetoric regarding enslaved peoples' innate happiness and contentment in slavery. Though Congress created the Board of Slave Claims in April 1864 "to protect slaveholders' economic investments in their slaves, and thus reinforce their mastery," this step "did not repair the damage" because private slaveholders' rights were already subordinated to the requirements of the war effort by the very existence of the slave impressment law. The increasing centralization of slave impressment between February 1864 and March 1865 "dramatically reduced the master's power over his human property."¹⁰⁷ Though it took until November 1864 for President Davis to formally attempt to turn the Confederacy into an enslaving state, the fact remained that the government had been enslaving Black POWs since 1862 without compensating former enslavers. Black POWs' enslavement and imprisonment were therefore part of a conscious policy repeatedly communicated to and by Confederate officials, Congress, state governors, and military commanders from 1862 onward.

Conclusion

Confederate President Jefferson Davis, Secretary of War James Seddon, and other officials were consistent in their advice and orders to treat Black POWs as recovered

recaptured after compensation for his loss had been paid to the private owner." The Act could result in the government compensating private slaveholders for impressed slaves who had run away, despite the fact that these runaways might ultimately be recaptured alive and whole.

¹⁰⁷ Martinez, *Confederate Slave Impressment*, 133.

property. In 1862, Seddon's instructions to commanders Beauregard, Forney, Mercer, and others paralleled existing slave laws and traditions by advising *discretion*, wherein gruesome examples should be made of *some* rebellious slaves in order to control the surviving majority through terror.¹⁰⁸ Yet in every instance Seddon also advised caution when determining appropriate punishments for Black POWs, and by August 1863 Seddon outright recommended holding Black POWs to hard labor rather than executing them. Confederate officials likewise repeatedly demonstrated their flexibility in handling Black captives on a case by case basis. By August 1864, Seddon was openly directing officials to enslave southern Black POWs, return former slaves to their masters where practicable, and to hold northern Black POWs in prisons "in very much the same manner as our [white] captives."¹⁰⁹

Confederates not only took most Black POWs alive, they also actively attempted to keep Black POWs alive for the sake of exploiting them for labor. Confederate doctors in military camps, prisons, and hospitals treated Black POWs in at least ten of the eleven secession states. Their "care" ranged from cursory examinations to invasive surgeries intended to save Black POWs' lives. Though medical care for White soldiers and POWs has received extensive attention, Black POWs' treatment for illnesses and injuries were rarely mentioned in records except to note whether they entered into Confederate hospitals.¹¹⁰

Chapter 2 therefore examines Black POWs' extensive medical care at the hands of

¹⁰⁸ Daniel Rasmussen, *American Uprising: The Untold Story of America's Largest Slave Revolt* (New York: Harper, 2011), 149. This practice was in place during the Revolutionary War as well. See Patricia Bradley, *Slavery, Propaganda, and the American Revolution* (Jackson: University Press of Mississippi, 1998), 143.

¹⁰⁹ J.A. Seddon to M.L. Bonham, August 31, 1864, *OR* 2:7: 704.

¹¹⁰ William Marvel, *Andersonville: The Last Depot* (Chapel Hill: University of North Carolina Press, 1994), 155, 169, 171; Speer, *Portals to Hell*, 1-5, 161; Charles W. Sanders, Jr., *While in the Hands of the Enemy: Military Prisons of the Civil War* (Baton Rouge: Louisiana State University Press, 2005), 102, 163, 192, 267, 306, 314; Pickenpaugh, *Captives in Blue*, 218.

Confederate doctors through Black POWs' testimony and their service records. Though Confederate doctors often saved Black POWs' lives, however, their actions must not be mistaken as altruistic. Enslaved people's health and medical care proved to be a major concern for slaveholders seeking to maintain their labor force, and Whites' care more often than not considered enslaved people's health in relation to the marketplace and economic value.

CHAPTER 2

“If you cure him he will make me a good servant”: Black POWs’ Medical Care in the Hands of Confederates and Comrades

“When the Rebel doctor came to see me he came in and looked at me and said ‘you damned nigger have got the black measles and will die and ought to die what did you come out to fight us for?’ The man that was with the doctor said, ‘if you cure him he will make me a good servant’. So they gave me some medicine a few times.” - Pvt. Charles Cissel, 5th USCC

“My leg it was takin of in the Rebel lines by Rebels no pains was takin on me” - Pvt. James Haywood, 8th USCI

Pvt. Charles Cissel, 5th United States Colored Cavalry (USCC), had belonged to a small-time Kentucky farmer with too many mouths to feed prior to joining the US military. In a household containing ten White dependents, eight of whom were underage girls, Pvt. Cissel’s enslaver, James Cecil, hired him out from the Cecils’ small farm in rural Marion County.¹ In 1862, the US army began impressing Black men, slave and free alike, into its service as laborers.² The army took Cissel in August 1864 and put him to work on the railroad between Lebanon and Louisville, Kentucky. In September, Cissel joined the Fifth United States Colored Cavalry (5th USCC). Only two weeks later, with very little training or time spent among his comrades, Cissel stormed the Confederate salt works in Saltville, Virginia.

¹ SC 959.130, Charles Cissel, Co. D, Private, 5th USCC.

² Kent T. Dollar, Larry H. Whiteaker, and W. Calvin Dickinson, eds., *Sister States, Enemy States: The Civil War in Kentucky and Tennessee* (Kent: Kent State University Press, 2015), 191.

As his regiment attempted to climb the daunting slope leading up to one of the Confederacy's largest salt works, a shell struck Cissel in the chest. "It kind a stunned me," he recalled, "but I took out a white handkerchief (the first one I ever owned) and put it over the wound [and] buttoned my jacket over it (we were then wearing cavalry jackets) [and] went on with my company." As he attempted to rejoin his comrades, who began to fall back from their exposed position, bullets struck him twice more before he encountered a Confederate soldier. Despite Cissel's evident injuries, the soldier in gray speared him with a bayonet "in each hip [and] below both knees [and] made a thrust with [the] bayonet at my body [and it] stuck in my arm."

Cissel somehow survived this onslaught, but did not retain his freedom. He surrendered, after which his captor then managed to take Cissel off the field, and delivered him into the care of a Confederate surgeon and "an old colored man named Cornelius" in a log cabin. The Confederate surgeon apparently raged at Cissel and his captor. "[H]e...said 'you damned nigger have got the Black measles [and] will die and ought to die what did you come out to fight us for?'" Cissel's captor responded: "if you cure him he will make me a good servant." The surgeon, apparently mollified by this response, proceeded to treat Cissel's wounds. The surgeon also gave Cissel unspecified medicine "a few times." The doctor then left, never to return. Cornelius remained behind, and it was Cornelius' care, stated Cissel, that ultimately "pulled me through." Cissel described Cornelius as "a good nurse" during the two months it took him to recuperate enough to leave the cabin.

By this time, Cissel's captor had forgotten him or moved on. Cissel alleged he instead went to the salt works where he had been captured in order to work the furnaces. He recognized one other man from his regiment (possibly Pvt. Charles Laurie), but he had lost

track of the others during his long recuperation. Cissel claimed that he ultimately escaped and returned to his regiment in the summer of 1865.³

What happened to Pvt. Charles Cissel was in fact relatively typical for Black soldiers captured by Confederates. I have found testimony from 76 Black POWs who stated they received medical treatment in captivity in one form or another at the hands of Confederate doctors and citizens. Additionally, 157 Black POWs' service records show that Black POWs' medical care at the hands of Confederate doctors on the field, in prisons, and in hospitals occurred from the earliest captures onward, and spanned almost every geographical department.⁴ Black POWs received medical care in at least ten of the eleven Confederate states.⁵ At least 198 Black POWs received some degree of medical care in the Confederate South, whether at the hands of Confederate doctors or in the custody of their former enslavers.

This chapter examines Black POWs' often extensive medical treatment at the hands of Confederate doctors and comrades. Black POWs' medical care at the hands of Confederate doctors reveals a *de facto* policy of preserving the lives of Black prisoners as property to be used toward the war effort. Furthermore, their medical care pointed to

³ Charles Cissel; CMSR. Pvt. Laurie's service record notes that he escaped from Saltville just over two months after his capture, in December 1864, but he did not apply for a pension.

⁴ I have 79 pension files in which Black POWs acknowledged they received medical care from several different parties, whereas only 37 of these soldiers' service records note that they received medical care. Four of the 79 men stated that they received medical care **only** while in the private custody of their enslavers after reclamation (see Chapter 4), while two POWs noted that they received medical care **only** from their comrades. Pvt. Charles Cissel remains the only POW to note treatment by both a Confederate doctor and an enslaved man. This means that an additional 36 names should be added to the list of 157, totaling 198 Black POWs who received medical care by a Confederate army doctor.

⁵ Thus far I have not located any Black POWs who received Confederate medical treatment in Tennessee.

Confederates' intent to restore Black people to their enslavers during and after the war. Scholars have noted how enslaved people proved to be "at least minimally insulated from physical harm by their intrinsic financial value," while acknowledging the limits of such contingent safety.⁶ Slave health was closely intertwined with other issues of control. Enslaved people's able-bodiedness reflected the "complex expectations and assumptions" influencing slaveholders' "need to incorporate [enslaved bodies] into daily life, labor schemes, and the strictures of the slave market," while also asserting power over those same bodies through violence and other means.⁷ Whites exhibited the breadth of their mastery in deciding whether an enslaved person received treatment or not, whether they remained able-bodied or not, and whether they lived or died. Controlling enslaved peoples' bodies and labor did not occur simply through terror, but also through determining the extent and necessity of their medical attention. Medical care therefore often merged with physical abuse of enslaved people as methods of control in the antebellum era and the Civil War.

Black POWs still held intrinsic value as much-needed labor in the midst of a desperate war effort. But such protection could only reach so far. Though at least 198 Black POWs received some form of treatment during captivity, close to half perished before the war ended. The high mortality rate of Black POWs treated by Confederates (95 of 198, or 48%) suggests several possibilities that are examined in this chapter.⁸ First, Black soldiers

⁶ Douglas Blackmon, *Slavery By Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (New York: Random House, 2008), 96.

⁷ Dea H. Boster, *African American Slavery and Disability: Bodies, Property, and Power in the Antebellum South, 1800-1860* (New York: Routledge, Taylor & Francis Group, 2013), 3-4.

⁸ As noted in Chapter 1, the CMSR are helpful, but inconsistent in terms of information provided on Black POWs' treatment in captivity, including whether they received medical care. Many more POWs likely received some degree of treatment than is currently known, and further examination of pensions will likely yield additional insight.

captured in combat were often wounded when they entered captivity, and kept in unsanitary conditions that also contributed to high mortality rates.⁹ Second, Black POWs sometimes tried to avoid medical care and concealed injuries from Confederate doctors out of fear. Some may have feared the quality of treatment they would receive from Confederate doctors, most of whom had likely treated enslaved people in the antebellum period and who had racist ideas regarding Black health.¹⁰ Furthermore, several Black POWs stated that they believed that they would be killed if doctors found that they were too hurt to perform labor. The intimate connection between medical care and racial control was apparent to Black POWs.¹¹ Confederates treated Black POWs as property to be preserved and used toward helping the war effort, and doctors' care for Black patients reflected the valuation of Black POWs as commodities rather than as people.

⁹ Speer, *Portals to Hell*, xiv; Shauna Devine, *Learning From the Wounded: The Civil War and the Rise of American Medical Science* (Chapel Hill: The University of North Carolina Press, 2014), 1. White US soldiers held in captivity faced notoriously poor conditions that resulted in the deaths of 30,218 men, or just over 15 percent of those incarcerated in Confederate prisons. Furthermore, two-thirds of Civil War mortalities resulted from “diseases like gangrene, pyemia, tetanus, diarrhea, and dysentery, some of which followed from wounds suffered in the war and others from unsanitary conditions.” (Devine, *Learning from the Wounded*, 1)

¹⁰ Todd Savitt, *Medicine and Slavery: The Diseases and Health Care of Blacks in Antebellum Virginia* (Urbana: The University of Illinois Press, 1978), 7-48; Sharla Fett, *Working Cures: Healing, Health, and Power on Southern Slave Plantations* (Chapel Hill: The University of Chapel Hill Press, 2002), ix, 1-11; Boster, *African American Slavery and Disability*, 6; Marli F. Weiner and Mazie Hough, *Sex, Sickness, and Slavery: Illness in the Antebellum South* (Urbana: The University of Illinois Press, 2012), 3; Deidre Cooper Owens, *Medical Bondage: Race, Gender, and the Origins of American Gynecology* (Athens: The University of Georgia Press, 2017), 2. For further sources that deal with Civil War and nineteenth-century medical care more broadly but do not deal with issues of race or slavery, see Frank R. Freeman, *Gangrene and Glory: Medical Care During the American Civil War* (Madison, NJ: Farleigh Dickinson University Press, 1998); Donald B. Koonce, *Doctor to the Front : The Recollections of Confederate Surgeon Thomas Fanning Wood, 1861-1865* (Knoxville: University of Tennessee Press, 2000); Michael A. Flannery, *Civil War Pharmacy: A History of Drugs, Drug Supply and Provision, and Therapeutics for the Union and Confederacy* (New York: Pharmaceutical Products Press, 2004); Joseph K. Houts, Jr., *A darkness ablaze: the Civil War medical diary and wartime experiences of Dr. John Hendricks Kinyoun, Sixty-sixth North Carolina Infantry Regiment* (St. Joseph, MO: Platte Purchase Publishers, 2005); Ira M. Rotkow, *Bleeding Blue and Gray: Civil War Surgery and the Evolution of American Medicine* (New York: Random House, 2005); Rebecca Barbour Calcutt, *Richmond's Wartime Hospitals* (Gretna, LA: Pelican Publishing Company, 2005).

¹¹ See Joseph T. Glatthaar, “The Costliness of Discrimination: Medical Care for Black Troops in the Civil War,” in Lesley Gordon and John C. Inscoe, *Inside the Confederate Nation: Essays in Honor of Emory M. Thomas* (Baton Rouge: Louisiana State University Press, 2007), 251-71.

“No pains was takin on me”: Black POWs’ Medical Care and Soundness under Military Authority

The surgeons providing medical care to Black POWs appear to have treated them all under the presumption that they were enslaved men intended for use by the military. It is currently unclear whether any policy, law, or orders exist that specified whether Black POWs were to receive medical treatment upon capture.¹² Confederate commanders, however, did occasionally communicate about medical care for Black prisoners and expressed concern about their treatment. In November 1864, for example, a member of Gen. G.T. Beauregard’s staff, Col. George William Brent, wrote to Gen. John Bell Hood to inquire whether “the negroes at work on the railroad and fortifications in and about Corinth” in Mississippi were the men of the 44th USCI whom Hood had recently captured in Georgia, and “if so what arrangements have been made for medical attendance upon them.”¹³ Though Confederates

¹² See US Army Surgeon General’s Office, *The Medical and Surgical History of the War of the Rebellion, 1861-1865*, (Washington D.C.: Government Printing Office, 1870-1888), hereafter referred to as *MSHWR*. There are no works on Civil War medical care that have considered Confederate surgeons’ ministrations to Black people, including POWs. Compilations such as *MSHWR* attempted to cover the medical practices of both Union and Confederate surgeons and statistics on disease, wounds, and operations, but lacked information on Black patients. For statistics on mortality rates from the Civil War, see Frederick C. Dyer, *A Compendium of the War of the Rebellion* (Des Moines: The Dyer Publishing Co., 1908); William F. Fox, *Regimental Losses*; Frederick Phisterer, *New York in the War of the Rebellion, 1861 to 1865* (Albany: Weed, Parsons, and Company, 1890); and Herbert Aptheker, *Negro Casualties in the Civil War* (Washington, D.C.: The Association for the Study of Negro Life and History, Inc., 1945), 8-11. The USCT mortality statistics compiled several decades after the war vastly underestimated both battlefield mortality and deaths from disease. Secondary works on Confederate medicine and surgeons do not mention Black POWs or medical care for Black southerners generally, though significant attention has been paid to antebellum healthcare (f.n.10). It is Black POWs’ first-person testimonies regarding their care, or lack thereof, in captivity that highlights their often extensive medical experiences which went largely unseen or unremarked upon by Whites. The pension records are rife with testimony regarding Black POWs’ lengthy hospital stays, and even major amputations performed on them by Confederate surgeons. These men experienced lengthy medical treatment on the field, in military camps, in prisons, and in hospitals. Some even received major operations, including amputations, at the hands of Confederate surgeons. The CMSR, War Department records, and pension affidavits show that captured freemen and former slaves alike received (sometimes extensive) medical care.

¹³ W. Brent to J.B. Hood, November 12, 1864, *OR* 1:39(III): 914; SC 775.122, Cpl. Richard Barnett, 44th USCI. At least 18 men from the 44th, 110th, and 111th USCI ended up in Corinth following the *en masse* captures of September and October 1864, four of whom perished while held captive there. The remainder managed to escape at various times, including Richard Barnett, who contracted asthma while at Corinth.

abused and killed many Black POWs, the Confederacy needed enslaved people to work on farms and on military fortifications and other works in order to free up White men for military service.¹⁴ The capture of hundreds of Black soldiers provided a much-needed windfall of labor for commanders in the Gulf states, such as Maj. Gen. Dabney H. Maury, who repeatedly stressed the need for Black laborers to Maj. Gen. N. Bedford Forrest and others throughout the summer and fall of 1864.¹⁵ Hood's response to Brent is not included in the *Official Records*, but Beauregard's inquiry points to the conscious effort by Confederate commanders to specifically provide for medical treatment for captured Black soldiers who were placed at work repairing railroads and fortifications to maintain the Confederacy's defenses in the face of incursions by US forces.

The concept of slave soundness is particularly helpful for recognizing the connections between medical care and racial control during the war. Whites' medical care of slaves in the antebellum era was not an altruistic process but rather a consideration of the intersection between the marketplace and labor.¹⁶ In wartime, however, with Black captives who were injured and detached (at least initially) from slaveholders' claims to their bodies, Confederate doctors were rarely in a position to calibrate levels of care based upon market value and without instructions from slaveholders. Though slaveholders would often withhold medical care from "less productive slaves" or those who seemed like they might not survive an injury or illness in the antebellum era, surgeons in wartime had to make on-site decisions in the

¹⁴ J.C. Watson to S. Cooper, August 4, 1863, *OR* 1:24(III): 1043-44.

¹⁵ D.H. Maury to J.A. Seddon, August 12, 1864, *OR* 1:39(III): 427-28; N.B. Forrest Report, October 17, 1864, *OR* 1:39(III): 548; V. Sheliha to A.L. Rives, July 9, 1864, *OR* 1:39(III): 698; Sheliha to Rives, July 11, 1864, *OR* 1:39(III): 705; Sheliha to G.G. Garner, July 9, 1864, *OR* 1:39(III): 706-08; Forrest to S.D. Lee, July 17, 1864, *OR* 1:39(III): 715-16.

¹⁶ Sharla Fett, *Working Cures*, 28-29.

field and in hospitals as to the extent of the treatment they would provide.¹⁷ It seems that Confederate surgeons, for the most part, operated upon Black POWs if supplies were available to spare. Confederate doctors do not appear to have considered their medical care of Black POWs worthy of record-keeping, and it will take further research to look through hospital records and the personal papers of doctors who did or may have operated upon Black POWs. For now, we must rely upon the records provided by Black POWs themselves, which do little to illuminate motivations or specific orders regarding their medical care, but make plain that such treatment occurred regularly throughout the Confederate states.

Confederates' dire need for menial laborers and existing practices toward impressed enslaved people appear to have averted Black POWs' wholesale murder in captivity. Combined with the individual choices of soldiers, surgeons, and others, the value of enslaved people to the war effort kept hundreds of Black POWs alive. Indeed, as Maj. Gen. Henry W. Halleck wrote Gen. Ulysses S. Grant, "every slave withdrawn from the enemy is equivalent to a white man put *hors de combat*."¹⁸ The rules in place regarding how enslaved people were to be treated while in Confederate military custody made clear that the government intended to return them to their enslavers, or to compensate enslavers for losses due to death and escape. As noted in Chapter 1, the state and Confederate governments established claims boards that allowed enslavers to seek compensation for their losses, amounting to thousands of dollars for each impressed slave, and in the millions of dollars across the Confederacy.¹⁹

¹⁷ Kevin Lander and Jonathan Pritchett, "When to Care: The Economic Rationale of Slavery Health Care Provision," *Social Science History* 33, no. 2 (2009), 156.

¹⁸ H.W. Halleck to U.S. Grant, March 31, 1863, *OR* 1:24(III): 156-57.

¹⁹ Charles R. Armstrong and Randolph Spaulding, "Instructions concerning the impressment of slaves." (Macon: The Conscript Service, 1865); *OR* 4:3: 40; Martinez, *Confederate Slave Impressment*, 19-20, 46-47, 133.

Citizens, military officials, and politicians alike wrangled over appropriate compensation for “losses.”²⁰ Enslaved peoples’ safety was a pressing concern across Confederate society. These concerns, however, centered around enslaved peoples’ importance as commodities and laborers, not their health or well-being. Enslaved people were precious commodities to be preserved and, to some degree, protected during the war, but the harsh realities of life as enslaved people in military custody often conspired against attempts to keep Black people alive.

Black POWs received medical care as early as June 1863 during the first major engagements involving Black soldiers. Pvt. James Albert, 46th USCI, had the bad luck to be captured by Confederates from his home state of Arkansas. A relative of Pvt. Albert’s former owner beat him after recognizing James on the forced march from Mound Plantation to Monroe, Louisiana in June 1863. 1st Lieutenant J.B.W. Bogan, 33rd Arkansas Infantry, whom Albert called “Benny,” took exception to Albert’s presence among the captives. “He asked me what I was doing there,” said Albert, who had no time to answer before Bogan “struck me over the head with the butt [sic] of a gun.” Albert “fell as though he was dead” while Bogan “kicked him.” According to eyewitnesses, “it was about half an hour before [James] showed signs of life.” At least one Black POW was murdered on the march to set an example for the others in order to ensure they kept up, and it worked.²¹ The Confederate soldiers threatened the POWs with “hanging and killing every minute” and attacked several of their captives, who forced themselves along despite wounds and exhaustion. Though the

²⁰ *Journal of Confederate Congress* (7), 254-55; Martinez, 132-33.

²¹ SC 460.859, Pvt. James Albert, Co. G, 46th USCI. This was Pvt. Matthew Jarman, Co. G, 46th USCI. He “gave out” during the march, and was shot. Additionally, James Albert was known as James Bogan before joining the 46th USCI, but enlisted under his father’s last name and kept it after the war.

Black prisoners were convinced they would be killed if they fell behind, the unconscious Albert was “taken up [and] put on a wagon and carried for the next day.” It seems that Albert was considered worth dragging along – perhaps Lieut. Bogan intended to return Albert to his former enslaver, Monroe Bogan. Albert “was then made to walk till [they] reached Delhi [and] then he was taken to...the convalescent camp near Monroe” where a Confederate doctor dressed Albert’s ear and head at the “rebel hospital.” Several other men from the 46th likewise recalled medical treatment, such as lanced wounds and poulticed feet, from Confederate doctors in camps.²² Albert recovered enough to escape several weeks later with a number of his comrades.²³

Black POWs’ medical care was consistent enough to merit consideration as a *de facto* Confederate policy. Medical treatment of Black POWs was not isolated to a particular theater of war, geographical department, or moment in time. Pvt. James Albert’s experience in Louisiana proved to be common among Black POWs throughout the Confederacy until the end of the war. On July 18, 1863, members of the 54th Massachusetts made a nighttime assault upon Fort Wagner in Charleston, South Carolina. Many of the men captured in that assault remained in Charleston for months. Pvt. Daniel States corresponded after the war with his White captain, Luis F. Emilio, recounting that the injured Black POWs were taken to a hospital on Queen Street in Charleston soon after the battle. Pvt. States, who had been shot

²² SC 637.630, Pvt. Charles Freemont aka Ben Jordan aka Ben Pillow, Co. G, 46th USCI; SC 1.071.808, Pvt. Daniel Govan aka Robinson, Co. E, 46th USCI. Daniel Robinson had been injured by a piece of shell in his right thigh before he was captured in June 1863 at Mound Plantation, Louisiana. He stated that he was placed in a bed and treated by a Confederate doctor for about four weeks at Camp Distribution in Monroe, who “lanced” his wound twice. Pvt. Pillow was separated from his comrades with several other Black POWs and sent into Texas, where he remained until the end of the war. The POWs were held in an open-air bullpen in Waco in January 1864, without blankets or proper clothes. Pillow’s pants froze to his legs and his feet became frostbitten. Though Pillow never entered a Confederate hospital, one Dr. Clampit, “a Confederate physician palticed [sic] his feet.”

²³ James Albert.

in the right hand, reported that he “was well treated by the surgeons, and was furnished with good food while there.”²⁴ Pvt. Joseph Bayard corroborated States’s account. Pvt. Bayard had been shot behind his left knee joint, and the canister shot was removed about a week after the POWs’ arrival in Charleston. He remained in the Queen Street Hospital for three months, which kept him out of a military prison. Bayard stated that after this time, he was moved to the Old Jail, which housed POWs and criminals alike. A Dr. Judd took over his medical care at the prison, but it is unclear what treatment he received or how it compared to that of the Queen Street staff.²⁵

Though physicians and doctors held racist assumptions about Black bodies and pain, they still treated Black people as patients with the goal of preserving their soundness. Roper Hospital in Charleston, for example, had accommodated both Black and White patients prior to the war and held Black and White POWs as patients during the war.²⁶ Indeed, some of the surgeons who treated and operated on Black POWs were prominent, professionally-trained doctors who worked in the hospital in the antebellum period. Dr. John Lawrence Dawson, the head surgeon at the Hospital (referred to as the “Queen Street” hospital by the Black POWs) treated Pvt. Alfred Green, 54th Massachusetts, on a daily basis for several weeks. Pvt. Green had been severely injured by gunshot wounds to his hip and right wrist, as well as an injury to his head courtesy of a Confederate musket butt. Capt. Emilio corroborated Green’s treatment with a quote from the *Charleston Daily Courier* which named Dr. Dawson and

²⁴ Luis F. Emilio, *History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry 1863-1865* (Boston: The Boston Book Company, 1894), 401.

²⁵ SC 74.634, Pvt. Joseph Bayard, Co. K, 54th Massachusetts.

²⁶ Charleston Public Library, *Records of the Commissioners of the City Hospital, 1879–1907*. See also *Materials relating to construction of new City Hospital, 1887–1888; Legal Records between City Council and Medical College or Medical Society of South Carolina, 1879, 1889, 1892, 1904, 1907*; Joseph I. Waring, *A Brief History of Roper Hospital*. (Charleston, S.C.: Board of Commissioners of Roper Hospital, 1964).

several other doctors as having performed surgery upon many of the POWs, “negroes and whites.”²⁷ According to the *Courier*, “probably not less than seventy or eighty legs and arms were taken off...and more are to follow...The writer saw eleven removed in less than an hour.”²⁸ Whether the reported number of amputations among Black and White POWs was accurate is unclear, but the account suggests that surgeons treated both White and Black prisoners’ extensive wounds with the intent of keeping them alive.

White doctors’ treatment frequently demonstrated little concern for Black patients’ comfort. Green claimed that “when I asked [Dawson] if any bones had been broken the only thing he said was ‘It’s a pity it wasn’t broke off,’ meaning my right hand.” Perhaps this comment was what spurred Green’s refusal to let Dawson remove a bullet lodged in his groin, a decision that Dawson apparently did not contest.²⁹ Yet even Dawson’s minimal efforts and the conditions at Roper Hospital were better than many alternatives. After several months, the majority of the Black POWs were moved from Charleston to the prison stockade at Florence, South Carolina, where almost half of them perished, likely from disease and starvation.³⁰ Once removed from the oversight and expertise of surgeons such as Dawson, POWs faced the wretched conditions of filthy and overcrowded prisons where food and water, much less competent medical care, were in short supply.

Some Black POWs underwent lengthy hospital stays during which Confederates provided them with medical care but subjected them to physical punishments. Black POWs

²⁷ Emilio, *History of the Fifty-Fourth*, 401. Emilio incorrectly states that the article was dated July 23, 1863. It was instead printed in the July 21, 1863 issue.

²⁸ “The Siege of Charleston,” *Charleston Daily Courier*, July 21, 1863.

²⁹ SC 439.769, Pvt. Alfred Green, 54th Massachusetts Colored Infantry.

³⁰ CMSR; Emilio, 419-33.

did not cease to be prisoners in these spaces. In Florida, following the Battle of Olustee on February 20 and the Battle of St. John's River on May 23, 1864, captives from the 35th and 8th USCI were transported to a Confederate camp at Tallahassee where they received medical care. Some remained there for months. Pvt. Ambrose Knox, 35th USCI, had been injured in his side when the Union steamer *Columbus* exploded during a skirmish on the St. John River. He recalled that he was treated by Dr. Copeland at Tallahassee, who "gave me medicine [and] something to rub on my side where I had been hurt on the steamer." Pvt. Knox, however, said he was "nearly starved" during his captivity, and attempted to escape twice, for which he was "thrashed." He was then sent to a Confederate hospital in Gainesville, Florida where another doctor treated him. All told, Knox was captive at these Florida hospitals for about a year.³¹ Pvts. Aaron Obeman and Frank Mattocks, 35th USCI, as well as Sgt. Richard Chancellor, 8th USCI remained in the Tallahassee hospital for several weeks following their capture at Olustee before being transported to Andersonville prison, where they also endured abuse, starvation, and forced labor.³²

Even following engagements where cries of "no quarter" greeted Black soldiers, Confederates continued to provide medical care to Black POWs. Following the Battle of the Crater on July 31, 1864, where many Black soldiers were summarily executed, approximately 170 Black POWs were taken alive in that fight.³³ Eighty ultimately survived their captivity. At least 25 members of nine USCI regiments present at this battle were

³¹ SC 514.497, Pvt. Ambrose Knox, Co. E, 35th USCI.

³² SC 478.016, Pvt. Aaron Obeman, Co. E, 35th USCI; SC 156.211, Pvt. Frank Mardix aka Mattocks, Co. E, 35th USCI; SC 181.028, Sgt. Richard Chancellor, Co. B, 8th USCI; SC 198.835, Pvt Aaron Purnton, Co. E, 35th USCI; SC 128.332, Pvt. John Fisher, Co. B, 8th USCI; SC 140.474, Pvt. Henry Henson, Co. K, 8th USCI; SC 452.435, Pvt. George Johnson, Co. K, 8th USCI; SC 111.913, Pvt. Aaron Smith, Co. A, 8th USCI.

³³ Trudeau, *Like Men of War*, 245-46; Burkhardt, *Confederate Rage*, 160-73; Earl J. Hess, *Into the Crater: The Mine Attack at Petersburg* (Columbia: The University of South Carolina Press, 2010), 128-29.

imprisoned and treated in Danville, Libby, Castle Thunder, and Hospital No. 21 in Virginia, as well as Salisbury in North Carolina and Columbia in South Carolina.³⁴ Pvt. Thomas Burnett, 29th USCI, was treated by Dr. George W. Semple, the head surgeon at Hospital No. 21 in Richmond, for a gunshot wound to his shoulder and other wounds received during the Battle of the Crater. A freeman from Kentucky, Pvt. Burnett moved between several prisons in Richmond, and ultimately reached Salisbury and then Columbia, South Carolina. He was paroled from there in March 1865.³⁵ Burnett was lucky. Ultimately, 14 of his 25 comrades perished in captivity. The majority of these confirmed fatalities appear to have occurred weeks to months after capture in Confederate hospitals and were reported to be a result of illnesses or battlefield injuries rather than mistreatment.

Black survivors of some of the most infamous atrocities received medical care. Following the massacre of Black troops at Fort Pillow in Henning, Tennessee, on April 12, 1864, 51 surviving Black POWs were sent to various military centers in Mississippi and Alabama.³⁶ Pvt. Peter Williams, 11th USCI, was treated by Drs. Hagle and Pearce at Okalona for a severe gunshot wound to his right elbow for six months. He later became a nurse at the same hospital, where he aided Confederate doctors and helped treat Confederate soldiers for seven months until the war ended.³⁷ Pvt. Henry Miller of the same regiment also survived

³⁴ These were the 7th, 19th, 23rd, 27th, 29th, 30th, 31st, 39th, and 43rd. See William A. Gladstone, *United States Colored Troops, 1863-1867* (Gettysburg: Thomas Publications, 1990).

³⁵ SC 349.601, Pvt. Thomas Burnett, Co. D, 29th USCI.

³⁶ CMSR, 6th US Colored Heavy Artillery (USCHA), 2nd US Colored Light Artillery (USCLA). Confederates had captured 60 POWs, but Forrest paroled nine men who were severely injured on April 14. The 6th USCHA and 7th USCHA ultimately became reorganized as the 11th USCI (New).

³⁷ SC 186.841, Pvt. Peter Williams, Co. A, 11th USCI (New).

and was sent to Mobile with several of his comrades, where he received treatment at a hospital for a hernia and gunshot wounds received at Fort Pillow.³⁸

Some severely wounded Black POWs who could have been left to die instead received extensive, specialized treatment, even though the extent of their wounds rendered them unfit for physical labor during their captivity. Confederate surgeons performed amputations on at least 14 Black POWs, some of whom lost entire legs or arms up to their hip and shoulder joints. Eleven survived their procedures.³⁹ For example, Pvt. Benjamin Jones, 5th USCI, a freeman from Ross County, Ohio, was left on the field for a day following the Battle of Chaffin's Farm on September 29 and 30, 1864, after being shot in the right foot. Confederate soldiers found him on October 1 and carried him to their field hospital, where his foot was amputated. He remained in a Richmond hospital for the entirety of his captivity until his parole in February 1865.⁴⁰ It is unclear whether Confederate interrogated Pvt. Jones about his status as a freeman, but the fact remains that they treated him and saved his life when he could have been left to perish from the effects of his wound. Pvt. John Medley, 22nd USCI, a formerly enslaved man from Charles County, Maryland, was shot in his right thigh during the Battle of Fair Oaks in Virginia on October 27, 1864. The shot broke his leg, and he remained on the field for several days before Confederates picked him up and took him to

³⁸ SC 767.835, Pvt. Henry Miller, Co. H, 11th USCI (New).

³⁹ Nor does it appear that Confederate doctors made any distinction between freeman and formerly enslaved men while treating and operating on them. Five of these men are confirmed to have been formerly enslaved, while the remainder were free or of unknown status prior to the war.

⁴⁰ SC 66.282, Pvt. Benjamin Jones, Co. A, 5th USCI; "United States Census, 1910," NARA microfilm publication T624, Records of the Bureau of the Census, Record Group 29, National Archives, Washington, D.C., accessed via *HeritageQuest* at <http://www.ancestryheritagequest.com/HQA> (hereafter cited as US Census, Year). Jones did not mention his profession in his pension file, but the 1910 census shows that he was a farmer after the war. He received \$15 per month from the Pension Bureau to supplement the loss of time and ability to fully labor. He eventually obtained a peg on which he was able to walk.

a field hospital. Pvt. Medley's leg was amputated to the upper-third, but he was able to wear an artificial limb after the war, despite the fact that his leg did not fully heal and continued to pain him. An amputation did not necessarily render a Black POW wholly helpless, and Confederates may have anticipated future uses for these men should they sufficiently recover.

While such treatment might initially appear to be at odds with the values of a slave society embroiled in a war in which supplies and manpower were increasingly scarce, keeping Black captives alive indicated Confederates' consistent considerations of labor and market value. The "fluid and contested" ideas of what constituted disability among enslaved people, or, "unsoundness," in the antebellum era tended to apply to individual enslaved people depending upon the situation as well as the cause and extent of unsoundness.⁴¹ During the war, however, normal considerations of "market value and productivity" with regard to enslaved peoples' soundness did not always apply to Black POWs, who more often than not remained in military custody rather than were sold or returned to former enslavers.⁴² Had the Confederacy succeeded and survived the war, it is possible that men like Pvts. Jones and Medley could have found themselves put to work by the government at repairing public works. Though they might not have been able to perform as much work as a sound and able-bodied man, Black POW amputees did continue to labor after the war and make a living at their work, even if they could not do it for as long or as well as a fully healthy man. These

⁴¹ Historian Deidre Cooper Owens points out that "In many cases, any and all visible and invisible conditions might that might affect a slave's 'soundness' - including skin color, gender, character, vice, healthy, body, and emotional state - were brought to bear in [antebellum] southern courts and medical consultations...the professional decisions that resulted...ultimately assessed disability in ways that were specific to the slaves in question rather than generally applicable to the enslaved population as a whole." (Deidre Cooper Owens, "'Unfit for Ordinary Purposes': Disability, Slaves, and Decision Making in the Antebellum American South," in *Disability Histories*, eds. Susan Burch and Michael Rembis (Urbana: University of Illinois Press, 2014), 203)

⁴² See Chapters 3 and 4.

cases seem to point to a policy of treating the medical needs of Black captives first and determining what to do with recovered Black POWs later.

White and Black POWs occasionally alleged that Confederate doctors may have intentionally mutilated Black patients, perhaps as a means of punishment. Pvt. James Haywood, 8th USCI, had his leg amputated more than half way up his left thigh after he was left on the field with a gunshot wound following the Battle of Olustee. The surgeon who performed his amputation left the end of the bone exposed to such a degree that Pvt. Haywood could not bear the pain of an artificial limb. Haywood stated “no pains was taken on me,” suggesting that the operation was performed with little consideration for (or perhaps ability to treat) his pain and fear. The operation left him wholly disabled for the remainder of his life. He could not use an artificial limb after the war, and was entirely dependent upon his pension for an income.⁴³ Sgt. Warren Lee Goss, 2nd Massachusetts Heavy Artillery, who was a White POW held at Andersonville, stated that many of the Black POWs there “were victims of atrocious amputations performed by rebel surgeons.” Sgt. Goss implied that the amputations intentionally maimed the Black POWs, many of whom hailed from northern states, because they “had been performed in such a manner as to twist and distort the limb[s] out of shape.”⁴⁴ It is impossible to know for sure whether such treatment was the result of intentional mutilation, inexperience, or a lack of proper supplies. Given the small number of confirmed amputations performed upon Black POWs, it is difficult to deduce whether Confederates used maiming as a means of control (by preventing escape), punishment, or revenge. While many Black POWs suffered physical and emotional abuse at the hands of

⁴³ SC 71.137, Pvt. James Haywood, Co. D, 8th USCI.

⁴⁴ Warren Lee Goss, *Soldier's Story of His Captivity at Andersonville, Belle Isle, and Other Rebel Prisons*. (Boston: Lee and Shepard, 1867), .

guards and doctors, it appears that most Black POWs who survived their amputations could function with artificial limbs, and remained under the supervision of surgeons for extended periods as they healed.

Confederates also treated Black POWs who would not work with severity, and at times killed men who could not or would not fulfill their proper purpose as an example to the rest. Col. Lewis Johnson and several escaped POWs from the 44th USCI reported how Confederate soldiers under Hood's command killed those "unable to keep up."⁴⁵ Pvt. William Henry Jennings, 8th USCI, was whipped thirty times, allegedly on Capt. Henry Wirz's own orders, for not reporting to his usual work detail after falling ill from the effects of performing labor in a nearby swamp.⁴⁶ Pvt. John Fisher, 8th USCI, was "bucked and gagged, and whipped with thirty-nine lashes" for refusing to leave the stockade to work because he was barefoot and almost naked.⁴⁷ Pvt. Mingo Hardiman, 110th USCI, described similar hardships at Mobile, Alabama. Mingo recalled how "we had to live like hogs," and that he and his fellow prisoners were whipped by Confederate overseers if they could not or would not work.⁴⁸ Though only 13 Black POWs' records state that they died from "bad" or "cruel treatment by the enemy," the 413 men for whom no subsequent records exist following their capture could very well have been murdered or died of cruelty (such as physical abuse and starvation). It is also possible that many of the reported causes of death

⁴⁵ Report of J.B. Hood, October 17, 1864, *OR* 1:39(II): 717-24.

