

**The Origins of Public Policy During the Civil War:
Freedom and Reform for African Americans**

Sarah Bass

HMN 679HB

Special Honors for the Humanities Program

The College of Liberal Arts

The University of Texas at Austin

May 2021

Dr. George Forgie
Department of History
Supervising Professor

Dr. George Olwell
Department of History
Second Reader

The Origins of Public Policy During the Civil War: Freedom and Reform for African Americans

Sarah Bass, B.A.

The University of Texas at Austin, 2021

Supervisor: George Forgie

Abstract

This thesis sought to determine the origins of public policy during the American Civil War and how this policy developed to address the question of the African American experience in the Union. The scope of this study relates to developmental policy between 1861 and 1865 in the Union. My research for this study comes almost entirely from first hands accounts in the form diaries, letters, documents, and official reports. The three chapters of this thesis allow me to take a close look at three policy areas as well as their origins and affects. The three aspects I studied were policy relating to the status of former or current slaves, the Union policy for African American enlistment in the army and finally, the policy addressing the Southern Antebellum way of life as it relates to the institution of slavery itself. I chose people who initiated decisions and generated ideas outside of traditional avenues of legislative power that left their mark on official United States policy.

Acknowledgments

For Dr. Icenhauer-Ramirez; a brilliant storyteller and historian. Without his support, encouragement, and appreciation for these people and their lives, my thesis would not have been possible. It is my greatest hope that just a fraction of his wisdom and uncanny ability to tell the stories of the Civil War shine through in this work.

I would also like to thank Dr. George Forgie for his support and guidance in the completion of my thesis. He gave his time so generously and for that I am immensely grateful. Dr. Olwell, also, has my deepest gratitude for joining on this project in its final months.

Last, but certainly not least, thank you to all my friends and family who listened to me get excited about people that lived over a hundred years ago. Thank you for indulging my curiosity, bringing me coffee, watching Civil War movies with me and feigning interest when I spoke endlessly about my thesis. Without your love and support, I would not be where I am today.

Table of Contents

Table of Contents.....	#4
Introduction.....	#5
Chapter One.....	#10
Chapter Two.....	#30
Chapter Three.....	#47
Conclusion.....	#60
Bibliography.....	#62

INTRODUCTION

The American Civil War created an opportunity for individuals without traditional legislative power to step into roles granting them great influence over public policy decisions. In a time of social and political turmoil, those who had been previously ordinary members of society found themselves in positions of influence. Between the years 1861 and 1865, new opportunities were presented to government officials, soldiers, and civilians. This thesis will explore the way policy was developed in the years during the Civil War through the lens of its origins and its application to the question of slavery and the status of African Americans in the United States.

Historically, our understanding of policy formation rests mainly with Congress, the presidential administration, or other government affiliates or officials. I would like to challenge that idea in this thesis and explore the ways in which ordinary people and military officers developed policy initiatives and solutions in the midst of the Civil War. The traditional avenues of policy production were somewhat altered due to the war, leaving space for new voices and answers to arise. While other wars or times of upheaval have generated new avenues for policy, I will be looking at the Civil War as a specific study of this phenomenon. The scope of this research is limited to the years between 1860 and 1865 and the study of only policy that relates to the freedoms and experiences of African Americans living in the United States.

While the war generals and officials being examined here were, in some sense, in places of power, I would like to explore the ways in which they defied their traditional stations to interact with policy. This thesis will look at levels of power in a nuanced way; in looking at groups of individuals without power, there are critical differences to be

aware of. Generals and military officers had some political favor to have been granted their positions as leaders, but not as much as the those in Congress or the executive administration. Civilians and soldiers, by contrast, had even less power and favor as they were not truly leaders, but they did have some agency in influencing their stations. Finally, African American individuals and slaves had the least power and favor in this situation. They had neither social nor political power or influence and were often at the whims of other groups of people. So, while I identify all three groups of these individuals (officers, soldiers, civilians, and African Americans) as less powerful, there are important nuances to their identity; they were not all equally powerless.