⁴⁶ 40th Congress, 2nd Session, House Exec. Doc. No. 23, *Trial of Henry Wirz: Letter from the Secretary of War ad Interim in answer to a resolution of the House of April 16, 1866, transmitting a summary of the trial of Henry Wirz* (Washington, D.C.: Government Printing Office, 1868), 187 (hereafter referred to as *Trial of Henry Wirz*).

⁴⁷ *Trial of Henry Wirz*, 279.

⁴⁸ Pompey Allen.

for Black POWs in captivity, such as illnesses, intentionally obscured mistreatment and murder.

Much of the labor performed by Black POWs was strenuous and dangerous, which increased the likelihood of their injury and death in captivity. Numerous Black POWs received significant injuries from both accidents and beatings. Pvt. Scott Boler, 79th USCI, who was held in a stockade in the Choctaw Nation territory, stated that he “was compelled to work on anything our guards seen fit to have us do,” and injured his back while “building a log house for the use of said guards.”⁴⁹ Sgt. John Blunt, 46th USCI, detailed how his left Achilles tendon was “accidentally” severed by a Confederate soldier while he and some of his comrades were working on fortifications at Monroe, Louisiana. When their guards spotted Union cavalry across the Ouachita River, they ordered Sgt. Blunt and the others down into a rifle pit to get them out of the cavalry’s sight, and “the spades were thrown down after us,” one of which, Blunt stated, “struck my left ankle near the heel and cut the sinews so I could not walk at all.” His guards took him to a Confederate hospital in Vienna, Louisiana, where “a Confederate doctor sewed up my wound.”⁵⁰ Pvt. Charles Bogan, 46th USCI, dislocated his shoulder and hurt his back in a bad fall from the roof of a Confederate smallpox hospital he and his comrades were forced to build at Monroe. A Confederate surgeon gave Pvt. Bogan liniments for the hurt shoulder, but Bogan concealed the extent of his injuries for fear he would be killed.⁵¹

⁴⁹ SC 414.410, Pvt. Scott Boler, Co. K, 79th USCI.

⁵⁰ SC 343.899, Sgt. John Blunt, Co. G, 46th USCI. The cavalry was either part of the Mississippi Marine Brigade or 5th Illinois Cavalry. See Barnickel, *Milliken’s Bend*, 126-27.

⁵¹ SC 665.401, Pvt. Charles Bogan, Co. E, 46th USCI.

Whites frequently oscillated between torture and care, a pattern of behavior that enslaved people had long been compelled to navigate. A prison guard attacked Pvt. Preston Mosby, 27th USCI, in Lynchburg, Virginia after telling Pvt. Mosby and another fellow Black POW to step away from a window in the warehouse serving as the prison. When they did not immediately comply, the guard followed them and attacked them from behind, knocking Mosby's companion unconscious. The guard then hit Mosby with a club, kicked him repeatedly in the stomach and side, and finally "with his whole weight stomped and jumped up and down on my stomach and abdomen." Mosby was unable to work following this brutal assault, and after being transferred to High Bridge, Virginia, to work on fortifications, his new overseers found he was too "broken down." The Confederates then sent him to "the rebel hospital at Farmville" to recover, where he remained "until the surrender of Gen'l Lee."⁵²

The reasons why Confederates subjected Black POWs to extensive medical care and hospital stays, even when the prisoners were permanently disabled, thus far remains unclear. Pvt. Charles Cissel's account, however, provides one possible explanation for the logic behind Confederates' efforts to keep him and other Black POWs alive. As Pvt. Cissel's captor apparently stated, "if you cure him he will make me a good servant."⁵³ The driving impetus of the Confederacy's very existence lay in preserving white people's right to claim and use Black people as private property. A Black POW could be an opportunity for social mobility for a common soldier who may not have been able to afford enslaved people through purchase. Nor was an injured or wounded Black POW necessarily unfit for labor or

⁵² SC 440.081, Pvt. Preston Mosby, Co. F, 46th USCI.

⁵³ Charles Cissel.

without value in Confederates' minds. Confederates likely viewed Black POWs in terms of their future potential worth rather than their state of "soundness" at the time of capture. Furthermore, most Black POWs were men between the ages of 18 and 49, who should have been able to provide labor for the remainder of their lives.⁵⁴

It seems that Confederates anticipated that slaveholders would lay claim to Black POWs either during or after the war should the Confederacy survive. Much like Black POWs' survival in captivity, medical care was circumscribed by multitudinous factors such as where and when Black POWs were captured, and who was in charge of their treatment. Confederate officials, however, showed a consistent concern with slaveholders' right to seek compensation for the loss or maiming of impressed enslaved people in military custody, and it is possible that such considerations applied to Black POWs. As discussed in Chapter 1, officials such as Secretary of War James A. Seddon, Gen. Robert E. Lee, and Maj. Gen. N. Bedford Forrest regularly invoked postliminy as their reason for keeping Black POWs alive. Confederate officials did everything possible to protect property, under Confederate law Black bodies, even those wearing blue uniforms, *were* property subject to particular protections.

Conclusion

It is possible that Black POWs' medical treatment may not have been questioned at all and merely became an unstated policy by common practice. Indeed, professional southern

⁵⁴ See Gregory D. Smither, *Slave Breeding: Sex, Violence, and Memory in African American History* (Gainesville: University Press of Florida, 2012) for an in-depth examination of enslaved peoples' memories of coercive reproduction. As men in the prime of their lives, debilitated Black POWs might have been considered a source for coercive reproduction, or "breeding," once the war was over regardless of wartime injuries and wounds. There is no evidence that suggests such a consideration by Confederate doctors or officials, but the lived realities for enslaved people in America requires that forced reproduction not be dismissed as a potential motive for keeping Black POWs alive.

doctors, who were few and far between in the antebellum era, were used to treating Black people. Maintaining enslaved peoples' health in the antebellum era was a common topic of discussion and a significant portion of southern whites' concerns regarding their enslaved workers prior to the war. There existed multiple sources dedicated to advising planters on the proper medical care of enslaved people when doctors were in short supply.⁵⁵ Agricultural journals were rife with articles on the best treatments and practices for enslaved peoples' injuries and ailments.⁵⁶ The war did not change these concerns, but rather forced enslavers and enslaved people to adapt these concerns to the context of warfare and military necessity.

Whites' choices to exercise leniency and violence toward Black soldiers were not incompatible either in the antebellum era or in wartime. Murder, imprisonment, and enslavement had served as methods of control over Black Americans in the antebellum era, and such practices continued throughout the war. Indeed, the fundamentally capitalist structure of slavery "protected" enslaved people to varying, often tragic, degrees.⁵⁷ While executed Black POWs served as examples to the general enslaved population, survivors served as examples too. The complexity of how Whites exercised both violence and restraint toward enslaved people is vital to understanding Black POWs' wartime experiences.

Pvt. Charles Cissel's medical care was not entered into Confederate records, and it is only through his survival and pension file that it was possible to find out he was kept alive by

⁵⁵ Devine, *Learning from the Wounded*, 6; Glenda Sullivan, "Plantation Medicine and Health Care in the Old South," *Legacy*, Vol. 10, Iss. 1, Article 3 (2010), 18. See also Harriet Washington, "Medical Apartheid," *New York Times* (New York), February 18, 2007.

⁵⁶ Sullivan, "Plantation Medicine," 20. Manuals such as *Practical Rules for the Management and Medical Treatment of Negro Slaves* (1803); *The Planter's and Mariner's Medical Companion* (1807); *The American Medical Guide for the Use of Families* (1810); *Letters to Ladies, Detailing Important Information, Concerning Themselves and Infants* (1817); and *Gunn's Domestic Medicine* (1830) all dealt with issues of Black health.

⁵⁷ Blackmon, *Slavery By Another Name*, 96.

White and Black people alike. Yet Confederates' medical care for enslaved people proved to be a constant and significant topic of concern during the war as it had been during the antebellum era. The war did not change the fact that white southerners were concerned about the soundness of enslaved people, because private property ownership was the very foundation of liberty and independence for white men.⁵⁸ Indeed, the war introduced new problems for slaveholders subjected to the requirements of military necessity by the Confederate government. When enslaved people left private authority and entered into military custody, slaveholders could do little to ensure that their slaves remained sound, much less alive. Slaveholders' only recourse was to seek compensation *after* an enslaved person died, escaped, or was maimed. The monetary cost of compensation, however, spurred Confederate officials to try to maintain impressed enslaved peoples' soundness as much as was possible. The Confederate military applied similar protections to Black POWs as well, despite the different circumstances in which Black soldiers entered into military custody.⁵⁹

⁵⁸ James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: Knopf, 1982), 237; Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina Press, 2000), 13-14; William L. Barney, *The Making of a Confederate: Walter Lenoir's Civil War* (New York: Oxford University Press, 2008), 103, 105, 132.

⁵⁹ Military officials kept records of enslaved peoples' loss to death and escape to prevent fraudulent claims for compensation. In January 1864, Capt. Alfred L. Rives of the Engineer Office notified Secretary of War Seddon that the loss of impressed enslaved laborers across the Confederacy had resulted in an estimated financial loss of \$3,108,000. Rives stated that the average monetary value of Black male slave laborers at this point in the war was about \$2,000 each. Rives considered the approximately 1,554 slaves to be "heavy losses." (Rives to Seddon, January 22, 1864, *OR* 4:3: 40)

CHAPTER 3

“I was sold by the Rebel Commissary Sergeant named Beasley”: Black POWs under Confederate Military Authority

“Among the captures from the Yankee army on the occasion of the explosion of one of their mines near Petersburg, about six weeks since, were eighty-odd runaway negroes, who were enlisted troops in Burnside's corps. Soon after their capture they were sent to Danville, Virginia, for confinement, but on Wednesday last they were transferred to Castle Thunder. For the information of persons whose servants have run away the following list is appended...Charles, slave of Miss Eva Fields, Prince George, Md.” -

Richmond Dispatch, August 27, 1864

“I was captured on the field by the rebels and taken to Danville and put in prison I was treated by the rebels in this prison. When I got better was [brought] to Richmond and sold by them to a trader. The trader took me to Charlotte [and] sold me to a North Carolina farmer. When I got so that I could walk well, I ran away...” - Pvt. Charles Duckett, 23rd United States Colored Infantry

In one short paragraph, Pvt. Charles Dice, known as Duckett, 23rd USCI, summarized a wartime journey that no historian has followed. Pvt. Duckett recounted his saga in the process of applying for a military pension after the Civil War. He did so to explain how he came by his injuries, and why he lacked witnesses regarding his wartime captivity. He claimed that he was shot twice in his right leg in front of Fort Sedgwick, called Fort Hell by Union soldiers, during the Battle of the Crater on July 30, 1864. A minie ball smashed into his right hip, breaking at least one bone, and a piece of shell hit him in the right foot, breaking the joint of his big toe. Unable to walk, Duckett was left behind on the battlefield where Confederate soldiers found him. When Duckett was unable to keep up with

the line of prisoners, “one of the guards thrust his bayonet into [Duckett’s] left calf...touching the bone.”¹

Duckett likely joined approximately 130 other Black POWs and several hundred white POWs on an infamous forced march through Petersburg, during which Confederate citizens and soldiers insulted and brutalized their prisoners.² He only specified, however, that he was taken to Petersburg in a “conveyance.” The following day, Duckett was sent to Danville, Virginia, with a group of his comrades. Six warehouses scattered throughout the town of Danville had been converted into military prisons, known simply as Prisons No. 1 through No. 6.³ Prison No. 6, located at the corner of Lynn and Loyal streets (which still stands today), housed Duckett and the other Black POWs.⁴ Duckett was treated at one of the “three hospital buildings on the hill overlooking the [railroad] depot” in town, all of which were managed by Dr. J.F. Fauntleroy and dedicated to the care of Union POWs.⁵ It was there that an unnamed “rebel Doctor extracted the ball” in Duckett’s hip. Duckett remained at Danville for a month, and “when I got better,” was transferred to Castle Thunder in

¹ SC 179.493, Pvt. Charles Dice, Co. C, 23rd USCI.

² Richard Slotkin, *No Quarter*; Suderow, “The Battle of the Crater,” 219 - 24. Suderow identified 85 surviving USCT who became POWs. I located 130 in the CMSR, approximately 80 of whom survived. It is possible that many of these men may have been killed in action, or died in the moment of capture, however.

³ Speer, *Portals to Hell*, 126-27; John V. Hadley, *Seven Months a Prisoner, or, Thirty-Six Days in the Woods* (Indianapolis: J.J. & F.J. Meikel, Printers, 1868), 43; James I. Robertson, Jr., “Houses Of Horror,” *Virginia Magazine of History and Biography* (January 1961), 330–31.

⁴ Speer, *Portals to Hell*, 126.

⁵ Charles Dice; R.C. Smith to D. Ruggles, April 7, 1865, *OR* 2:8: 476; Horace H. Cunningham, *Doctors in Gray: The Confederate Medical Service; Confederate States Medical and Surgical Journal*, Vol. 1, No. 10, (October 1864), 152.

Richmond, presumably where Duckett would be put to work on the city's fortifications like so many other captive Black soldiers.⁶

During his incarceration in Richmond, Duckett's name was advertised by the *Richmond Dispatch* in a list of eighty-one Black soldiers taken prisoner during battles around Petersburg and Richmond in the summer of 1864. The means by which Confederates acquired the names of the Black POWs' alleged enslavers is not known. This part of Duckett's story was not elaborated upon nor pursued during his testimony (the minutiae of day-to-day life in captivity, and the means by which Duckett became an enslaved war captive were not considered to be relevant points to the attorneys questioning him regarding his physical ailments). Somewhere along the way, Duckett's former enslaver's name, John Eversfield, was written down as "Miss Eva Fields" by a Confederate official.⁷ Identification of these POWs was made difficult not least because Confederates chose only to list the prisoners' first names. Though many Black POWs went by different last names than those of their former enslavers, such details were perhaps not deemed necessary for the purposes of reclamation.

No one ever arrived to claim Duckett at Castle Thunder. After a period of time passed, an unknown authority made the decision to sell him. The order likely came from the city's Provost Marshal, Maj. Isaac Carrington, at the behest of Secretary of War James A.

⁶ Charles Dice; Butler to Ould, October 12, 1864, *OR* 2:7: 966-68.

⁷ Whether Charles intentionally gave "Miss Eva Fields" as his enslaver's name, or whether the recorder simply misheard "Eversfield" as "Eva Fields" is unclear. Other enslavers' names on the list are similarly different in minor ways from the proper spelling: "Kilgore" became "Kilga," "Lotts" became "Loates," "Washman Rue" became "Washburn Rowe," and so on. It seems that the captives were largely truthful in the names they provided, their own included, and the errors made in the list were those of literate men writing down what they heard. Perhaps the promise of returning home was a preferable outcome than remaining a prisoner of Confederate soldiers with whom Black POWs, at least initially, had no kinship or community ties. Spelling errors, however, could thwart such hopes.

Seddon. There are no stated reasons for why Duckett was selected for sale, nor any indication as to where the proceeds of his sale went. Duckett noted that he had been in Richmond “a considerabl[e] time” before being taken out of the military prison and transferred to the infamous Lumpkin’s slave jail. Though Duckett was still recovering from his three wounds and continued to have trouble walking, he was considered saleable. Perhaps his inability to perform hard labor was an unsustainable drain on resources that Confederate authorities wanted to consign to private citizens. Perhaps men like Duckett had more worth as status symbols for private citizens than they did as injured laborers for the military.

One thing was certain: once Duckett left Lumpkin’s slave jail, he ceased to be under military control. Duckett was rendered invisible by his forced transformation into a private commodity. Once Duckett left Lumpkin’s slave jail, only he knew the full facts of his captivity and enslavement. We have only his account of his life post-sale, and no one else to corroborate or challenge it. Though Duckett did not say much, the details he chose to provide make several conclusions starkly apparent. Duckett stated he was “put on the beach” by the James River “and sold to a southern trader by the name of [B]rittenham.”⁸ Duckett’s status as a Black combatant, and his inability to fully walk, appeared to count for little in this transaction. Brittenham may not have been made aware of Duckett’s military service for the US. Perhaps Lumpkin forged paperwork to portray Duckett as a biddable man with value despite injuries received in some kind of accident. Perhaps Brittenham did not care. Whatever the circumstances that led to Duckett’s initial sale, it was clear that slavery’s

⁸ I have not been able to identify Brittenham thus far. In searching for any record of a slave trader named Brittenham, I found mention of one Mr. Brittenham brought in front of a U.S. court martial in 1866 for “murdering a negro.” Brittenham was found guilty of second degree manslaughter and sentenced to three years in the Maryland State Penitentiary. There is no mention of his profession, however. (“From Fort Monroe,” *Baltimore Daily Commercial* (Baltimore, Maryland), March 10, 1866)

continued value and power in the Confederacy rendered even the least “likely” Black Americans as valuable commodities to be used in the interstate slave trade brokered by the military, private and public firms, traders, and citizens.⁹

During the Civil War, the Confederate government effectively became the largest acquirer, distributor, and user of enslaved labor, including POWs such as Pvt. Charles Duckett. The War Department, its subordinate Engineer, Commissary, and Quartermaster departments, as well as various provost marshals, prison commandants, department commanders, and state officials cooperated in order to move and use impressed enslaved people (including more than two thousand Black POWs) as necessity demanded. Military prisons, along with slave pens and jails, army camps, and courthouses, served as familiar hubs through which the Confederacy’s government, army, and citizens attempted to remake Black POWs (and other runaways) into slaves. Military officials advertised the presence of Black POWs in these spaces to return the POWs to their former enslavers.¹⁰ If Black prisoners remained unclaimed, the military used antebellum processes to sell these men off to private citizens. Far more often, Confederate authorities compelled Black POWs to serve as military laborers. The Confederate military likewise transported Black POWs throughout the Confederate states along military-controlled routes such as railways and waterways. The military used surveillance models adopted from private plantation-based management

⁹ For example, Robert Lumpkin, owner of Lumpkin’s Jail, continued to advertise for runaways and slave sales in the *Richmond Dispatch* until late March 1865 (“Five Hundred Dollars Reward,” *Richmond Dispatch*, March 20, 1865). Newspapers in North and South Carolina advertised runaways, slaves for hire, and sales as late as April 27, 1865. See “Negroes to Hire,” *Edgefield Advertiser*, April 5, 1865; “Absent Without Leave,” *Evening Bulletin*, April 4, 1865; “For Sale, Two Families of Negroes,” *Intelligencer*, April 27, 1865. “Likely” was a common description used by slave traders; it meant a slave was valuable, and implied attractiveness and physical prowess as traits comprising likeliness.

¹⁰ This was the practice of *reclamation*, discussed in Chapter 4.

systems, with hierarchies of authority among the military's ranks for superintendency, overseeing, and guarding duties.¹¹ Black POWs' imprisonment and enslavement extended and expanded upon antebellum practices through state, military, and private citizens' cooperation.

As discussed in Chapter 1, the problem of what to do with surviving Black POWs presented several legal issues with regard to the laws of war, civil law, and diplomacy. When Black POWs survived, they ceased to be combatants under Confederate law. They were legally and symbolically transformed into recaptured property. As recaptured property, Black POWs did not present legal conundrums regarding their reclamation, sale, and enslavement by the military and private citizens within the Confederacy itself. Using captured Black soldiers as slaves, returning them to enslavers, and selling Black POWs was not aberrant, but rather part of Confederate domestic statecraft. The enslavement of Black war captives indicated what Confederate officials viewed as acceptable, legal, and defensible *after* the war (for they believed they would win their independence), and what they felt was necessary in order to sustain the war effort while maintaining relationships with private citizens, especially slaveholders.

This chapter therefore examines the movements of Black POWs such as Pvt. Charles Duckett through a wide network of sites of military control. Of the 2,323 Black POWs whom I have identified, as many as 1,900 remained enslaved by the military. The military prison served as one of the most visible carceral spaces in which Black POWs operated, and currently remains the primary site of existing research on Black POWs.¹² Historians consider

¹¹ J.F. Gilmer to R.E. Lee, November 19, 1864, *OR* 4:3: 829-31.

¹² See Allen O. Abbott, *Prison Life in the South: at Richmond, Macon, Savannah, Charleston, Columbia, Charlotte, Raleigh, Goldsborough and Andersonville During the Years 1864 and 1865* (New York: Harper &

the impact Black POWs had upon White POWs, particularly due to the suspension of prisoner exchanges over Black soldiers' entry into the war. These scholars also try to determine how officials, guards, and physicians treated Black POWs in comparison to White POWs as a means of understanding Black and White wartime captivity. They use Black and White POWs alike to demonstrate the execrable conditions to which the Confederacy and US subjected war captives, with an emphasis on Black POWs' small numbers as evidence of Confederates' deadly racism. This research is vital to uncovering Black POWs' stories, and a necessary narrative for better understanding the fraught circumstances to which Black POWs were subjected in Confederate custody. Prisons, however, were only one site on the carceral landscape through which Black POWs moved, and understanding their movements throughout the Confederate South aids our understanding of the full implications of Black wartime captivity.

Black war captives' movements through, between, and beyond military prisons demonstrated how their captivity often diverged in significant ways from White POWs' typical experiences. White POWs, for example, usually remained confined in military prisons until they could be paroled and eventually exchanged and had limited mobility beyond prison walls. Confederates also kept far more substantive records on White POWs than on Black POWs, not least due to the demands that more than 211,400 White POWs placed upon

Bros., 1865), 170, 257-258; Willard Glazier, *The Capture, the Prison Pen, and the Escape: giving a complete history of prison life in the South* (New York: R.H. Ferguson & Co., 1870), 147-148; John McElroy, *Andersonville: A Story of Rebel Military Prisons* (Toledo : D. R. Locke, 1879) 34, 258; Homer B. Sprague, *Lights and Shadows in Confederate Prisons; a Personal Experience, 1864-5* (New York: G.P. Putnam's sons, 1915), 78. See also William Marvel, *The Last Depot*; Lonnie Speer, *Portals to Hell: Military Prisons of the Civil War* (Lincoln: University of Nebraska Press, 1997); Ann Fabian, *The Unvarnished Truth: Personal Narratives in Nineteenth Century America* (Berkeley: University of California Press, 2000); Roger Pickenpaugh, *Captives in Blue: The Civil War Prisons of the Confederacy* (Tuscaloosa: University of Alabama Press, 2013) for relatively substantive treatments of Black POWs that focus primarily on Andersonville, Charleston, and Richmond prisons.

supplies such as food and clothing while the government struggled to provide for citizens and the soldiers in the regular armies.¹³ White POWs could be assigned to hard labor, and sometimes were. But they could not be enslaved.¹⁴ Though they were certainly vulnerable in myriad ways, White POWs were not vulnerable to disappearing from sight through reclamation or sale.

Imprisonment proved to be dangerous and miserable. At least 30,218 White POWs perished in the Confederacy from exposure, starvation, disease, abuse, and murder.¹⁵ Black POWs, on the other hand, experienced more diverse forms of captivity that made them vulnerable to abuse and murder beyond the sight or reach of the US, and there were far fewer of them. Though exact figures are difficult to determine, as many as 701 Black POWs may have died in the Confederacy, with 271 confirmed to have died as military captives.¹⁶ Possibly 30% of Black POWs, then, may have perished - double the rate of White POWs.

Entering a military prison did not necessarily mean a Black POW would remain there for the duration of his captivity, or even remain under the supervision of the military. The

¹³ William Hesseltine, *Civil War Prisons: A Study in Civil War Psychology* (Kent: Kent State University Press, 1930), 2; Speer, *Portals to Hell*, xiv; and Robert C. Doyle, *The Enemy in Our Hands: America's Treatment of Enemy Prisoners of War from the Revolution to the War on Terror* (Lexington: The University Press of Kentucky, 2010), 4.

¹⁴ Henry M. Davidson, *Fourteen Months in Southern Prisons; Being a Narrative of the Treatment of Federal Prisoners of War in the Rebel Military Prisons of Richmond, Danville, Andersonville, Savannah and Millen* (Milwaukee: Daily Wisconsin Printing House, 1865), 181; Marvel, *The Last Depot*, 59, 242.

¹⁵ Hesseltine, *Civil War Prisons*, 6-7; Speer, *Portals to Hell*, 2.

¹⁶ This data is taken from the CMSR of these 2,273 POWs. At least 271 Black POWs are noted in their individual records as having perished in military custody. At least 430 Black POWs have no record of returning from captivity, nor applied for invalid pensions after the war. It is possible and probable that some of these men did survive captivity, but that this fact is not reflected in their service records for various reasons. The majority likely perished in battle (KIA), immediately after capture, and while in captivity. White USCT officers, furthermore, had a 98% survival rate. The majority were paroled within either several days, weeks, or months after their capture. Of 161 positively identified White officers who became POWs, only four perished in captivity. The remaining 157 were paroled and returned to their regiments.

“typical” outcome for Black POWs was enslavement in one capacity or another.

Enslavement did not equate to higher chances of Black POWs’ survival, or better treatment, as some White POWs and others presumed.¹⁷ Black POWs were forced to labor on military fortifications during the day and held in prisons at night, or reclaimed as slaves by private citizens. The majority of Black POWs who entered prisons were liable to be used as labor both outside and around the interior of prisons until they died, were reclaimed, or released.

The expansion of the Confederate nation-state and its growing power over slavery took place throughout various sites of military authority, particularly prisons. Commissaries, quartermasters, engineers, and prison officials dictated where Black POWs would be moved, how they would be advertised to the populace, and how they would be used if they remained unclaimed. Black POWs’ routes through military spaces, the processes to which Black POWs were subjected, and ways in which Black POWs navigated this wartime slave trade demonstrated the continuities of enslavement and imprisonment from the antebellum era.

“They treated us not as soldiers but as slaves”: The Confederate Military’s Imprisonment and Enslavement of Black POWs

Black POWs were the only people who became the property of the Confederate government. Though Confederate President Jefferson Davis did not explicitly endorse the “radical modification” of slavery to allow for government-owned slaves until November 1864, the military was empowered to use Black POWs as necessity demanded without compensating their former enslavers beginning in October 1862.¹⁸ Black POWs thus became

¹⁷ Language from White POWs’ narratives framed Black POWs as receiving better treatment because they were used as slaves. Because they sometimes left prison interiors to do work under guard, Black POWs allegedly ate better food than White POWs, got to occupy their time with labor, and got to leave the misery of the prisons (which were usually filthy, infested with vermin, and crowded) each day.

¹⁸ See Chapter 1; *Journal of Confederate Congress* (7), 254-55.

state-owned commodities unless they were reclaimed by their former enslavers. Military officials from the Commissary, Quartermaster, and Engineer Departments, military prison commandants, and department commanders essentially became slaveholders and traders who sold, gifted, distributed, and employed Black POWs. Black POWs' movements throughout the Confederate South thus followed similar routes and processes of the antebellum era's internal slave trade. Black POWs were housed in slave pens in urban slave markets; they traveled by coffer, boat, and railroad; they worked under plantation-based superintendency systems; they could be sold to new enslavers; and they were abused and/or killed using antebellum "correction" methods such as beatings, humiliation, starvation, and confinement. Prisons, jails, and slave pens had long served "simultaneously...to enforce the public law as well as domestic prerogatives of slaveholders" in the slave states.¹⁹ During the Civil War these such spaces came to serve the needs and interests of the military (and thus the Confederate government) first, and slaveholders second. The Confederacy became an enslaving state, and Black POWs became Confederate slaves.

Black POWs such as Pvt. Charles Duckett were caught up in this military slave trade and encountered familiar authority structures, processes, and abuses that were informed by colonial and antebellum slavery systems. Workhouses and jails had served not only as customary repositories for recaptured runaway slaves, but also as publicly funded sites for the physical disciplining of wayward slaves who threatened Whites' safety in the colonial and antebellum periods.²⁰ The Confederate military therefore made use of both prisons and

¹⁹ Kelly Birch, Thomas C. Buchanan, "The Penalty of a Tyrant's Law: Landscapes of Incarceration During the Second Slavery," *Slavery & Abolition* 34, no. 1 (2013), 23.

²⁰ Susan Eva O'Donovan, "Universities of Social and Political Change: Slaves in Jail in Antebellum America," and Matthew J. Clavin, "The Floor Was Stained with the Blood of a Slave: Crime and Punishment in the Old South," in Michele Lise Tarter and Richard Bell, eds., *Buried Lives: Incarcerated in Early America* (Tuscaloosa: The University of Georgia Press, 2012); Colvin, *Penitentiaries, Reformatories, and Chain Gangs*,

plantation systems to extract labor from Black war captives. Prisons of various forms (stockades, converted warehouses, slave pens, and makeshift jails), camps of instruction, and military camps all served as spaces of reclamation, labor requisition, and sale.²¹

Most Black POWs spent their captivity in one or more cities that were the productive and administrative centers of the secession states. Confederate prisons were often located in urban spaces near existing railroad depots and waterways, whether these spaces were built in the antebellum era or during the war.²² Thus Black POWs often ended up in large trading centers where slave traders established “recognized markets for their wares.”²³ Black POWs’ service records and pension testimony list these centers as common places where Black POWs were distributed and held. While Mobile, Alabama, and Richmond, Virginia, held the largest numbers of Black POWs, Salisbury, North Carolina, Charleston, South Carolina, and Shreveport, Louisiana also housed Black POWs in carceral spaces. In these areas, slave markets sat in central locations amongst prisons, hospitals, warehouses, and Black POWs moved through such spaces during their tenure as war captives.²⁴ Several men of the 110th USCI, for example, noted that they were held in a “slave pen” at night in Mobile, while men of the 54th Massachusetts noted that the hospital in which they received

199; See also Wood, “Prisons, Workhouses”; Birch and Buchanan, “Penalty of a Tyrant’s Law”; Michael S. Hindus, *Prison and Plantation: Crime, Justice, and Authority in Massachusetts and South Carolina, 1767-1878* (Chapel Hill: The University of North Carolina Press, 1980).

²¹ While there are differences between prisons, jails, and slave pens, I will predominantly refer to incarceratory spaces as “prisons” in this chapter for the sake of clarity, as this is the broadest term that can refer to more specifically defined spaces such as workhouses, jails, and slave pens.

²² Speer, *Portals to Hell*, 6-15; Angela M. Zombek, *Penitentiaries, Punishments, and Military Prisons: Familiar Responses to an Extraordinary Crisis During the American Civil War* (Kent: Kent State University Press, 2018), 22-28.

²³ James Sellers, *Slavery in Alabama* (Tuscaloosa: University of Alabama Press, 1950), 154-55.

²⁴ Sellers, *Slavery in Alabama*, 159.

medical treatment was “near the old slave market in Charleston.”²⁵ Black POWs also labored in rural areas, usually in small groups distributed as needed by military officers.²⁶ At least 100 Black POWs were held in the rural military prison at Andersonville, Georgia, due to their capture in Florida. The vast majority of Black POWs, however, appear to have moved through the Confederate South along established paths of the antebellum slave trade.

The diversity of carceral spaces in use during the Civil War meant that Black POWs’ movements, and their ability to interact with diverse people, were relatively fluid. Black POWs were imprisoned among several different populations and in different carceral spaces. The presence of men like Pvt. Charles Duckett alongside enslaved women, Southern Unionists, and white US soldiers in Danville Prison No. 6, Libby, Castle Thunder, and Lumpkin’s slave jail indicates that Confederate prisons were, like antebellum era prisons, “remarkably flexible institutions.”²⁷ Lumpkin’s slave jail, for example, ultimately housed as many as 250 White Unionists during the war, though the building was designed and used as a slave prison for three decades.²⁸ At the same time, Black POWs like Duckett were sold to private buyers from behind its walls.²⁹ Lumpkin’s jail was used during the war in the same way it had been since its creation; the only difference in its function during the war was the inclusion of White political prisoners.

²⁵ SC 862.008, Pvt. Jackson Conner, Co. D, 110th USCI; Alfred Green.

²⁶ Men from the 46th USCI, for example, were separated into groups of six to eight men each and sent out to various places throughout Louisiana and Texas, including cities like Shreveport and private plantations. See SC 555.349, Pvt. Mack Austin, Co. E, 46th USCI; SC 1.178.492, Pvt. Samuel Brooks, Co. E, 46th USCI.

²⁷ Birch, “Penalty of a Tyrant’s Law,” 23.

²⁸ Speer, 19.

²⁹ Pvt. Addison Holley, 4th USCI, for example, was reclaimed by his former enslaver at Castle Thunder, and taken across the street to Lumpkin’s Jail where he was sold to a new enslaver and taken to Pittsylvania County, near Danville, to perform unspecified labor (SA 172.709, Pvt. Addison Holley, Co. A, 4th USCI).

The close proximity of slave traders, slave prisons, commercial industries, and hubs of travel by rail and water meant that Black prisoners could often be distributed between different buildings, cities, and even states, with relative ease. Though Black POWs did not specify the exact locations in which they were held in Mobile, they were transported into the city via railroad.³⁰ A slave market sat several short blocks from the train station on the corner of St. Louis and N. Royal Streets that included an auction block as well as “housing.”³¹ It is possible that Confederates held Black POWs at this slave market. Libby prison in Richmond was primarily an officers’ prison, but it also served as a receiving depot for many types of prisoners during the war, including men such as Pvt. Gilbert Adams.³² The *Richmond Enquirer* noted the presence of sixteen “negroes” in Richmond prisons in May 1862, along with disloyal citizens, a deserter from the US army, Confederate soldiers, and regular prisoners of war.³³ Castle Thunder in Richmond listed prisoners that included Black women alongside White and Black POWs.³⁴ Several Black POWs held at Castle Thunder were taken across the street to Lumpkin’s Jail and sold to traders, who subsequently took these men into

³⁰ “Mobile Items,” *Richmond Dispatch*, October 18, 1864.

³¹ William Warren Rogers et al., *Alabama the History of a Deep South State* (Tuscaloosa: The University of Alabama Press, 1994), 104.

³² Speer, *Portals to Hell*, 60-62, 120.

³³ “Prisoners of war,” *Richmond Enquirer*, May 12, 1862.

³⁴ “Civil War List of Slave Prisoners in Eastern District Military Prison, Richmond, Va., 1864,” Accession #11339, Special Collections Department, University of Virginia Library, Charlottesville, VA 22903.

other states.³⁵ The Old City Jail in Charleston, which had a workhouse in which enslaved people were imprisoned and labored, held White and Black POWs as well as criminals.³⁶

As early as July 1862, Black people (enslaved and free, men and women, combatant and noncombatant) were confined in Confederate military prisons. Their names, the names of their owners (if given), and their owners' places of residence were then listed in newspapers such as the *Richmond Dispatch*, with occasional instructions for how to reclaim escaped slaves.³⁷ It was through newspapers that officials such as sheriffs had long alerted the white populace to the presence of "committed" Black people in local jails and penitentiaries during the colonial and antebellum eras.³⁸ These mechanisms were designed to notify enslavers of their runaways' capture and location, as well as the mounting carceral costs. Sheriffs then were entitled to sell unclaimed Black people (whether they were enslaved or free) after a specified period, usually thirty days, to recoup the costs of their incarceration.³⁹ During the Civil War, such practices continued and newspapers regularly ran ads with titles such as "Sheriff Sale" to notify citizens that unclaimed Black people would be sold "to the highest

³⁵ Addison Holley.

³⁶ Abbott, *Prison Life in the South*, 115-117; David C. Scott, *Abode of Misery: An Illustrated Compilation of Facts, Secrets and Myths of the Old Charleston District Jail* (Createspace Independent Publishing Platform, 2010), 8-10.

³⁷ "One Yankee and three negro prisoners..." *Richmond Dispatch*, July 22, 1862; "List of Negro Prisoners: A List of Negroes Now Confined in Military Prisons, in Richmond VA," *Richmond Dispatch*, October 1, 1862.

³⁸ Betty Wood, "Prisons, Workhouses, and the control of slave labour in Low Country Georgia, 1763-1815," *Slavery & Abolition*, Vol. 8, No. 3 (December 1987), 253-56; Birch and Buchanan, "Penalty of a Tyrant's Law," 30-31; John Hope Franklin and Loren Schweninger, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 2015), Slave Advertisements Appendix.

³⁹ Jailed freepeople were particularly vulnerable to sale, precisely because no owner existed to claim them. See Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1975), 82-86.

bidder for cash, before the Court-house door” in towns throughout the Confederate states.⁴⁰ Those Black captives sold by sheriffs and other municipal or state officials during the war were noncombatants. Military slave advertisements, on the other hand, included both noncombatant Black people and Black POWs. The Confederate state codified this collaboration with the force of law in March 1863 with General Orders, No. 25, which required that information regarding captured runaways be listed in “one or more newspapers of general circulation.”⁴¹

Confederates upheld certain aspects of General Orders, No. 25 in regard to Black POWs in Virginia and Alabama, and possibly North Carolina. Lists naming captured Black soldiers appeared in several newspapers in 1864, notably in Richmond and Mobile. Gov. Milledge L. Bonham of South Carolina noted on June 24, 1864, that he had seen two notices in Richmond newspapers stating “that certain slaves recently captured from the enemy by our troops will be delivered to their owners upon application to certain officers who have them in charge.”⁴² Two months later, an article entitled “Local Matters” appeared on the front page of the *Richmond Dispatch* on August 27, providing a list of 81 Black POWs by first name only (with the exception of one alleged free man, Henry Lynch) who had been captured at the Battle of the Crater on July 31.⁴³ The article noted that these prisoners were being housed at Castle Thunder prison, but did not clarify whether enslavers could claim the POWs upon

⁴⁰ “Sheriff Sale,” *Jacksonville Republican*, October 20, 1864 is one such example.

⁴¹ Confederate States of America, *The Statutes at Large of the Confederate States of America, Passed at the Second Session of the First Congress...* (Richmond: R.M. Smith, Printer to Congress, 1862), 89.

⁴² Bonham to Seddon, June 24, 1864, *OR* 2:7: 409. I was unable to locate any editions of Richmond newspapers that contained these notices.

⁴³ “Local Matters,” *Richmond Dispatch*, August 27, 1864.

providing sufficient proof of ownership. On November 10, Lieut. Col. Edward P. Turner wrote to Col. R.G. Shaver in Camden, Arkansas that while “Federal prisoners will not be made to work on the fortifications,” there were “four negroes” in Turner’s custody who were to be sent to Washington, Arkansas “to be turned over to Major Johnson, chief of the Labor Bureau, [who] will be directed to publish their names and dispose of them as provided in General Orders, No. 25.”⁴⁴

Until Black POWs either perished, were reclaimed, or sold from military prisons, they often labored during the day and returned to prisons at night. Richmond military prisons such as Libby and Castle Thunder held Black POWs who appear to have left these prisons either regularly (e.g. daily) or for extended durations of time under the custody of officers from the Engineer Department. Mobile POWs, the largest group of Black POWs in a single place in the Confederacy, were held in various “slave pens” in the city. There, POWs mingled with impressed slaves each night, and labored on fortifications and in other capacities during the day.⁴⁵ Pvt. George McKinney, 110th USCI, testified that “at night we all came together again in the prison pen an old slave pen where the slaves were kept in our

⁴⁴ E.P. Turner to R.G. Shaver, November 10, 1864, *OR* 2:7: 1116.