The scope of my research includes many important political, military and civilian players. While I wanted each of my case studies to relate back to the topic of policy surrounding Black Americans, I also wanted to have a varied array of sources. My criterion for selecting the people I studied in this thesis was based on what information was available on them or their actions. For war generals, I looked for the paper trail that would show their actions had an impact or influenced a policy. I wanted to find people whose decisions were not only revolutionary, but also rendered a response from others. So, I looked for the generals who implemented policies and received letters or noteworthy remarks from the War Department, Lincoln, reporters, civilians or soldiers. I tried to find examples of fledgling policies that I could follow from their infant stages to (in some cases) their passage by Congress. My criterion for studying civilian or soldier involvement was based, again, on how frequently they were mentioned in letters or official documents. I use examples of reporters whose writings were mentioned frequently by others and read widely by the public. I also used civilians or soldiers who

were mentioned in letters by military personnel or in diaries of others who were there to witness their actions. These instances of recognition and acclaim help bolster my argument that these examples of policy generation were not insular.

In this thesis, I will attempt to address multiple interconnected areas in which policy was created, influenced, and implemented. I will look to those who were not in traditional legislative roles but responded to the issue of slavery and status of free Black men and women. The three policy areas I identify in my research are the status of African Americans and free slaves in the Union during the war, the enlistment of African American soldiers in the Union army, and informal policy that aimed to cripple the cultural power of Southern plantations in the Confederacy.

In my first chapter I will discuss the ways in which American war generals handled the question of slavery and how to proceed with freed African Americans when their own president had remained unclear on the issue. I will identify the language they used through letters, wartime documents, diaries, and general orders. This will be a study of people who influenced the decisions that led up to milestone policies like the Emancipation Proclamation and early integration of former slaves into Union life.

The second chapter of this thesis will explore the ways in which the policy that opened the door for Black soldiers to enlist in the Union army was an effort that began low in the ranks of political power. This chapter will examine the first efforts of military officials to raise African American regiments in areas across the Union. A specific aspect of this process I will be analyzing is the importance of the press and civilians in the call for allowing Black soldiers in the Union army. This policy initiative was pushed forward by many civilians as well as military officials and through a robust selection of letters,

newspapers, and military orders it will become clear that the official policy was developed from the ground up.

My final chapter will focus on the ways in which military officials outside of official places of power devised informal policy to cripple the morale of the plantation-based Southern society. The informal policy initiatives begun in the field were the tactics of living off the land, destroying property and freeing slaves who were still living on plantations. Military leaders like William T. Sherman and Ulysses S. Grant led new initiatives to defeat the South by destroying and taking property as they traversed through the country. This new way to wage war created a policy that echoed throughout the rest of the war, into the Reconstruction era and beyond. The decisions made by these men began informal and formal policy on how to treat Southern property and respond to Southern policies and, I will argue, did not originate with the Lincoln administration or War Department.

During the Civil War, the very notion of what the “Union” was and was to be stood in the balance. President Lincoln faced enormous pressure from those in the Union and those in the Confederacy alike; it took all the president’s attention to simply keep what was left of the United States together. In his attempt to appease the splintered American political spectrum, there was room for voices to assert new ideas and solutions to problems plaguing not just the army, but the nation as a whole. All over the war-torn states, officials and generals were challenging the very idea of what it meant to be property and what it meant to be free. With the displacement of power due to wartime dynamics those who had grasped at positions or never experienced true influence found themselves in the center of new policy decisions. Those in the field,

Democrat and Republican alike, were making assertions in the moment of crisis that, either partially or as a whole, echoed through policy decisions for days, weeks, months, and, in some cases, through history.

CHAPTER ONE

“My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery. If I could save the Union without freeing any slaves I would do it, and if I could save it by freeing all the slaves I would do it”

- Abraham Lincoln, August 22, 1862

Before President Abraham Lincoln was able to take his oath of office in March of 1861, the United States was already in fractures. In the time between Lincoln’s election and his inauguration, seven states in the Union had seceded to form the Confederate States and its president, Jefferson Davis, had already been sworn into office. While official reasons for secession lay in a multitude of explanations, the greatest irreconcilable difference was the policy surrounding slavery. Slavery supported the economies of agriculturally based regions in the South and that created a rift between them and the largely wage-based labor market of most (certainly not all) Northern states. So, from the beginning of the war the question of slavery, its importance to society, and what to do with the possibility of emancipation loomed large over the United States government.

Setting the Scene

It is important to begin this chapter by establishing the way official members of the United States government were determining policy and what that policy was. Following the conflict at Fort Sumter, President Lincoln and his administration struggled to decide how exactly to address the rising tensions. He received advice in many forms from advisors. In one letter, Orville H. Browning, a friend of Lincoln’s, wrote, “We can’t avoid considering and dealing with this question if we would. We must

meet it, solve it, and we had better do it...before the emergency is upon us.”¹ Browning urged Lincoln to address the question of what was to be done with policy handling slavery. He recognized what would come to pass; the issue would be forced upon Lincoln by way of necessity and his administration needed to be ready. So, it was not as if Lincoln had no one telling him he should be prepared for the question of new policy on the status of currently enslaved people. Following this letter written in April of 1861, President Lincoln spoke before Congress in July. In his speech, he did not mention his policy on slavery. We know, though, that he was struggling with the issue as he had advisors weighing in and he said while preparing the message he would consider speaking on the topic.² So, Lincoln intentionally did not take a strong stance on the issue, but rather chose to continue to ponder advice and monitor the situation closely.

A few months later, after the war had officially broken out, Congress chose to make its official stance public. The Crittenden-Johnson Resolutions, proposed by House of Representatives member John J. Crittenden and Senator Andrew Johnson, established Congress’ view of the war. The resolution stated “that this war is not waged on their part in any spirit of oppression, or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution.”³ This

¹ “Abraham Lincoln Papers: Series 1. General Correspondence. 1833-1916: Orville H. Browning to Abraham Lincoln, Tuesday, April 30, 1861 (Political and Military Affairs),” online text, Library of Congress, Washington, D.C. 20540 USA, accessed May 14, 2021, <https://www.loc.gov/resource/mal.0949600/?sp=2>.

² “Abraham Lincoln Papers: Series 1. General Correspondence. 1833-1916: Abraham Lincoln, [May-June 1861] (Message to Congress, July 4, 1861, Second Printed Draft, with Changes in Lincoln’s Hand),” online text, Library of Congress, Washington, D.C. 20540 USA, accessed May 14, 2021, <https://www.loc.gov/resource/mal.1057200/?sp=1&st=text>.

³ Brooks D. Simpson, Stephen W. Sears, and Aaron Sheehan-Dean, eds., *The Civil War, The First Year Told by Those Who Lived It*, vol. 1, 4 vols. (The Library of America, 2011).

resolution passed both the House and the Senate, making it official policy. This meant that Congress as a whole (not including those that voted against it or stood staunchly in the Radical Republican party) agreed to take no stance against, or for, the institution of slavery.

So, at this time, the position of the traditional policy making branches of government agreed that the war was not and should not necessarily be waged to end slavery or to even address the question of slavery. As the war progressed, the views of these leaders changed and evolved with the conflict, but the foundation of policy was built upon these beliefs.

One of the most influential and cryptic political minds throughout the Civil War, at least publicly, was President Lincoln. From personal letters and public statements, it is clear his views shifted in the years during the war, but his primary focus was to save the Union. In his campaign for the presidency and throughout the early days of his administration, Lincoln made it clear that he had no intention of abolishing slavery. Though, there are accounts like that of Frederick Douglass writing in *Douglass' Monthly* that stated, "the Northern people have elected, against the slaveholding South, a man for president who declared his opposition to the further extension of slavery."⁴ As Douglass claimed, Lincoln was clear in his views that, while not morally agreeing with slavery, he would only object to its spread. Douglass and other abolitionists constantly challenged Lincoln's policy in addressing slavery, while others in the Union thought Lincoln too radical. He seemed an enigma to many and faced opposition in different political pockets.

⁴ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 58.

Another aspect of Lincoln's policy setting seemed to stem from the public influence and decisions of his military leaders. Throughout the war, there was a clear power struggle between the officers themselves and the president. In a telling letter appointing commander of the Army of the Potomac, General Joseph Hooker, Lincoln said,

I also believe you do not mix politics with your profession, in which you are right. You have confidence in yourself, which is a valuable, if not indispensable quality. You are ambitious, which, within reasonable bounds, does good rather than harm... And now, beware of rashness. Beware of rashness, but with energy, and sleepless vigilance, go forward and give us victories.⁵

In this letter written in January of 1863, it is clear Lincoln has learned his lesson with outspoken generals and hoped Hooker had learned from them as well. It is obvious from Lincoln's correspondences that he believed his generals should not dictate policy, and yet as we will see, these military officials determined some of the most consequential policy in the first few years of the war.