⁴⁵ On October 15, 1864, a circular in the *Mobile Advertiser and Register* named between 569 and 575 of the 1,488 Black POWs taken prisoner in September 1864. The circular was forwarded by Lieut. O.O. Poppleton, 111th USCI, to Maj. Gen. Benjamin Butler, but a copy was not provided in the *OR*. Poppleton also referred to a second, later circular containing a list of about 300 additional names, bringing the total number of Black POWs held in the city at close to 900. This second list of 309 men was printed on October 16, 1864, and includes men from the 106th, 110th, and 111th USCI, as well as several men from unknown Tennessee cavalry units. It is possible that those men were laborers in a White cavalry regiment. Unfortunately, I have thus far been unable to locate a physical copy of these circulars. There is a transcribed copy provided by historian and genealogist Peggy Allen Towns, however, that includes the signature of Maj. Gen. Dabney H. Maury, commander of the Department of the Gulf. He authorized these two circulars notifying owners as to the large presence of captured POWs under his control. The second list of 309 names is provided by Peggy Allen Towns in *Duty Driven: The Plight of North Alabama African Americans During the Civil War* (Bloomington: AuthorHouse, 2012), 88. It is a transcribed list. Many thanks to Chris Rein for bringing Towns’ work to my attention. See also O.O. Poppleton to Butler, January 5, 1865, *OR* 2:8: 26-27, and January 21, 1865, 109; SC 934.122, Pvt. Abram Ralls, 44th USCI.

midst before they were sold.” Pvt. Mingo Hardiman, 110th USCI, noted that “at night we were quartered in an old cotton shed which stood within the inclosure of the prison pen.”⁴⁶ Confederates thus amalgamated the Mobile POWs with noncombatant enslaved people in carceral spaces designed around antebellum slavery, and used the Black POWs in the same ways as impressed enslaved people.

Black POWs’ labor under military custody was strenuous and dangerous, and reflected the multitude of skills that enslaved and free men possessed. Black POWs were put to both skilled and unskilled labor, sometimes based upon their backgrounds but often determined by the whims of their guards. Building and repairing structures was a common duty. Pvt. Scott Boler, 79th USCI, worked to build a house for his guards .⁴⁷ Other Black POWs were “put to work tearing up railroad tracks” in Georgia and Alabama, while hundreds of men from the 110th USCI labored at repairing fortifications at Mobile. Pvt. Cy Taylor, 49th USCI, “was made to work, [forwarding] molasses and corn to Gen. Lee’s army” from Shreveport.⁴⁸

Black POWs with skills such as blacksmithing and carpentry put their knowledge to use. Blacksmiths, whether Black or White, were valuable to the Confederacy.⁴⁹ Sgt. Richard Chancellor, 8th USCI, was a free blacksmith from Pennsylvania. His comrade Pvt. James Haywood noted that “they had [Richard] work at his trade” while imprisoned at

⁴⁶ Pompey Allen.

⁴⁷ Scott Boler.

⁴⁸ Cy Taylor.

⁴⁹ As a White Andersonville POW, John McElroy, noted, “The South is as nearly a purely agricultural country... mechanics are very scarce, and manufactories much scarcer...this condition of affairs reminded one of the singular paucity of mechanical skill among the Bedouins of the desert, which renders the life of a blacksmith sacred. No matter how bitter the feud between tribes, no one will kill the other's workers of iron.” (John McElroy, *Andersonville: A Story of Military Prisons* (Toledo: D.R. Locke, 1879), 138)

Andersonville.⁵⁰ Pvt. Jackson Conner, 110th USCI, told a pension agent how, “being a carpenter” prior to enlisting, “I was put over a squad of 24 carpenters and our principal duty was to mount big guns” on the forts guarding Mobile Bay.⁵¹ Black POWs thus could oversee work, or prove helpful enough in their skillsets to perform necessary work outside of prison walls.

Not only did Black POWs get to leave the prison and its miserable conditions day to day, they replaced the White POWs originally at such work. At Andersonville prison, the Quartermaster Capt. J.H. Wright was authorized to impress or requisition supplies, including enslaved labor. White POWs who initially labored in gangs outside of the stockade at Andersonville prison were eventually replaced by both local slaves and Black POWs.⁵² Wright had charge of thirty “colored troops” and 100 White “prisoners of war” who worked to extend the walls of the infamous stockade, but they performed this labor within the confines of the prison.⁵³ Pvt. Frank Mattocks, 35th USCI, and other Black POWs noted the impact of enslaved labor at Andersonville upon the mobility of White POWs. Pvt. Mattocks noted that prior to Black POWs’ arrival at Andersonville, “white soldiers were burying the dead” and collecting wood. “At the time we were there,” however, White POWs no longer labored outside of the prison because “there was a gang of confederate colored; about twenty.” Mattocks stated that the Black POWs used for labor at Andersonville were eventually removed from the prison altogether. They worked at the train depot half a mile

⁵⁰ Richard Chancellor.

⁵¹ SC 465.658, Pvt. Lorenzo Buford, Co. D, 110th USCI.

⁵² *Trial of Henry Wirz*, 179.

⁵³ *Trial of Henry Wirz*, 179-80; 406.

from the stockade beginning in September 1864, where he and his comrades were put to work loading up train cars with rations for prisoners being transported elsewhere.⁵⁴ Some Black POWs thus had some freedom of movement within the cities and military camps to which they were confined. Black POWs were not simply locked away to perish, and their status as enslaved laborers at times could afford them more mobility than White POWs. Pvt. Samuel Green, 11th USCI, whose captivity in Mobile was discussed in Chapter 1, noted his relatively free movement through the streets to get to an Irish woman's house, with whom he stayed until he could escape to the US forces. Though prisoners, Black POWs who worked outside of prisons could seize opportunities to socialize with people other than their guards and comrades, and even escape.

Some White POWs resented Black POWs taking on the labor in and around prisons precisely because mobility beyond prison walls meant a respite from the misery of prison interiors and opportunities to escape. Extra rations for labor, for example, served to rile up White POWs who felt they were suffering for the sake of enslaved people, while enslaved people, including Black POWs, often appeared to be better-fed and -clothed. Black POWs' mobility meant that White POWs sometimes perceived Black POWs' conditions as being better than theirs. Pvt. Warren Lee Goss noted that at Andersonville, "those in the prison were mostly New England men...I observed in the negro prisoners a commendable trait of cleanliness." Indeed, Pvt. Goss said, "their clothes were, on an average, cleaner and better patched than those of other prisoners of the stockade."⁵⁵ Pvt. Henry M. Davidson, 1st Ohio Light Artillery, was a White POW at Andersonville who noted that "soon after the arrival of

⁵⁴ Frank Mattocks.

⁵⁵ Warren Lee Goss, *Soldier's Story of his captivity at Andersonville, Belle Isle, and other Rebel Prisons* (Boston: Lee and Shepard, 1868), 159-60.

the negro prisoners from Florida, Capt. Wirz sent them out to work on the fortifications, giving them an extra ration for their labor.” Pvt. Davidson alleged that a White man, seeing “how the thing was done,” blacked his face and attempted to exit the prison with the Black POWs in order to receive more rations. Upon his discovery, Capt. Henry Wirz, the commandant of Andersonville’s stockade interior, had the White POW placed in the stocks and whipped with fifty lashes. According to Davidson, Wirz stated ““He played nigger...I serve him nigger fare.””⁵⁶ Such practices, however, reflected more upon Confederates than upon the White POWs, who were more concerned with surviving their imprisonment than with maintaining racial hierarchies.

Prison commandants and surgeons regularly kept Black POWs in the same cells and hospital wards as White officers in attempts to humiliate them. In Charleston, a newspaper noted that “a wounded negro [soldier] is to be put into every ward of the white Yankees,” and that “the latter” allegedly “kicked at the base alliance.” The Confederate surgeons’ reply, according to the paper, was that if the White officers “put themselves on a par with the negroes as soldiers, the same relation must be maintained under all circumstances while they are in our hands.”⁵⁷ At Libby prison in Richmond, Virginia, White POW Lieut. Allen O. Abbott, 1st New York Dragoons, noted how Confederates kept him in a dungeon measuring eight by twelve feet with five other White officers and four Black soldiers, noting with sarcasm that the inclusion of Black POWs was “doubtless [used] to throw *light* upon our condition.”⁵⁸ The White POWs, however, appeared to care most about the loss of

⁵⁶ Davidson, *Fourteen Months in Southern Prisons*, 181.

⁵⁷ “The Siege of Charleston,” *Charleston Courier*, July 20, 1863.

⁵⁸ Abbott, *Prison Life in the South*, 257-58.

opportunities for activity and rations upon the arrival of Black POWs. Lieut. Goss, for example, did not notice or know that Black POWs were within Andersonville's walls until July 1864, fully three months after Black soldiers first entered the prison stockade. Though Goss noted that there "were many" White POWs at Andersonville "who professed to despise negro troops," the Black POWs kept largely to themselves and do not appear to have encountered difficulties from the White POWs alongside whom they suffered.⁵⁹ Black POWs noted that they regularly navigated cruelties inflicted upon them by their guards, but did not mention any notable problems with White POWs.

Black POWs' mobility and labor in and around prisons did not equate beneficent or more lenient treatment. Black POWs' mortality rates in prisons are difficult to calculate, but certain prisons saw more than 50% of identified Black POWs perish from disease and cruelty. Of approximately 58 Black POWs of the 54th Massachusetts captured in South Carolina, 29 perished in captivity in the prison stockades at Florence, North Carolina, and Andersonville.⁶⁰ Lieut. Col. Homer Sprague, 13th Connecticut Infantry, mentioned the high mortality rate of Black POWs at Danville prison in Virginia. While there, Lieut. Col. Sprague learned from one of the guards that his building, Prison No. 3, had "formerly contained about two hundred negro prisoners; but that some had died, others had been delivered to their masters or set at work on fortifications, and the number remaining just before our arrival was only sixty-four. These were removed to make room for us." He noted that "the negroes suffered most."⁶¹ There had been sixty-four of them at Danville at the time of Sprague's

⁵⁹ Goss, *Soldier's Story*, 159.

⁶⁰ CMSR; Emilio, *History of the Fifty-Fourth*, 422-24.

⁶¹ Homer B. Sprague, *Lights and Shadows in Confederate Prisons; a Personal Experience, 1864-5* (New York: G.P. Putnam's sons, 1915), 78.

arrival in October; fifty-seven of them, Sprague stated, died by February. Only seven Black men remained alive, living in Prison No. 6, possibly separated from Whites altogether.⁶² The majority of these men appear to have died from the same causes as most White POWs. Illnesses, exposure, and starvation were the most common killers in Confederate prisons, and both White and Black POWs suffered the miseries of incarceration.

Black POWs seem to have been at greater risk of death, not least because they were relegated to particularly dank and filthy areas of prisons. Confederates often separated Black POWs from other prisoners by placing them in basements, cellars, or certain areas of military prisons. Capt. Isaac N. Johnston, 6th Kentucky Volunteer Infantry, detailed how Black POWs were held in the cellar of Libby prison, which contained “dungeons dark and horrible beyond description.” Indeed, the cellar was where “those of our number who were guilty of infractions of the rules of prison” were kept. The “negro captives” kept there, Capt. Johnston recalled, also did “the drudgery of the prison.”⁶³ Abbott detailed the psychological torments visited upon the Black soldiers by Confederate jailors at Libby. The Black soldiers would be:

taken out and put through the manual of arms, to satisfy the curiosity of the prison officers as to whether the negro was fit for a soldier; then were informed they would be hung at nine o'clock the next morning, and were made to kneel, one after another, on the pavement of the cellar to pray, then brought back to inform us of their doom. That was a solemn night for the poor fellows. One of them sat up all night, spending the time in prayer. Morning came, but no execution. We remained in this crowded condition one week.⁶⁴

⁶² Sprague, *Lights and Shadows*, 129.

⁶³ Isaac N. Johnston, *Four Months in Libby, and the Campaign Against Atlanta* (Cincinnati: R.P. Thompson, 1864), 58.

⁶⁴ Abbott, *Prison Life in the South*, 257-58.

After a week of torment for the Black soldiers, guards moved them to a larger cell where four White USCT officers joined them. Their conditions did not improve much; for four and a half months, these thirteen men remained in their cell with no fire, no utensils, and an open tub in a corner of the room for a toilet. When fed, they would be lined up, alternating between Black and White, “kept as a sort of menagerie for exhibition to the curious negro-breeders and negro-haters, all delighted that the Yankees had found so fit companions.”⁶⁵ White POWs were more concerned with how Confederate guards humiliated White POWs by confining them with Black POWs than with the Black POWs themselves, but the insights provided by men like Abbott shed some light on day-to-day experiences for Black POWs in military prisons. Those who survived endured abuse, cruelty, and unimaginable humiliations by captors, and possibly White prisoners.

Even in places where mortality rates were relatively low, such as Mobile, survival was not easy.⁶⁶ Pvts. George McKinney, Mingo Hardiman and Pompey Allen, 110th USCI, worked in Mobile Bay with hundreds of other Black POWs to fortify the city against Union navy attacks. They detailed how they labored in knee-deep water, exposed to the elements for months without respite. Pvt. Allen became “so lame in his right leg, he could hardly walk.” The POWs performed labor without their uniforms or shoes, and had no way of drying themselves at the end of each day. Confederate soldiers acting as guards whipped the POWs if they refused to perform labor. Pvt. Hardiman detailed how the Black POWs “lived like hogs,” were “half starved,” wore almost no clothing, and were “knocked and kicked about.”

⁶⁵ Abbott, 259.

⁶⁶ Of 481 POWs listed as imprisoned at Mobile, 421 returned to their regiments after the war, making for a mortality rate of 12.5%.

Pvt. McKinney asserted that they were “worked to death.”⁶⁷ Pvt. Jackson Conner, 110th USCI, who oversaw a “squad” of enslaved Black POWs acting as carpenters on Forts Gladden, McIntosh, and Spanish Fort, emphasized that “it was not voluntary on our part...They did not consider us as prisoners of war, but as slaves and still belonging to them.”⁶⁸ Black POWs regularly endured whippings, gagging, working in chains, exposure, and starvation. Though brutalized and overworked, most of the Mobile POWs managed to survive in order to see US forces capture the city in April 1865. The reasons for Mobile POWs’ higher survival rate remain unclear, but perhaps laboring in open air and being separated into work gangs throughout the city served to prevent widespread illness and starvation.

Black POWs not only labored in and around military prisons, they also supported Confederate industries in need of enslaved laborers. Enslaved workers had served as the “primary workers” in Alabama coal mines as early as the 1830s, southern railroads in the 1850s, as well as iron production and salt works throughout the southern states.⁶⁹ The Confederate military began using Black POWs as industrial laborers as early as July 1863, and put them to work on the same projects as impressed enslaved people. Black POWs most often worked on the construction and repair of fortifications and railroads, notably in Mobile, Richmond, Shreveport, and several towns in Mississippi.⁷⁰

⁶⁷ Pompey Allen.

⁶⁸ Lorenzo Buford.

⁶⁹ Blackmon, *Slavery by Another Name*, 46-9.

⁷⁰ CMSR. At least 22 Black POWs labored on railroads in an around Decatur, Alabama, and Corinth, Mississippi.

Black POWs were, by their age and gender, well suited to the several industries that required intensive labor. Industrial work was dangerous, labor-intensive, and required lopsided demographics that privileged the physical attributes of young Black men of military-age. Saltmakers, for example, heavily relied upon young enslaved men to make salt.⁷¹ Pvt. Charles Cissel, for example, claimed he was “put to work firing the furnace” at the Stuart Buchanan & Co. salt works in Virginia, also known as King’s Salt Works.⁷² Working furnaces at salt works could encompass several tasks. Pvt. Cissel may have been a salt-lifter and wheeler (who lifted salt from pans after evaporation and wheeled salt to a packing shed), a “jim around” (general laborers and firemen) or possibly a packer (placing salt into barrels for shipment).⁷³ Pvt. Samuel Brooks, 46th USCI, testified that he worked with many of his comrades “on the Salt Works” in Shreveport, Louisiana “for a time” until several of them managed to escape and rejoin their regiment.⁷⁴ Given his presence among a larger group, Pvt. Brooks did not specify to which work he was placed, only that such labor took place.

⁷¹ John Edmund Stealey III, “Slavery and The Western Virginia Salt Industry,” *The Journal of Negro History*, Volume LIX, No. 2 (April 1974), 111-13.

⁷² Charles Cissel.

⁷³ According to historian John Edmund Stealey, saltmakers “employed slaves in all phases of the manufacturing process and in all subsidiary activity necessary to support a salt furnace. The heart of the factory was the furnace with the grainer pan that evaporated salt from the brine water pumped by steam engines from nearby wells...a veteran saltmaker estimated the employment of hands at two salt furnaces: fourteen coal-diggers, five wheelers (wheeled coal from interior of mine to mouth), four haulers (hailed coal by team on railroad tramway from mine-mouth to furnace), three kettle-tenders, one or two ‘cat-hole’ cleaners (cleaned coal ash repository), six engineers (ran steam engines to pump bring from well and through wooden pipes to evaporation pan), two salt-lifters and wheelers (lifted salt from pans after evaporation and wheeled product to packing shed), seven ‘jim arounds’ and packers (‘jim arounds’ were general laborers and firemen and packers placed salt into barrels for shipment), two Blacksmiths, one ‘negro man sort of manager,’ and one cook.” (Stealey, “Slavery and The...Salt Industry,” 108-09) See also James Fallows, “The Past is Never Past: Slave Labor in the West Virginia Salt Works,” *The Atlantic*, December 7, 2014, <https://www.theatlantic.com/business/archive/2014/12/the-past-is-never-past-west-virginia-salt-works-edition/383493> (accessed March 25, 2019).

⁷⁴ Samuel Brooks.

“...the best disposition of such soldiers was to sell them and give the proceeds to the command capturing them...”: Military Sales of Black POWs from Prisons

On several occasions, Confederate prisons served as slave markets and Confederate officials brokered the transactions. Confederates sold off at least 14 Black POWs, and both military officials and politicians discussed how to enrich the men who captured Black soldiers. The sale of Black POWs such as Pvt. Charles Duckett, and the gifting of Black POWs as “booty” to Confederate soldiers reflects how enlisted men, not just officers or private slaveholders, served as “agents and instruments” of white supremacy who benefitted from Black POWs’ (re)enslavement.⁷⁵ Furthermore, Black POWs’ sales could monetarily benefit individuals, companies, and possibly even entire regiments.

The War Department and its subsidiary Quartermaster and Commissary departments handled the majority of cases in which Black POWs were used as labor, sold, or returned to owners. Black POWs’ sales took place in several areas during the war, and appear to have been most common in Richmond. As the seat of the Confederate government and a major hub of water- and railway transport meant there were several avenues for travel in and out of the city, which aided its growth throughout the antebellum era as one of the largest centers for slave hires, sales, and purchases that continued throughout the Civil War. Though the number of confirmed Black POW sales are few, the fact that military officers directly (and successfully) coordinated and facilitated sales of captured soldiers to private citizens suggests individuals and regiments alike benefitted from the profits generated through captives’ sales. Offloading certain Black POWs was possibly an intentional or unquestioned practice that simply followed existing processes of reclamation and restitution.⁷⁶ Black POWs’ sales may

⁷⁵ Goodell, *The American Slave Code*, 311.

⁷⁶ Sellers, *Slavery in Alabama*, 290-92.

have been relatively rare, but they were not aberrant. As will be discussed in Chapter 4, the decisions to sell Black POWs reflects the Confederacy's consistency in upholding state slave laws.

As early as June 1863, quartermasters and commissary officers likely sold Black POWs. Assistant Quartermaster Noble Allen Birge may have sold and distributed several men of the 46th and 49th USCI who were taken prisoner during the Battles of Milliken's Bend, Goodrich's Landing, and Mound Plantation in June 1863.⁷⁷ Pvt. Daniel Govan, 46th USCI, known as Daniel Robinson after the war, testified that a few months after his capture at Mound Plantation and while held in camp (likely the camp of instruction established there) at Monroe, Louisiana, a Confederate commissary sergeant named "Beasley" sold him to a man named Frank Rhodes. Rhodes took Pvt. Robinson into Texas, but Robinson ran away from him that same evening, and returned to the "rebel Headquarters" at Monroe. It is unclear whether Rhodes tried to find Robinson or recoup the cost of the sale; possibly he was given another POW. Robinson was sent to Spring Hill, Arkansas, for several weeks before being transferred to Ellis County, Texas, where he remained for "about fourteen or fifteen months."⁷⁸ He gave no further details about this time in captivity.

Captors also took action on their own to make Black POWs into their personal property. Pvt. Charles Cissel was kept alive by his captor specifically to become his captor's slave. The Confederate soldier stated that Pvt. Cissel "will make me a good servant," and

⁷⁷ Barnickel, *Milliken's Bend*, 134.

⁷⁸ Daniel Robinson aka Govan. Sgt. Beasley would likely have served with a Mississippi, Texas, or Louisiana regiment, but I have thus far been unable to identify him. It is possible that either J.J. Busby or Allen A. Bursely may have been the officer to whom Daniel referred. I located several men in the 1860 census who could be the Frank Rhodes to whom Robinson refers. The most likely man appears to be Frank Rhodes of Beat 6, Rusk, Texas (on the way from Shreveport, LA to Waco, TX, where other men of Robinson's regiment were sent) who owned 3 slaves in 1860. (U.S. Federal Census, 1860).

brought him to a Confederate doctor to treat his wounds so that Cissel would survive.⁷⁹ Enlisted men sometimes expressed reservations at the idea of killing Black soldiers.⁸⁰ Confederate mercy resulted from personal feelings as well as hopes of personal enrichment. Confederate politicians likewise tried to ensure that enlisted men would benefit from Black POWs' survival by allowing soldiers and regiments to sell off unclaimed Black POWs to enrich themselves and their outfits. Though evidence remains to be found on whether sales resulted in profits for the captors of Black POWs, sales did indeed take place, and the proceeds went somewhere. In March 1864, Col. W. Pinkney Shingler, 7th South Carolina Cavalry, recommended that the best course of action regarding four "negro soldiers" captured near Williamsburg, Virginia "was to sell them and give the proceeds to the command capturing them" as per previous discussions with Gen. Arnold Elzey, commanding the Department of Richmond, some months prior.⁸¹ Col. E.B. Montague, 32nd Virginia Infantry, however, forwarded the prisoners to Gen. Elzey rather than approve the POWs' sale without proper authority. Whether the men were ultimately sold remains unclear.

Military officials brokered sales with slave traders and created a chain of sales separating Black POWs from association with the military. Slave traders such as Dickinson & Hill appear to have acquired and sold Black POWs mainly around Richmond and Petersburg, Virginia in 1864. Pvt. Duckett was one of several soldiers captured in battle to be

⁷⁹ Charles Cissel.

⁸⁰ See letter from Milton Maxcy Leverett to his mother, dated March 9, 1864 in France Wallace Taylor, Catherine Taylor Matthews, and J. Tracy Power, *The Leverett Letters: Correspondence of a South Carolina Family, 1851-1868* (Columbia: University of South Carolina Press, 2000), 289; Frank Mattocks; Randall C. Jimerson, *The Private Civil War: Popular Thought During the Sectional Conflict* (Baton Rouge: Louisiana State University Press, 1988), 115. Many thanks to Robert Colby for bringing the Leverett letters to my attention.

⁸¹ W.P. Shingler to Hunton, March 6, 1864, *OR* 2:6: 1022-23. These were likely men from the 6th USCI, but what happened to them is currently unknown.

delivered to slave traders for sale elsewhere in the Confederacy. Pvt. Richard Johnson, 7th USCI, for example, was captured at Chaffin's Farm in late September 1864. He was imprisoned in Richmond, then delivered to the slave-trading firm of Dickinson & Hill. Richard stated he was then sent to North Carolina, where William Edwards of Greensboro purchased him to work at Edwards' hotel as a waiter and porter.⁸²

Confederate officers appear to have received permission to use Black POWs' labor for their personal enrichment. On several occasions, Confederate officers took custody of small groups of Black POWs and put them to work on their own plantations. In June 1863, Capt. Anthony Wayne Faulker, 3rd Louisiana Cavalry, took Pvts. Mack Austin and Samuel Brooks, 46th USCI, "to his plantation" for "safe keeping," where he "put us to work" for several months.⁸³ Capt. Faulkner was a large planter who called his 2,000 acres of land "Andalusia," and who worked more than 100 slaves, presumably farming cotton.⁸⁴ Neither Pvt. Austin nor Pvt. Brooks went into detail about the nature of their labor on Faulkner's farm.⁸⁵ In November 1864, a Confederate officer took Pvts. Spencer Sloss and James Oddaway, 111th USCI, to his plantation in western Tennessee after their capture in Alabama by Maj. Gen. Forrest's forces. Neither soldier discussed their captivity in their pensions, but their service records suggest they served as enslaved labor for this Confederate officer. The

⁸² Richard Johnson.

⁸³ Mack Austin and Samuel Brooks, as well as Capt. Faulkner himself, confirmed this occurred. (Mack Austin; Samuel Brooks)

⁸⁴ US Census, 1860; *Biographical and Historical Memoirs of Louisiana: Embracing an Authentic and Comprehensive Account of the Chief Events in the History of the State, a Special Sketch of Every Parish and a Record of the Lives of Many of the Most Worthy and Illustrious Families and Individuals ...* (Goodspeed publishing Company, 1892), 407-08. I have thus far been unable to find any records enumerating the details of Faulkner's property and what kind of products his enslaved workers produced on his plantation.

⁸⁵ Samuel Brooks; *House Documents, Vol. 15*, "Letter from the Secretary of War transmitting Papers Relative to Claim of Samuel Brooks," 42nd Cong., 2nd Session, *Ex. Doc. No. 310*, 1-3.

records note a Capt. Scoff (in James Oddaway's file) and a Capt. Skiff (in Spencer Sloss's file). Scoff and Skiff were likely the same man, a Capt. John Skiffington, Asst. QM of the 15th TN Cavalry. Pvt. Sloss returned to his regiment in August 1865, while Pvt. Oddaway apparently remained a captive in Tennessee until December 1865, when he finally managed to escape.⁸⁶ Oddaway did not elaborate on the details of his captivity, however, so whether he remained a prisoner up to this point, or was simply delayed in returning to his regiment remains unclear.

Confederate politicians recognized the benefits of empowering soldiers with the right to claim Black POWs as booty, and took steps to ensure that soldiers would be rewarded for keeping Black captives alive. In February 1863, Confederate Representative Thomas D.S. McDowell of North Carolina proposed that the Committee on the Judiciary "inquire into the expediency of reporting a bill providing for the sale of all negroes taken in arms against the Confederate states." The proceeds of the sales would then "be divided among the troops engaged in their capture." Should the resolution pass, McDowell noted, "our soldiers may have an opportunity to make the war profitable to themselves." Rep. McDowell was himself a large planter, with his plantation, Purdie, having been valued at \$65,000 and worked by fifty-seven enslaved people in 1860. He well understood the means by which Whites could be incentivized to keep valuable Black soldiers alive. McDowell's resolution specified that "unless they be fugitive slaves," Black soldiers would "become the property of their captors, and shall thereafter be held and considered as slaves."⁸⁷ McDowell thus suggested that *all* Black soldiers, not simply southerners, were liable to be enslaved. The resolution was

⁸⁶ CMSR, Pvts. James Oddaway, Co. A, and Spencer Sloss, Co. B, 111th USCI.

⁸⁷ *Journal of the Congress of the Confederate States of America*, Vol. 6, February 13, 1863, 103.

adopted. Fugitive slaves should, “of course,” an Alabama newspaper opined, “wherever it is practicable, be returned to their owners.” For those fugitives who remained unclaimed by their enslavers, however, their fates would “fall to the lot of whoever may be fortunate enough to capture them.”⁸⁸ If President Lincoln was willing to accept Black men into the US army, “it is not impossible [Black US soldiers] may be secured to aid in meeting the demand for laborers, which is likely to be felt when the war closes.” By all means, advocated the article, “let us have a ‘land privateering’ law, in order to give the Confederate soldiers a personal and pecuniary interest in capturing as many as possible of the ‘American citizens of African descent.’”⁸⁹

Additional resolutions throughout 1863 expanded upon this idea to potentially open up Whites’ access to Black POWs as booty. Eight days after McDowell’s proposal, Rep. Charles F. Collier of Virginia introduced a resolution in the House that proposed “the Committee on the Judiciary inquire into the expediency of providing by law that all negroes captured whilst...in the service of the United States *ipso facto*, unless they be fugitive slaves, shall become the property of the captors, and shall thereafter be held and considered in all respects as slaves.”⁹⁰ Months later on December 10, 1863, Rep. Henry S. Foote of Tennessee offered a resolution stating that the Committee on the Judiciary “inquire into the expediency of amending the law now existing in regard to prisoners of war of the African race, in order to distinguish those who enlisted in the service of the United States as freemen and those who were slaves according to the laws of the Confederate States at the time of their enlistment,

⁸⁸ *Journal of the Congress* (6), February 21, 1863, 129.

⁸⁹ “Land Privateering,” *Weekly Mail*, March 4, 1863.

⁹⁰ *Journal of the Congress* (6), February 21, 1863, 129; “Congress on Saturday,” *Weekly Raleigh Register*, February 25, 1863.

and who, therefore, when they shall fall into our hands by the chances of war, are subject, according to the recognized principles of international law, to be returned at once to their original condition of servitude.”⁹¹ The resolution was adopted, but whether it became a law is not clear. These politicians likely viewed treating Black POWs as booty as an extension of the idea that all Whites had a role to play in controlling Black people.⁹²

Compensating soldiers with Black POWs for the loss of other property quite likely took place more than once during the war. Following the battle of Milliken’s Bend in June 1863 in which more than 50 Black POWs were taken prisoner, Brig. Gen. Henry McCulloch stated “these negroes had doubtless been in possession of the enemy, and would be a clear loss to their owners but for Captain [George T.] Marold [16th TX Infantry].” Should they be “forfeited to the Confederate States or returned to their owners,” wrote McCulloch, “I would regard it nothing but fair to give Captain Marold one or two of the best of them.” McCulloch also recommended the same for a young German-born soldier who helped facilitate the capture: “if such things are admissible, I think [Pvt. Albert Schultz] should have a choice boy from among these fellows to cook and wash for him and his mess during the war, and to work for him as long as the negro lives.” Soldiers were not the only people McCulloch felt should be compensated with Black POWs. “And as the horse of Dr. [William J.] Cocke [7th TX Infantry] was lost in the praiseworthy effort to procure water for our wounded,” noted McCulloch, “another of these fellows might be well and properly turned over to him to compensate for his loss.”⁹³

⁹¹ *Journal of the Congress* (6), December 10, 1863, 517.

⁹² Aaron Sheehan-Dean, *Why Confederates Fought : Family and Nation in Civil War Virginia* (University of North Carolina Press, 2007), 113.

⁹³ H.E. McCulloch R.P. Maclay, June 8, 1863, to *OR* 1:24(II): 467-70.

There was a significant danger of sale and enslavement for free Black Americans early on in the war before the Confederate federal government distinguished between freemen and enslaved men. Historians have noted the many instances of kidnapping and freepeoples' enslavement in the antebellum South. Freepeople were particularly vulnerable in southern prisons precisely because they had no enslavers who could claim them. If left unclaimed for a certain amount of time, freepeople were then sold from the prison to recoup the costs of their incarceration.⁹⁴ During the war, the two teenage Black boys from Boston who were captured in Texas in February 1863, were sold to a Judge Wheelock from Houston for a "pitiful sum" of \$47.⁹⁵ Ultimately, it was determined that nothing could be done to rescue the boys unless the US Army successfully reached Houston. The boys survived their enslavement, and after the cessation of hostilities in Texas they managed to return home to Boston, where they remained for the rest of their lives as American citizens and wage laborers. Neither applied for a pension after the war, indicating that they had not received significant wounds or illnesses during their tenure in the service or in slavery.

Conclusion

After the slave trader Brittenham purchased Pvt. Charles Duckett, they traveled across the James River and into North Carolina. A farmer named Peter Carter living in Lincolnton, North Carolina, about thirty miles northwest of Charlotte, bought Duckett. Duckett did not elaborate upon the details of his imprisonment on Carter's farm, but it was

⁹⁴ Berlin, *Slaves without Masters*, 82-86; Wood, "Prisons, Workhouses," 253-56. Birch and Buchanan, "Penalty of a Tyrant's Law," 23-25.

⁹⁵ H. Ware to A.G. Browne, April 8, 1863, *OR* 2:5: 455; J. Barbour to A. Lincoln, April 11, 1863, *OR* 2:5: 469; Canby to Andrew, April 15, 1863, *OR* 2:5: 484; Hitchcock to Andrew, May 31, 1865, *OR* 2:8: 586-87; Ware to Hitchcock, June 2, 1865, *OR* 2:8: 633-34; Hitchcock to Canby, June 5, 1865, *OR* 2:8: 640; Ware to Hitchcock, June 7, 1865, *OR* 2:8: 646.

clear that he continued to suffer from the effects of his wounds, as he had to wait for “a chance to escape” until after he could “walk well” once more.⁹⁶ There is little sense of the conditions in which Duckett found himself, whether he worked alongside other slaves, or for what type of work he was acquired. Perhaps Carter thought Duckett could still prove useful without the full use of his right leg, particularly if the leg was in the process of healing. Carter’s motives remain unclear, but the perceived value of enslaved people, even Black POWs, as status symbols and as manual laborers clearly continued throughout the war. Whatever Carter’s motives and intentions, Duckett thwarted them by escaping west to Tennessee. Duckett claimed he encountered and joined up with Maj. Gen. George Stoneman’s forces to participate in Stoneman’s Raid, which moved throughout through the eastern section of North Carolina and coincided with Sherman’s March. Duckett did not elaborate upon his participation, however, noting only that he eventually reached Greenville, Tennessee, where he reported back to the US army.

Pvt. Charles Duckett’s capture, medical care, incarceration, and sale reflected the fluidity of Confederate slavery. Black POWs’ imprisonment took many different forms and varied greatly in terms of location, length, and treatment. Imprisonment was by no means unprecedented or uncommon for enslaved people, but the needs of a society at war and the introduction of factors such as Black enemy combatants necessitated adaptation to new circumstances. Processes in place during the antebellum era largely continued during the war in what became the Confederate South. Black POWs likewise proved to be highly adaptable and flexible to their circumstances, and navigated imprisonment and brutal treatment with the same individual and collective strength that Black Americans exhibited throughout slavery.

⁹⁶ Fett, *Working Cures*, 7.

Enslavement remained Confederates' preferred approach to handling Black POWs. Enslaving Black POWs, whether through reclamation, sale, or military impressment, demonstrated that though the state and military claimed unprecedented power over private property in the form of human chattels, slaveholders still had rights and legal processes of compensation to the end of the war. The diverse forms and experiences of Black combatants' enslavement reflect the continued flexibility of the extant slavery system. Remaking Black soldiers into slaves took on symbolic significance for both enslavers and enslaved, a process that Black POWs resisted by various means. There were particular dangers for enslaved POWs as well. Once beyond military control and oversight, enslaved POWs were highly vulnerable, and even the war's end did not guarantee their freedom. Hundreds of Black POWs slipped through the cracks, particularly those who had been removed from military control and placed in the hands of slaveholders and private industries. Furthermore, once Black POWs exited Confederate prisons in the hands of individuals, Union officials and POWs could usually only speculate as to their fates, and a lack of definitive information on enslaved POWs has hindered understanding their actions within the war and beyond.

CHAPTER 4

“I was compelled to stay in slavery”: Black POWs’ Reclamation and Enslavement by Citizen Slaveholders

“I owned slaves prior to emancipation, and among them one Abram Ralls, who, as a boy of 19 or 20 years, ran away from my place...and joined the Federal army...and I recovered him in the fall of 1864 while in the hands of his captors at Gadsden Ala. on his way South with Hoods army. I held him several months and...I think he finally left me about the time of the surrender.”

- Dr. John Perkins Ralls

“Dear old master...do you remember giving me some money and tobacco not to run a way any more.” - Letter from Pvt. Abram Ralls, 44th USCI, to Dr. John Perkins Ralls¹

When the 44th USCI surrendered *en masse* to Confederate forces at Dalton, Georgia in November 1864, it was swept up in the contingent processes of capture, reclamation, and enslavement at the hands of Confederates. Pvt. Abram Ralls kept his head down, his mouth shut, and blended into the crowd as the mass of Black prisoners marched behind Gen. John Bell Hood’s corps into northern Alabama. Though he was asked on at least one occasion to join an escape attempt, he refused to do so. Those who attempted to escape, he claimed, were killed outright or buried alive for their efforts.² Better to watch, wait, and stay alive. Pvt. Ralls had waited twenty years for his first opportunity to escape slavery - he could wait a little longer. Though there was little Ralls could do about his circumstances, he well

¹ SC 934.122, Pvt. Abram Ralls, Co. H, 44th USCI.

² Thus far I have been unable to corroborate Pvt. Ralls’s claim that members of the 44th were buried alive on the way to Dalton; soldiers in this regiment were indeed killed following capture, but I have been unable to find any further mention of Confederates burying Black soldiers alive. I discuss this aspect of Ralls’s testimony in further detail in Chapter 6.

understood how to play the role of the obedient slave, and made use of every social skill he possessed in order to survive.

On the march, Gen. Hood sent out notices, likely via local newspapers and messengers, for slaveholders to come and reclaim any runaways among the 44th. As the march dragged its prisoners along, the corps stopped “at little towns to let their owners get their slaves.”³ Hood had seized the 44th’s roster along with its men at Dalton, which is probably how the Confederates determined that most of the members of the 44th were formerly enslaved men from Tennessee, Georgia, and Alabama. Whenever “a man came for his nigger, Hood would take the book and call the roll,” Ralls remarked. Hood, his men, and the prisoners arrived in Gadsden on October 20, and remained in town for several days. Ralls’s former enslaver, Dr. John Perkins Ralls, arrived in Gadsden that same day to look for him. Though Hood called out Pvt. Ralls’s name several times over the course of two days, “I never answered my name,” for “we were then lying on the ground like hogs,” and, Ralls noted, “we were not forced to answer.” Perhaps many men of the 44th escaped the notice of their former owners by remaining quiet. Ever cautious, Ralls did the same. “I was waiting to hear my master say what he was going to do with me,” he said, for he feared that he had angered Dr. Ralls enough that he might be killed if he gave himself up. Pvt. Ralls was painfully aware of the fraught circumstances in which he found himself. In the past, Dr. Ralls’ brother-in-law had threatened to “shoot his [own] niggers just as long as there was a place for a bullet to sticke [sic] to” should they run away, and Pvt. Ralls anticipated this fate, or worse. Furthermore, if he gave himself up, he would no longer be able to escape notice by

³ Abram Ralls.

blending into a large crowd of anonymous Black faces and blue uniforms, which had protected him well during those tense two days.

On the second day, Pvt. Ralls at last overheard Dr. Ralls declare his intentions to a companion. "I heard my master say that he would take me home," recalled Pvt. Ralls, and that he would "give me a genteel whipping and then take me further south and never allow me with the other niggers." When Hood called Pvt. Ralls's name again, "I answered." Dr. Ralls must have been a mix of surprised, relieved, and furious that "the rascal had laid there looking at him without answering him" for two full days. Indeed, when Pvt. Ralls finally gave himself up on the second day, Dr. Ralls' retribution was swift. Pvt. Ralls "was taken right to the Blacksmith shop in Gadsden and two trace chains were welded together," one end secured around his neck with a padlock, and the other end locked around a mule's neck. Dr. Ralls would take no chances on the twelve-mile journey home, and he dragged Pvt. Ralls along the entire way.

Before reaching home, the two men stopped at a neighboring farm where Dr. Ralls "exchanged Abram's blue...soldier clothes for jeans," as "he did not want his darkies to see Abram in his blue clothes." Pvt. Ralls knew the young enslaved woman, Sarah Jane Hunter, who brought Dr. Ralls some new clothes. Yet Pvt. Ralls and Miss Hunter "dared not speak or say anything" to one another while he was stripped and reclothed.

When they arrived at the Ralls farm, the correction process began. Pvt. Ralls was now firmly within Dr. Ralls' domain, and Dr. Ralls could do whatever he pleased. As a lifelong slaveholder and planter, Dr. Ralls probably believed himself to be reasonable rather than excessive in his brutality. Harsh treatment "was against the advice of the spokesmen for the ideal in slave management," and Dr. Ralls' approach to dealing with Pvt. Ralls appears to

have been intended as “corrective.”⁴ Rather than immediately resorting to a whipping, Dr. Ralls locked Ralls away from the other slaves for two weeks, “night and day,” possibly in a small, makeshift jail located on the farm for such circumstances. After this solitary confinement, Dr. Ralls whipped Pvt. Ralls’s back with a wooden rod. This flogging took place in the open for the other enslaved people, including Pvt. Ralls’s mother and several siblings, to see. Pvt. Ralls recalled that the “terrible whipping” took several hours, “from after breakfast till 12 o’clock.” He had to be made an example of lest the other enslaved people believe that freedom was worth the risks. The scars that Dr. Ralls beat into Pvt. Ralls’s back that day remained with him for the rest of his life.

Dr. Ralls then took Pvt. Ralls down to Talladega, more than fifty miles southwest, and put him in the care of one “Dr. Vandever.” He was the owner of a medical practice and drug store in Talladega. It is unclear what connection existed between Dr. Vandiver and Dr. Ralls, though perhaps it had to do with their shared occupation as physicians.⁵ Whatever their relationship, Dr. Ralls had found a place sufficiently far away from his farm to ensure Pvt. Ralls could not easily abscond from this new situation. In his new circumstances, Pvt. Ralls could not count on the support of his family and friends. Perhaps Dr. Ralls, as a physician, felt he should leave a freshly-lacerated Pvt. Ralls in the care of a medical professional to ensure his soundness. Pvt. Ralls’s back was not much worried over, however, for Dr. Vandiver soon hired him out to a nearby railroad company, where Pvt. Ralls remained for a week or so until he was somehow able to secure a pass from the railroad’s overseer, Mr.

⁴ James O. Breeden, ed., *Advice Among Masters: The Ideal in Slave Management in the Old South* (Westport: Greenwood Press), 80-88.

⁵ U.S. Census 1860, slave schedule. An Ambrose F. Vandiver lived in Cherokee County, Alabama. It is possible he was a relative of Dr. John Vandiver and a neighbor/acquaintance of Dr. John Ralls.

McNyas.⁶ Pvt. Ralls then managed to return to the Ralls farm in late December 1864, two months after Dr. Ralls first reclaimed him from the Confederate army.

Pvt. Ralls did indeed win his way back into Dr. Ralls' good graces. The ways in which he accomplished his reintegration into life at the Ralls farm are lost to time. Though we cannot easily uncover the more subtle methods of enslaved peoples' day-to-day survival, it is clear that Pvt. Ralls played his part, and he did it well. He was eventually permitted to marry Miss Sarah Jane Hunter, the neighboring enslaved woman who had exchanged his uniform for slave clothes, and was given passes to visit her. By this time she was living nine miles from the Ralls farm. It seems Pvt. Ralls convinced Dr. Ralls of his fidelity thoroughly enough to win back some of the privileges he had once enjoyed; his obedience, however, was a masquerade.

Several weeks after Gen. Robert E. Lee's surrender at Appomattox, Pvt. Ralls arrived at his wife's cabin for his weekly visit, only to discover that everyone was gone. She and the other enslaved people with whom she worked and lived had been taken into Tennessee. She and Pvt. Ralls apparently did not even know that the Confederacy had functionally ceased to exist, or that slavery was ending throughout the US. Yet Pvt. Ralls did not hesitate. He left then and there and set out on the road to find her. When Abram failed to materialize on the Ralls farm the next day, Dr. Ralls set out "with a party of men" to find and catch him. The posse did not find him. What Dr. Ralls did not know until many years later was that he did in fact happen upon Pvt. and Mrs. Ralls in the course of the search. They successfully hid in the woods next to the road, where they overheard Dr. Ralls' threats of what he would do when he

⁶ Abram called the place he was hired out to as "Lime Station." I have yet to locate any information regarding possible railroad companies in or about Talladega that might have hired him.

caught Pvt. Ralls. The Rallses remained undiscovered, however, and were able to escape into Tennessee and to freedom together.⁷

As Pvt. Ralls discovered firsthand, what happened to Black POWs in southern prisons also played out in the private homes and businesses of Confederate citizens, albeit on a much smaller scale. As many as 270 Black POWs may have been reclaimed by former enslavers, though confirmed cases currently number only 19.⁸ Though US officials clashed with Confederates over applying postliminy to Black soldiers, Confederate (and some US) slaveholders had no such reservations. Interested in maintaining their investments in slavery by any means possible, slaveholders neither questioned postliminy nor opposed the slave reclamation process aided by the state and the army. The practice of postliminy was an affirmation of Whites' property rights, and private citizens intent on recovering their escaped enslaved property made postliminy a reality throughout the Confederacy. The state and Confederate governments likewise upheld the rights of slaveholders on the basis of the policies of reclamation and compensation (a practice known as *restitution*) adopted during prior conflicts with foreign powers.⁹ Furthermore, Confederate officials and commanders

⁷ Abram Ralls.

⁸ This estimate is based upon a report made by a Black sergeant of the 44th USCI, John S. Leach, wherein he stated as many as 250 soldiers were reclaimed by former enslavers at Gadsden, Alabama. He travelled with Hood's forces from Dalton to Selma, Alabama, and thus witnessed the reclamations of Black POWs firsthand. Leach stated that about 350 Black POWs remained with Hood afterwards. Leach escaped after laboring in Corinth, Mississippi for three weeks. Combined with the reclaimed POWs from the 44th and from Richmond prisons whom I have identified through their service records and pension testimonies, I estimate around 270 may have been reclaimed. Of the 29 confirmed cases, identified through the CMSR and pension files, 9 came from the 44th; 2 from the 11th (New); 4 from the 23rd; 1 from the 4th; and 2 from the 7th. This estimate does not take into account potential reclamations that took place at Andersonville prison.

⁹ United States Department of State, *Message from the President of the United States* (Washington D.C.: William A. Davis, 1817); Quarles, *The Negro in the American*, 90, 138, 157, 169, 171; Fehrenbacher, *The Slaveholding Republic*, 216, 231-32; Taylor, *The Internal Enemy*, 28, 429-35.

stated on several occasions that Black POWs were to be kept alive so that they may be returned to their enslavers.¹⁰ These processes upheld slaveholders' rights and supremacy over enslaved people during the war, and served to transfer Black war captives into private custody.

The Confederate government would have preferred to return most Black POWs to their enslavers, as evinced by General Orders No. 25, but the circumstances of war often inhibited reclamations. Though the Confederate government upheld slaveholders' rights where possible, such as entitling slaveholders to compensation for and reclamation of their impressed and recaptured slaves, the requirements of the war effort simply could not allow private ownership rights to trump military necessity. As historians have noted, the Confederate government and military increasingly infringed upon slaveholders' power and interests for the sake of the war effort. At the same time, the government and military did occasionally uphold private citizens' rights via policies like postliminy. Confederate and state legislatures, for example, created processes for slaveholders to seek restitution when enslaved people were lost by death, escape, or maiming. The military returned captured enslaved people to private slaveholders in several secession states, demonstrating the Confederate state's dedication to upholding slaveholders' rights. Confederate officials' intention was to return to the status quo of private slave ownership after the war.¹¹

This chapter examines the experiences of successfully reclaimed Black POWs and the limits of postliminy compared to military enslavement and incarceration. The Confederate government and military took direct action to make Black POWs available for reclamation,

¹⁰ See Chapter 1.

¹¹ See Chapter 1 for the discussion of Davis' recommendation that the Confederate government purchase slaves from slaveholders.

but more often than not was left with dozens, even hundreds of unclaimed captives. The slaveholders who were able to recover Black POWs from the military were usually wealthy, older men exempt from military service who could undertake the expense and travel necessary to do so. Reclamation thus generally affected Black POWs from larger farms and plantations, and those who were captured relatively close to their prewar homes.

Slaveholders who reclaimed POWs resorted to familiar measures for disciplining rebellious enslaved people, which could involve both violence and restraint in calculated displays of paternalism. Some slaveholders sold Black POWs and washed their hands of the trouble. Others hired out POWs like Pvt. Abram Ralls to industries in order to outsource their punishment, remove them from the comforts of family and home, and make money from their labor. Physical punishment was all but guaranteed. Some of these slaveholders also chose to nurse and resuscitate broken-down Black POWs, likely in the hopes of continuing to benefit from their labor.

Reclaimed Black POWs did not enjoy the modicum of protection afforded them by the military as recaptured property. Whereas the military was largely obligated and instructed to keep the majority of Black captives in its custody alive, private slaveholders had the freedom and legal protection to treat enslaved people as they saw fit. Once reclaimed, Black POWs relied on the “mercy” of enslavers in those early moments and days of reclamation much as they had in the first moments of capture by Confederate soldiers. The enslavers who chose to exhibit restraint benefitted from reclaimed POWs’ labor for a time through hiring out, sale, or keeping them close. Through means that remain largely obscure, at least 16 of the 19 identified men such as Pvt. Ralls managed to navigate the exigencies of private captivity in order to survive.

“For the information of persons whose servants have run away the following list is appended”: The Processes of Reclamation

Black POWs’ enslavement benefitted the Confederate state regardless of who wielded the whip. Postliminy served the interests of both slaveholders and the Confederate government by upholding private property rights in wartime, while also allowing for the Confederate and state governments to lay claim to enslaved labor as necessary. Returning Black POWs to the authority of private citizens by reclamation and sale served several purposes. First, Confederates could remove Black POWs from US officials’ claims by amalgamating them into the general enslaved population, a successful tactic that US officials lamented more than once.¹² Confederates effectively camouflaged Black POWs amidst the thousands of impressed slaves laboring under military authority, while reclaimed POWs effectively disappeared into the landscape.¹³ Second, returning Black POWs to private slaveholders proved the government’s commitment to maintaining slavery as a protected, privately-operated institution. By returning some captives to private authority in the midst of the war, the Confederate government signaled its resolute commitment to private slaveownership.

Though most captured Black people ultimately remained in military custody, Confederate state legislatures instituted processes early on in the war that allowed for both reclamation and indemnifying slaveholders for their losses. The Confederate Constitution

¹² Hitchcock to Stanton, April 14, 1863, *OR* 2:5: 455; Canby to Andrew, April 15, 1863, *OR* 2:5: 484; G.V. Fox to Butler, April 28, 1864, *OR* 2:7: 93.

¹³ Jamie Amanda Martinez estimates that as many as 29,300 enslaved people in North Carolina and Virginia alone labored for the Confederacy under impressment between 1862 and 1865. Though the Confederacy did not secure the full 35,000 slaves called for, Martinez argues that impressment was still effective and relatively successful, suggesting slaveholders’ cooperation with the Confederate government despite significant encroachment upon their property rights. (Martinez, *Confederate Slave Impressment in the Upper South*, 2)

empowered the Secretary of War to establish the rules and regulations regarding indemnity agreements between the government and citizen slaveholders regarding impressed enslaved people.¹⁴ The slaveholder lawmakers in the state governments also granted compensation for the loss of lifelong laborers in several instances, beginning with Florida, Alabama, and Virginia in 1862.¹⁵ In February 1864, the Confederate Congress passed an act whereby slaveholders would be entitled to compensation for the “full value” of any of their impressed enslaved workers lost “by the act of the enemy, or by escape to the enemy, or by death inflicted by the enemy, or by disease contracted while in any service” through the Confederate government’s newly established Board of Slave Claims.¹⁶ Not only did the Confederate government centralize control over impressed and captured enslaved people, it consolidated the processes whereby enslavers could seek proper recourse through reclamation and restitution.

Citizen slaveholders successfully submitted claims to the state and Confederate governments for compensation throughout the war. Virginia slaveholders, for example, first pressed their claims upon the state, and subsequently the Confederate government, for compensation following the loss of enslaved people through death and escape.¹⁷ The Virginia

¹⁴ “No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation.” (Constitution of the Confederate States of America, Article 1, Sec. 9 (16). Avalon Law Project, accessed January 20, 2018. Accessible https://avalon.law.yale.edu/19th_century/csa_csa.asp)

¹⁵ Nelson, “Confederate Slave Impressment,” 394, 398-99; Martinez, *Confederate Slave Impressment*, 9-10.

¹⁶ General Orders No. 32, March 11, 1864, *OR* 4:3: 208.

¹⁷ “To the Citizens of Giles County,” January 31, 1862, Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA (hereafter referred to as UVA); Legal Deposition of AK Tribble 1864 January 12, UVA; Impressment Documents 1862; “Report of Committee on Claims in the Case of Mary

General Assembly passed an act on March 25, 1863 that created commissioners for each district to take stock of private property, and “shall enquire into and ascertain, as far as practicable, the number of all slaves that have escaped to the enemy during this war, and have not been recovered, and make a return of such lists to the auditor of public accounts, with the names, sexes and ages of such slaves, and the names of the owners thereof; to be filed and preserved in the office of said auditor.”¹⁸ Officials in Bedford County, Virginia, created lists in 1863, 1864, and 1865 that enumerated the county’s enslaved people who had been impressed by the military, and the enslaved people who had escaped to the US forces.¹⁹

Black POWs were caught up in these processes, and became a means by which the Confederate government could both benefit from Black captives’ labor and uphold private ownership rights. The Confederate government and military allowed slaveholders to lay claim to Black POWs and other captives as recovered property under General Orders No. 25, though camps of instruction were intended as carceral sites for “non-combatant slaves.”²⁰ Officials ran numerous notices advertising the presence of captured enslaved people in military prisons and camps of instruction as sheriffs did with individual runaways. Furthermore, Confederate soldiers did *not* have the authority to treat Black POWs with

Clark,” Confederate States of America. Congress. House of Representatives. Committee on Claims; Clark, Mary, of Washington County, Va [Richmond : s.n., 1863], UVA.

¹⁸ *Journal of the House of Delegates, of the State of Virginia, for the Adjourned Session, 1863* (Richmond: William F. Ritchie, Public Printer, 1862), 267.

¹⁹ *Journal of the House of Delegates, of the State of Virginia*, 144; Bedford County lists: Bedford County Slave Appraisal List Furnished by Owners to Labor on Fortifications for the Confederacy 1863, UVA; List of Slaves and Slave Owners, Bedford County, VA, noting names of slaves, age, and sex who escaped to the Union during the Civil War, also whether owned or hired + date of escape 1864, UVA; List of Slaves and Slave Owners, Bedford County, Va. noting information concerning those who escaped to the Union, another list of slave owners whose slaves were impressed by the Confederate Army for 30 days, 1865, n.d., UVA.

²⁰ I. Carrington to Seddon, August 11, 1864, *OR* 2:7: 583.

impunity (though they were often shielded from consequences if they did violate their orders). As with impressed enslaved people, Confederate interests lay with keeping the vast majority of enslaved prisoners sound (if not healthy or happy) in order to use their labor. Black POWs occupied an uncomfortable middle ground where their overt rebellion justified retaliation and violence in some instances, but Seddon and Davis delineated that the authority to approve such actions ultimately lay with military commanders.²¹ Recall Gen. Henry E. McCulloch, who went so far as to threaten his soldiers who were preparing to hang their Black prisoners after the Battle of Milliken's Bend, saying "that...he would wade to his saddle skirts in blood before [the POWs] should be hung. He said the owners...should come and take them."²² The context of war did *not* justify the *military's* wholesale destruction of enslaved property. Slaveholders, however, had the authority to do what they wished with the Black POWs delivered into their custody.

The number of successful reclamations remained relatively small, suggesting that while reclamation did indeed take place in the Upper and Deep South, it was more difficult to accomplish than Black POWs' military enslavement. The military had few means beyond newspaper circulars by which to alert slaveholders that their runaways were in military custody. Furthermore, the circulars that ran announcing the presence of Black POWs in Richmond prisons regularly misspelled enslavers' names, or made significant mistakes (perhaps aided by Black POWs' manipulation of facts) such as listing John Everfield as "Miss Eva Fields."²³ Circulars also only ran in the states where Black POWs were held,

²¹ See Chapter 1.

²² Cy Taylor.

²³ "Captured Negroes," *Richmond Dispatch*, August 27, 1864.

meaning that men captured far away from their home states were less likely to be identified by slaveholders.

Though confirmed cases of reclamation are few, Confederates described reclamation as occurring “often,” suggesting that the numbers may be higher than those provided in extant records.²⁴ Sgt. John S. Leach, 44th USCI, for example, reported that slaveholders reclaimed as many as 250 soldiers from that regiment.²⁵ There were 142 soldiers who never returned to the 44th USCI after the war and for whom no subsequent records exist following their capture. They may very well be part of the group of soldiers mentioned by Sgt. Leach.²⁶

The closer Black POWs were to their homes when captured, the likelier it was they might be reclaimed. Reclamations were predominantly successful among Black Virginians, Georgians, Alabamians, Tennesseans, and Marylanders who were imprisoned within their home state or a neighboring state. For instance, Provost Marshal Maj. Isaac H. Carrington, at the behest of Secretary of War James A. Seddon, issued numerous special orders to return Black POWs from Virginia and Maryland in Richmond prisons to slavery by sale or reclamation. Special Order No. 60 on August 25, 1864 ordered that Pvt. Peter Austin, 23rd

²⁴ Letters Sent, May 1864-March 1865, RG 109, NARA, cited in Pickenpaugh, *Captives in Blue*, 190.

²⁵ Report of J.B. Hood, *OR* 1:39(1): 724. Thus far, I have not been able to positively confirm these numbers from the regiment’s service records or soldiers’ pension files. Of the 573 Black soldiers from the 44th who became POWs, at least 100 men and their families applied for pensions. Thus far I have acquired 40 pensions from members of the 44th, and have transcribed 19 of them. I hope to find further evidence regarding reclamation among the remaining 21 pensions, and hope to secure the remaining 60 pensions I was unable to look at.

²⁶ CMSR. Of 433 men from the 44th with subsequent records following their capture, 50 died in captivity, while the remainder survived, making for a survival rate of 88%. This is comparable to the survival rates of the other regiments whose POWs were sent to Mobile and other cities to labor for the military (the 106th, 110th, and 111th). The overall presumed mortality rate for the 44th, however, which includes the 142 men with no subsequent record after capture, is 33%. The 67% overall survival rate is much lower in comparison to the other regiments captured *en masse* in Georgia in the fall of 1864. The soldiers from the 106th, 110th, and 111th predominantly labored in Mobile, and were not allowed to be returned to former enslavers via reclamation.

USCI, be delivered from Castle Thunder to RL Gordon of Orange, Virginia.²⁷ Special Orders No. 138 and 140 successfully returned Pvts. Levi Green, 7th USCI, and Samuel Green, 23rd USCI, from Castle Thunder to their former enslavers in Maryland and Virginia, respectively.²⁸ Gen. John Bell Hood's decisions to notify slaveholders in Alabama and Georgia that he had captured formerly enslaved men from those states among the 44th USCI, and to stop in Gadsden for several days to allow for slaveholders to come identify and reclaim the soldiers provided an opportunity for large scale reclamations to take place.

Black POWs captured far from home had little chance of reclamation. Black POWs who hailed from North Carolina and Virginia were kept in Andersonville prison in Georgia as a matter of practicality during the last year of the war. As William B. Rodman, a military judge who hailed from North Carolina, noted to Seddon, "it is so inconvenient as to be almost impossible for the owners to go to Americus for the purpose of identifying and claiming them." Seddon replied to Rodman that it was equally costly and risky to try to transport the Black POWs from Georgia to North Carolina for identification and reclamation. Rather than undertake the risk and expense of transporting these Black POWs to their home

²⁷ CMSR, Pvt. Peter Austin, Co. C, 23rd USCI. Reuben L. Gordon of Orange was a farmer who held twenty-two enslaved people in bondage in 1860. The son of Gen. William Fitzhugh Gordon, a veteran of the War of 1812 and former member of the US House of Representatives, Reuben had inherited his wealth in land and slaves. In December 1863, however, Gordon's house was burned down by Gen. George Meade's forces. (US Census, 1860; "Ravages of the Enemy When Last This Side of the Rapidan," *Richmond Dispatch*, December 11, 1863)

²⁸ CMSR, Pvt. Levi Green, Co. G, 7th USCI; Pvt. Samuel Green, Co. I, 23rd USCI. Though slaveholders from border slave states were compensated by the US Army for their slaves' service, and Lincoln took considerable care to avoid infringing upon slavery within the US slave states for as long as possible, many border slaveholders joined the Confederate war effort and border slaves sometimes escaped to join the US Army. Slaveholder J.H. Forbes of St. Mary's, Maryland either reclaimed Levi Green from Castle Thunder, or the Confederate military delivered Levi to Forbes directly. The POW Memorandum slip in Levi's service record noted him as "delivered," suggesting that some slaveholders in Maryland were willing and able to reclaim their enslaved property from Confederate authorities, despite residing within the borders of the US. Several other Maryland and Washington, D.C. slaveholders successfully reclaimed Black POWs from Richmond throughout 1864.

states, or enslavers traveling to Georgia, Seddon deemed it best to wait and see whether conditions improved. “If the request be renewed at a more favorable moment,” Seddon wrote, however, “it will probably be accorded.”²⁹

Reclamation, like private property rights, was therefore subject to the dictates of military necessity during the war.³⁰ Given the increasingly desperate need for Black labor and slaveholders’ resistance to enslaved peoples’ impressment for the military’s use, necessity often enabled the military to keep Black POWs under its authority.³¹ More than 150 Black POWs, the majority of whom were Marylanders and Virginians, remained in Richmond prisons by October 1864 and were used as enslaved labor on fortifications by the Engineer Department.³² The several hundred POWs from the 44th USCI who were not reclaimed by enslavers in Gadsden, Alabama were promptly sent down to Mobile, and their enslavers notified of their presence in the city. Rather than allow enslavers to continue to reclaim these men, however, Gen. Dabney H. Maury, commanding the Department of the

²⁹ W.B. Rodman to Seddon, May 27, 1864, *OR* 2:7: 174; Pickenpaugh, *Captives in Blue* 190.

³⁰ Slave impressment provoked strong reactions from slaveholders that are well-documented, and most recently have been used by historians such as Jaime Amanda Martinez and Stephanie McCurry to point to instances of support and resistance to the Confederate war effort from slaveholders and their families. (See Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2012), 166-67, 274-75, 279, 288, and Martinez, *Confederate Slave Impressment*). I have thus far found no evidence regarding slaveholders’ reactions to the military’s enslavement of Black POWs. My educated guess is that slaveholders were less concerned with the military’s control over runaway enslaved people than with its control over impressed enslaved people. The former was likely perceived as a means of protection, while the latter was more often than not perceived as encroachment upon slaveholders’ civil rights.

³¹ Sheliha to Rives, July 9-11, 1864, *OR* 1:39(II): 698, 705-08; Report of Sheliha, October 22, 1864, *OR* 1:39(II): 850; Report of Sheliha, November 26-27, 1864, *OR* 1:45(I): 1250; J.M. Schofield to J.C. Kelton, June 17, 1862, *OR* 2:4: 34-35.

³² E.P. Turner to W.H. Hatch, October 14, 1864, *OR* 2:7: 987-88. The majority of men who hailed from Maryland were sent down to Salisbury, NC, suggesting that most Maryland slaveholders were ultimately unable or unwilling to reclaim Black POWs held in the Confederate capital.

Gulf, clarified that “the owners are listed in order to *receive the pay due them*.”³³

Slaveholders could claim compensation for a POW’s work for the military, but they could not reclaim the POWs, likely because of the perpetual labor shortage plaguing the Engineer Department in Mobile.

Some commanders, such as Lieut. Gen. E. Kirby Smith, appear to have never even attempted to return Black POWs to former enslavers, and instead opted to make use of their labor. No circulars or advertisements that mentioned or listed the Black POWs who were captured at Milliken’s Bend, Lake Providence, and Mound Plantation in Louisiana in June 1863 appear to have been printed. Though General Orders, No. 25 were in place by this time, it seems that neither Lieut. Gen. Smith nor any of his subordinates advertised these Black POWs by name; nor did he turn them over to the state government or to individual slaveholders.³⁴ Instead, the men of the 46th and 49th USCI were distributed to different places in small groups of “six to eight” POWs each.³⁵ Some were sent to different plantations, at least one of which Capt. Anthony Wayne Faulker, 3rd Louisiana Cavalry, owned.³⁶ Others were sent to work for industries in Shreveport, Louisiana, which included rope-making, salt-making, and general labor at loading and unloading supplies.³⁷ Some were sold to new enslavers in Texas, while the rest remained in various military camps as general

³³ Peggy Allen Towns, *Duty Driven: The Plight of North Alabama African Americans During the Civil War* (Bloomington: AuthorHouse, 2012), 88.

³⁴ See Chapter 1 discussion of Smith’s communications with Lieut. Gen. Richard Taylor on this point.

³⁵ Mack Austin.

³⁶ Mack Austin; Samuel Brooks.

³⁷ Samuel Brooks.

laborers and servants to Confederate officers.³⁸ With the authority to use their “discretion,” as Seddon had directly advised Smith, some commanders likely decided to make use of Black POWs’ labor rather than undertake the efforts of identifying and advertising them.

Though the vast majority of Black POWs remained in military custody throughout the war, reclamations did take place in both the Upper and Deep South. Reclamation may not have been widespread, but it happened often enough and in different areas to suggest that military commanders abided by postliminy when practical and convenient, and that certain Confederate citizens were able to undertake the travel and expense necessary to reclaim Black POWs from military custody.

“I was a prisoner just the same”: The Aftermath of Black POWs’ Reclamation

The men confirmed to have reclaimed Black POWs from the Confederate army appear to have been relatively wealthy older men. Information on these men is difficult to find, however, and I have positively identified only six slaveholders in census records.³⁹ Of these men, several owned more than ten slaves in 1860, yet the majority of their slaves appear to have been women and children. Lewis Cunningham of Alabama, for example, owned ten enslaved people in 1860, only one of whom, Pvt. Ab Cunningham, 44th USCI, was an adult male. James W. Sloss of Alabama, who reclaimed Pvt. Anderson Sloss, 111th USCI, owned 11 enslaved people in 1860, none of whom were adult males. Dr. John P. Ralls of Alabama owned 28 enslaved people, only two of whom were adult males in 1860, including Pvt. Abram Ralls - nine were young boys aged 12 and under. John R. Freeman of Georgia,

³⁸ Daniel Robinson aka Govan; SC 637.630, Pvt. Charles Freemont aka Ben Jordan aka Ben Pillow, 46th USCI.

³⁹ The CMSR often do not mention slaveholders in Black POWs’ records, or simply did not provide enough information with which to positively identify these men. I have relied primarily upon the pensions, which provide more information on slaveholders.

who sent an agent to reclaim Pvt. Thomas Freeman, 44th USCI, owned 50 slaves in 1860, of whom 13 were adult males. At least two of them, including Thomas, had run away to join the US Army.⁴⁰ Other than John Freeman, these slaveholders appear to have held relatively few male slaves aged 18 to 50 during the war.⁴¹ The lack of adult male slaves suggests that for at least some slaveholders, Black POWs may have been their prime hands. Impressment and military-aged enslaved men proved to be significant assets for both the Confederate and US war efforts, and securing labor from this demographic was of great concern to the state and to individual slaveholders. The impressment acts passed by state legislatures, for example, required the labor of enslaved males aged 18 to 50.⁴² Prior to and during the war, enslaved men of this age group also had the highest monetary value.⁴³

The lengths to which certain citizen slaveholders went to reclaim enslaved men in wartime suggests that Black POWs retained significant value in spite of their rebellion. John R. Freeman, for example, sent an agent on his behalf to find, acquire, and transport Pvt. Thomas Freeman, a runaway field hand, back to Floyd County. Freeman was somewhere in southwest Georgia when he “in some way found out Thomas Freeman had been a prisoner of war and had been left very sick near Griffin, Georgia.”⁴⁴ Freeman sent a wagon to pick Pvt.

⁴⁰ US Census, 1860, Slave Schedules. Additionally, most of the male children listed in these schedules were too young to have reached age 16 or older by 1864.

⁴¹ Nelson, “Confederate Slave Impressment,” 398.

⁴² Albert Burton Moore, *Conscription and Conflict in the Confederacy* (New York: The Macmillan Company, 1924), 308-09.

⁴³ Samuel Pannill Wilson Papers, 1847-1938, Accession #10721, UVA; George C. Hannah, slave bills of sale, 1843-1864, Accession #970, UVA; Morris Family Papers, 1704-1931, Accession #38-79, UVA; Mathews Family Papers, 1792-1900, Accession #5240, UVA; Omohundro Slave Trade and Farm Accounts, 1857-1864, Accession #4122, UVA; Robert Colby, “The Continuance of an Unholy Traffic: The Virginia Slave Trade During the Civil War,” (M.A. Thesis, The University of North Carolina at Chapel Hill, 2015), 47-48.

⁴⁴ SC 740.333, Pvt. Thomas R. Freeman, Co. I, 44th USCI.

Freeman up and transport him back to Freeman's home. Pvt. Freeman was placed under medical care, where Freeman "had him doctored and nursed very closely for many months." It was by "this close nurseing [sic] and doctoring," that Freeman alleged he "kept [Thomas] alive." Freeman did not state why he went to such expense and trouble. Perhaps he felt he had already suffered a great loss to his operations with the death of Pvt. Jourdan Freeman, 44th USCI, whom Confederate guards killed the day after the 44th's capture. Perhaps Freeman had lost more men than Jourdan and Thomas to the US army, and hoped to recoup his loss one way or another. Whatever the motivation, Freeman appears to have gone to great lengths and expense to reacquire control over Pvt. Freeman, and to keep him alive.

Reclaiming a Black POW, however, did not always translate into keeping them at home among the other enslaved people, even when Black men were in short supply. Lewis Cunningham of Alabama reclaimed Pvt. Ab Cunningham, 44th USCI, at Gadsden in October 1864. Cunningham owned ten slaves in 1860, all of whom were female except for Pvt. Cunningham and an infant boy. Pvt. Cunningham recalled that he was sick when Cunningham "came to Gadsden and got me and took me home with him." He did not provide details of his reclamation, but noted that upon his return to the Cunningham farm, "I lay in bed two weeks, sick, after I got home; then his son Bill came home." Bill, the oldest Cunningham son, was serving in Lieut. Col. Alfred A. Russell's 4th AL Cavalry, and took Pvt. Cunningham with him into Florida as a body servant shortly after his reclamation.⁴⁵ Lewis Cunningham likely felt it was best to keep him separated from the other Cunningham

⁴⁵ SC 1.116.277, Pvt. Abner aka Ab Cunningham, 44th USCI; CMSR.

slaves, much as Dr. Ralls did with Pvt. Abram Ralls.⁴⁶ Cunningham and Ralls were in fact neighbors, and Ab and Abram were brothers-in-law. Ab had married one of Abram's sisters, Miss Mary Jane Ralls. Ab and Mary Jane had attempted to escape before Ab's enlistment in the 44th, and Mary Jane had been killed by bushwhackers.⁴⁷ Ab had demonstrated his willingness to run away, and to do so with other enslaved people.⁴⁸

Though enslavers like John Ralls and Lewis Cunningham were willing to temporarily outsource reclaimed men like Abram and Ab, others chose to absolve themselves of the responsibilities and costs of handling rebellious enslaved men. Pvt. Addison Holley, 4th USCI, was reclaimed by his former enslaver, Joseph Medley, from Castle Thunder in Richmond. Medley was already set on selling Pvt. Holley off rather than risk bringing him back home. Upon reclaiming Holley, Medley took him across the street to Lumpkin's Jail and sold him to new enslavers Thomas Carter and William Jackson of Pittsylvania County. I have been unable to locate Joseph Medley in the census, and Holley provided only Medley's name in his pension file, so it is unclear at this time what kind of slaveholder Medley was. Medley may have needed the money from Holley's sale more than he needed Holley's labor,

⁴⁶ It is possible that Cunningham and Ralls traveled together to Gadsden to reclaim their runaway hands. It is possible that when Dr. Ralls stated to another slaveholder that he would separate Abram from the other Ralls slaves at Gadsden, he said so to Cunningham, who subsequently did the same with Ab.

⁴⁷ Ab Cunningham; Abram Ralls.

⁴⁸ Lewis Cunningham's plan seems to have worked, for Ab "didn't dare try to get away" during his imprisonment under Bill. Ab played his part, and survived to return to the Cunningham home, where he remained for several years following the war. Ab was forced to wait on Bill and his horse, and "I remained with him until peace was declared and we went back home together." Unlike Abram, who escaped the Ralls one final time, Ab did not risk a third escape. Either the circumstances did not allow him any opportunity to escape, or he calculated the risks and determined that staying put and playing his part would be his best chance for survival. Whatever the case, Ab's wartime transgressions did not cause irreparable damage with the White Cunninghams given his continued association with them after the war; both Lewis and his youngest son, John, testified on Ab's behalf when Ab applied for a pension, and confirmed his statements regarding his capture and reclamation (Ab Cunningham).

or perhaps Holley had a long history of defiance that Medley did not care to continue dealing with. Holley, for his part, was able to escape Carter and Jackson.⁴⁹

Slaveholders sent Black POWs away as part of punishment and as a means of keeping the peace on the farm and in their communities. The practice of exiling disruptive enslaved people was widespread in the antebellum era and continued by the Confederate and state governments to fulfill labor needs for those “private employers serving the needs of the Confederate army.”⁵⁰ Dr. Ralls, for example, hired out Pvt. Ralls to a railroad company at a place called “Lime Station.”⁵¹ Southern railroad companies, particularly in Virginia, relied upon hired enslaved people throughout the antebellum period and during the war, and appear to have had no objections to taking on an enslaved man known to have run off to the US Army.⁵² Indeed, Pvt. Ralls noted that his guards at Lime Station knew of his military service and treated him badly because of it.⁵³ Pvt. Bostine Jones, 44th USCI, likewise recounted how “my masters brother-in-law came and got me” at Gadsden along with three other POWs, and took them “down into St Clair Co and put to work in the [coal] mines.”⁵⁴ St. Clair was one of six counties in Alabama that provided coal for the Confederate government. William Gould’s

⁴⁹ SA 172.709, Pvt. Addison Holley, Co. A, 4th USCI.

⁵⁰ Jaime Amanda Martinez, 5. For further discussion of hiring out enslaved people as a management tactic, see James E. Newton and Ronald Lewis, eds., *The Other Slaves: Mechanics, Artisans, and Craftsmen* (Boston: G.K. Hall, 1978); Jonathan D. Martin, *Divided Mastery: Slave Hiring in the Antebellum South* (Cambridge: Harvard University Press, 2004).

⁵¹ Abram Ralls. I have thus far been unable to locate records on this station. It may have been a local name referring to the transport of goods such as lime, granite, and marble on Alabama railroads at places like the Talladega Train Depot. (“From the Wetumpka Spectator,” *Democratic Watchtower* (Talladega, Alabama) April 25, 1860)

⁵² Robert C. Black, *The Railroads of the Confederacy* (Chapel Hill: The University of North Carolina Press, 1952), 29-30, 130.

⁵³ Abram Ralls.

⁵⁴ SC 1.104.139, Pvt. Bostine Columbus Jones, Co. I, 44th USCI.

Raglan Mine was one of the major sites of production, and it is possible Pvt. Jones was sent here by his enslaver, Gabriel Jones of Floyd County, Georgia.⁵⁵ Jones's enslaver thus employed a well-established practice by outsourcing punishment to a private employer, and likely received compensation for Jones's labor in the process - fees ranged from \$100 to \$200 for a year of labor.⁵⁶

Black POWs' enslavers showed little concern for the well-being of their reclaimed slaves. While Pvt. Jones's enslaver rid himself of a problem while securing a profit, he placed Jones in dangerous conditions that could have easily killed him. Coal mining was dangerous work, and Jones's time in the mines greatly affected his health.⁵⁷ He worked in the mines for "6 or 7 months...when I escaped. I escaped by myself and got as far as Rome [Georgia] my old home where I was sick so I couldnt go any farther from diarrhea and rheumatism..." By the time Jones managed to flee from the coal mines, the war had ended. It is possible that he did not know that the Confederacy had ceased to exist; what is apparent, however, is that those overseeing Jones's labor continued to exploit him.⁵⁸

Those reclaimed by their previous masters experienced harsh physical punishment at times tempered with instances of seeming benevolence to deter further insubordination. Dr. Ralls appears to have been a quintessential paternalist who used "kindness" as much as he relied upon cruelty to maintain his absolute authority over his enslaved property. After the

⁵⁵ Ethel Armes, *The Story of Coal and Iron in Alabama*, 69.

⁵⁶ Account books of the Marx family, 1828-1876, Accession #1213, UVA; James River Cement Works Ledger of Charles Hess Locher, 1854-1878, Accession #15248, UVA; Promissory note for the hire of slaves, 1865, Accession #14910, UVA; Goodell, *The American Slave Code*, 150-51; Charles B. Dew, *Bond of Iron: Master and Slave at Buffalo Forge* (New York: W.W. Norton, 1994), 67, 101-02, 149; Martin, *Divided Mastery*, 51, 167.

⁵⁷ Stealey, "Slavery and the...Salt Industry," 115-16.

⁵⁸ Bostine C. Jones.

various displays of mastery over Pvt. Ralls, Dr. Ralls gave him “some money and tobacco not to run a way any more [sic]” before leaving him behind in Talladega. Rebellion would result in isolation and physical pain; obedience would result in small rewards and the opportunity to return home. Dr. Ralls no doubt hoped that a demonstration of (limited) generosity would impress Pvt. Ralls into recognizing the benefits of submissiveness. Slaveholders’ paternalist claims to using “kindness” and “reciprocity” to win slaves’ obedience and loyalty were conscious tactics in a grand strategy for achieving profitable productivity. Preserving the health of enslaved people was considered a “dictate of interest” for the slaveholder; slaveholders, meanwhile, hoped their efforts to keep Black bodies sound would be perceived by enslaved people as mercy.⁵⁹ From Dr. Ralls’ perspective during the months in which Pvt. Ralls worked diligently and behaved himself, the show of paternalism through confinement, whipping, hiring out, then gifting Ralls money and tobacco seemed to have triumphed. Slaveholders’ dependence upon enslaved people for their livelihoods provided degrees of power that enslaved people could wield effectively if they gauged a situation correctly.