Fort Monroe

One of the early hotbeds for policy creation was located in the area where Southern plantation land met Union army advancement at Fort Monroe, Virginia. In May 1861, just one month after Lincoln organized the Union militia to suppress the rebellion, the first significant policy involving slavery had begun to take shape.

To understand the importance of Fort Monroe it is key to understand the Fugitive Slave Act of 1850. This act established that someone could claim an individual as a runaway slave with the correct proof and "reclaim" them for service. Since its passage

⁵ Murphy, Justin D., ed., *The American Civil War: Interpreting Documents Through Primary Documents*, vol. 2, 2 vols. (ABC-CLIO, 2019), 285.

the law generated heavy controversy and eleven years later this highly contentious law was, again, called into question. The Union was mostly free of slavery, with the exception of the four border states that still allowed the practice (Missouri, Kentucky, Maryland, and Delaware). These states were seen as key to establishing Union success in the war and for fear of losing them to the Confederacy, Lincoln's administration was hesitant to issue policy infringing their right to own slaves. The events at Fort Monroe, though, began a new policy initiative in regard to runaway slaves.

The commanding officer at the Virginia fort was Major-General Benjamin F. Butler. In the early days of his leadership, Butler was confronted with three runaway slaves, Frank Baker, James Townsend, and Shepard Mallory, who had made it past the Union lines and into the Fort.⁶ The trip was a dangerous one for them to take; the three men had no way of knowing how they would be received at the camp. *The New York Times* wrote an article about the event, identifying the three men as, "field hands, owned by one Colonel Mallory, a resident of this neighborhood, heretofore a lawyer, and now engaged in the defense of the soil of Virginia."⁷ The article was based on a report from Butler who wrote Secretary Stanton about the situation. Both the letter and the newspaper article include details about the men's families, that one had children and a wife who were free, and their desire not to serve in the Confederate war effort.⁸ Mallory had, according to the men, planned to move them further south to aid the Confederate forces. This posed a serious question for Benjamin Butler as the commanding officer of

⁶ William R Kelly Jr, "Humanizing the Enslaved of Fort Monroe's Arc of Freedom," 2019, 14.

⁷ "GENERAL BUTLER AND THE CONTRABAND OF WAR," *The New York Times*, June 2, 1861, sec. Archives, <https://www.nytimes.com/1861/06/02/archives/general-butler-and-the-contraband-of-war.html>.

⁸ *Ibid.*

Fort Monroe. Butler had served in the Massachusetts legislature as a Democrat who did not support the abolition of slavery, so his track record did not signify him as someone who would sympathize with runaway slaves. While Butler had previously had political power, his new position as a military leader (one with little to no prior military experience) meant he now had a new avenue to impose his policy beliefs on the American people.⁹ The military leaders of this time, like Butler, had complicated pasts, rife with experience and inexperience and this contributed to their inconsistent policy decisions. The previous commanding officer of the Fort, Colonel Justin Dimick, had followed official United States policy in relation to the Fugitive Slave Act, and returned all runaway slaves to their masters, even though said masters were supporting an unrecognized and enemy government.¹⁰ Though that was the precedent, and the law, Butler sought a new course in dealing with these refugees. In a letter to the Lieutenant-General of the army, Winfield Scott, Butler posed the question of how to handle this issue and then proposed his own ideas. Butler wrote, “I determined for the present, and until better advised, as these men were very serviceable, and I had great need of labor in my quartermaster’s department, to avail myself of their services.”¹¹ This, while posed as a question, was more of a report on what had already occurred. Butler went on to ask for advice on how to proceed and issued his own opinion about the validity of the Fugitive Slave Act for a foreign nation, which the Confederacy claimed to be. In some sense, Butler’s actions became immediate and irreversible policy. To allow three former slaves

⁹ “Butler, Benjamin Franklin,” American History Central, accessed February 10, 2021, <https://www.americanhistorycentral.com/entries/benjamin-franklin-butler/>.

¹⁰ Amy Murrell Taylor, *Embattled Freedom Journeys through the Civil War’s Slave Refugee Camps* (Chapel Hill: The University of North Carolina Press), 3.

¹¹ Justin D. Murphy, ed., *The American Civil War: Interpreting Documents Through Primary Documents*, vol. 1 (ABC-CLIO, 2019), 114.

into the Union lines as laborers (not runaway slaves) and develop an argument for its legality set a precedent for any other military officer to follow. Once the men were allowed in the camps as “contrabands,” word spread quickly, and within two months there were around 900 former slaves residing at Fort Monroe.¹² Once Butler made the initial decision, there was no stopping or controlling the influx of people seeking freedom from the Confederacy and thus a new policy was born.

A key point to analyze in this letter is that the arrival of runaway slaves was not a new occurrence. The War Department and Lincoln’s cabinet had a chance to determine policy to use in these instances and opted not to. This left the decision making wide open for interpretation, which, in turn allowed Col. Dimick to refuse the runaway slaves and Butler to implement an entirely new system of handling the situation.

In his letter to Winfield Scott, Butler used persuasive language to explain his policy. In the final lines of a second letter following up on the issue, he wrote to the Lieutenant-General, “As a political question and a question of humanity can I receive the service of a father and mother and not take the children? Of the humanitarian aspect I have no doubt; of the political one I have no right to judge.”¹³ He posed a troubling moral dilemma which left little room for arguing in its opposition. Butler used persuasive moral arguments intertwined with the argument of military necessity to support his decision. It is clear here that there is a question of military necessity, but maybe more importantly there is a question of humanity and of public policy. This language created a guise of deferment to the political minds of the time in the War

¹² Murphy, *The American Civil War*, vol. 1, 117.

¹³ Murphy, *The American Civil War*, vol. 1, 116.

Department, while in reality, Butler had already implemented the policy and determined the argument for its use. Butler had allowed the men, women, and children to enter into his camp as refugees and laborers and was now only trying to receive the government's blessing for what had already been done, not advice on how to proceed.

After some time, a response finally reached Butler on the topic of how to address the situation. Simon Cameron, the United States Secretary of War, responded to the general's first two letters by acknowledging the predicament at Fort Monroe. Cameron stated that he would allow Butler to use runaway slaves for labor but, "the question of their final disposition will be reserved for future determination."¹⁴ Cameron, as the one who should influence wartime policy in a profound way as the Secretary of War, offered no other policy; he allowed Butler to cautiously proceed.

A few months later, with no clear political solution other than the one proposed by Butler, Fort Monroe's numbers of refugee slaves reached an enormous count as many came in by the hundreds. By the end of the war, the number of refugees there was over ten thousand.¹⁵ Across the Union, other military officials began addressing the issue in different ways. In another region, General Irwin McDowell refused runaway slaves within his lines and sent them back to their masters. Confusion loomed over the official U.S. policy and while Butler continued to allow slaves into his lines based on his own policy, it became increasingly difficult to discern what was to be done with the refugees. In a third letter to Simon Cameron Butler asked plainly, "Are these men, women, and children, slaves? Are they free?" He further posed the reasoning that, "If property, do

¹⁴ Murphy, *The American Civil War*, vol. 1, 116.

¹⁵ Kelly, "Humanizing the Enslaved of Fort Monroe's Arc of Freedom," 2019, 14.

they not become the property of the salvors? But we, their salvors, do not need and will not hold such property, and will assume no such ownership. Has not, therefore, all proprietary relation ceased?"¹⁶ Butler went so far as to explain that while he was willing to enforce official United States policy, he was not sure what the policy was, and if left to his own decision making, would do something entirely different. This lack of political and military coordination is the exact environment in which the policy decisions ceased to form within the Lincoln administration and came within the jurisdiction of the military officials themselves. While Simon Cameron and others deliberated on the issue and focused on other wartime efforts, those in places like Fort Monroe and across the country were making policy decisions based on their own beliefs and the circumstances in which they found themselves.