For all of enslaved peoples’ flexibility, they remained subject to systemic forces and individual whims that placed them in great danger. Pvts. Jones, Ralls, and the other Black POWs who survived reclamation risked unimaginable tortures at the hands of slaveholders protected by the law. Those who did not return to their regiments or attempted to claim pensions are currently lost to history and require further research. Many of the 142 men of the 44th who remain unaccounted for may have perished in private custody from a variety of causes. One reclaimed POW, for example, allegedly died from the measles at his enslaver’s

⁵⁹ Stephen C. Kenny, “‘A Dictate of Both Interest and Mercy?’: Slave Hospitals in the Antebellum South,” *Journal of the History of Medicine and Allied Sciences*, Vol. 65, No. 1 (January 2010), 2.

home. Some of these men might also have survived yet simply never alerted anyone to the fact. Several Black POWs, for example, managed to trickle back after extended periods of postwar enslavement by private captors. Cpl. Henry Scott, 44th USCI, returned to his regiment in January 1866 following his enslavement in Texas. Pvt. William Huddleston returned from captivity in late March 1866; Pvts. Samuel Simms, George Lane, and Ewan Armstead, 44th USCI, did not return from captivity until April 1866, a year after Lincoln's assassination.⁶⁰

That slaveholders were willing to reclaim and purchase escaped enslaved men who joined an invading army suggests slaveholders' continued belief in their ability to assert control over even these rebel slaves. Pvt. Ralls, meanwhile, gave a master class in how enslaved people could exploit slaveholders' dependence upon their labor for certain concessions, and how interpersonal relationships between an enslaved person and a slaveholder could have life or death consequences. When luck ran out, enslaved people had to rely upon their wits and the strength of their relationships with diverse people. The POWs who were sold off by the military and their enslavers, for example, did not have the fortune to return to the familiar dynamics of their homes, families, and communities or benefit from familiar relationships. Black POWs who were sold off to strangers had to create new communities from scratch and learn the peculiarities and demands of their new enslavers.

Conclusion

We will likely never know what Pvt. Ralls did and said that enabled him to return to the Ralls farm from Talladega and become part of the enslaved community once more, nor most of the details of how he was treated upon his return. Most of enslaved peoples'

⁶⁰ CMSR.

interpersonal transactions were never entered into the written record, though it is clear from the testimony of people like Ralls that enslaved Americans' day to day life was as much determined and circumscribed by face-to-face, individual-level interactions as it was by structural, state-dictated methods of control. Though it is simpler to look at enslaver-enslaved relationships as predominantly exploitative and abusive, the fact is that people like Ralls did often develop intimate relationships with their enslavers out of necessity that might have, at times, mitigated enslavers' terrorism. Through social interactions, Black POWs could at times gain some control over the circumstances of their captivity in order to loosen their bonds where possible. Ralls's postreclamation marriage and visits to Mrs. Sarah Jane Ralls, for example, implies Dr. Ralls trusted him enough, once again, to travel nine miles to and from the Ralls farm every week in order to see her. Furthermore, Pvt. Ralls's second escape was unexpected. Enslaved people used slaveholders' dependence upon their labor as a bargaining chip for accumulating personal freedoms, and in many instances, trust. Some chose to exploit such trust to flee, while others used trust to carve out breathing room for themselves.

The lessons of Black POWs' reclamation were surely not lost on the noncombatant enslaved population who witnessed Black POWs' return home. What Confederates hoped to achieve among enslaved people was their total submission; what Confederates unintentionally achieved were lessons in what behavior would most likely result in survival. As much as Confederates made "examples" of Black POWs through brutality and murder, survivors also served as examples of Confederate lenience and dependency. Knowledge gleaned from generations of enslaved families' and communities' social creativity in adapting to separation and brutality served Pvt. Ralls well as he became reenslaved first at

the hands of the Confederate military and then by his former enslaver. Though Ralls was brutalized upon his return and left with permanent scars, he played the part of a remorseful and recalcitrant servant well, using his lifetime of forced servitude under Dr. Ralls to survive, persist, and eventually escape to freedom for good.

CHAPTER 5

“I was afraid and never attempted [to escape]. I was asked but never would attempt it”: Black POWs’ Camaraderie and Resistance in Military Captivity

“During the fight at Mobile, I went into an Irish womans house I had sawed wood for this woman while a prisoner and she knew me. While the fight was going on at Ft Blakely, the forges and iron work...were all loaded on a steamboat to be taken to Selma...and it was intended that all the workmen should go on the boat and go to the same place but after the iron was loaded I just stepped around the corner and went to this Irish woman’s house. The boat was loaded Saturday...I stayed at this house until Sunday 10 or 11...when I made for the Union camp.” – Pvt. Samuel Green, 11th USCI (New)

“I never saw any chance except to get killed. I know that every man who attempted to escape from Hood, if he was wounded ever so slightly was buried alive. Yes they never waited to see if the man would recover. If he was wounded and recaptured, he was buried alive. I did not want the same treatment, so I remained till I was turned over to my master at Gadsden...” – Pvt. Abram Ralls, 44th USCI

Of the 357 Black POWs known to have attempted to escape from captivity, at least 277 (78%) survived. Some POWs plotted together and escaped in groups. Others escaped on their own when opportunities arose and made their way back to US lines. Few Black POWs, however, elaborated upon either the means by which they managed to escape Confederate authorities or the details of their journeys to freedom. Most simply did not mention their escape at all. The details that some Black POWs, such as Pvt. Samuel Green, chose to share demonstrated their abilities to navigate and affect the circumstances of their captivity. Though the context of war introduced new challenges to resistance and survival, formerly enslaved men like Pvt. Green knew the contingencies of enslavement and took direct action

by means both subtle and overt to survive, and in many instances liberate themselves.

When Green escaped from Confederate authorities during the final siege of Mobile in April 1865, he sought shelter with a White woman whom he had come to know during his captivity. Green said little about this woman to pension agents, identifying her only as “Irish.” He mentioned that he had provided labor for her by sawing wood in addition to his blacksmithing work. As Confederates scrambled to evacuate the city and escape the US navy’s shelling, Green stated that he only had to “step around the corner” to reach her home after loading iron onto a steamboat.¹ He remained at her house overnight until the next morning when US forces took the city, and he was able to make his way to them. Green, it seems, built enough of a relationship with this woman that he bet his life on her willingness to shelter him in her home in a time of need. Perhaps this woman was a recent immigrant who had not grown up within the context of American slavery. Perhaps she was a Southern Unionist. Perhaps she was simply Green’s friend. Whatever the case, though Green’s short description reveals little about the Irish woman or his relationship to her, a sympathetic acquaintance could mean the difference between life and death as a Black person in the Confederacy.²

The unpredictability of racial violence in the South meant even the most socially skilled Black people could not always escape harm from White people who wanted to hurt them. The antebellum era laws in place that “restrained” slaveholders were hardly restraints

¹ Samuel Green.

² I have been unable to identify this woman or where exactly Samuel and other Black POWs at Mobile were held during the war. Samuel provided no further detail beyond the fact that he labored near the Mobile River, but my hope is to eventually locate her, as well as the places where Black POWs were held and worked each day.

at all, and enslaved people lived in constant fear and unease, subject to the whims of the Whites surrounding them.³ Yet Black POWs, like Black noncombatants, did not simply live or die based upon White peoples' actions. Black POWs navigated privations and brutality on a daily basis, and yet they managed to secure "liberties small and large."⁴ Though White peoples' choices greatly impacted Black POWs' options, Black POWs exerted agency where and how they could. Like generations of Africans and Black Americans before them, Black POWs negotiated (and rejected) the conditions of captivity in order to survive. Black POWs, particularly formerly enslaved southerners, expected violence and brutality as consequences of asserting one's personhood through acts of defiance and self-defense. Black peoples' survival strategies in a white supremacist society protected them from violence through deception, forging adaptive and adoptive communities, as well as furtive and overt resistance including sabotage and escape.⁵ Black people had long managed to assert forms of control over their circumstances, and Black POWs used diverse tactics to increase their chances of

³ Wheeler, *A Pactical Treatise*, 244-48; Goodell, *The American Slave Code*, 155-74; Judith Kelleher Schafer, "'Details are of a Most Revolting Character': Cruelty to Slaves as Seen in Appeals to the Supreme Court of Louisiana," in Finkelman, *Slavery & the Law*, 241-68. Wheeler and Goodell in particular provide in-depth discussion of legislation in numerous slave states regarding "usual" and "lawful" physical punishment that enslavers could inflict upon enslaved people without interference from the state.

⁴ Daina Raimey Berry, "How Sally Hemings and Other Enslaved People Secured Precious Pockets of Freedom," *History Stories*, July 9, 2019.

⁵ For works that discuss how enslaved people navigated and resisted enslavement in the antebellum period, see John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South* (New York: Oxford University Press, 1972); Lawrence Levine, *Black Culture and Consciousness: Afro-American Thought from Slavery to Freedom* (New York: Oxford University, 1977); Gabor Boritt and Scott Hancock, eds., *Slavery, Resistance, Freedom* (New York: Oxford University Press, 2007); T. Stephen Whitman, *Challenging Slavery in the Chesapeake: Black and White Resistance to Human Bondage, 1775-1865* (Baltimore: Maryland Historical Society, 2007); Seema Sharma, *Articulating Resistance in African American Slave Narratives* (New Delhi: Mittal Publications, 2012), 31; Sterling Stuckey, *Slave Culture: Nationalist Theory and the Foundations of Black America* (New York: Oxford University Press, 2014); John Hope Franklin and Loren Schweneringer, *Runaway Slaves: Rebels on the Plantation* (New York: Oxford University Press, 2015).

survival and secure their freedom that were contingent on the particular context of their captivity.⁶

Black POWs' survival strategies depended on who they were, where they were from, where (and how) they ended up as captives, and who exerted authority over them. The main forms of captivity Black POWs experienced largely determined their survival strategies and the opportunities available to them. There were also many similarities in how Black POWs navigated captivity. Northern freemen's imprisonment was most similar to White POWs' experiences. Northern Black POWs forged a sense of community with one another and, occasionally, with White prisoners that could aid their survival. They used their literacy and close contact with Whites to attempt escape and smuggle messages to US authorities. Formerly enslaved Black POWs who labored for the Confederate military faced some of the most challenging experiences and dangerous conditions. Forced to perform taxing work in dangerous conditions by Confederate soldiers to whom they usually had no prior connection, formerly enslaved Black POWs could not assume any concern for their well-being beyond the bare minimum. These men adapted to military captivity by using crowds to avoid notice, appearing compliant, relying upon one another for aid and support, and escaping when practicable. Reclaimed Black POWs encountered familiar yet highly fraught circumstances by returning to the authority of their former enslavers. A few Black POWs encountered wholly new enslavers if they were sold or hired out. Black POWs who were removed from the aid and protection of their comrades and fellow prisoners had to anticipate enslavers' whims and appear utterly capitulant until they were able to escape or outlast the war. Whether they were held military prisons, sold to strangers, or brought back to their enslavers'

⁶ Whitman, *Challenging Slavery in the Chesapeake*, 77-79.

homes, Black POWs sought opportunities for negotiating their condition, and took the avenues available to them in order to best ensure their survival.

Black POWs' social groups in captivity often consisted of men who had no blood kinship, but who built crucial bonds that sometimes lasted well beyond the war. Friendship among enslaved men, for example, could create strong bonds that resembled familial ties, which historians refer to as "fictive kinship."⁷ They looked out for themselves but also protected and cared for one another. The adaptive communities that Black POWs formed in captivity, however small, served as a powerful form of protection, resistance, and self-care. Prisoners who were already friends, whether through enslavement or military service, went to great lengths and took significant risk to shield each other from harm as much as they could. They dragged comrades along on forced marches, treated each other's wounds and illnesses, as well as plotted and executed escapes. Relationships with Whites could prove to be vital as well, and pointed to the occasional relationships that could be - and were - forged across racial and gender boundaries. Black POWs' choices and actions continually thwarted Confederates' attempts to render them as obedient, wholly subservient enslaved property, and they constantly undermined Confederates' ideals and policies.

“Weeping, Sad And Lonely”: How Free Black POWs Navigated Military Captivity

Freemen's antebellum status affected the circumstances of their captivity a policy level, but it did not protect them from retributive violence or forced labor. Though they initially treated *all* Black POWs as slaves in insurrection, Confederate officials did ultimately

⁷ Linda M. Chatters, Robert Joseph Taylor, and Rukmalie Jayakody, "Fictive Kinship Relations In Black Extended Families," *Journal of Comparative Family Studies; Calgary, Alta.* 25, no. 3 (Fall 1994): 297-312; Brenda E. Stevenson, *Life in Black and White: Family and Community in the Slave South* (New York: Oxford University Press, 1997), 160; Sergio A. Lussana, *"My Brother Slaves": Friendship, Masculinity, and Resistance in the Antebellum South*, (University Press of Kentucky, 2016), 99-124.

adapt their stance on dealing with northern freemen. Because no enslavers laid claim to them, northern freemen mostly experienced lengthy terms of imprisonment with few opportunities to leave the prisons in which they were held. Furthermore, while freemen had long been vulnerable to kidnapping and sale from southern prisons in the antebellum period, sales of free Black POWs do not appear to have taken place during the war.⁸ Northern freemens' confinement left them largely immobile with few opportunities to escape the misery of military prisons. The guards at Confederate prisons made little distinction, if any, between one man and the next when brutalizing Black prisoners. And though Gen. Robert E. Lee had claimed to Gen. Ulysses S. Grant in October 1864 that northern freemen were treated for all intents and purposes as White POWs and that "no labor is extracted from such prisoners," freemen at Andersonville, Charleston, and around Richmond did perform labor alongside formerly enslaved Black POWs.⁹ Confederates treated northern freemen not quite as slaves and not quite as soldiers. Freemen's survival strategies were therefore oriented toward surviving the monotony and deprivations of lengthy imprisonment, as well as attempting to secure their exchange by notifying US authorities of their existence and conditions.

⁸ Leon Litwack, *North of Slavery*, 70; Berlin, *Slaves Without Masters*, 82-86; Wood, "Prisons, Workhouses," 253-56; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: The University Press of Kentucky, 1994); Birch and Buchanan, "Penalty of a Tyrant's Law," 23-25. One freeman, Pvt. Joseph W. Whitten, 8th USCI, claimed he was sold into slavery in Cuba during the war, but the available records appear to contradict his account. Further research is necessary to determine whether Joseph did indeed end up in Cuba. (SA 653.606, Pvt. Joseph W. Whitten, Co. K, 8th USCI)

⁹ "Communication between Generals Grant and Lee"; Colin E. Woodward, *Marching Masters: Slavery, Race, and the Confederate Army during the Civil War* (Charlottesville: University of Virginia Press, 2014), 134-38; For example, Pvt. William Henry Jennings, 8th USCI, was whipped and placed in the stocks at Andersonville after telling a guard he was "not able to go to work" because of his wounds, while freemen Pvt. George Blackson, 30th USCI, and Pvt. Jacob Parris, 36th USCI, labored on Confederate breastworks in Virginia. See *Trial of Henry Wirz*, 188; William A. Gladstone, collector, William A. Gladstone Afro-American Military Collection: Provost Marshal document re: George Blackson, white man had him enlisted in regiment, was captured by rebels and made to work on breastwork, remained two months, when six rebels deserted he left with them and arrived at City Point, Va., in custo. 1865. Manuscript/Mixed Material. <https://www.loc.gov/item/mss83434325/>; CMSR.

Freemens' literacy, relationships, and day-to-day distractions, such as singing, helped them persist.

In an attempt to avoid retribution and abuse, Black POWs claimed on several occasions that they were forced into the US army against their will. Whether such allegations were true or not, these claims could prove persuasive to Confederates who recoiled at the US emancipation policy, and may have aided Black POWs' chances of survival if they convincingly played the role of unwilling participants in the war. According to James Seddon, for example, Black soldiers were not capable of rebelling of their own volition but were instead "deluded victims of the hypocrisy and malignity of the enemy" who must be "received readily to mercy, and encouraged to submit and return to their masters."¹⁰ Though Seddon meant formerly enslaved men, several freemen told their Confederate captors that they had been forced into US service, or tricked into service and then treated badly. Pvt. George Blackson, 30th USCI, who was captured at the Battle of the Crater in July 1864, claimed in an 1865 letter to a US official that he had been "forced into the US army."¹¹ Pvt. Blackson, who hailed from Delaware, stated that a "white man named William Vangeisser...got him drunk [and] took him to Philadelphia," where Vangeisser enlisted Blackson into the USCT against his will. If he was willing to recount his forced enlistment to US officials, it seems likely that he also told his Confederate captors. After his capture, he labored on Confederate breastworks, presumably somewhere around Richmond. His relative mobility outside of prison walls may have allowed him to interact with Confederates. Indeed, two months later in early October, George joined up with six deserting Confederates,

¹⁰ J.A. Seddon to E.K. Smith, August 12, 1863, *OR* 2:6: 198.

¹¹ CMSR.

“consisting of a Lieutenant, Sergeant, and four privates,” and escaped back to US lines. They did not arrive until early December, at which point Blackson was placed in custody and “confined in the Barracks” under suspicion of desertion.¹² Much remains unknown about the particular circumstances of Blackson’s case, but his escape with the help of Confederate soldiers speaks to Black POWs’ abilities to occasionally forge connections with their captors. It may be that his status as a freeman and unwilling participation in the war helped him to do so. Though few Black POWs appear to have developed strong personal relationships with Confederates, Blackson’s experience suggests that desperation could occasionally prompt interracial collaboration.

Freemen also built camaraderie with the White POWs with whom they were confined that at times aided their survival. When Pvt. John Jones, 8th USCI, had his leg amputated at Andersonville prison, it was a White POW who cared for him within the stockade. Pvt. Graham M. Meadville, 76th PA Infantry, “purchased a teaspoonful [sic] of baking soda and cleaned the maggots out” of Pvt. Jones’s leg. Pvt. Meadville stated that Jones’s suffering was intense, and that “[I] did what I could to releave [sic]” him.¹³ Both Meadville and Jones came from Pennsylvania, born in towns about 40 miles apart. Perhaps their common background enabled Meadville and Jones to strike up a friendship; perhaps they had known each other at some point prior to the war, or found out that their respective regiments had served in similar operations around Petersburg.¹⁴ Meadville’s willingness to spend his money to ease Jones’s

¹² William A. Gladstone, *Afro-American Military Collection: Provost Marshal document re: George Blackson*. Pvt. Jacob Parris, 36th USCI, who was born free in Norfolk, Virginia, also told Confederates “he was forced into the USA and deserted the same...to be put on the public works of the CSA.” Jacob, however, eventually escaped back to his regiment. (CMSR)

¹³ SC 61.175, Pvt. John Jones, Co. I, 8th USCI.

¹⁴ Dyer, *Compendium*, 911-15, 957.

sufferings, as well as tend to Jones's amputated leg, forged a bond that lasted the rest of their lives. Meadville testified on Jones's behalf in 1890, thirty-five years after their shared tribulation. Meadville noted that "[I] have met him frequently since," and continued to be "well acquainted with him."¹⁵ It seems White POWs more often forged relationships with freemen rather than formerly enslaved Black POWs, with whom they did not interact as often due to their divergent captivity experiences. The common experience of captivity in military prisons likely made intimate cross-racial friendships between Whites and freemen possible.

Escapes proved to be more difficult for freemen, who rarely labored outside of prison walls, but they used their skills and their close contact with White POWs to notify US officials of their existence, locations, and bad treatment. On at least two occasions, literate freemen smuggled written messages out of prisons with the aid of White POWs that alerted US officials to their presence in the Confederacy. Confederate authorities, it seems, intentionally failed to notify US officials as to the presence of freeborn Black POWs in several instances.¹⁶ One such prisoner, Clarence Miller, was a freeman of Philadelphia who served as a landsman on the *U.S.S. Columbia* until its capture in January 1863. Confederates exchanged the White crewmembers of the *Columbia* by May, while Miller remained in Libby prison, unbeknownst to US officials.¹⁷ Nearly a year later in March 1864, Miller finally managed to get a letter to Secretary of the Navy Gideon Welles through the aid of an exchanged White POW. Miller stated that because he was "of African descent (though nearly

¹⁵ John Jones. I intend to acquire Graham's pension to determine whether John testified on his behalf as well.

¹⁶ Urwin, *Black Flag Over Dixie*, 47.

¹⁷ The prisoner exchange system, known as the Dix-Hill cartel, was not effectively suspended until June 1863. Thus Miller's White companions were able to walk free, while Miller was kept in prison. Maj. Gen. Benjamin Butler was able to initiate some exchanges from November 1863 until Gen. Ulysses S. Grant suspended exchanges again in April 1864. Exchanges occurred in fits and starts for the remainder of the war, with continued disagreements on the question of black prisoners. Sanders, *While in the Hands of the Enemy*, 118-96.

white)” he had not been exchanged, as the Confederates “do not recognize me as a soldier entitled to treatment as a prisoner of war.” Without a former enslaver to come lay claim to him, however, Miller remained imprisoned in Libby. Whether he was forced to perform labor is not known. Emphasizing his status as a freeman by birth, Miller entreated Welles that “if it is in your power I most earnestly request that you try and get me released.”¹⁸ As neither slaves nor soldiers (in the eyes of Confederate authorities), freemen such as Miller languished in prisons with little hope of escape or exchange. Because Confederates would not exchange them, furthermore, freemen knew that news of their survival and imprisonment would likely not reach US officials or their families back home. Though Clarence did not name the White POW who delivered his letter, he likely had established a relationship with him rather than placed trust in a stranger.

Freemen’s literacy as well as sympathetic White POWs proved essential on several occasions to secure aid from the US and let freemen’s families know that they were alive. Miller was not the only Black sailor who managed to get a letter to Union authorities to inform them of his predicament and plead for release. Three Black sailors captured on the *U.S.S. Isaac Smith* in January 1863 fell victim to a similar fate as Miller, and took similar steps to secure their freedom. The mixed-race *Isaac Smith* crew was sent to the Old City Jail in Charleston, where the ship’s commander, Lieut. Francis S. Conover, learned that the crew would not be exchanged because they were assisting “slaves in servile war against their lawful masters,” despite the fact that the Black sailors were free New Yorkers.¹⁹ Eventually, however, the *Isaac Smith* crew was noted as exchanged in May 1863, and the matter

¹⁸ C. Miller to G. Welles, March 13, 1864, *OR* 2:7: 93.

¹⁹ T. Jordan to F.S. Conover, February 2, 1863, *ORN* 1:13: 561-62.

appeared to be resolved.²⁰ Then, in August 1863, Secretary of the Navy Gideon Welles received a letter written by the Black crewmembers and somehow smuggled out of prison, likely in the hands of a White POW. Orin H. Brown, William H. Johnson, and William Wilson claimed that while the officers and White sailors of the *Isaac Smith* had indeed been exchanged, they alone remained imprisoned because of their skin color. The letter asserted the men's free status prior to the war, and catalogued their ill treatment by Confederate soldiers. "They say they will keep us till the war is over," the sailors wrote. Wounded, starving, almost naked, and without money or "favors," the men begged over and over in the letter that something be done for them. "Our sufferings are unspeakable," and "we are locked up all the time in close confinement in a very small cell...we are almost dead." Their letter was "very likely the last opportunity we shall have of writing to you or any one else," they warned, and "if you do not sympathize with us God knows what will become of us."²¹ Welles forwarded the letter to Secretary of State Edwin Stanton, who directed that three Confederate soldiers be put to hard labor and held as ransom in an attempt to keep the three Black sailors alive.²² In January 1865, two years after Brown, Williams, and Wilson were captured, Welles asked Stanton to approve an exchange of jailed Confederate sympathizers for the three sailors.²³ It is currently unknown whether Brown, Williams, and Wilson all made it out of

²⁰ W.H. Ludlow to L. Thomas, May 30, 1863, *OR* 2:5: 721; P.C. Gaillard to J.M. Otey, 845.

²¹ O.H. Brown et al to U.S. Consul, Nassau, June 30, 1863, *OR* 2:6: 171-72. Why the sailors addressed the letter to the "U.S. Consul, Nassau," presumably meaning the consulate in Nassau, Bahamas, is not clear. The letter did indeed reach the vice-consul there, who forwarded the letter to Welles. (G. Welles to E.M. Stanton, August 3, 1863, *OR* 2:6: 171)

²² E.M. Stanton to E.A. Hitchcock, August 8, 1863, *OR* 2:6: 188. The federal government recognized Black soldiers as legitimate combatants and as prisoners of war, and a number of US officials did what they could to try to guarantee the safety of US soldiers in Confederate custody, Black and White alike. (G. Welles to E.M. Stanton, January 30, 1865, *OR* 2:8: 146)

²³ G. Welles to E.M. Stanton, January 30, 1865, *OR* 2:8: 146.

captivity, but it seems that they survived. Whether their letter affected the quality of their treatment is unknown, but had they not been able to smuggle news to US officials through their literacy and a sympathetic White POW, the men may have perished.

Whereas Confederates openly advertised the presence of formerly enslaved POWs in prisons, freemen had to get the knowledge of their survival and imprisonment out themselves. Another letter written by Black POWs surfaced from the same prison, the Old City Jail, in June 1864, nearly a year after the *Isaac Smith* letter reached Welles. It was likely penned by a member of the 54th Massachusetts, and given to a White officer. Upon his exchange from the prison, the White officer sent it to the *New York Tribune*. The “following note was placed in my hands,” he stated in his message to the editor of the *Tribune*, and “Massachusetts journals are requested to give them wide circulation.” The anonymous letter was short, and began: “I do in behalf of my fellow-prisoners earnestly hope and pray that this may be the means, through you, sir, of procuring our release.” The letter, signed “Mass,” noted that the Black POWs had “not...heard from our families or friends since we were captured,” and contained a list of forty-six names, complete with regiment, company, and the engagement at which each man was captured. The purpose of the letter was to give US officials a complete list of the Black prisoners held at the Old City Jail to more swiftly secure their release, and to let their families and friends know that they were alive.²⁴ The three *Isaac Smith* sailors were included in the list (along with a fourth man alleged to be a sailor from the *Isaac Smith* named William Taylor, which may have been a mistake). It is near certain that the soldiers of the 54th and 55th Massachusetts, knowing the *Isaac Smith* men and no doubt having heard their story, were concerned that the government and their loved ones did not

²⁴ Emilio, *History of the Fifty-Fourth*, 411-13.

know that they were still alive, nor where they were. Out of the forty-six men listed, thirty-nine belonged to the 54th Massachusetts, two belonged to the 55th Massachusetts, and five were sailors, including the *Isaac Smith* men. The US was unable to secure their exchange, however, and the men of the 54th were transferred to the prison stockade in Florence, South Carolina. Fourteen of them died in captivity after moving to Florence, a “fearful mortality” rate of 36%.²⁵ The remaining fifteen were exchanged after the war’s end. One of the men of the 55th survived, while the other died at Florence.²⁶ Where the sailors ended up is unclear.

Freemen’s education could be a double-edged sword if Confederates caught them using their literacy to make any escape attempts. In one instance, Pvt. Isaac Hawkins, 54th Massachusetts, forged a pass in an attempt to escape from Andersonville prison. When he was caught, the prison’s commandant, Capt. Henry Wirz, ordered a sergeant to whip Isaac 500 times. The guards “stripped” Isaac Hawkins “naked and put across a log, and they whipped him from his feet up to his head, across his back.” The guards “whipped him all over” according to Frank Mattocks, who watched as Isaac “was whipped with a leather strap about as wide as my forefinger, attached to a staff about two feet long.”²⁷ The sergeant reduced Isaac’s punishment against orders, however, and though he claimed “he had given [Isaac] five hundred” lashes, “he had only given him two hundred and fifty.”²⁸ Isaac may have received fewer lashes, but the sergeant nevertheless had him “whipped on the bare back” and “all over” his body. However sympathetic some Confederate guards may have felt

²⁵ Emilio, *History of the Fifty Fourth*, 411-13; *A Brave Black Regiment: History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry 1863-1865* (Boston: The Boston Book Company, 1891), 424.

²⁶ CMSR. Pvt. Edward Logan, Co. F, survived and Sgt. Robert Johnson, Jr., Co. F, died.

²⁷ *Trial of Henry Wirz*, 177.

²⁸ *Trial of Henry Wirz*, 176-77; Frank Mattocks.

toward Black POWs, they did not directly challenge Black POWs' treatment or status, and they punished freemen by the same means as they punished enslaved people.²⁹ Though Confederates might come to know individual Black POWs and occasionally mitigate violence toward the prisoners, Confederates viewed Black POWs as subservient drudges and treated them as such. Furthermore, no Black POWs made note of Confederate guards by name in their testimonies, nor did they appear to establish friendships with them.

Confederate soldiers did at times treat Black POWs with a degree of leniency, possibly as a means of extracting more labor from them. The sergeant in charge of Isaac's whipping also oversaw Frank Mattocks's work detail at Andersonville. The sergeant refused to fully comply with Wirz's orders to be cruel to the Black POWs despite, according to Frank, "that Captain Wirz gave the men a thirty days' furlough every time they shot a Yankee." The sergeant told Frank and the other Black POWs that he "would never treat us boys as Captain Wirz wanted him to treat us." Though it is improbable that Wirz promised furloughs to the severely understaffed prison guards watching over tens of thousands of POWs, Wirz and the guards may have used this rumor as a threat and a means of securing obedience from the prisoners. Additionally, Frank recollected, Wirz wanted the sergeant "to be whipping us and knocking us about...[but] he would not do it."³⁰ Perhaps the sergeant used Wirz as a bogeyman with which to secure obedience and gratitude from the Black POWs. Frank's testimony implies that he only heard the specifics of Wirz's orders from the

²⁹ Whippings were not usually doled out to White POWs, though guerrillas and home guards apparently whipped Southern Unionists for their sympathies, while deserters were sometimes whipped. See John Russell Bartlett, *The Barbarities of the Rebels* (Providence, R.I.: Printed for the Author, 1863), 34; Thomas L. Wilson, *Sufferings Endured For a Free Government: A History of the Cruelties and Atrocities of the Rebellion* (Washington: Published by the Author, 1864), 81-97; Junius Henri Browne, *Four Years in Secessia* (Hartford: O.D. Case and Company, 1865), 342.

³⁰ *Trial of Henry Wirz*, 176-77.

sergeant, and not directly from Wirz himself. Regardless of whether this sergeant's sympathy was real, his small acts of mercy appear to have made an impression upon Frank.

Violence, rather than collaboration, was Confederates' most common response to Black POWs. Some Confederate guards needed no provocation to attack Black prisoners. For instance, a guard attacked Pvt. Napoleon Lucas, 27th USCI, at Danville Prison No. 6 for urinating in a tub that was already full. "Without warning," the guard "took his gun by the barrel and struck [Napoleon] with the britch...and the cock of the gun...in the back which penetrated through and into [Napoleon's] left kidney, greatly disabling him." Though wounded, however, Pvt. Lucas defended himself, and he "and the rebel then had a scuffle and the rebel hit him again on his left arm near and above the elbow greatly disabling said arm and his whole left side." Lucas was somehow able to get away from the guard. The "guard did not know" him, and Lucas avoided seeking treatment at the prison hospital "for fear" of being identified and punished further for his insubordination. How he managed to avoid the guard's wrath for the remainder of his captivity is unknown. It "being dark" when Lucas relieved himself in the full tub, and the fact that the guard did not know who he was, suggests that the guard did not get a good look at him during the "scuffle" and was subsequently unable to identify him. Lucas, it seems, managed to blend in with the other Black POWs and successfully concealed his wounds for the remainder of his captivity.³¹ Had the guard later identified him, Lucas may not have survived.

The misery of imprisonment and constant threat of abuse led at least some Black POWs to find means of entertainment to momentarily distract from their conditions. The collective act of singing, for example, seems to have been an important means of

³¹ SC 163.921, Pvt. Napoleon Lucas, Co. E, 27th USCI.

entertainment and uplift for White and Black POWs alike. The only evidence of Black POWs singing comes from a White POW, Capt. Willard Glazier, 2nd NY Cavalry, who interacted with men from the 54th and 55th Massachusetts in the Charleston jail. White POWs' observations on how these men handled captivity is suggestive of how Black POWs generally dealt with the day-to-day miseries. Glazier was one of the few White POWs to write an account of Black POWs' activities in his postwar memoirs, including their singing. Glazier sympathized with the plight of Black soldiers in Charleston's Old Jail, the majority of whom were northern freemen. The Black POWs had an established "practice of getting together in the jail" at the end of each day, "and singing their plaintive melodies till late in the evening." Glazier described their songs as "usually mournful" and "embodying...those simple, child-like emotions and sentiments for which the negro is so justly celebrated." He took their "zeal" and skill in emoting during songs as evidence of the Black race as "delicately sensitive" and "emotional" rather than "essentially coarse and barbarous."³² Glazier, who found listening to these POWs' singing "affecting," noted that the Black POWs from Massachusetts made a "parody" of "When This Cruel War is Over" that was "just mournful enough to excite [White POWs'] sympathy," including his own.³³ Also known as "Weeping, Sad, and Lonely" for the opening line of the chorus, the original ballad spoke of separation from home and thinking of one's sweetheart. Glazier wrote down the parody lyrics, comprising three stanzas, which emphasized the promise of glory Black soldiers first felt upon joining the army confronted with the realities of capture and their sufferings:

When I enlisted in the army,

³² Willard Glazier, *The Capture, the Prison Pen, and the Escape: giving a complete history of prison life in the South* (New York: R.H. Ferguson & Co., 1870), 151.

³³ Glazier, *The Capture*, 153.

Then I thought 'twas grand,
 Marching through the streets of Boston
 Behind a regimental band.
 When at Wagner I was captured,
 Then my courage failed;
 Now I'm lousy, hungry, naked,
 Here in Charleston jail
 CHORUS. Weeping, sad and lonely –
 Oh! How bad I feel;
 Down in Charleston, South Car'lina,
 Praying for a good 'square meal.'

The rest of the lyrics emphasized hopes for exchange (“If Jeff. Davis will release me, Oh, how glad I’ll be”), the promise of regained freedom (“When I get on Morris Island, Then I shall be free; Then I’ll tell those conscript soldiers How they use us here”), and, in the last line of the parody, how the Black soldiers would “laugh long and loudly – Oh, how glad we’ll feel” to “eat a good ‘square meal.’” The mentions of Jefferson Davis and longing better food perhaps suggests a strain of humor in the songs the Black POWs sang at the end of each day, in addition to more serious songs with religious themes.

Glazier’s observations speak to the ways in which Black POWs’ forged communities that helped them navigate captivity and raise their spirits. It is possible that Black POWs, regardless of their former legal status, often sang while captive. Their abilities to adapt old songs, create new ones, and to quickly pick up upon lyric patterns likely enabled some sense of collective experience with diverse fellow POWs hailing from many different places that could, even if only momentarily, provide some means of internal escape.³⁴ White POWs also

³⁴ For further discussion of enslaved peoples’ singing traditions, see William Francis Allen, Charles Pickard Ware, and Lucy McKim Garrison, *Slave Songs of the United States* (New York: A. Simpson & Co., 1867), xiii-xv; Eugene Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York: Pantheon Books, 1975), 248-50, 324; Eileen Southern, *The Music of Black Americans: A History* (New York: W.W. Norton, 1997), 7; Keith P. Wilson, *Campfires of Freedom : The Camp Life of Black Soldiers during the Civil War* (Kent, Ohio : Kent State University Press, 2002), 147-75, 225; Katrina Dyonne Thompson, *Ring Shout, Wheel about : The Racial Politics of Music and Dance in North American Slavery*, New Black Studies Series (Urbana: University of Illinois Press, 2014), 2-7.

turned to group singing as a means of amusement, distraction, and uplift. It seems, however, that Black and White POWs did not sing together, but in segregated groups.³⁵

Freemen's survival strategies proved to be similar to those employed by formerly enslaved men, but accomplished different goals necessitated by their particular contexts of captivity. They occupied an in-between status in the Confederacy that resulted in lengthy confinement with little chance of exchange or escape, and few respites from the misery of the prisons. Furthermore, freemen posed acute dangers to Confederates' assertions that enslaved people were property, and thus were brutalized in the same ways as enslaved people. Freemen, however, relied upon fellow prisoners for support and aid, and found ways to subvert the Confederacy's attempts to demoralize them and render them hopeless. Though many freemen perished as a result of their conditions, their close contact with one another and White POWs had unforeseen ramifications. Through their relationships and their efforts to contact US authorities, freemen preserved their voices in written records and made their sufferings known to the public. Their voices, preserved in their short messages, provided rare insight into Black POWs' captivity experiences during the war, and their relationships with White POWs cemented their inclusion in several memoirs. The survival efforts of these Black POWs allowed their contemporaries and historians alike to better understand the sacrifices and risks undertaken by Black people to secure their freedom.

“I with others escaped that night”: How Enslaved Black POWs Navigated Military Captivity

Men like Pvt. Samuel Green who had been born into slavery possessed skills that they put to use during their wartime captivity. For Black men who had been previously enslaved,

³⁵ Evan A. Kutzler, *Living by Inches: The Smells, Sounds, Tastes, and Feeling of Captivity in Civil War Prisons* (Chapel Hill: The University of North Carolina Press, 2019), 32-33.

becoming a POW in the Confederacy was, in some ways, a continuation of their antebellum experiences. They expected punishment and abuse, and tried to anticipate and minimize the physical and psychological damage of their enslavement in the Confederacy. Survivors demonstrated how they navigated captivity through their personal relationships, choices, and actions. Due to Black POWs' movements beyond prison walls as laborers, escape was a common response, but not their only means of resistance. Much like freemen, formerly enslaved men's resistance to dehumanizing conditions included less visible acts such as building friendships (sometimes across race, and as in Pvt. Green's case, gender as well) and helping one another cope with the exigencies of captivity. Survival was a contingent process. Black POWs well understood their vulnerability, and took advantage of the circumstances in which they found themselves as best they could.

In the immediate aftermath of capture, formerly enslaved Black POWs made decisions regarding which information to divulge to their captors. On several occasions, it seems that they told half-truths to protect themselves, or even outright lies. Like Pvt. George Blackson, some formerly enslaved Black men captured in US uniforms sometimes claimed that they had been forced into the US army against their will (fig. 5.1). Previously enslaved Black POWs well knew that Confederates would consider them to be stolen property, and provided enough information in order to convince their captors that they were unwilling victims of the US invasion. In September 1863, Confederate soldiers captured two men, Benjamin Clark and William, who were wearing "Yankee uniforms" during the Battle of Chickamauga in late September 1863. No USCT regiments were present for this battle.³⁶ No mention was made in the advertisement as to whether they had been captured in arms, but the

³⁶ See Dyer, *Compendium*. One Benjamin Clark, age approximately 26, joined the 1st West TN Infantry, African Descent (102nd USCI), but did so in February 1864. (CMSR)

NEGROES CAPTURED!

ON the 28th of September, 1863, were brought to the headquarters of Gen. Pillow at Marietta, Geo., by a detail of men from his Bureau, two negro men, in the possession of soldiers who said they had been captured on Chickamauga river, on the 21st of September last, the day of the big fight. The negroes had on Yankee uniforms. One of them says, his name is William, that he belongs to Benjamin Yeorgain, a citizen of Wilkinson county, Tenn., a soldier in the 20th Tenn. Regiment, Col. Thomas B. Smith commanding; that he was waiting on his master and was captured by the Yankees at the Murfreesboro' fight last Winter, and has been with the Yankee army ever since, until his re-capture, as above stated. He is copper-colored, straight, athletic, about 5 feet, 10 or 11 inches high, weighs probably, 150 pounds; is free spoken, intelligent, and says he is 30 years old. The other says, his name is Benjamin Clark, belongs to Frank Milvey, of Gallatin, Tenn., that he and his master were, both, captured there by the Yankees, last Fall, that he has been with Rosecrans's army, ever since, until re-captured. He says, his master has a brother in the Geo. Reg't, the 4th, he thinks. He is black, has a peculiar physiognomy, protruding brow, thick eyebrows sprinkled with grey, is about 5 feet, 6 inches high, chunky and ungainly in appearance, weighs, probably, 150 or 140 pounds, quick spoken, of average intelligence, and, probably, 28 or 30 years old.

The owners of these negroes can get them by application to
 Capt. Y. S. PATTO,
 Post Quartermaster U. S. A. Marietta, Geo.

Figure 5.1. Article from the Daily Huntsville Confederate (Huntsville, AL), dated October 6, 1863, describing the capture of two Black men in US uniforms.

fact that there were only two of them captured with a group of White US soldiers suggests that they may have been acting as laborers or bodyservants rather than as soldiers. William and Clark stated to the Confederates that they had been “captured by the Yankees” while serving their former enslavers (who were loyal Confederate soldiers). They remained with the US forces until their “re-capture” at Chickamauga.

Whether William and Clark were truthful about the circumstances of their presence with the US Army is less important than recognizing the ways in which the two men ensured

their survival upon their “re-capture” by Confederates. Telling the truth about their enslavers’ identities could serve formerly enslaved Black prisoners well in guaranteeing that they would be treated as reclaimed property rather than as rebels fighting against the Confederacy and slavery. William claimed that he had been captured by US forces the previous winter while serving his enslaver, Benjamin Yeargin, “a citizen of Williamson county, [Tennessee],” and a member of the 20th TN Infantry. A Sgt. Benjamin A. Yeargin did in fact serve in that regiment, and was killed in action in June 1863.³⁷ It is possible that William may have run away to the US forces and lied about the exact circumstances to his Confederate captors, but whatever the case, William provided several key details regarding his enslaver’s military service to affirm his own identity and the veracity of his account. “Frank Milvey,” the alleged enslaver of Benjamin Clark, meanwhile, appears to be a spelling error. No Frank Milvey can be found in the census records for 1860. Clark, however, also provided key information, including that Milvey’s brother served in the 4th Georgia, presumably infantry. While there are no Milveys to be found in Confederate service records from Georgia, there were several Mulkeys present in the 4th GA Infantry, as well as a Francis N.M. Mulkey in the 60th GA Infantry. According to the 1860 census, there was a Frank Mulkey was born in Georgia and living in Arkansas, but no Frank Milvey.³⁸ It is impossible to know for sure whether the confusion was the result of human error or intentional misdirection, but these two men survived their initial capture and portrayed themselves as unwilling victims of the US Army. What happened to Clark and William is unclear, but it is possible that they served

³⁷ CMSR.

³⁸ Osborn and Leonidas Mulkey served in the 4th GA Infantry, while JT Mulkey served in the 4th Battalion (State Guards) and 4th Battalion (Sharp Shooters). Francis NM Mulkey, meanwhile, served in the 60th GA Infantry. (CMSR)

as enslaved military laborers for the remainder of the war as they waited for their former enslavers to reclaim them.

In many cases, choosing *not* to act was the best possible course for Black POWs. Different Black POWs could experience captivity in the same places quite differently, with some attracting guards' unwanted attention while others managed to escape notice and abuse. The experiences of Pvts. Preston Mosby and Benjamin McCoglin, 27th USCI, are illustrative. While imprisoned in Lynchburg, Virginia, Pvt. Mosby "was knocked down" and badly beaten "by the sergeant who had charge of the guards." Mosby was looking out of the prison window with McCoglin when, according to Mosby, "this [sergeant]...told me to get back." Mosby and McCoglin "were doing nothing but laughing and waving our hands at some colored girls across the street," and so "we made no reply but did not get back right away." Their failure to immediately obey and acknowledge the guard's command was costly, at least for Mosby. The prison sergeant followed him, attacked him from behind, clubbed him down to the ground, then kicked and jumped on his stomach.³⁹ Though Mosby alleged that the guard struck McCoglin down first, McCoglin contested this point. McCoglin claimed that he stayed out of the way rather than become a target of the prison guard's wrath. "No, I was not knocked down," recalled McCoglin, but "I stood by and saw [the guard] knock [Mosby] down," after which Mosby "was beaten up awfully." McCoglin asserted that "they always treated me fairly well while I was in this prison." While "I did not get much to eat," he said, "I cannot say that I was abused as much as some of the others."⁴⁰ It is unclear why Mosby

³⁹ SC 440.081, Pvt. Preston Mosby, Co. F, 27th USCI.

⁴⁰ Preston Mosby. Preston was ultimately transferred from Lynchburg to High Bridge, Virginia, but was unable to work due to his injuries. The authorities there sent him on to Richmond to receive medical treatment at a hospital in Richmond (likely General Hospital No. 21), where he remained until Gen. Robert E. Lee's surrender at Appomattox.

would be targeted over McCoglin, and perhaps there was no real logic to their different treatment. McCoglin's decision to stay back rather than intervene on Mosby's behalf, however, was his best course of action for avoiding the same fate.

In a few instances, Confederate soldiers exhibited restraint and even aided Black POWs without any prior personal connection to them. In the wake of the Battle of Olustee on February 20, 1864, US and Confederate soldiers alike reported executions of wounded Black soldiers left behind on the field.⁴¹ Pvt. Frank Mattocks, however, was lucky. He claimed that his captor instructed him to lie and pretend to be free or else he would be killed. A formerly enslaved man who had fled from his enslaver's plantation in White Oak, North Carolina, Pvt. Mattocks needed little urging to take the advice, and stated that he gave Confederates the name "Ben Harbine" instead. The 35th USCI, to which Mattocks belonged, was predominantly formed from formerly enslaved men from North Carolina like himself, whereas the 8th USCI and 54th Massachusetts were composed of northern free men from Massachusetts, New York, and New Jersey. There is a memorandum for Pvt. Ben Harbine, 54th Massachusetts, Co. E, in the regiment's miscellaneous records despite the fact that there is no service record for any soldier by that name. Furthermore, no men from Co. E of the 54th were present for the Battle of Olustee, where Mattocks was taken prisoner.⁴² It seems that Mattocks either initially gave the name of an existing soldier named Ben Harbine, or successfully convinced his captors that he was a freeman from the 54th Massachusetts.

⁴¹ David J. Coles, "'Shooting Niggers Sir': Confederate Mistreatment of Union Black Soldiers at Olustee," in Urwin, *Black Flag Over Dixie*, 65-87; Burkhardt, *Confederate Rage*, 88-89.

⁴² Luis F. Emilio, *A Brave Black Regiment: History of the Fifty-Fourth Regiment of Massachusetts Volunteer Infantry 1863-1865* (Boston: The Boston Book Company, 1891), 164.

Escape proved to be the most common expression of resistance in Black POWs' accounts. At least 357 Black POWs (13% of the total) are noted in their service records or pension files as having escaped (or attempted to escape) from the Confederates, while several newspapers reported at least one *en masse* escape from Danville prison.⁴³ It is difficult to tell how many men escaped as individuals and how many escaped in groups, but it appears that the majority of Black POWs escaped individually, usually while on work details located outside of military camps and prisons and under a relatively small guard. Escaping in groups was a risky undertaking that could draw greater attention not only at the moment of escape, but also along the way to freedom. Many Black POWs simply did not take the risk at all, and made the choice to remain captives.

In at least one instance, a group of friends took care of one another in captivity and successfully escaped together. As mentioned in Chapter 2, Pvts. Charles Bogan, Lewis Bogan, Dennis Bogan, and James Albert tried to shield one another from Confederates' retribution and punishment throughout their captivity.⁴⁴ Pvt. Lewis Bogan stated that he and the others "were afraid of being shot if we gave out" on the forced march from Mound Plantation to Monroe, Louisiana in June 1863, and initially tried to aid each other. Pvt. Albert, the Black POW beaten by his enslaver's brother-in-law, "Benny" Bogan, tried to help Pvt. Bogan on the march.⁴⁵ "Jim helped me up," recalled Bogan, for "I was very tired and weak," but the "rebel guards...told Jim to let go of me." Before the two men could do anything, "another man named Matthew Jerman gave out...and they shot him." The

⁴³ CMSR; "Outbreak Amongst Negro Prisoners at Danville, Va.," *Charlotte Democrat*, October 18, 1864.

⁴⁴ Lewis Bogan; Charles Bogan; James Albert.

⁴⁵ James Albert.

“example” made of Pvt. Matthew Jerman by Confederate guards worked on the rest of the prisoners. Bogan detailed how Albert “thought they would shoot me if I fell out so he helped me along.” This displeased the guard who had already reprimanded Albert for helping Bogan the first time, so he hit Albert across the back of his head with a musket, which knocked him down. Spurred by the sight of Jerman’s murder, “Jim jumped up” and “staggered on.” Although “he was very sick and dizzy,” Albert managed to “keep along” until they reached camp. That night, recalled Bogan, “I got some water and helped dress and wash his head,” which had been “busted open.” Once at the Confederate camp in Monroe, they managed to remain together, which proved vital to their survival and escape.

These men suffered greatly in captivity, but their mutual care for each other, and the protection they tried to provide, enabled them to survive escape to freedom for good. When they arrived in Monroe, the captives were put to work “cutting and carrying logs every day.” Albert was unable to work for a week, as “he was too sick with his head,” and “bathed it every day” to try to relieve the wound. Finally, “Jim was put to work but he did not get along very well, he seemed dazed and would get sick and dizzy but he kept on work for we were afraid of being shot if we gave out.”⁴⁶ When Pvt. Charles Bogan fell off of the roof of a building that he and other POWs were constructing to house Confederate soldiers with smallpox, it was Lewis Bogan, not a Confederate doctor, who helped him get back to work quickly. “I took care of him as much as I could under the circumstances,” attested Lewis, because “I was a slave of the same master with him.”⁴⁷ Though Lewis did not elaborate upon what he meant by taking care of Charles, he presumably provided both physical and

⁴⁶ James Albert.

⁴⁷ Charles Bogan.

emotional support. Within several weeks of their capture, and despite their injuries, the men fled to US lines. Every one of them survived, and they continued to aid each other after the war by testifying for each others' pension claims.

Not all Black POWs had the support of comrades with whom they had previously been acquainted, and so they had to act in their self-interest in order to survive. Though many Black POWs' escapes were successful, there was no way for those whom they left behind to know whether their comrades made it back to US lines. Most Black POWs simply did not or could not take the risk. Pvt. Ben Jordan, 46th USCI, known as Ben Pillow during his service, backed out of a plan to escape with two other men, Pvts. Charles Johnson and Richard "Dick" Rice. Pvt. Jordan did not explain the source of his misgivings, but his decision not to act may have saved his life. According to Jordan, the guards shot Pvt. Johnson while he was "making [his] escape over a bridge at Monroe [Louisiana] where we were working on Confederate fortifications." Pvt. Rice, who escaped at the same time, "never came back and we never knew his fate."⁴⁸ Rice appears to have been successful, however, as he later claimed an invalid pension. With no means of knowing for sure what was happening outside of Monroe, Jordan chose to remain where he was and take his chances in the Confederate military camp.

Many Black POWs, like Abram Ralls, waited to make an escape attempt until the best possible opportunities presented themselves. Ralls claimed that on the forced march in October 1864 from Dalton, Georgia, to Gadsden, Alabama, any Black POW "wounded ever so slightly" while attempting to escape "was buried alive." He alleged he saw several men buried on this march, and that for this reason "I was afraid and never attempted" escape.

⁴⁸ SC 676.690, Pvt. Ben Jordan, alias Ben Pillow, alias Charles Johnson, Co. G, 46th USCI.

Though other POWs asked him to join them, Ralls declined to make an attempt. His explanation for why he did not to escape prompted the Pension Bureau agent questioning him to call Ralls a “veritable coward or one cowed down by the rigors of slavery.” Ralls, however, insisted that he had been biding his time and was waiting for the right opportunity.⁴⁹ Indeed, Ralls did manage to later successfully escape on his own from his enslaver’s home near Gadsden after biding his time for several months. Caution and patience could serve Black POWs well, particularly those held farther south where the chances of encountering US forces were rare.

Frank Mattocks described a case in which Black POWs seem to have had ample opportunity to escape, but may have chosen not to do so out of prudence. Mattocks detailed how he and his fellow Black POWs in the Andersonville work detail were eventually taken out of the stockade and kept at the prison train depot with “no guard over us.” He stated that there was no one “to look after us, or take care of us,” and that they simply “had orders not to go away from there.”⁵⁰ Mattocks did not elaborate as to why he and the other Black POWs did not run away, but given that most of the Black POWs in Andersonville hailed from North Carolina, New York, and Massachusetts, perhaps they felt navigating hundreds of miles through unfamiliar territory, with no knowledge as to where US and CSA forces might be along the way, was too risky. The choices made by men like Ralls and Mattocks appear to have been prudent ones, for many soldiers were shot during group escape attempts. While Pvt. Andrew Jackson (known as Andrew Fouche during the war), 44th USCI, successfully

⁴⁹ Abram Ralls. I have not yet found other testimonies affirming Abram’s claims regarding POWs being buried alive by Confederates. Such actions may very well have taken place. It is also possible that Abram made this claim to justify his decision not to run away to the skeptical pension agent interviewing him.

⁵⁰ *Trial of Henry Wirz*, 179.

escaped, he was severely wounded in his shoulder. Pvt. Jackson, however, had little choice in the matter. He and other Black POWs had been sent to Decatur, Alabama, as part of a team compelled to tear up railroad tracks. Jackson and one of his comrades, Pvt. George W. Lane, 44th USCI, stated that after reaching Decatur, Confederate soldiers shot down Black POWs who were not reclaimed by their former owners.⁵¹ Cpl. Charles Reynolds, 44th USCI, stated that at least 22 men were killed as they attempted to escape while in transit to various places.⁵² Cpl. Reynolds recounted how “all were killed but me I will say [nine] of them were drowned as I was...escaping across a river.” Whether the shooting began prior to the escape attempt is unclear.

Black POWs, regardless of status, were acutely aware of the consequences for any forms of violence and disobedience towards Whites, and avoided committing violence even in the midst of their escape attempts. In October 1864, newspapers reported a mass outbreak of Black POWs from Danville while “engaged at work on the fortifications” (fig. 5.2). They “made an attack upon the guard...and...succeeded in overpowering the small force, and gaining possession of about 20 muskets.” As many as one hundred men escaped, and at least eight of them were killed in the “desperate struggle.” They followed the Dan River “in an easterly direction” following this escape. No casualties were reported among the guards whom the POWs overpowered, however, nor among the citizens of Danville.⁵³ Black POWs, who perhaps had “the greatest claim to righteous fury” instead “abjured violence” and

⁵¹ SC 782.229, Pvt. Andrew Fouche, alias Andrew Jackson, Co. K, 44th USCI.

⁵² Andrew Jackson; Abram Ralls.

⁵³ “Outbreak Amongst Negro Prisoners at Danville, Va.,” *Charlotte Democrat* (Charlotte, NC), October 18, 1864. I have yet to identify these POWs, or whether they were successful.

OUTBREAK OF NEGRO PRISONERS AT DANVILLE.—
 On Monday afternoon, about 4 o'clock, the negro prisoners engaged at work on the fortifications around Danville, made an attack upon the guard, and after a desperate struggle, succeeded in overpowering the small force, and gaining possession of about twenty muskets. One hundred of the scoundrels then made their escape, following the Dan River in an Easterly direction. During the scuffle, eight of the negroes were killed. These negro prisoners, with their white brethren, were carried over the Danville Road during last week, on their way South, but for want of transportation were temporarily detained in Danville. The authorities thereupon determined to place the negroes at work on the fortifications, and while so engaged, they availed themselves of the opportunity offered to make their escape. The citizens armed with shot guns and muskets, turned out promptly, and started in pursuit of the fugitives, and hopes are entertained of the capture of the entire party.

Figure 5.2. Article from the *Weekly Standard*, dated November 2, 1864, regarding a mass outbreak of Black POWs.

focused on their survival and securing freedom.⁵⁴ What happened to the Danville escapees currently remains unknown.⁵⁵

When Black POWs physically resisted captivity, they appear to have predominantly exhibited restraint toward their captors. Recall the case of Pvt. Napoleon Lucas, whose “scuffle” with a Confederate guard served only to provide Pvt. Lucas with the opportunity to escape from his abuse. Lucas did not attack the guard or (as far as it is possible to determine) injure him while acting in self-defense. Whether intentional or not, Lucas’s focus on simply escaping from the guard’s abuse and notice laid bare the consequences of Black resistance to White domination. In the antebellum period, violence of any form committed by an enslaved

⁵⁴ Sheehan-Dean, *Calculus of Violence*, 7.

⁵⁵ The CMSR do not provide consistent information on the locations where Black POWs were imprisoned, and work remains to be done in identifying the Black POWs held at Danville who may have been part of this outbreak. Most Black POWs noted as imprisoned at Danville died in the prison hospital. Others simply stayed at Danville for brief periods before their transfer to other locations.

person against a White person, even in self-defense against a non-owner, was illegal in most cases. Enslaved people were subjected to criminal legal actions and severe physical reprisals for any behavior that challenged white supremacy, including vaguely defined forms of resistance such as “insolence.”⁵⁶ Enslaved people, ruled White judges, “had a duty of obedience not only to their owners, but also to all Whites (at least under some circumstances),” particularly when they encountered slave patrols, respectable non-slaveholders, and were hired out to third-party employers.⁵⁷ Pvt. Preston Mosby’s assault in the Lynchburg jail and Pvt. Isaac Hawkins’s whipping at Andersonville demonstrated the dangers that Black POWs faced, particularly in confined spaces – if perceived to be disobedient or insolent they faced violent, painful retribution with few means of escaping punishment. Imprisoned POWs could not make use of tactics such as lying out, and had to live with the daily consequences of attracting guards’ attention.

Whatever the circumstances of Black POWs’ escapes, attempts were common, often successful, and speak to the maneuvering, skills, support systems, and luck often needed in order to survive. Enslaved people almost certainly aided Black POWs during their escapes as they aided White POWs escaping throughout the Confederacy. White POWs often included stories of enslaved people, at great risk to themselves, aiding escapees with food, shelter, and guidance. Enslaved people well knew the consequences of giving aid to fleeing prisoners, and did so as their own form of rebellion.⁵⁸ Black POWs proved tight-lipped on this score, though Pvt. Andrew Jackson may have found refuge on his way back to US lines among

⁵⁶ Morris, *Southern Slavery and the Law*, 290-99.

⁵⁷ Morris, 289.

⁵⁸ Anne Fabian, *The Unvarnished Truth*, 71; Lorien Foote, *The Yankee Plague: Escaped Union Prisoners and the Collapse of the Confederacy* (Chapel Hill: The University of North Carolina Press, 2016), 22-63, 142, 148.

enslaved people in Alabama. He noted that “an ‘old lady’ sewed up” his shoulder wound, and “put sprits [sic] and turpentine to it” to clean it out, but explained this moment no further.⁵⁹ Presumably other Black POWs also encountered noncombatant enslaved people who aided them in their journeys, but this remains to be seen.

**“He was a quick smart fellow who could make himself mighty useful at anything”:
Captivity in the Hands of Private Enslavers**

Black POWs who were reclaimed or sold had to navigate quite different circumstances from their comrades who remained in military custody. Once remanded into private custody, Black POWs had to navigate the scrutiny, expectations, and whims of the people claiming ownership to them. They could no longer use large groups of Black POWs as camouflage, and they no longer benefitted from the scant protections afforded by military captivity. Separation from their comrades and military authority, however, could have been an improvement for some Black POWs, depending upon the circumstances. They shared a history with their former enslavers, and escaped the brutality and privations of imprisonment under the authority of complete strangers. Not only were reclaimed POWs familiar with their former enslavers’ personalities, they returned to the fold of their families (or adoptive kin) and to geographic areas with which they were familiar.⁶⁰ Meanwhile, the Black POWs who were purchased by strangers had to adapt to the demands of a new authority in unfamiliar places. Many found opportunities to escape, while others did the work required of them until the war ended. Superficial conformity served privately enslaved Black POWs well as they

⁵⁹ Andrew Jackson.

⁶⁰ Thus far I have not identified any reclaimed Black POWs whose enslavers sent them and other enslaved people as refugees to different states. Ab Cunningham left the Cunningham farm in Alabama to go to Florida as Bill Cunningham’s body servant, but was the only Cunningham slave who did so, and was with Confederate soldiers rather than the Cunninghams. (Ab Cunningham)

navigated the particular dangers and contingencies of captivity under citizens' authority. If they played the part of a useful and obedient slave well enough, they could secure enslavers' trust. Slaveholders' trust could occasionally provide Black POWs with more leeway compared to the Black POWs in military captivity.

The case of Abram Ralls demonstrates the often unspoken and subtle means by which enslaved people successfully navigated the expectations of their enslavers. His caution at Gadsden, his decision to give himself up into the custody of Dr. John P. Ralls, his escape back to the Ralls farm from Dr. Vandiver, his marriage to Miss Hunter, and his final escape attested to Pvt. Ralls's ability to convincingly appear compliant despite past disobedience. What exactly Ralls did to survive his reclamation and negotiate privileges such as marrying and visiting his new wife (who lived nine miles away from the Ralls farm) may never come to light. A letter written by Dr. Ralls during Pvt. Ralls's pension application, however, sheds some light on their relationship and helps to explain the means by which enslaved people used their humanity and shared histories with their enslavers to their advantage. Dr. Ralls wrote to Pvt. Ralls in 1892 on behalf of the Pension Bureau to ask him "certain questions with which he could not fail to answer, if indeed he was my former slave...captured...and delivered to me by Hood's army." Dr. Ralls asked questions regarding their shared history, including question about other people whom Dr. Ralls had enslaved, details about the area surrounding the Ralls farm, and the White Ralls family. Pvt. Ralls's responses not only convinced Dr. Ralls of his identity, they provided enough additional detail (such as giving the names of all seven of Ralls's children rather than "name 2" as Ralls had directed) to "prove...most conclusively that the identical Abram Ralls...is still alive."⁶¹

⁶¹ Abram Ralls, emphasis J.P. Ralls's; Paul E. Coker, "'Is This the Fruit of Freedom?': Black Civil War Veterans in Tennessee," (Ph.D. diss., University of Tennessee-Knoxville, 2011), 149-50. The letters exchanged

Black POWs could skillfully manage the expectations of their enslavers, particularly if they had been trusted servants prior to joining the US Army. Pvt. Ralls appealed to Dr. Ralls's sense of mastery in his letter, and revealed Dr. Ralls's trust in and dependence upon him prior to the war. "Dear old master," began Pvt. Ralls's reply, "to the best of my knowledge you first lived at the McHardwick place" after moving to Georgia, "and during the time you lived there you moved up on the mountain and lived awhile. Your wife's brother was sick and you built a house up there for his sake...at the mineral water springs." Pvt. Ralls then noted that "this is the same Abram Ralls that staid [sic] up there with you and waited on the sick." Not only did he accompany and help Dr. Ralls to treat a sick family member, Pvt. Ralls had been the carriage driver for the White Rallses and undertook important tasks alone across long distances. When Dr. Ralls's sister Mary died, recalled Pvt. Ralls, that same night "you sent me to Rome," which was more than 50 miles from Gadsden, "with a note" to inform her husband. After Pvt. Ralls ran away to the army, Hunter recalled how Dr. Ralls "spoke very often of Abram, and said he needed him very much to drive his carriage." Pvt. Ralls's escape had an impact upon Dr. Ralls and his daily life. Though Pvt. Ralls returned to the farm in chains, within a few months he had married Hunter and "got a pass from my master to go to my wife, about 9 miles from my master's place" every weekend. It is likely that Pvt. Ralls took the carriage to make the 18-mile round trip. Despite his disobedience and escape to the US Army, Pvt. Ralls was granted some leniency and privileges once more. He likely displayed sufficient contrition and used their past relationship to convince Dr. Ralls that he would be the ideal servant.

between Ralls and Abram are not contained in Abram's pension file. Instead, Ralls provided a summary of Abram's responses with some exact quotations included. It is possible that Ralls kept Abram's letter, and it may be found in the possession of a descendant or an archive.

Leeway did not equate kindness or good treatment, however, and Pvt. Ralls's own actions and description of his enslavement under Dr. Ralls revealed the superficiality of his compliance. "I did duty as any other slave, worked in the field and drove a carriage as I was required," Pvt. Ralls stated matter-of-factly to a pension agent. He again did what was required of him when he returned to the Ralls farm for "I saw my comrades shot after turned over to their masters, and mine would have killed me but for being a minister."⁶² Pvt. Ralls feared Dr. Ralls, and still feared the consequences of his deception and escape. "The terrible whipping I got will last me all my days," he said, and "[I] will never forget the way it was done and [Dr. Ralls's] terrible threats has made me feer [sic] to let my place of residence be known." Furthermore, Pvt. Ralls never contacted his family after his second escape, for "I never have dared write...to my mother father brothers or sisters nor do they know where I am, dead or alive." Reclaimed POWs' survival depended upon their ability to convince and reassure enslavers of their total submission, and Pvt. Ralls did it so well that his second escape was completely unexpected. By escaping once more, however, Pvt. Ralls had revealed the depth of his deception, and he knew that his second escape would not be forgiven. His rejection of Dr. Ralls's paternalism in order to gain his freedom meant he could not return to Alabama or see his family again.

In many cases, reclaimed Black POWs could not escape because of their physical impairment and constant surveillance. Pvt. Ab Cunningham, unlike Pvt. Ralls, had a history of escape attempts prior to joining the US Army. When Lewis Cunningham reclaimed him from Gadsden, Pvt. Cunningham was ill and "sick most of the time" for the remainder of his captivity. He "lay in bed two weeks" after his reclamation, and seems to have been ill when

⁶² Abram Ralls.

Mr. Cunningham's son, Bill, took him into Florida. Under Bill's authority, Pvt. Cunningham went without shoes and suffered from frostbite in his feet. Even if he had found an opportunity to flee, Pvt. Cunningham may have simply been unable to do so.⁶³ Similarly, Pvt. Thomas Freeman had been quite ill upon his reclamation, and had to be "doctored and nursed" back to health "for many months" after he returned to his enslaver's home.⁶⁴ Under the care of his enslaver and confined to a bed, Pvt. Freeman had a respite from labor, but little opportunity to escape. Reclaimed POWs navigated their particular circumstances as best they could, doing what was necessary in order to survive the consequences of their escape to the US Army. In most cases, it seems that staying put and playing the part of an obedient slave was the best course of action for Black POWs to survive reclamation.

The Black POWs whom Confederate citizens purchased from slave traders, commissary officers, and their former enslavers all survived. At least eight of these men escaped, while the others successfully navigated their enslavement until the end of the war. Though these POWs all applied for invalid pensions after the war, however, few spoke of their sale, enslavement, or escape. One of the few Black POWs who did provide some details was Pvt. Richard Johnson, whom a trader sold to hotelier William Edwards of Greensboro, North Carolina. Pvt. Johnson's sale and enslavement seem to have placed him in a situation that he found preferable to military captivity. Edwards needed extra help at his hotel, which was regularly overcrowded, and Johnson went to work there as a house servant. Edwards' son, also named William, praised Johnson several times during his deposition. "Dick," said Edwards, "was a man who did any sort of work that was needed to be done around the place.

⁶³ Ab Cunningham.

⁶⁴ Thomas Freeman.

He was a quick smart fellow who could make himself mighty useful at anything.” Edwards said that while Johnson “could have run away had he tried...he would have found escape difficult as this was one of the last points reached by the Union forces. Had he started he would probably been caught [sic] before he could reach a place of safety.”⁶⁵ Edwards’s statement raises some questions of how much enslaved people knew about military movements, and the information fed to them by White people. There is no reason to believe that Johnson and other Black POWs similarly situated would not do their due diligence in learning about the military situation surrounding the areas in which they were captive, but in Johnson’s case it seems that mobility did not translate into opportunity. Johnson perhaps managed to glean enough information about the war that he felt it was too risky to attempt to escape. Or, perhaps he felt comparatively safe where he was and preferred to remain there. Edwards noted that Johnson “went around with the other negroes,” presumably meaning enslaved people in the town and others whom Edwards’s father enslaved. Johnson befriended another enslaved man named George Garrett while in Greensboro, who recalled that Johnson “took up with a girl whom Mr. Edwards owned.” Garrett knew Johnson’s personal history, including that he was from Maryland and had been a US soldier prior to his sale. Johnson, it seems, had managed to build a community in Greensboro that he may not have wanted to leave behind, and he remained there for a least a year after the end of the war. Whether his continued employment at Edwards’s hotel was voluntary is unclear, but it seems that Johnson preferred his situation there to his antebellum life, for he never returned home to Maryland.⁶⁶

⁶⁵ Richard Johnson.

⁶⁶ Richard Johnson. Richard ultimately went to Louisiana with a labor agent named Pegleg Williams, where he remained for the rest of his life.

Conclusion

Black POWs deployed an arsenal of survival skills that undermined Confederates' efforts to render them wholly obedient commodities. Though the context of the Civil War created new conditions for enslavement and unpredictable outcomes, Black POWs, regardless of their antebellum status, had lived their entire lives navigating contingent circumstances. Black POWs demonstrated their abilities to forge adaptive (and adoptive) relationships in the Confederate South as they had during the antebellum period as a means of survival and emotional support. Black POWs forged new communities wherever they went, much like the millions of enslaved people separated from their blood, marriage, and other kinship ties through sale and other means. Friendships could increase chances of survival and improve Black POWs' conditions. They each adapted to their particular circumstances by exhibiting caution when necessary, and taking risks when necessary. Black POWs' captivity did not render them passive victims. Instead, Black POWs repeatedly demonstrated that they made difficult decisions, took action, and affected the circumstances of their captivity whenever and however they could.

CHAPTER 6

“I has tried hard and long and is still trying”: Black POWs’ Postbellum Survival Struggles

“i am old and i am sick now i cant tell why it is that you all just seem to bee playing with me i has answered every thing that thy ask me and if you isen going to pay me at all say so now i mean bisness i has sent this in enough...i has told you the truth and nothing but the truth...I has tried hard and long and is still trying...” – Pvt. Ab Cunningham, 44th USCI, to Director of Pensions, August 9, 1909

“Putting me on the pension roll under my slave name is a discrimination against me on account of my previous condition of servitude and contrary to the policy of our Government with respect to the ex-slaves of the Southern States.” – Pvt. Daniel Robinson (previously known as Govan), 46th USCI, September 1906

In 1890, the rules changed regarding how Civil War veterans qualified for pensions. Until then, the “General Law” of 1862 had stipulated that only soldiers who had been injured, wounded, or suffered from a chronic illness during their military service (as well as the widows and minor children of soldiers who died during the war) were entitled to pensions. Most of the successful applicants during this period (known as claimants) had wartime records that confirmed their disabilities.¹ On June 27, 1890, Congress passed the Dependent and Disability Act, which sparked a significant increase in pension applications. This law allowed Civil War veterans to claim pensions for any debilities that “incapacitated”

¹ Sven Wilson, “Prejudice & Policy: Racial Discrimination in the Union Army Disability Pension System, 1865-1906,” *American Journal of Public Health*, Vol. 100, No. 1 (April 2010), S57; Andrew K. Black, “In the Service of the United States: Comparative Mortality Among African-American and White Troops in the Union Army,” *Journal of Negro History*, Vol. 79, No. 4 (October 1994), 317–33.

them “for the performance of manual labor,” regardless of when or how they were incurred.² More than 300 Black POWs who lacked formal wartime records of their hospitalization and debilities incurred in captivity applied for pensions in the wake of this legislation, including Pvt. James Myers, 43rd USCI. An inveterate survivor, Pvt. Myers continued to fight after the war, this time for his entitlement to a pension that would supplement his family’s small income. Myers first applied for a pension in 1890 on the basis of suffering from rheumatism (known today as rheumatoid arthritis). Rheumatism, as used by nineteenth-century doctors, generally referred to muscle pains and joint inflammation, and was associated with lessened mobility and heart problems.³ The White medical examiner assessing Myers’s case, however, determined nothing prevented him from earning a living at manual labor. It would take eight years, further medical examinations, witness testimony, and continued rejections before Myers finally secured a pension for his rheumatism and other physical impairments.

It is because Myers directly connected his postwar physical ailments to his military captivity that his pension provides a fuller view of his experience as a Black POW than does his service record. Myers’s record stated that he “was taken prisoner” and had been “engaged as Labour by Lee’s Army up to its surrender.” His POW memorandum noted the date and

² “An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,” Fifty-First Congress, Session 1, Chapter 6, 34, 182; Peter Blanck, “Civil War Pensions and Disability,” *Ohio State Law Journal*, Vol. 42 (2001), 117-27; Larry M. Logue and Peter Blanck, *Race, Ethnicity, and Disability: Veterans and Benefits in Post-Civil War America* (Cambridge University Press, 2010), 1-3; Karen Rosenblum and Toni-Michelle Travis, *The Meaning of Difference: American Constructions of Race, Sex and Gender, Social Class, Sexual Orientation, and Disability* (McGraw-Hill Higher Education, 2015), 5-7. “Debility” and “disability” were the terms most often used by pension agents to describe physical impairments resulting from wounds, injuries, and illnesses. I predominantly use “debility” and “physical impairment” to describe Black POWs’ ailments for which they claimed pensions.

³ *MSHWR*, Vol. 1, Pt. 2, 341-43, 495; Peter Hood, *A treatise on gout, rheumatism and the allied affections*, 2nd ed. (London: John Bellows, Gloucester, 1879), 300-377; Dale Kretz, “Pensions and Protest: Former Slaves and the Reconstructed American State,” *The Journal of the Civil War Era*, Vol. 7, No. 3 (September 2017), 425, 430.

place of his capture (July 30, 1864, at Petersburg, Virginia), that his former enslaver was John F. Chapman of Charleston, South Carolina (according to Myers, he was actually John Chaplin), that Myers was transferred to Castle Thunder in November 1864, and that he had been treated at a Confederate hospital at Farmville, Virginia for two days in March 1865 for “Bronchitis acute.”⁴ Myers named more places and provided more detail on his captivity to emphasize the correlation between his military service and his continued physical impairment after the war. He stated on his first application that he developed rheumatism “from abuse while in prison of confederates [sic], having received blows from officers in charge at High Bridge, Virginia.” Myers affirmed the few details found in his service record, explaining in an affidavit that the “rebels carried me to Richmond and from there to Danville,” that he “was sent to the rebel hospital at Farmville” after falling ill, and that he was held a prisoner “until Grant came and took Farmville, Virginia.” Every other mention of his imprisonment came from his witnesses, none of whom had been captured with him. They could only confirm that he had been “sound” when he joined the army, that he had indeed been taken prisoner, and that when he returned from captivity he was affected by rheumatism. The lack of witnesses and surviving Confederate prison and hospital records often required additional affidavits and examinations by Bureau agents to prove the physical toll of captivity upon Black POWs.

Even if a Black POW secured testimonies from eyewitnesses, several factors could result in rejection. Though military records and witnesses both affirmed Myers’s captivity, soundness at enlistment, and subsequent physical ailments upon his return, a White medical examiner ultimately influenced the Pension Bureau to reject Myers’s initial and subsequent

⁴ CMSR, Pvt. James Myers, Co. E, 43rd USCI.

applications. In May 1891, Dr. E.H. Nichols of Savannah, Georgia, examined Myers for evidence of rheumatism with no other witnesses or physicians present. Rather than adhering to clinical assessments of Myers's physical condition, Dr. Nichols opined in his examination report that Myers "is like the rest of our negroes, believe if they have ever had any sickness that they are entitled to a pension." Nichols posited that if Myers had developed rheumatism, it was likely because he lived in a "highly malarious locality," and that Myers had "these attacks [of rheumatism] from a malarial cause" rather than his wartime service.⁵ Nichols evaluated Myers as he would an enslaved person at auction, and found Myers's external physicality to be indicative of good health. "This old fellow (negro)," wrote Nichols, "is a powerful, muscular, fine physiqued man, hands as tough as oak." Furthermore, the fact that Myers had been able to perform physical labor "trucking" and "handling heavy barrels" of turpentine and rosin the day of his examination convinced Nichols that Myers was lying. Nichols also stated that Myers earned \$7.50 per week, but did not elaborate as to how consistently he worked.⁶ Nichols reported that Myers had no ratable debility entitling him to a pension, and the case was rejected by the Pension Bureau.

Applicants for pensions could appeal their rejections if they felt that their examination was improperly conducted, unfair, or downplayed their condition. Due to his poverty, Myers could not travel elsewhere for a medical examination, but he managed to secure the testimony of another physician to contest Nichols' findings and requested that his case be reviewed. In September 1864, Myers submitted an affidavit from one Dr. James Davis. Dr.

⁵ It should be noted that Nichols' examinations of James took place after the 1890 act passed, and the context in which James developed an illness should not have mattered.

⁶ James and several of his witnesses stated that he could not work more than one week out of every month. This would mean that James was not earning \$7.50 every week, but closer to \$7.50 per month.

Davis wrote that Myers's "condition is distressing," and that he was suffering from a strangulated inguinal hernia, a potentially fatal condition.⁷ Myers stated in this second application that he had been "ruptured" during the war, but "felt ashamed to mention it" in his application and to Dr. Nichols. Given the location of his hernia in the groin, Myers may have been uncomfortable with being examined, or perhaps was uncomfortable with Nichols. The Pension Bureau employed medical referees to look through applications and examinations for evidence of bias, but it seems the medical referee assigned to Myers's case found nothing wrong with Nichols' assessment, and the rejection was upheld.

Nichols examined Myers again in 1895, and again speculated on Myers's veracity based on Nichols's experiences with other Black claimants. "It is astonishing how ignorant these negroes are," Nichols wrote, "and how they will hang on to any thing by which there is any probability of obtaining a pension by." Nichols noted that Black pensioners regularly avoided treatment for their debilities, even though "I assure them it will give them a better chance to gain a living as well as relieve them of pain."⁸ Black pensioners, according to Nichols, apparently refused remedies (such as using a truss to alleviate a hernia – Nichols did not clarify whether Myers had done so) so that they would not lose their pensions or have their payments reduced. Military service and pensions served as one of the few avenues through which physically impaired laborers (whether through wounds, injuries, illnesses, or old age) could earn wages on par with men who performed more labor – to lose that support would be potentially catastrophic for men who had no job security and who could not

⁷ W.Y. Lau, "History of treatment of groin hernia," *World Journal of Surgery*, Vol. 26 (2002), 749, 755; David A.E. Shephard, *Island Doctor: John Mackieson and Medicine in Nineteenth Century Prince Edward Island* (Montreal: MQUP, 2003), 58-60. Strangulated hernias cut off blood flow to the intestines and can result in numerous other symptoms.

⁸ Aside from several contributions to medical journals on particular treatments and cases, I have thus far been unable to locate background information on E.H. Nichols.

perform as much labor as unimpaired men.⁹ As a formerly enslaved man who could not read or write, Myers was utterly reliant upon physical labor and the charity of his neighbors to make a living.¹⁰ Nichols, however, was all too willing to believe that Myers, as well as Black veterans generally, simply wanted to game the system.

It was not until 1898 – seven years after his initial examination – that Myers finally secured his pension for his rheumatism, hernia, and old age (called “general debility”). He received an examination and affidavit from Dr. S. Palmer Lloyd in February 1898 attesting to his hernia and “limited motion of limbs.” Myers exhibited a “perceptible shortness of breath” when exercising that Dr. Lloyd described as “distressing.” Myers then underwent a new Bureau medical examination with a different set of three doctors who verified his physical ailments and the extent to which they affected his ability to work. Their findings finally entitled Myers to a pension in 1900, nine years after his first application attempt.¹¹ Though he died shortly thereafter on March 7, 1901, Myers’s resolute efforts to claim the pension he felt was due him served to aid his family after his death. His widow, Mrs. Celia Myers, née

⁹ Larry M. Logue, “Benefit of the Doubt,” *The Journal of Interdisciplinary History*, Vol. 38, No. 3 (Winter, 2008), 377; Russell T. Johnson, “‘Great Injustice’: Social Status and the Distribution of Military Pensions After the War,” *The Journal of the Gilded Age and Progressive Era*, Vol. 10, No. 2 (April 2011), 143-45; Elizabeth M. Collins, “Black Soldiers in the Revolutionary War,” *U.S. Army*, February 23, 2013, https://www.army.mil/article/97705/Black_soldiers_in_the_revolutionary_war (accessed June 10, 2018); Jonathan M. Pitts, “Twice denied the freedom he fought for, a Black revolutionary war hero from Maryland is honored at last,” *Washington Post*, June 24, 2019, https://www.washingtonpost.com/local/twice-denied-the-freedom-hed-fought-for-a-black-revolutionary-war-hero-from-maryland-is-honored-at-last/2019/06/24/7732721c-946b-11e9-b58a-a6a9afaa0e3e_story.html (accessed August 30, 2019). Black men’s wages were low, their labor usually limited to physical tasks such as sharecropping, and their employment at constant risk due to the whims of White employers; it is no wonder that they might forego treatment in order to ensure some form of steady income.