In August of 1861, nearly four months after Butler created his confiscation and contraband policy, Congress issued the First Confiscation Act detailing what was to be done with runaway slaves. Section four of the act provided that those who fled into Union lines became laborers for the Union and were no longer under the ownership of anyone "hostile" to the Union.¹⁷ It is in this act that the influences of Butler's decisions are most sharp. His policy to "confiscate" property that fled into Union lines to use against the Confederacy was fairly revolutionary and the language he used is reflected in the Congressional Act itself. So, Butler's military decision became official U.S. policy within a number of months.

¹⁶ Murphy, *The American Civil War*, vol. 1, 117.

¹⁷ Murphy, *The American Civil War*, vol. 1, 135.

Civilian Response

As has been shown, the slow communication, confusing distribution of power, collision of political beliefs and experiences made the commanding officers handling the question of slavery respond in a myriad of ways. A key point to note, though, is that while these officers were busy answering key policy issues, African American men and women, like Baker, Townsend, and Mallory, had to first pose the questions.

In light of the events taking place at Fort Monroe, newspapers across the country were responding to the issue of refugees coming into the Union. Frederick Douglass, a former slave himself, had a unique perspective and an unrivaled orator's ability. He was able to reach audiences all over the states and rally support for the war against the Confederacy. He was a supporter of the Republican party but was also unafraid to call out its timider members when it came to emancipation-related policy. He constantly pushed Lincoln to become more radical and bolder in his policy decisions. Douglass' responsiveness to issues of policy facing military officers helped bring these new issues to the forefront of the public mind. In the case of Fort Monroe, Douglass helped spread the word about the new "contraband" policy and express his support. In a July 1861 issue of his periodical, *Douglass' Monthly*, he shed light on the event. The periodical said in reference to the refugees, "Gangs are now doing good service in the cause of the Government, and seem the happiest fellows in the world. They work willingly, and claim to belong to the regular army. They are no three-month men, and probably do not wish un early discharge."¹⁸ Douglass began this issue with a long essay on how it was

¹⁸ "The 'Contraband Goods' at Fortress Monroe," *Douglass' Monthly*, July 1861, <http://www.accessible.com.ezproxy.lib.utexas.edu/accessible/docButton?AAWhat=doc&AAWhere=9&ABeanName=toc1&AANextPage=/printFullDocFromXML.jsp&AACheck=4.1246.9.0.0>.

important for the government to “accept the aid of the slaves wherever the National army is required to march to suppress rebellion, and proclaim freedom and protection to men and all colors who will rally to the support of the established Government.”¹⁹ So, the events of Fort Monroe and General Butler’s burgeoning policy were gaining support and noteworthiness.

Months after the passage of the Confiscation Act and Butler’s approach was acknowledged by the administration, the individuals finding refuge in the camp raised policy questions of their own. The way these men and women were treated, categorized, and deemed laborers became policy from the bottom up. The refugees in these camps would raise questions as they asked to be paid laborers, owners of business, and full members of the Union camps (if not the United States itself).²⁰ This is evident in the reports from the camps and even in the necessity for later entities like the Contraband Relief Commission of Cincinnati or Contraband Relief Association. These groups would issue reports on behalf of the refugees on the state of their condition and needs. While the formal associations and groups formed later than 1861, the seed of that idea was planted with the events at Fort Monroe.²¹ For example, in the case of William Roscoe Davis, who was a former refugee and catalyst for change within the Union camps. He fully understood the plight of the African American individual laboring in the camps, with no clear place and a newly found and uneasy freedom. Davis had come to Fort

¹⁹ “The ‘Contraband Goods’ at Fortress Monroe,” *Douglass’ Monthly*, July 1861.

²⁰ Amy Murrell Taylor, *Embattled Freedom Journeys through the Civil War’s Slave Refugee Camps* (Chapel Hill: The University of North Carolina Press, n.d.).

²¹ Contrabands’ Relief Commission, *Report by the Committee of the Contrabands’ Relief Commission of Cincinnati, Ohio : Proposing a Plan for the Occupation and Government of Vacated Territory in the Seceded States* (Cincinnati [Ohio]: Gazette Steam Printing House, 1863), <http://link.gale.com/apps/doc/CY0112449652/SABN?u=txshracd2598&sid=zotero&xid=3ecbf6f1>.