¹⁰ James Myers.

¹¹ James also had the misfortune to apply with the help of several unscrupulous pension attorneys named Ben Simmons, AH Gaston, and LB Toomer. Gaston went to jail for pension fraud. It is possible that James may have been able to successfully appeal Nichols’ evaluations had he benefited from the aid of an honest attorney. It seems that once James’ case was assigned a special examiner, he was able to successfully secure a pension.

Johnson, collected a pension following his death that helped support her and their 13 year-old daughter, Evelena.¹²

The pension files are the only sources in which details of Black POWs' captivity emerge. With no published memoirs or groups such as the Grand Army of the Republic dedicated to creating and perpetuating a common narrative of their captivity, Black POWs became largely invisible everywhere but the pension records. Once the war ended, mentions of Black POWs all but ceased in public discourse except in passing references made by White POWs, politicians, military leaders, and Black historians. Pro-Union writers emphasized atrocities (real and rumored) in order to underscore Confederate brutality, but they predominantly obscured records of Black POWs' captivity, particularly that of formerly enslaved southern men.¹³ Ex-Confederate writers ignored the issue altogether, or argued that treating Black POWs as enslaved men was legal, and that Confederates had adhered to postliminy rather than engage in slaughter.¹⁴ What Black POWs experienced and

¹² SC 980.283, Pvt. James Myers, Co. E, 43rd USCI.

¹³ See Abbott, *Prison Life*, 257-58; Goss, *Soldier's Story*, 159; Robert S. Northcott, "The Union View of the Exchange of Prisoners," in *The Annals of the War*, 188-90; George Washington Williams, *A History of the Negro Troops in the War of the Rebellion, 1861-1865* (New York: Harper & Bros, 1888), 180, 272, 307-19; Joseph T. Wilson, *The Black Phalanx: African American Soldiers in the War* (Hartford: American Publishing Company, 1888), 315, 323; Emilio, *History of the Fifty-Fourth*, 401, 419-33.

¹⁴ For discussions of Black POWs and their treatment, see Thomas Jordan Pryor, *The campaigns of Lieut.-Gen. N.B. Forrest, and of Forrest's Cavalry* (New Orleans: Blelock & Co., 1868), 450, 490-92; Rev. J. William Jones, *Confederate View of the Treatment of Prisoners* (Richmond: Southern Historical Society, 1876), 147, 314-19; Ould, "Exchange of Prisoners," in *The Annals of the War*, 39, 43-44; Maury, *Recollections of a Virginian*, 217. Other former Confederates left the issue of Black POWs unaddressed, and emphasized other issues with slavery and prisoner exchange. Examples of this silence include: A.L. Long, *Memoirs of Robert E. Lee: his military and personal history...* (New York: J.M. Stoddard and Company, 1887); and James Longstreet, *From Manasses to Appomattox: Memoirs of the Civil War in America* (Philadelphia: J.B. Lippincott Company, 1903).

accomplished in the war became buried, and they were excluded from national narratives. It is therefore only in the pensions that Black POWs' memories of captivity are preserved.

Black POWs were able to use military pensions to enter their experiences into the written record. No Black POW is known to have published a memoir, not least because most of these men were illiterate and impoverished and continued to be surrounded by former enslavers and Confederates for the remainder of their lives. Additionally, most writers who described Black POWs to any degree as individuals or as a group interacted largely with northern freemen in prisons. Northern freemen's imprisonment usually differed from that of formerly enslaved men from slave states, and the majority of surviving Black POWs were formerly enslaved POWs who continued to live in the postwar South and border states.¹⁵ Southern freedmen like Pvt. James Myers, who became enslaved in one capacity or another during the war, proved to be the rule rather than the exception. It is their testimony that is the main focus of this chapter.

Despite rampant racism and systemic prejudices among federal and local agents of the Pension Bureau, Black POWs were largely successful in securing pensions, and slightly more successful than Black veterans as a whole. Sample sets of pension applicants show an overall 75% success rate among Black claimants from 1862 to 1907.¹⁶ At least 717 Black

¹⁵ Precise numbers of freemen vs. ex-slaves are difficult to determine given the inconsistent record-keeping in the CMSR and the presence of ex-slaves in largely northern regiments such as the 54th Massachusetts and the 8th USCI. However, approximately only 10% of Black POWs who applied for pensions were northern freemen.

¹⁶ Donald Shaffer, *After the Glory: The Struggles of Black Civil War Veterans* (Ann Arbor: University of Michigan, 2004), 156, 203; Logue and Blanck, "Benefit of the Doubt," 380-81, 391; Wilson, "Prejudice & Policy," S57. Wilson's article focuses primarily on comparisons between White and Black pensioners rather than comparisons between Black northerners and southerners, though he presents some compelling data on the latter. Logue and Blanck's sample of Black pensioners comes from Robert W. Fogel et al, *Aging of Veterans of the Union Army: Military, Pension, and Medical Records, 1820-1940*, (Ann Arbor: Inter-university Consortium for Political and Social Research, 2006). They do not specify the size of the sample of Black veterans. Wilson used data collected from the US National Archives beginning in 1981 in a project entitled *Early Indicators of Later Work Levels, Disease, and Death*, funded by the National Institute on Aging. The data files used in

POWs applied for invalid pensions from the US government, 593 of whom succeeded.

Though relatively few Black POWs applied for pensions as compared to non-POWs (about 1.2% of the estimated Black invalid applicants), 82.7% of these men succeeded in their claims.¹⁷ Their success, like that of Pvt. Myers, seldom came at the conclusion of a smooth or expeditious process. The burdens of proof required of claimants (and the particular hurdles faced by formerly enslaved men to provide proof) resulted in significant production of source material through repeated applications, affidavits, and examinations that provide far more insight into these men as individuals and as a group than any other record source in existence.

Black POWs used the pension application process to demand fair treatment under the law. Pensions served as one of the few avenues by which formerly enslaved Black POWs could enter their personal experiences and stories into written records. Pension applications focused upon proving veterans' service in the US Army and their health issues. Detailed information about veterans' lives and personalities either entered the record when relevant to their cases, or because veterans chose to share such information while testifying. The information Black POWs provided, and their reactions to their treatment by pension agents and the Bureau, revealed their continued fight for survival and the complexity of their lives in the postwar South. Almost no southern Black POWs, for example, held any real property by

Wilson's analysis consist of the individual records of 5,905 Black enlistees from a random sample of 53 USCT companies. Neither sample contains officers.

¹⁷ The sample used by Wilson shows that perhaps only 32% of Black soldiers applied for pensions, which would translate to approximately 57,600 men. (Wilson, "Prejudice & Policy," S58) This 1.2% estimate is comparable to the estimated 1.33% of Black soldiers who were captured during the war. Additionally, I have been unable to determine which pension file is the correct one for Pvt. George Washington, Co. D, 23rd USCI because there were four men by that name in the same company and regiment who received pensions, and I have not yet ascertained which pension is the correct one. There are two invalid pensions and two widows' pensions. I have therefore left him out of my calculations.

the time of their deaths. Successful pensioners who convinced White pension agents of their identities, merit, and honesty still often died in “abject poverty.”¹⁸ Though Black POWs often received aid from the federal government, it was rarely enough to comfortably support them or their families. A successful claim did not equate a substantially improved livelihood, but it did demonstrate Black Americans’ dogged determination to be treated equitably.

“A mere matter of memory”: Remaking and Forgetting Black POWs

Capt. Henry Wirz’s trial and execution in the fall of 1865 largely determined the historical narrative surrounding both White and Black POWs for more than 130 years. The acrimonious debates triggered by the trial centered on responsibility: who was ultimately to blame for the high mortality rates of POWs in the North and South?¹⁹ The Wirz trial proved to be the second of two failed attempts to charge the Confederate leadership, particularly Jefferson Davis, with conspiracy to murder US soldiers in violation of the laws of war. Judge Advocate General Joseph Holt hoped to put Davis and other Confederate leaders on trial for their roles in the rebellion against the US. Holt, however, misjudged the moment. The fallout over the use of military tribunals rather than civil trials after the Confederate armies’ surrender, and the executions of Mary Surratt and Henry Wirz (an enfeebled and ineffective

¹⁸ Abram Ralls. Abram had to be buried at the expense of the county in which he lived at the time of his death.

¹⁹ Hesseltine, *Civil War Prisons*, 3-6; Leon Litwack, *Been in the Storm So Long: The Aftermath of Slavery* (New York: Vintage Books, 1980), 50; Fabian, *The Unvarnished Truth*, 118-20; Benjamin G. Cloyd, *Haunted by Atrocity: Civil War Prisons in American Memory* (Baton Rouge: Louisiana State University Press, 2010), 3. Many historians such as Michael Kammen, Kirk Savage, David Blight, W. Fitzhugh Brundage, Caroline Janney, and others have likewise grappled with the relative absence of Black Americans from mainstream narratives of the Civil War through their analyses of postwar contests over public commemorations, written narratives, and popular culture. See Michael Kammen, *The Mystic Chords of Memory: The Transformation of Tradition in American Culture* (New York: Random House, 1991); Kirk Savage, *Standing Soldiers, Kneeling Slaves* (Princeton: Princeton University Press, 1997); David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2002); W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge: Harvard University Press, 2005); Caroline Janney, *Remembering the Civil War: Reunion and the Limits of Reconciliation* (Chapel Hill: The University of North Carolina Press, 2013).

foreign-born Confederate bureaucrat) not only added fuel to the Lost Cause narrative among southern Whites, but also enabled Confederates to portray themselves as victims of postwar retribution.²⁰

While the US stitched itself back together, the mismanagement of military prisons and White Civil War POWs' sufferings became a cautionary tale. White POWs (whose comrades had died by the thousands for want of proper food, shelter, and medical care in military captivity) continued to reckon with the meaning of their captivity. They opined over who perpetrated prison atrocities, emphasized the tenacity and heroism of POWs (especially through daring escape attempts), and commemorated the friends and comrades whom they had lost to starvation, disease, exposure, and abuse.²¹ At the root of White POWs' excessive mortality rates lay the suspension of prisoner exchanges upon Black soldiers' entry into the war.²² Though many White POWs captured from 1863 onward saw this moment as the main reason for their sufferings, some blamed their government for allegedly using POWs as bargaining chips rather than accepting different treatment for Black POWs.²³

White POWs did not attempt to erase Black POWs from the memory of wartime imprisonment, but rather lacked a shared experience with them. White POWs not only

²⁰ For further discussions of the use of military tribunals immediately after the war, see Marvel, *Andersonville*, ix-xi, 243-46, 279; Elizabeth Leonard, *Lincoln's Avengers: Justice, Revenge, and Reunion after the Civil War* (New York: W.W. Norton & Co., 2004), 72, 205; Marouf Hasian, Jr., *In the Name of Necessity: Military Tribunals and the Loss of American Civil Liberties* (Tuscaloosa: University of Alabama Press, 2005), 113-38; Martin S. Lederman, "The Law(?) of the Lincoln Assassination," *Columbia Law Review*, Vol. 118, No. 2 (2018), 323-490.

²¹ Fabian, *The Unvarnished Truth*, 120-23; Cloyd, *Haunted by Atrocity*, 61-63, 82, 86, 91.

²² Marvel, *Andersonville*, x-xi, 12, 25-27, 41, 43-44, 145; Sanders, *While in the Hands of the Enemy*, 131-32, 217-18.

²³ Alan Nevins, James I. Robertson Jr., Bell I. Wiley eds. *Civil War Books: A Critical Bibliography Vol. 1* (Baton Rouge: Louisiana State University Press, 1967) 185-206; Sanders, *While in the Hands of the Enemy*, 112, 151, 252.

outnumbered Black POWs at least 10 to 1, they had vastly different experiences from Black POWs in that they remained confined in prisons and served no real use to the Confederate government except as hostages. Most White POWs' memoirs make no mention of Black POWs at all because the majority never encountered any. Those who did speak of Black POWs often restricted their comments to expressing opinions about suspended prisoner exchanges, and depicting the plight of Black POWs whom they encountered. Lieut. Allen O. Abbott, for example, asked "Had not our government a sufficient number of Rebel prisoners, so that they could afford to exchange all our white soldiers, and then have a sufficient number of Rebels left as hostages for our colored soldiers?"²⁴ Others, like Capt. Willard Glazier, who noted the mournful tunes of Black POWs in the Charleston jail, sympathized with the plight of Black POWs. Capt. Glazier described a conversation he once had with a Black sergeant of the 54th Massachusetts Infantry incarcerated at the same prison. The sergeant had been informed that he and his fellow Black soldiers would be tried by a civil commission "on a charge of having abandoned their masters and enlisted in the United States army, and if found guilty, that they might make up their minds to stretch hemp," meaning they would be hanged. "And why should they not be guilty?" asked Glazier. Although nearly all the imprisoned Black men were free men from the North, "they knew full well that this court was formed, not to subserve the ends of justice, but to convict, for the Rebels had sufficiently illustrated their method of dealing with negro prisoners" by murdering Black soldiers. The Confederates continued to demonstrate to all Black soldiers "the narrow chances of life, should they fall into the hands of the enemy."²⁵

²⁴ Abbott, *Prison Life*, 170.

²⁵ Willard Glazier, *The Capture, the Prison Pen, and the Escape: giving a complete history of prison life in the South* (New York: R.H. Ferguson & Co., 1870), 147-48.

White POWs compared their imprisonment to slavery, though their incarceration was, for the most part, quite different from enslavement.²⁶ They predominantly viewed Black POWs' enslavement as simply a return to normalcy for Black men, as well as a sign that Black POWs and slaves generally were more valued and better cared for than White POWs. White POWs perceived Black POWs' labor and relative mobility beyond prison walls. Both groups of captives were defined by tragedy and death in public memory, but the lack of common experience made it that much more difficult for Black POWs to be viewed as comparable actors who resisted constraints upon their freedom.

Black veterans stepped forward to highlight and preserve the memory of Black soldiers, yet largely omitted Black POWs from the narrative of Black manhood, courage, and glory during the war. Veterans such as Pvt. Joseph T. Wilson, 74th USCI, Pvt. George Washington Williams, 10th USCC, and Sgt. Maj. Christian A. Fleetwood, 4th USCI, discussed the importance of military service to Black men: they proved themselves during the Civil War (and in prior conflicts) as men, citizens, and defenders of the Constitution.²⁷ None of these authors, however, had been POWs nor hailed from regiments that saw significant numbers of men taken captive. Fleetwood made no mention of Black POWs in his influential essay, *The Negro as a Soldier*. Wilson likewise largely omitted Black POWs from his book, *The Black Phalanx*, but did emphasize Confederate policy as a *de facto* justification for murdering Black soldiers. Wilson stated that Jefferson Davis' December 1862 proclamation "hoisted the black flag" against Black soldiers in the hopes of initiating "a war

²⁶ Fabian, *Unvarnished Truth*, 117.

²⁷ See George Washington Williams, *A History of the Negro Troops in the War of the Rebellion, 1861-1865* (New York: Harper & Bros, 1888); Joseph T. Wilson, *The Black Phalanx: African American Soldiers in the War* (Hartford: American Publishing Company, 1888); Christian A. Fleetwood, *The Negro as a Soldier* (Washington, D.C.: Published by Prof. Geo. Wm. Cook, Howard University Print, 1895).

of extermination.”²⁸ Wilson further argued that if Confederates were willing to starve, shoot, and murder “80,000 [White POWs] in prison pens,” then “what must have been the treatment of those of another race, whom they had held in slavery, and whom they regarded the same as sheep and horses, to be bought and sold at will, when captured in battle, fighting against them for the Union and their own freedom?”²⁹ Wilson emphasized the “barbarities” of the Confederates toward both northern freemen and formerly enslaved men found in US uniforms. Without records or postwar narratives to prove Black POWs’ survival, however, Wilson could only speculate that Black POWs were a rarity based upon his own observations and experiences.

Lacking sufficient records and evidence of Black POWs’ captivity, Fleetwood, Wilson, Williams, and subsequent historians relied upon Confederates’ treatment of White POWs and battlefield atrocities against Black soldiers to cast the US as righteous and the Confederacy as uncivilized. Williams’ influential work, *A History of the Negro Troops in the War of the Rebellion*, dedicated a full chapter to Black POWs, but like Wilson, he emphasized the Union and Confederate policies on prisoner exchanges in order to highlight the atrocities that resulted from Davis’ alleged black flag policy. Black historians incorporated Black POWs into the history of the Civil War, yet lacked information on Black POWs’ captivity experiences, and focused upon infamous moments of capture rather than captivity. White POWs had managed to assert their courage and manhood beyond the battlefield by creating their own literary genre, but Black POWs had very few opportunities through which they could do the same. Black historians thus highlighted the battlefield

²⁸ Wilson, *Black Phalanx*, 315.

²⁹ Wilson, 323.

triumphs of Black soldiers that would appeal to a broader audience and inferred the rest. White historians subsequently followed their lead.³⁰

Newspapers likewise do not appear to have discussed Black POWs after the war to any significant degree. Stories like Pvt. Gilbert Adams' sale from Libby prison may well have cropped up from time to time, but the perception that his experience was unique suggests that such narratives were a rarity. Black-owned and -operated newspapers do not appear to have reported on Black POWs or their experiences either, though finding any mention of Black POWs in the postwar era proves difficult given the fluid terminology used to refer to them during the war. Searches for terms such as "captives," "prisoners," and "prisoners of war," results in articles about arrests, lynchings, and foreign wars. One reference made to Black POWs in a Black newspaper, the Indianapolis *Freeman*, urged "colored veterans" to "vote as you shot" (fig. 6.1). The short article enjoined Black veterans that "when you step in the booth to vote, remember Fort Pillow, remember Port Hudson, remember that the rebel cry whenever they took your comrades prisoners was 'slay and spare not!'" The memory that persisted among northern Black veterans was that of atrocity rather than captivity. Their experiences at Fort Wagner, the Battle of Olustee, the Battle of the Crater, and the infamy of engagements such as Fort Pillow and Saltville indelibly connected Confederates with racial atrocities. "Soldiers," urged the paper, "do your full duty," for "every rebel that murdered a Negro prisoner of war was a Democrat."³¹

³⁰ See Rhodes, *History of the United States*; Charles and Mary Beard, *The Rise of American Civilization, Vol. II* (New York: MacMillan and Co., 1927); Hesseltine, *Civil War Prisons*.

³¹ Untitled, *The Freeman* (Indianapolis, Indiana), November 5, 1892.

COLORED veterans, again we ask you to vote as you shot and and you will make no mistake. When you step in the booth to vote, remember Fort Pillow, remember Port Hudson, remember that the rebel cry whenever they took your comrades prisoners was "slay and spare not!" Soldiers, every rebel that murdered a Negro prisoner of war was a Democrat. Do your full duty, and the American people and your conscience will reward you.

Figure 6.1. Rare mention of Black POWs after the war. *The Freeman*, November 5, 1892. Courtesy of Readex: America's Historical Newspapers.

The visual culture surrounding Civil War POWs centered upon the degradations and privations that imprisonment forced White men to endure, and the few photographs of Black POWs that are known to exist did not capture their images in the midst of captivity. Andrew J. Riddle's photographs of Andersonville, and A.J. Russell's photographs of skeletal POWs upon their release from Andersonville remain the iconic images of hardship in the war's military prisons.³² The effects of starvation, disease, and exposure upon White men's bodies shocked and horrified the public who viewed photographs and sketches of POWs' skeletal bodies in the pages of *Frank Leslie's Illustrated Newspaper* and *Harper's Weekly*.³³ No comparable images of Black POWs are currently known to exist. Black POWs were too few

³² John McElroy, *This Was Andersonville: The True Story of Andersonville Military Prison* (New York: Bonanza Books, 1957); Holland Thompson, ed., *Photographic History of the Civil War, Vol. 4: Soldier Life and Secret Service, Prisons and Hospitals* (Secaucus: The Blue & Gray Press, 1987), 11-187; Judith Giesberg, "'Eye of History': Looking at Civil War Prisoners of War," in J. Matthew Gallman and Gary W. Gallagher, eds., *Lens of War: Exploring Iconic Photographs of the Civil War, Uncivil Wars* (Athens, Georgia: The University of Georgia Press, 2015), 185-95.

³³ "Rebel Cruelty," *Harper's Weekly*, June 18, 1864, 387; "Of the Rebels," *Frank Leslie's Illustrated Newspaper*, June 18, 1864, 199.



Figure 6.2. Pvt. Hubbard Pryor, 44th USCI, before and after enlistment. Theodore Roosevelt Island National Memorial, <https://www.theodorerooseveltcenter.org/Research/Digital-Library/Record?libID=o274173>, Theodore Roosevelt Digital Library, Dickinson State University.

in number to make it on to the front pages, and their captivity experiences were diffuse and hard to follow with the lens of a camera. Had photographers captured Black POWs in their work, it is likely that they would simply appear to be common enslaved people rather than POWs. One of the few images of a Black POW was taken prior to his capture. Two portraits of Pvt. Hubbard Pryor, 44th USCI, showed his transformation from former slave to US

soldier, and demonstrated the marked effect of military service upon Black men (fig. 6.2). Pvt. Pryor was later captured at Dalton, Georgia, in 1864 and disappeared from the record.³⁴ He never returned to his regiment, nor applied for a pension after the war. It seems likely that he perished in captivity, and for decades has remained the sole identified Black POW of whom any photographic evidence exists.

While their captivity remains unrecorded by photographers and artists, many Black POWs had their photographs taken after the war so that affiants who did not live near them could identify them during the pension application process. One such POW was Pvt. Richard French, also of the 44th USCI (fig 6.3.) Most applicants who submitted photographs to the Pension Bureau received them back after the conclusion of the application process. The majority of Black POWs' photographs have likely been lost. For some reason, however, Pvt. French's tintype was never returned to him. It was contained in a sealed envelope in his pension file, unopened and unseen since 1904. Further research will hopefully yield more images, many of which likely remain in private collections and family records. Indeed, another photograph recently surfaced on an auction site purporting to show a Black POW from Andersonville seated among several White POWs.³⁵ With further research, it may be possible to eventually include Black POWs in the visual culture of the Civil War. Though some Black POWs' stories were told to the American public after the war, these narratives more often than not spoke *about* these men, and emphasized their sufferings and the actions

³⁴ US Census, 1870; "Hubbard Pryor," *U.S. National Parks Service*, <https://www.nps.gov/people/hubbard-pryor.htm> (accessed October 3, 2018). The census shows a Hubbard Prior living in Polk, Georgia, age 35. Hubbard Pryor's service record shows his birthplace as Polk County, Georgia.

³⁵ "Lot # 392: Extraordinary Andersonville Prisoners' Photograph," Raynors' Historical Collectible Auctions (accessed September 11, 2019). The caption of the photograph reads: "Union soldiers from Andersonville prison – as they appeared on their arrival at Jacksonville, Fla. May 1865." Christopher Barr, who has done much work on the Black POWs confined at Andersonville, including his chapter in Michael Grey's *Crossing the Deadlines*, brought this photograph to my attention.

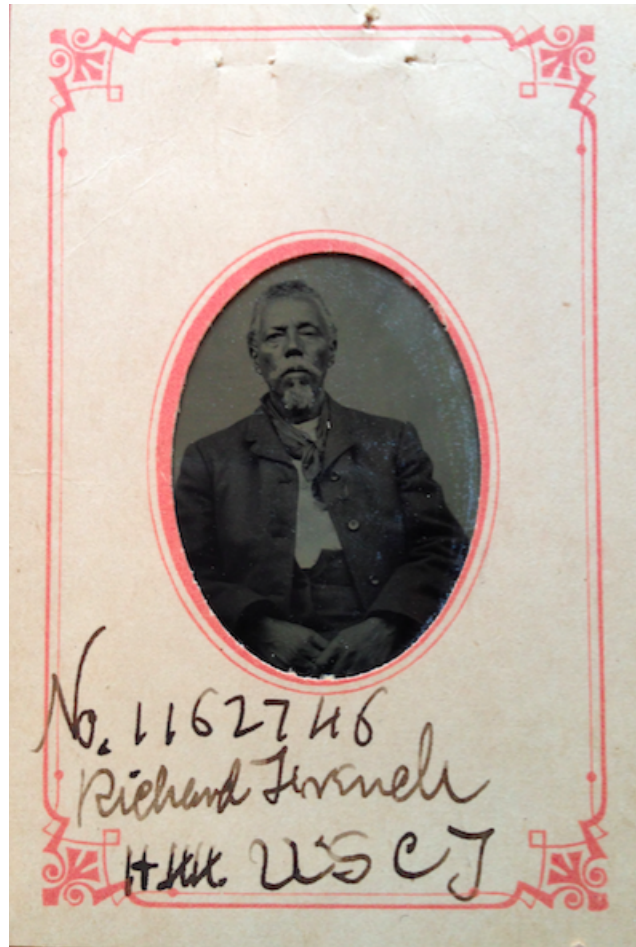


Figure 6.3. Identifying Tintype Photograph of Pvt. Richard French, 44th USCI, 1904. Courtesy of the National Archives and Records Administration, Washington, D.C.

of wrathful Confederates. Black POWs, if mentioned at all, were depicted either as passive victims of racial hatred and violence, as stoic and resigned to their fates, or as faithful yet gullible servants who had been duped by the US into fighting against their good and kindly masters.³⁶ The battles over the legacy of the Civil War shoved Black POWs into the shadows.

Though Black POWs largely lacked opportunities to tell their stories to a public audience, they did manage to tell pieces of their stories that shed light on their captivity

³⁶ Abbott, *Prison Life in the South*, 170, 257-58; Glazier, *The Capture*, 147-48; McElroy, *Andersonville*, 34, 258; Sprague, *Lights and Shadows*, 78, 129; "A Thrifty Taxpayer and Colored Citizen."

through the pension files. The majority of Black POWs remained in the former Confederate states after the war, where they lived in poverty with seemingly no opportunities to write or publish memoirs. For illiterate men in need of financial assistance, pensions possessed obvious allure and represented one of the few means by which their voices could be recorded. Pensions provided an opportunity for Black veterans (as well as their wives and children) to make demands that they be treated as citizens under the law deserving of respect.

“Taken with a Grain of Salt”: Black POWs’ Successes and Struggles Acquiring Pensions

The vast majority of southern Black POWs did not speak of the Civil War in broad strokes in their pension applications, nor indicate how they interpreted the war itself and their participation in it. Pension documents did not often elicit details beyond medical and individual service histories. Black veterans living in poverty with crippling diseases and injuries therefore did not often speak of the greater significance of being a Black captive of war held in the midst of the Confederacy, or depict themselves in terms of heroism and glory. Black POWs remained focused on their survival and lifting themselves out of poverty rather than trying to shape the memory of the war and their roles in it. They demanded equal treatment under the law and made use of the Bureau’s resources to challenge prejudiced rulings, force detailed explanations for delays and rejections, and advocate for payments commensurate with their degree of debility on the same scale as White veterans received. Though Black POWs did not always succeed, the majority of them managed to secure pensions that enabled them and their families to become somewhat less dependent upon the charity of their communities. In doing so, they provided glimpses into the strength with which they faced adversity on a daily basis throughout their lives.

The success rates of Black POW pensioners do not reveal the intense day-to-day struggles many of these men and their families underwent to secure financial assistance.³⁷ Medical boards wielded significant power over pension claims, and Black applicants underwent examinations by doctors who believed that Black people were physically, physiognomically, and mentally different from White people. Despite the measures taken by the Bureau to fairly adjudicate medical examinations, presumptions about Black pain tolerance, strength, and resistance to disease continued to influence White doctors' and Pension agents' analysis of Black health. As discussed in Chapter 2, Black medical care, particularly in the American South, was distorted by scientific racism, resulting in care that privileged White people's profits over Black people's well-being. Where Black veterans' injuries, wounds, or the effects of chronic illness were conspicuous and severe, White doctors were less likely to assume mendaciousness. After all, "a missing leg is a missing leg." Pvt. John Haywood's amputated leg, for example, was easily proven to be a battlefield injury, and his pension file contains only cursory details regarding his captivity that relate to the circumstances of his amputation and its resulting effects upon his health. POWs like Pvt. James Myers, who suffered from less obvious ailments including rheumatism and a hernia, experienced far more difficulty demonstrating the existence of their debilities, much less that the impairments had originated during their military service. Bureau-appointed medical

³⁷ Success rates did not fully reflect on-the-ground dynamics. For example, some applicants simply passed away before their cases could be fully prosecuted, making for a lower overall success rate. At least 33 POWs who applied for invalid pensions but did not receive certificates had dependents later successfully secure pensions. These men may have simply passed away during their application process, rather than failed to secure pensions because of a lack of evidence, lack of debility, or lack of honorable discharge from the military, as these issues usually prevented dependents from claiming pensions as well. Most of these 33 men also hailed from the secession states, which suggests that success rates may have been higher had they survived. If we remove these 33 applications from the total, we see an overall success rate of 86%.

examiners' skepticism regarding claimants' less visible complaints often made blatantly prejudiced evaluations of Black men, both in terms of their bodies and their credibility.³⁸

Southern White men, many of whom hailed from families that had directly benefitted from slavery, still held considerable influence over many Black POWs' lives. The death of Pvt. Harry Holloway, 110th USCI, following biased medical examinations was a testament to the danger that white supremacy posed to Black southerners. Dr. Charles A. Abernathy, the examining surgeon for several Black POWs in Huntsville, Alabama, was likely the son of Alfred K. Abernathy, a slaveholder who had owned four people in 1860.³⁹ Dr. Abernathy did not find evidence of debility in his examinations of Pvt. Holloway, despite consistent testimony from several comrades and another White physician as to Holloway's dropsy and kidney disease that he had incurred in service. "This applicant is too well nourished to have ever suffered to much extent from a chronic diarrhea," wrote Dr. Abernathy in 1887. "His abdominal viscera are all sound, his skin is in a very healthy condition; the heart is free from all irregularities or organic disease, the liver is intact and the examination reveals no

³⁸ "Verifiability is a function of how readily the physician could determine that the condition was present and chronic. Verifiability is characterized as follows: High: hernias, varicose veins, cardiovascular disease, rectal conditions (mostly hemorrhoids), injury; Moderate: genitourinary conditions, kidney disease, unspecified debility, arthritis, respiratory disease, eye disorders; Low: stomach disorders, diarrhea, malaria, miscellaneous infections, back pain, ear disorders. Disease in the high category can be readily determined by the examination methods of the time (an important specific exception to this is coronary artery disease, but murmurs, hypertrophy, dyspnea, cyanosis, and other cardiovascular disease indicators such as peripheral arteriosclerosis were observable indicators used to determine cardiovascular disease). In the moderate category are conditions where more context is needed to determine verifiability: respiratory diseases could sometimes (but not always) be determined by listening to the lungs; genitourinary conditions usually consisted of visually apparent diseases of the genitals, but could also be urinary problems that were harder to verify (for instance, the physician would have to believe there was pain present); if swelling in the joints was visible, arthritis could be verified, but arthritic joints are not always visibly swollen; kidney disease was likely often confused with back pain by claimants, but it could be indicated by primitive urinalysis (although this test was seldom approved for either Blacks or Whites), and unspecified disability (often determined by the general appearance, such as gait, posture, skin condition, weight, or other visible factors) depended on the severity of the debility and the physician's judgment. Conditions with low verifiability rely critically on the physician's believing the claimant about symptom history, such as diarrhea. Infectious diseases had to be chronic to be pensionable, requiring, again, that the claimant be believed about the duration of the symptoms." (Wilson, "Prejudice & Policy," S63-64)

³⁹ US Census, 1860, Slave Schedule.

evidence of a chronic diarrhea,” and, lastly, the “applicant is splendidly nourished.” It is unclear why Dr. Abernathy did not examine Holloway for signs of aggravation such as external hemorrhoids (called “piles”) that could have proven whether or not Holloway’s claims about diarrhea were true.

White doctors who were more familiar with Black POWs’ medical histories from prior treatment often advocated on their behalf, but could be overruled by the Pension Bureau in favor of medical examiners’ findings. Contrary to Dr. Charles Abernathy’s findings, Dr. William D. Abernathy (relation unknown) described Holloway as “a physical reck [sic]” who had pus in his urine and on multiple occasions was confined to his bed and unable to work. Dr. Abernathy – who was Holloway’s personal physician for two decades after the war – was possibly the son of Hartwell Abernathy, an enslaver of two people in 1860.⁴⁰ Dr. Abernathy believed that Holloway suffered from kidney disease that had originated during his military service. Abernathy wrote multiple affidavits attesting to their history, Holloway’s physical ailments, and his inability to labor. Furthermore, 16 former comrades and neighbors affirmed Holloway’s soundness prior to the war, his sickness during the war, and his continued poor health after the war. The damage was done, however. Dr. Charles Abernathy’s reports not only significantly delayed Holloway’s claim, but proved more convincing to the Pension Bureau than the wealth of testimony from witnesses and Holloway’s own personal doctor.⁴¹ The Board of Review decided to reject Holloway’s application several times, despite his appeals. Holloway died in 1892 from the effects of his kidney disease without ever receiving

⁴⁰ US Census, 1860, Slave Schedule.

⁴¹ Pvt. Reuben Abernathy, 110th USCI, testified on Harry’s behalf. Whether Reuben was connected to either of the Drs. Abernathy is unknown, but it is possible that these men all knew each other. Many men with the name Abnernathy fought for the 106th and 110th USCI.

a pension. The Pension Bureau later denied that its rejection of his claim contributed to his death.⁴²

Black POWs did not simply accept prejudicial rulings. Much as Pvt. Holloway submitted appeals in his case, Pvt. Henry Miller, 11th USCI, complained in a letter to the Commissioner of Pensions after he was dropped from the pension rolls on April 1, 1895 after a medical exam in which the physician reported Pvt. Miller had no pensionable debilities. When Miller first applied for a pension in 1884, he claimed to be debilitated by gunshot wounds in his left leg and right shoulder received at Fort Pillow, and that he “never recovered from effects of 5 months prison life” at Mobile, “which greatly injured his constitution.” Miller had been pensioned for rheumatism and an inguinal hernia since at least 1891, and accused the physician in Osceola, Arkansas, who examined him in 1895 of being drunk and not conducting a proper or thorough inspection. The doctor “did nat take up eney time in exzaming me he wood not look at my rupter so i think that thay should give me a pension [sic],” said Miller. He declared that “a mity litle time taken in this cuntry with a calard man thay seem to nat want him to get his right now,” and that “it seem mity hard for them to drop me from the role when i can get the testamony of four or five Dottors here of my disability [sic],” which he did.⁴³ The medical examiner report that resulted in his drop

⁴² Another compelling example of medical examiners making spurious claims about Black claimants’ health can be found in the file of Pvt. George Hogan, 11th USCI, of Tuscumbia, Alabama. The Tuscumbia medical board managed to have George’s pension dropped on the grounds that his physical debilities were the result of syphilis, rather than a shell wound to his head, malaria, and several other problems. Surgeons Edgar and Edward Rand contested the results of the examination, noting that they had removed pieces of bone from George’s forehead shortly after his return from the war and stating that “he is a harmless, quiet, good citizen...we think he deserves the pension...the evidence you have of vicious habits being the cause of his disability is unjust + ungrounded + without any foundation.” The medical board at Tuscumbia wrote to the medical referee assigned to the case to state that “it is absolutely useless to recall this claimant,” despite the Drs. Rands’ protests, because the evidence of syphilis was apparently indisputable and that Dr. Edward P. Rand had allegedly agreed with them on their diagnosis. (SC 644.737, Pvt. George Hogan, Co. A, 11th USCI)

⁴³ SC 767.835, Pvt. Henry Miller, Co. H, 11th USCI.

from the rolls is not included in his pension file, which may simply be a filing error. Miller filed a claim for restoration, but the brevity of his file and missing documentation renders it unclear whether the Bureau ever restored his pension.

Some complaints had great significance, practically and symbolically, for Black POWs who had experienced enslavement. Pvt. Daniel Robinson, 46th USCI, filled out an affidavit in September 1906 demanding that his name on the pension roll and on his certificate be corrected from Daniel Govan to Daniel Robinson. “When I was discharged from the army, with the rest of my family and in conformity with the universal custom of the country,” Robinson said, “I took the name of my father and have been known by that name in the community where I live since that time.” Robinson’s pension files, however, all referred to him by his former enslaver’s name. “Putting me on the pension roll under my slave name is a discrimination against me on account of my previous condition of servitude,” said Robinson, and was “contrary to the policy of our Government with respect to the ex-slaves of the Southern States.” Therefore, “I respectfully ask, that on the pension roll and in my pension certificate, I be given as my true and proper name, the name of my father, which was Robinson, the name by which I am known in the community where I live and not the name put upon me as a slave.” Robinson, whom a Confederate commissary had “sold as a slave” after his capture, was all too familiar with the ways in which White people obliterated Black genealogies as a means of control and denigration. Robinson’s complaint struck at the heart of the difficulties formerly enslaved people faced in the postwar period. Calling him by his former enslaver’s name was an overt indignity, and Robinson demanded that he be treated

with the respect he desired and deserved. Subsequent communications until his death in 1912 made note of his proper last name.⁴⁴

Appeals, reapplications, and complaints did not always result in swift action if pension agents perceived Black POWs as deceitful or unreliable, but could result in far more information on their captivity when examiners dug into the specifics of questionable cases. Like Pvt. James Myers, Pvt. Ab Cunningham needed stamina and resolve to secure his pension. The War Department could not locate Pvt. Cunningham in the 44th USCT's service records, likely due to someone misspelling his name. The difference between "Albert Cunnigim," as he was listed in the service records, and "Abb Cunningham" on his pension application suggested White scribes' inattention, simple spelling mistakes, or both. Cunningham wrote to the Pension Bureau several times from 1909 to 1910 to complain of the repeated delays and rejections. In each letter, he demanded to know what else he could possibly do to get his pension: "i am old and i am sick now," he complained, and "i cant tell why it is that you all just seem to bee playing with me. [sic]" Though "i has answered every thing that thy ask me [sic]," Cunningham received no word on the status of his claim, "and if you isen going to pay me at all say so now [sic]." Fed up, Cunningham declared that "i mean bisness i has sent this in enough...i has told you the truth and nothing but the truth." He repeatedly included details of his service and reclamation, while overtly exhibiting his anger and frustration with how he was being treated by the Bureau. Cunningham suspected that "you all...ar just trying to wer me out [sic]." Though there were several avenues through which claimants could appeal rejections and medical examinations, these processes frequently frustrated old, sick, and impoverished Black veterans who had to repeatedly

⁴⁴ Daniel Robinson aka Govan.

present the same evidence over and over again to no avail. Cunningham's letters eventually resulted in a special examination whereby several pension agents closely questioned him and other witnesses, including the son of his former enslaver, for the first time.

Cunningham's inability to secure a pension revealed the particular problems posed by Black POWs' reclamations. Cunningham had been reclaimed by his enslaver at Gadsden, Alabama, in 1864 and never returned to his regiment after the war. His testimony does not reveal what happened in detail, but demonstrated that reclaimed POWs sometimes remained in their former enslaver's custody well after the war and were unable to muster out of their regiments. The major roadblocks to Cunningham's pension proved to be that he was never formally discharged from the army, he was taken prisoner only seventy-four days after mustering into his regiment, and that he had not been physically imprisoned. Cunningham knew one of the White Cunningham men had claimed him, but he could not quite remember whether it was his enslaver, Lewis Cunningham, or Lewis' oldest son, Bill. Pvt. Cunningham then spent two weeks recovering from his time in captivity. The specific medical care given to him, if any, was not discussed, for Cunningham's special examiner was too impatient and skeptical of his account to press for those particulars. Pvt. Cunningham stated that Lewis then "gave" him to Bill as a body servant. Bill took Cunningham with him into the Confederate service, where he remained until April 1865. Pvt. Cunningham recalled that they went down into Florida for the remainder of the war. He did not escape from Bill, who forced Cunningham to wait on him and his horse and to work without proper shoes or clothes. Cunningham's feet became frostbitten during his captivity. After the Confederacy's collapse, Pvt. Cunningham, still in Bill's clutches, traveled back to the Cunningham home to Centre,

Alabama, and eventually moved with them to Tennessee. He remained with them for several years before moving on to new employers.

White pension agents did not always understand Black POWs' relative mobility and enslavement during the war as a legitimate form of captivity. The special examiner questioning Cunningham did not believe that he was a true prisoner precisely because he had not been imprisoned by the Confederate military. "You stated in certain papers...that after you were captured you remained a prisoner until the close of the war," examiner Ulrey J. Biller said. Biller noted, however, that "you now state you were a servant with William Cunningham, son of your former owner, from a short time after your capture until the close of the war. Please explain this discrepancy?" Biller took issue with Cunningham's definition of imprisonment. He deemed Cunningham's postcapture service with Bill Cunningham suspicious: how could Cunningham justify going from being a prisoner to being a servant in the Confederate army? Why had he not tried to run away and find US forces? To a White man from Ohio, Pvt. Cunningham's status as a prisoner ended the moment he was claimed by his former owner, for he had technically returned home and (as far as the records showed) was not physically imprisoned. "Well," stated Cunningham, "I was a prisoner. Bill Cunningham made me go with him as his servant. I did not want to go with him, but he made me go and I didn't dare try to get away. I think I was a prisoner just the same as...all those other [Black] prisoners." This explanation did not convince Biller, who demanded "Why don't you tell the truth?" Cunningham, who was not good at recalling dates, and especially had trouble keeping names correct, averred "Well Ise tryin to boss but its [sic] hard to get it straight."

Reclaimed Black POWs had to rely on the testimony of their former enslavers to prove their continued captivity in private hands. Pvt. Cunningham's claim was finally accepted only after Joseph Cunningham, the youngest son of Lewis Cunningham, testified on his behalf and affirmed Pvt. Cunningham's account. Joseph was only six years old the last time he had seen Cunningham. Yet on July 6, 1911, at the age of 53 and as a respected bank owner and prominent member of Palo Pinto, Texas, Joseph described Cunningham's appearance and personal history as if he had seen him recently. Cunningham had clearly made an impression upon young Joseph. Cunningham's skin was quite dark, Joseph remembered. Cunningham was, in fact, "the blackest negro I ever saw." Cunningham was almost six feet tall, and had been a strong, able-bodied man prior to the war. He also had a history of running away from the Cunningham farm, which aided his memorability so many decades later. Joseph confirmed that Cunningham was brought back home from the army, sent into Florida with Bill, returned to the Cunningham farm after the war, and remained in the Cunninghams' employ. Pvt. Cunningham finally received his pension soon after Joseph's testimony.⁴⁵

Former enslavers could aid Black POWs because they knew vital details, such as birth dates, that formerly enslaved people often did not. As the Bureau and its agents had learned, most formerly enslaved people did not think of their lives in terms of specific years, but rather in relation to significant events such as presidential elections and battles. The Bureau outlined tactics that examiners might need to employ when taking formerly enslaved people's testimony, such as calling witnesses' attention "to some important event, holiday,

⁴⁵ Ab Cunningham.

&c., to enable them to testify with any approach to accuracy in regard to dates.”⁴⁶ Pvt. Cy Taylor, 49th USCI, for example, recalled that one of his comrades moved to his neighborhood in Kansas “when Hayes was elected,” meaning around 1876 or 1877, “for it got so hot then down there for a colored Union soldier that he was glad to get away, many poor fellows never got away.”⁴⁷ Former slaveholders, it seems, did not make any effort to enter formerly enslaved peoples’ birth or marriage dates into public archives. They continued to hold control over such knowledge, and as such, many formerly enslaved claimants remained reliant upon their former enslavers for important identifying information.

Sometimes, it was a simple mistake in the service records that could cast doubt on claimants’ testimonies and could doom their claims. Once branded a liar, there was little a claimant could do to change that perception. Pvt. Charles Blackburn (known as Charley Whittaker while a soldier), 79th USCI (New), failed to secure a pension because the examiners assigned to his case initially used the wrong service record and pursued the wrong witnesses. They thus doubted his claims, and nothing he or his comrades said seemed to help Pvt. Blackburn’s case. “The claimant...is a poor little darkey, without much mind, and has a reputation for telling falsehoods and picking up small things that do not belong to him. Otherwise he is inoffensive” stated one examiner. As another exasperated examiner noted, “The claimant is not bright but he is such a rogue that one cannot tell when he is lying and when he is simply mistaken.”⁴⁸ Blackburn’s alleged former enslaver, William Reed, did not help his case:

⁴⁶ United States, Pension Bureau, *Orders, Instructions, and Regulations governing the Pension Bureau* (Washington D.C.: Government Printing Office, 1915), 29.

⁴⁷ Cy Taylor.

⁴⁸ SA 744.676, Pvt. Charles Blackburn aka Whittaker, Co. B, 79th USCI (New).

At the commencement of the war I sent my negro boy Charles...to Texas. I have always understood that he remained [there] until the war ended. I never sold him. In 1861 he was about 19 years old. Answers very well the description you give of the Charles Blackburn alias Whittaker, who claims a pension. My Charles was not considered very reliable in 1861.

Blackburn, however, asserted that he had never been owned by a man named William Reed and provided a wholly different personal history. He claimed a Col. Whittaker was his true former enslaver, and that he was only taken into Texas with “other prisoners [of war] captured at Poison Springs.” Former Confederate soldier John Ingram backed up Blackburn’s account, stating that “He was among what was known as the captured niggers, and he was cooking for Capt. Wheeler, Q.M...I understood the niggers had been captured some place in Arkansas.” Some members of the 79th USCI (New), however, remembered a tall, nearly White soldier named Charles Whittaker “with hair black and straight like an Indian’s,” who looked entirely different from the claimant (“very short and black”) and who had died in the Battle of Poison Springs from a gunshot wound to the head. The special examiners assigned to the case had to interview multiple witnesses before they were able to determine why there was so much conflicting testimony.

It seems in this instance that it was the Pension Bureau that was mistaken, and had reached out to the wrong slaveholder to confirm Blackburn’s identity. There were, in fact, two different Charles Whittakers in the 79th, formerly organized as the 1st Kansas Colored Infantry, yet only the deceased Charles Whittaker’s service record had been copied over to the new rolls.⁴⁹ Upon realizing that there may have been two different Charles Whittakers in

⁴⁹ John Paul Ringquist went through the original service records of the 1st Kansas Colored Infantry, and notes that Charles Blackburn and Charles Whittaker were two different soldiers taken prisoner after Poison Springs. “Color No Longer A Sign of Bondage: Race, Identity and the First Kansas Colored Volunteer Infantry Regiment (1862-1865),” (Dissertation, University of Kansas, 2011), 390.

the 79th, a special examiner determined that “Little Charley” belonged to Co. E, while “Big Charley,” who died in battle, belonged to Co. B. The service records for the 79th USCI only provide the service record for “Big” Charles Whittaker, Co. B, while Charles Blackburn’s POW slip is included in Whittaker’s record. One special examiner, Victor B. Dodger, came to the conclusion that there must have been two Charles Whittakers in the regiment. Otherwise, “a number of people of good reputation have conspired together and have committed perjury,” which, Dodger implied, seemed unlikely.

The Bureau decided that it could not positively identify Blackburn despite the in-depth investigation of its special examiners. Blackburn ultimately proved unsuccessful in his claim despite multiple Black and White witnesses affirming his identity, service, and captivity. It may be that Blackburn’s reputation as a gambler and “rascal” impacted his claim. Fellow soldier Pvt. Robert Thornton stated that Blackburn “was a sport and so was I. We used to gamble – play cards together” while in the 79th. Pvt. William Martin, known as Edwards in the postwar, declared that “I would have known him any place. He looks just as he did in the army.” Pvt. Edwards stated that:

the way I got well enough acquainted with Charley to remember him so well was that we used to gamble together so much. We used to play poker, Chuck-a-luck, seven up etc. And we used to steal hogs together. Charley was always into everything. He was the worst rascal in the Regiment. He used to lead us when we would slip out after hogs or to see the women, and he would gamble at any time. There was a scar under his right ear on his neck and its there yet. Because he was so short the boys called him “Four-foot Charley.”

Edwards added that “Charley and I have quit gambling. We both belong to the church now.”

Blackburn’s lack of service record, the wrong former enslaver’s testimony, and his well-

known behavior as a gambler, thief, liar, and all-around “rascal” doomed his claims to a pension.

Though federal as well as local agents could (and did) often deny Black veterans’ claims, most POWs still proved successful in securing pensions. Though certain cases, such as Pvt. James Myers’ and Pvt. Charles Blackburn’s, suffered from clerical mistakes and Whites’ prejudices, the majority of Black POWs in the South managed to overcome difficulties with the aid of their community members and special examiners. Even when repeatedly dismissed and/or subjected to unfair evaluations, Black POWs doggedly continued to pursue their claims. Though it might take years, even decades, to successfully claim a pension, Black POWs like Pvt. Ab Cunningham continually exhibited the same will and determination they had displayed in order to survive their captivity during the war.

“His story is a very correct one”: Viewing Black POWs’ and Former Enslavers’ Relationships Through the Pensions

One of the more difficult aspects of Black POWs’ lives that are difficult to infer is their relationships with former enslavers and Confederates. Much like reclamation, certain facts and stories were not communicated in public-facing print, nor personal feeling expounded upon in the pensions. Work remains to be done in researching personal papers and records to search for indications as to how slaveholders viewed Black POWs during and after the war. Those ex-enslavers who testified on behalf of Black POWs, however, did seem to have personal interests in aiding pension claims, while Black POWs benefitted from the credibility that White affiants lent to their claims under the scrutiny of White pension agents.

White Pension Bureau agents usually took former Confederates at their word and rated their testimony as more trustworthy than that of Black applicants and affiants.⁵⁰ The lives of Black Americans did not always neatly fit into the ideas of honesty and “respectability” in the ways that White bureaucrats demanded. Meanwhile, former enslavers tended to be relatively wealthy professionals who lived and behaved in ways that White bureaucrats both understood and related to. Despite many White southerners’ past treason, White northerners lent more credibility to their testimony than that of uneducated and impoverished Black veterans. Special examiners, for example, tended to rate the most honest and clear testimony from Black claimants as “Good,” while White people often merited an “Excellent” rating regardless of whether these Black and White affiants stated the same facts.⁵¹ Though discrimination against Black claimants “resulted in part from local discretion, evidenced by the significantly lower approval rates for both White and Black veterans in the South,” it was the Board of Review in the federal Pension Bureau itself that ultimately decided on whether a claimant became a pensioner.⁵²

Though former enslavers – as well as former Confederate soldiers and other citizens – often aided Black POWs in their pension applications, White witnesses’ altruism extended only so far. As landlords, employers, and neighbors of surviving Black POWs, it appears that former Confederates participated in the federal pension application process to benefit

⁵⁰ Donald Shaffer and Elizabeth Regosin, eds., *Voices of Emancipation: Understanding Slavery, the Civil War, and Reconstruction through the U.S. Pension Bureau Files* (New York: New York University Press, 2008), 5-6.

⁵¹ For examples of the divergent disability ratings (meaning the extent to which medical examiners determined a veteran was physically impaired, and which impacted the maximum amount of money to which a pensioner was entitled) given to White affiants as compared to Black affiants, see Donald Shaffer, *After the Glory: The Struggles of Black Civil War Veterans* (Lawrence: University Press of Kansas, 2004), 122.

⁵² Logue and Blanck, *Race, Ethnicity, and Disability*, 391; Shaffer, *After the Glory*, 122. Indeed, these historians have found that the Pension Bureau often ruled against Black applicants even in cases where local medical boards and special examiners determined that their claims had merit.

themselves as much as Black POWs. One former enslaver, for example, advocated for a POW's widow to receive a pension so that she could pay off the remaining mortgage on the house her husband had purchased from him after the war.⁵³ Mrs. Maggie Johnson, the widow of Sgt. Moses Johnson, 7th USCI, was "helped to a support by the Church of Onancock, VA," yet struggled to support herself and pay off the remainder of her mortgage. Sgt. Johnson's former enslaver and subsequent landlord, one Capt. Thomas Johnson, advocated for Mrs. Johnson to receive a widow's pension in 1904. Capt. Johnson did not disguise his motivation for his advocacy. Sgt. Johnson had died with \$24.00 still owed on the house he had purchased from Capt. Johnson after the war. "I wish [Mrs. Johnson] would get this money," Capt. Johnson stated in a deposition, "so she could pay me off." Though 94 years old and quite wealthy, Capt. Johnson was determined to obtain the balance from the impoverished widow of a man whom he had purchased and "raised" from the age of four.⁵⁴ Though Capt. Johnson had received most of the \$266 owed on the house, Mrs. Johnson's inability to pay the remainder of the mortgage motivated him to testify on her behalf. Unfortunately for Mrs. Johnson, her claim was unsuccessful and she likely remained dependent upon her labor and the charity of her church.⁵⁵ It is currently not known what happened to her, but Capt. Johnson died in 1906. Whether his family pursued the mortgage after his death is unknown.

At least some White southerners supported Black veterans' (and their families') pension claims so that these men could allay their dependency on the charity of their local

⁵³ SC 702.939, Sgt. Moses Johnson, Co. K, 7th USCI.

⁵⁴ Besides "owning several valuable farms," noted a profile written on Capt. Johnson in 1899, "he possesses more houses and more land in the town of Onancock than any other man." ("A Sturdy Patriarch," *Baltimore Sun*, December 15, 1899)

⁵⁵ Moses Johnson. I have not been able to confirm the church to which Mrs. Johnson referred.

communities and pay off debts. William R. Vaughan, a White Democrat from Alabama, introduced bills to Congress from 1890 to 1903 that proposed giving pensions to ex-slaves as a means of relieving the burden of care borne by Whites.⁵⁶ Men such as Pvt. Ab Cunningham were compelled to stay with their former enslavers after the war by force, necessity, or both, though they did not tend to elaborate upon such details in their testimonies. Pvt. Samuel Green, 11th USCI, had to rely on aid from his young son, his neighbors, and begging to supplement his income. “I have no home or any means of support,” Pvt. Green stated, and because “I have no family except one small boy called Jerry who is my child and is seven yeas old...He is all the help I have about the house.” Jerry, Green testified, “brings my wood and water.” Green did not receive any aid from the county in which he lived, “and am kept from starving out by charity of my neighbors and a begging.”⁵⁷

Though Black southerners made some significant strides following the end of the war, their comparative wealth rarely equaled that of Whites, while Black property-holders lost most of their wealth during the war and failed to regain it as compared to White property-holders.⁵⁸ Formerly enslaved Black POWs started their postwar lives with almost no wealth (even if they managed to secure their bounties) and with few opportunities to build capital, particularly if they worked as sharecroppers.⁵⁹ Black POWs’ postwar reliance on their former enslavers for housing and employment, however, as well as the passage of

⁵⁶ Walter B. Hill, “The Ex-Slave Pension Movement: Some Historical and Genealogical Notes,” *Negro History Bulletin*, Vol. 59, No. 4 (October 1996), 8.

⁵⁷ Samuel Green, 11th USCI.

⁵⁸ Loren Schweninger, “Prosperous Blacks in the South, 1790-1880,” *The American Historical Review*, Vol. 95, No. 1 (Feb., 1990), 47.

⁵⁹ Vincent Harding, *There is a River: The Struggle for Black Freedom in America* (New York: Harcourt, Brace, and Co., 1981), 247, 297, 315; Brian Kelly, “Jubilee and the Limits of African American Freedom after Emancipation,” *Race & Class*, (January 2016).

truancy laws, meant that any bargaining over the terms of employment, shares, and rent fundamentally occurred between “unequals.”⁶⁰ The antebellum relationship between Capt. Thomas Johnson and Sgt. Moses Johnson is unclear, but perhaps Sgt. Johnson felt that he could not go anywhere else or rely upon anyone else after the war. He may have felt he had the best chance of securing work and property from his former enslaver, who, after all, was the largest landlord in Onancock. Most former enslavers like Capt. Johnson recovered relatively quickly from the effects of the Civil War and emancipation, continued to live in comparative comfort, and held on to real wealth through their property, professions, businesses, and inheritance.⁶¹

Former Confederates who employed Black POWs but had no known prewar relationships to Black POWs may have chosen to aid pension claims precisely because POWs were often physically-debilitated and earned less money as a result. Pvt. Charles Bogan worked as a sharecropper for W.S. Bonner starting in 1875, but his dislocated shoulder never properly healed, and his ability to farm was severely impaired. According to his medical examinations, Pvt. Bogan lost at least a quarter of labor that an uninjured man his age could perform. Bonner confirmed Bogan’s inability to labor at the same level as other sharecroppers. Bogan’s crop shares would likely have been smaller than those of other

⁶⁰ Jay R. Mandle, “Sharecropping and the Plantation Economy in the United States South,” in TJ Byres, *Sharecropping and Sharecroppers* (1983), 120-30; W.E.B. Du Bois, *Black Reconstruction in America*, 599-634.

⁶¹ Philipp Ager, Leah Platt Boustan, and Katherine Eriksson, “The Intergenerational Effects of a Large Wealth Shock: White Southerners After the Civil War,” NBER Working Paper No. 25700 (March 2019, revised September 2019) quoted in Andrew Van Dam, “What Southern dynasties’ post-Civil War resurgence tell us about how wealth is really handed down,” *Washington Post*, April 4, 2019, <https://www.washingtonpost.com/us-policy/2019/04/04/how-souths-slave-owning-dynasties-regained-their-wealth-after-civil-war/> (accessed April 10, 2019).

laborers, thus generating a smaller profit, and he would be less likely to afford his rent. A part of the \$6 pension Bogan received per month probably went into Bonner's pocket.⁶²

Some Black POWs attempted to conceal their debilities in the postwar period so that they would not lose employment opportunities, which could negatively impact their pension claims. Pvt. Green, whose injuries rendered him lame in the right hip and leg, "always kept his disabilities concealed so far as possible" from his employers because "he was seeking employment at the highest wages he could obtain." Green, who lived and worked in Tennessee after the war, was cognizant of the fact that "these employers were southern men with southern prejudices as to the employment of colored men for soldiers." Such omissions, however, also impacted his pension application when his employers could not recall any instances wherein Green complained of his debilities. Special examiner P.H. Clemons, however, stated that "I have no doubt of the justice of this claim...when I was at [Green's] house taking his deposition (it is not a house a miserable, little shanty hut) his little 7 year old boy was away begging food for himself and father."⁶³ Green's day-to-day needs and the realities of life in the postwar South meant that he had to value his work, inadvertently at the expense of his pension.

⁶² Charles Bogan. See also SC 465.658, Pvt. Lorenzo Buford, 110th USCI. Lorenzo worked as a sharecropper for Dr. John C. Roberts (a former Assistant Medical Director to Generals Braxton Bragg and G.T. Beauregard) starting in 1874, and they had no prior acquaintance. Lorenzo was greatly affected by an injury to his back, and as a result could only perform a quarter of the work that uninjured farm hands could. In his testimony on Lorenzo's behalf, Roberts considered Lorenzo to be "a broken down old negro." Roberts employed his own expertise as a medical professional to opine that, although he had not known Lorenzo prior to the war, he was "satisfied" that Lorenzo's wound and "kidney trouble" was "brought on by violence." He claimed in his capacity as Lorenzo's landlord that the POW could work comparatively little (and thus provide Roberts with smaller shares). Roberts was sure to note that Lorenzo had the "ambition and whim" to work, but "not the physical ability," thus effectively portraying Lorenzo as needy and deserving of a pension. Medical exams and Lorenzo's comrades confirmed these facts as well, but it is worth considering that Roberts may well have intentionally represented Lorenzo in this way to maximize his chances of securing a pension. (Lorenzo Buford)

⁶³ Samuel Green.

Most White affiants regularly employed the language of exceptionalism to advocate for Black POWs. Former slaveholders and Confederates often extolled the honesty and virtue of individual Black POWs with whom they had personal relationships. White supremacists who viewed Black people negatively as a group were willing to advocate for the individual men and women whom they knew well. Indeed, these affiants often asserted Black POWs' worthiness because these individuals were "exceptions" and "above average" compared to other Black people. A common refrain among Whites regarding a Black POW was that he was "a credit to his race," and "above the average intelligence" as a means of indicating both his truthfulness and worthiness of federal support. Pvt. Jackson Galloway, 106th USCI, had several witnesses make such statements regarding his character. Former Confederate Capt. Thomas J. McDonald served as an affiant on Pvt. Galloway's behalf, stating "I look on him and believe that he is far above an avrage [sic] of his race in regard to truth and varacity [sic] he is old and needy." Galloway and McDonald did not elaborated upon their relationship, but Galloway had married a woman named Miss Ada McDonald in 1858, who may have been enslaved by Capt. McDonald or one of his relatives at the time. A US officer, Capt. John Lucas of an unnamed Kentucky Infantry regiment, likewise stated that "I believe [Galloway] to be entitled to as much credit as any person of his color in this Government, and that he is an exception of his Race, and, i think that he aught [sic] to be rewarded."⁶⁴ Though neither of these men elaborated upon the nature of their relationships with Galloway, their willingness to emphasize Galloway's honesty suggests that he had relatively positive relationships with them. McDonald's emphasis on Galloway's age and poverty suggests that he was in a position to know of Galloway's living conditions and ability to labor.

⁶⁴ SC 463.206, Pvt. Jackson Galloway, Co. B, 106th USCI. Capt. McDonald stated he served in the 9th and then the 7th AL Cavalry.

Former enslavers' intimate knowledge of formerly enslaved worker's bodies often aided Black POWs' claims. Former enslavers had maintained enslaved laborers' productivity and soundness through both physical punishments and medical care, and therefore they usually knew whether Black POWs had been physically unimpaired prior to military service. The children of Robert Blount, the former enslaver of Sgt. John Blunt, 46th USCI, claimed that Sgt. Blunt was never badly treated prior to the war.⁶⁵ Blunt claimed he had been wounded in his left leg and contracted rheumatism while a POW in Monroe, Louisiana. He also had frostbitten feet from exposure while campaigning prior to his capture. Mrs. J.G. Fraser made sure to state that Blunt's "present condition of health is not caused by bad treatment from former owners. He was owned by my sister-law, and I have known him from his infancy."⁶⁶ Such statements served to bolster claimants' allegations about the origins of their debilities while presenting former enslavers as beneficent.

The former slaveholders who reclaimed Black POWs from the Confederate Army served as both master and jailor, and could directly affirm Black POWs' claims about their wartime punishments and medical care. Dr. Ralls, for example, confirmed Pvt. Ralls's account of his captivity, including that he had whipped Pvt. Ralls after reclaiming him.⁶⁷ Dr. Ralls did not dwell upon this point, however, perhaps because he did not think a whipping to be out of the ordinary, or because it had not debilitated Pvt. Ralls. Neither Pvt. Ralls nor Bureau agents talked about this whipping as a wound or an injury incurred during his military service and captivity. "Were you wounded at any time while in service?" prompted a

⁶⁵ SC 343.899, Sgt. John Blunt, Co. G, 46th USCI. John's name was presumably misspelled by the person who recorded his name upon John's muster into the army, but he kept the spelling after the war.

⁶⁶ John Blunt.

⁶⁷ Abram Ralls.

special examiner. “No sir, I was never wounded at any time,” Pvt. Ralls responded. Pressing further, the examiner asked “Were you wounded while in the hands of Hood?” to which Ralls replied “No I was never wounded in my life.” According to the Pension Bureau, a wound was a physical impairment incurred by a “weapon of war.” Under such a definition, Ralls did not have any wounds for which he could claim a pension.

Medical examinations on the whole did not make note of whipping scars, despite former enslavers’ and POWs’ testimony confirming the use of whippings during their captivity. Pvt. Ralls’s whipping, which took place while he was a soldier and a war captive, might have been considered an injury, or, “a disability received by means of over-exertion, by any hurt or violence” that was not the result of a weapon of war.⁶⁸ Though Pvt. Ralls stated that “the terrible whipping” Dr. Ralls gave him “will last all me my days,” neither he nor his special examiner included this whipping as part of his claim for a pension. A medical examiner noted the scars on Pvt. Ralls’s back, but did not note whether they affected the veteran in any way. The doctor simply evaluated the extent of Ralls’s rheumatism, the one debility which Ralls claimed affected his ability to perform physical labor. Though multiple POWs noted that Confederates had whipped them or their comrades, none appear to have included these whippings in their pension claims either.⁶⁹ It seems that in a majority of cases,

⁶⁸ Commissioner of Pensions, *A treatise on the practice of the Pension Bureau...*, (Washington DC: Government Printing Office, 1898), 33.

⁶⁹ Abram Ralls. SC 136.515, Pvt. Isaac Hawkins, 54th Massachusetts. For further testimony on Confederates’ use of the whip on Black POWs, see Pompey Allen; Cy Taylor; Scott Boler; and SC 340.633, Pvt. George Burden, 37th USCI. For example, Pvt. Isaac Hawkins, 54th Massachusetts, who was allegedly whipped on the orders of Capt. Henry Wirz while imprisoned at Andersonville, made no mention of this fact during his pension application, even though he was a freeman from New York. Instead, he applied for a pension on the claims of a gunshot wound to his right foot, which resulted in “neuralgic pains” and blood poisoning, as well as rheumatism. His examiners made no note of whipping scars.

whippings simply went unremarked upon by White officials, even when used against US soldiers.

Despite medical and special examiners' skepticism of Black POWs' claims, the testimony of comrades, communities, and former enslavers more often than not proved that Black POWs were honest about the origins and extent of their debilities. Thus far only one instance in which a former enslaver challenged a Black POW's claim about the origins of his debility has been found. In 1898, Martin J. Gilchrist testified that a former slave of his mother's, Pvt. Martin McCullough, 106th USCI, should not receive a pension for a hernia because it was a childhood injury and did not originate with his military service. Gilchrist was one of three brothers who had known the soldier since a young age, and he stated to an examiner that "I do not think that [Pvt. McCullough] is entitled to this pension for any hernia that he got in the army unless he may have gotten well," for "I know that he was ruptured when he was a child and we used to furnish him trusses." Gilchrist stated that "I am positive that he wore a truss before the war...I do not think that he ever got over this hernia before he went to the army if he ever did I never heard of it." Gilchrist, however, did not testify in the case until 1898, at which point Pvt. McCullough was already pensioned under the 1890 Disability Act. The Special Examiner, Charles D. Sloan, determined that since McCullough was already pensioned under the 1890 Disability Act, "the attached evidence is immaterial." Why Gilchrist felt the need to challenge McCullough's claim at this time is unknown. Perhaps he was simply ignorant of the Disability Act's details, and felt McCullough was defrauding the government. McCullough had been collecting a pension since the early 1880s, and perhaps Gilchrist had only just learned of the details of the claim and thought it would be retroactively canceled. It should be noted, however, that McCullough's case had already been

challenged in 1884 on the same basis as Gilchrist's complaint, yet he succeeded in his claim because Gilchrist's two brothers, John and Philip, had testified and thoroughly convinced the special examiners of McCullough's condition and honesty.⁷⁰

Much like their survival during the war itself, Black POWs' relative success in the postwar period as pensioners did not equate fairness, justice, or beneficence. Poverty, racism, and poor health dogged Black POWs living in the postwar South, and they fought each and every day to survive, much less to live. Despite the overwhelming hurdles in the way of their success, Black POWs managed to achieve several significant accomplishments. First, they entered themselves into the annals of history and left behind voluminous records that will further illuminate who they were as individuals, and who they were as historical figures. They left behind declarations of their worth and their humanity, and successfully advocated for themselves despite unimaginable hardships. They also provided subtle yet significant details on their relationships with the people around them, whether family, comrades, or even former enslavers.

Conclusion

⁷⁰ SC 496.844, Pvt. Martin McCullough, alias Gilchrist, Co. A, 106th USCI. John Gilchrist stated that Martin did indeed have a hernia as a child, and that he had personally been the one to put a truss on Martin in order to alleviate the effects of the hernia and enable Martin to work: "I used a hard rubber truss on him until he was ten or twelve years of age after which time I considered him cured and do not know that he ever wore it again." Philip was the "last master" of Martin, and likewise stated that Martin was healthy and sound by the time he joined the US Army as an adult. Special Examiner EE Cowperthwait found John and Philip Gilchrist's testimony utterly convincing, and reported in November 1885 that while Martin "is an active energetic man of good health," he was indeed "very badly ruptured the same being nearly as long as a quart cup." Because Martin "bears an enviable reputation for truth and honesty among the white and colored [sic] who have known him in that way from childhood" and "his former masters speak very highly of him," Cowperthwait did not find the evidence of a pre-existing hernia to be damaging to Martin's claim. Cowperthwait determined that the evidence clearly suggested that the hernia had re-ruptured during military service due to heavy labor. A pre-existing condition might have disqualified another claimant, but Martin's "enviable reputation for truth and honesty" among both Black and White people, particularly his two former enslavers, counted greatly in Martin's favor. Thus, in the one instance I have found in which a former enslaver challenged a Black POW's claim, the challenge was unsuccessful in large part due to other enslavers' testimony and the perceived honesty and good standing of the POW in question.

The ability to dictate the dominant public memory of an event or experience is a powerful weapon. Different commemorative traditions provided opportunities for men and women to wield power through historical memory in changing ways, as well as forge collective identities. Black southerners could not always lay claim to public spaces or memory in the same ways that White southerners could, but they helped create and share a common Black history that provided solace in the face of oppression.⁷¹ The development of a southern Black commemorative tradition both during and after the Civil War that reflected and informed debates among Blacks as to how they should represent themselves and participate in civic life. The postwar period marked the first time in which Black people could legally come together in large groups, especially in public, and they “intruded” themselves into historically White spaces that provided them with unique opportunities to convey a sense of collective memory and identity to other Blacks across the nation. Physical space was and remains central to southern historical memory and identity. Public space thus served as an important, visible arena in which Black southerners struggled over power, resources, and values with Whites to demonstrate their understandings of their identity as citizens.⁷²

⁷¹ Brundage, *The Southern Past*, 55-104; Adam Dombay, “Captives of Memory: Contested Legacy of Race at Andersonville National Historic Site,” *Civil War History*, Vol. 63, No. 3 (September 2017), 253-94.

⁷² Brundage, *The Southern Past*, 77-88; Kathleen Ann Clark, *Defining Moments: African American Commemoration and Political Culture in the South, 1863-1913* (Chapel Hill: The University of North Carolina Press, 2005).

Conclusion

“Gilbert Adams, Negro, 89, one-time slave of the late Gen. Tench Tilghman...died in Oxford, Maryland yesterday” on January 8, 1931, read Adams’s obituary in the *Gettysburg Times*. A former “carriage and mail boy,” and enslaved man, “‘Uncle Gilbert,’ highly respected in Oxford, had an interesting career,” noted the article. He fought in “two of the famous battles of the [Civil War] – Gettysburg and Bull Run,” and “in the latter he was seriously wounded.” In his postwar life, Adams “was an important figure among his race and was the founder of the Negro church, Oxford, of which he was a steward for forty-seven years.” Fifteen years earlier, Adams had celebrated his “golden wedding” with his wife, also deceased.¹

More than 35 years after the two newspaper articles that had detailed Adams’s imprisonment and pleading with young Tench Tilghman, Adams’s story had significantly changed. Adams’s obituary did not mention his wartime captivity in Libby prison, nor his alleged reclamation and sale by his former enslaver’s son. No longer was Adams notable for having been a POW and an obedient slave, but rather for being a battle-tested soldier and highly respected community member (though it should be noted that Adams’s regiment, the 7th USCI, did not participate in the battles of Gettysburg or Bull Run). Sixty-six years removed from the end of the Civil War, and a year after the first major scholarly work on Civil War prisons had been published, Adams’s wartime incarceration and enslavement had

¹ “Aged Slave, Soldier at Gettysburg, Dies,” *Gettysburg Times*, January 9, 1931.

faded from the public memory of his military career.² What did persist, however, was the recognition of his importance to the Civil War as a brave Black soldier willing to risk his life, and his exemplary life as a free citizen up to his death.

The various newspaper articles that told parts of Adams's life reflected how the memory of Black Civil War POWs never fully faded from public discourse, but that their firsthand accounts of captivity were rarely included. The absence of Black POWs' personal testimony from public discussions of Civil War prisons and slavery, furthermore, implied that few of them had survived to see the end of the war. Though they were often victims of brutality and atrocity, however, Black POWs were also tenacious survivors. They survived by their own efforts, and they were also kept alive by the cold calculus of Confederates. Keeping Black POWs alive served much the same purpose for Confederates as did executing Black soldiers. Black POWs' survival was not anomalous or rare, but, to Confederates, logical and necessary to uphold its *raison d'être* and maintain its war effort.

Lastly, Black POWs' diverse experiences of captivity and survival point to the logic of maintaining slavery in wartime within the Confederacy. Their captivity exposed the ways in which the Confederacy sought to use the laws of war to preserve slavery by any means necessary, and the ways in which Black soldiers challenged and subverted Confederates' claims. Like impressed enslaved people, Black POWs served necessary functions within the Confederacy, and showed the inextricable relationship between maintaining slavery and maintaining the Confederate state. Maj. Gen. N. Bedford Forrest was neither lying nor being facetious when he declared that "I regard captured negroes as I do other captured property and not as captured soldiers," and that it is "not the policy nor the interest of the South to

² This was William B. Hesseltine's *Civil War Prisons: A Study in War Psychology* (Columbus : The Ohio State University Press, 1930).

destroy the negro.”³ Confederates’ preservation and protection of Black POWs only went so far, but the application of postliminy to captured Black people, including Black POWs, was a consistent practice and an explicitly stated policy designed to protect property rights, not humane acts of benevolence.

The many hundreds of surviving Black POWs who outlived the Confederacy, meanwhile, *did* give voice to their captivity experiences. The status of Black POWs in the US as legitimate combatants enabled hundreds of these men to access the pension system after the war and record their voices. As soldiers in the US army, Black POWs were thus able to leave behind detailed traces of their captivity experiences that enumerate the Confederacy’s attempts to render them property subject to certain protections and usages. The importance of adding Black POWs’ accounts to analyses of violence and restraint, wartime slavery and captivity, and both Confederate and US policies and practices cannot be overstated. Though much work remains to be done and many questions are in need of answering, Black POWs’ testimonies have opened up numerous new avenues of inquiry regarding the Civil War.

³ N.B. Forrest to C.C. Washburn, June 23, 1864, *OR* 1:32(1): 590-91.

APPENDIX

Methodology and Statistics

I identified Black POWs by searching through the individual Compiled Military Service Records for every soldier from 51 USCT regiments. Seven of these regiments had no confirmed POWs, while 44 regiments had at least one POW. I also included two boys who served as bodyservants in a White regiment (the 44th Massachusetts Volunteer Infantry), and several US sailors who were captured in early 1863 and imprisoned in Charleston until the end of the war. I started with regiments involved in atrocities and other infamous battles, such as the Battle of Fort Pillow, the Battle of the Crater, and the Battle of Saltville. I also used sources such as William Gladstone's *United States Colored Troops, 1862-1867* to identify regiments that participated in engagements (rather than served as labor corps) as well as the *Official Records* for every mention of Black POWs (and the regiments from which they hailed) that I could find. I then took note of every soldier in these regiments who had a "Memorandum from Prisoner of War Records" or who did not have a POW slip but were noted as POWs in other records. I entered details such as the site and date of capture; site(s) of imprisonment; hospital treatment; and ultimate outcome (such as reclamation, death, no subsequent record, and return to regiment) into a spreadsheet.

There are some inaccuracies in the Compiled Military Service Records that need to be reckoned with. For example, at least 46 men with POW Memoranda were not in fact POWs, but rather were killed in action, serving on auxiliary duty elsewhere, or sick in hospital. They are not included in the total of 2,273 identified Black POWs. Similarly, 519 men did not have POW slips, but had notations elsewhere in their records noting their captivity.

I cross-referenced the data I pulled from the CMSR with the Pension File Index to identify which Black POWs (and their dependents) applied for pensions after the war. I focused upon invalid pensions rather than dependents' pensions in order to secure first-person testimony from Black POWs and their comrades. I was able to identify 715 invalid pensions across these 51 regiments, and pulled 360 from 30 regiments. Some regiments had few Black POWs, while others had many hundreds of Black POWs. For those regiments with few POWs, such as the 43rd USCI (3 POWs), I pulled every available invalid pension. For regiments with several hundred POWs such as the 44th USCI (573 POWs), I made selections based on a variety of factors, such as outcome (reclamation, sale, escape, hospital treatment) and the number of pensions I was able to pull per day at the National Archives in Washington, D.C. There were several dozen pensions I was unable to acquire due to issues such as incorrect filing, missing information, different spellings, or pensions were housed at different locations such as the National Archives at St. Louis, Missouri. My hope is to access every Black POW pension.

Statistical Overview of Black POWs

The following tables provide overviews on Black POWs in terms of overall numbers of POWs per regiment and their survival rates. Ultimately, I will host the full database online (showing regiment, rank, pension file information, outcomes, places of imprisonment, former enslavers, and other details) as a searchable document that will allow for more in-depth analyses on issues such as prevalent diseases, locations of imprisonment, survival by region, and more.

Table 1. Total Number of Identified Black POWs, Known Survivors, and Survival Rate

Total Number of Identified Black POWs	Known Survivors	Overall Survival Rate
2,273	1,571	69.1%

Table 2. Number of POWs and Survivors for the 24 USCT Regiments with 10 or more Black POWs

Regiment	Number of Known POWs	Known Survivors	Estimated Survival Rate
44 th USCI	573	384	67.0
111 th USCI	360	300	83.3
110 th USCI	354	309	87.3
106 th USCI	186	146	78.5
46 th USCI	103	69	66.9
7 th USCI	97	39	40.2
23 rd USCI	64	34	53.1
54 th Mass.	62	35	56.5
11 th USCI (New)	51	36	70.6
35 th USCI	48	38	79.2
8 th USCI	41	27	65.9
5 th USCI	29	15	51.7
29 th USCI	29	15	51.7
49 th USCI	29	14	48.3
5 th USCC	25	21	84.0
30 th USCI	19	4	21.1
79 th USCI (New)	18	12	66.7
31 st USCI	16	6	37.5
1 st USCI	15	8	53.3
2 nd USCLA	14	10	71.4
27 th USCI	12	7	58.3
39 th USCI	11	2	18.2
19 th USCI	10	4	40.0

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