Monroe as a refugee and quickly became an asset to the camp as someone in charge of handing out supplies to other refugees.²² He wanted to raise awareness of their situation and aid these people in whatever way he could to initiate policy that might affect real change. He took an important step when he agreed to work with Lewis C. Lockwood. Lockwood was a Northern minister who, upon hearing from Davis and learning more about the refugee's himself, sought to change policy. Together, Lockwood and Davis sought to win over the hearts and minds of the public for the contrabands' benefit. Davis traveled throughout the North with Lockwood, speaking to churches and abolitionist groups, and raising money to support refugee slaves. The Lincoln administration and government had only allowed the "seizing" of the contrabands in the First Confiscation Acts. The Lincoln Administration had not yet given word on how specifically these men and women would be treated or supported. Lockwood and Davis' efforts to raise awareness for the refugee cause at Ft. Monroe arose out of pure necessity and took the place of government funding or policy. There were many accounts that attested to Davis' gifts as a speaker and how well he argued for the cause. In one case, a young African American carpenter by the name of John Oliver, was so moved by hearing the words of Davis that he wrote, "since I have heard Wm Davis Speak of the condition and educational wants of the Slaves who are constantly coming into Fortress Monroe and other places... I have felt a desire to go and help teach them."²³ Oliver explained in his letter that he knew how slavery impacted an individual and wanted to go to Fort Monroe to help as much as he could. It was exactly this sentiment that Davis and Lockwood

²² Arthur P. Davis, "William Roscoe Davis and His Descendants," *Negro History Bulletin*, January 1950, 4.

²³ Amistad Research Center, "William Roscoe Davis," Amistad Research Center, accessed April 19, 2021, <https://amistadresearch.wordpress.com/category/william-roscoe-davis/>.

sought to elicit and bolster in the North. At the conclusion of their tour, it was clear Davis was a success. In an account written by his grandson, Arthur P. Davis wrote, “The mission was successful... an appreciable amount of money and clothes came to Fortress Monroe as a result of my grandfather’s efforts in the North.”²⁴ Here, I would argue, the efforts of individuals like Davis and Lockwood, coupled with that of more organized efforts from the AMA or later Contraband relief associations, meant all the difference for African American refugees. Davis’ Northern tour occurred in the Fall of 1861, and while the 1st Confiscation Act had been issued in August, questions of refugee rights and status were still up in the air. The government had allowed Butler’s policy to stand, but they had taken no further steps to bring the refugees into Union society or support their new place in the camps. So, throughout 1861 policy regarding support, funding and recognition for the freedom and security of these African American refugees in labor camps, were open to pioneering.

A broader effect of Davis’ work was the expansion of support for emancipation. In one account, an onlooker remembered how Davis had “considered the present a pledge of the future – the virtual emancipation of fifteen or eighteen hundred, the promise of the emancipation of four million. The Lord works from little to great.”²⁵ William Roscoe Davis rose from the definition of powerless; Davis was a slave who through his sheer will and luck wound up a contraband at Fort Monroe. His spontaneous cooperation with Lockwood and engagement with Butler’s policy was remarkable. His efforts to gain basic rights for the refugees had larger implications for abolition. Without those like Davis

²⁴ Davis, “William Roscoe Davis and His Descendants,” 7.

²⁵ Davis, “William Roscoe Davis and His Descendants,” 5.

and Lockwood, the policy of quasi-free contrabands, begun by Butler in Virginia, would not have seen such success.

Frémont's Proclamation

Just days after the First Confiscation Act was passed, a commander by the name of John C. Frémont issued policy orders of his own in the Western Theater of the war in Missouri. The commanding general had made an unsuccessful bid for the presidency in 1856 and the Republican politician suddenly found himself in a place of power. In a sweeping proclamation issued from the Headquarters of the Western Department, Frémont took authority into his own hands and sought to not only free slaves living in Missouri but impose martial law.

Frémont was the commander of forces in the Western theater of the war that had seen increased fighting in the weeks leading up to the proclamation. He came up with a solution for the military issues facing Missouri with a politically charged response. In the order he remarked, “circumstances, in my judgment, of sufficient urgency render it necessary that the commanding general of this department should assume the administrative powers of the State.”²⁶ This was the commander’s opening line of the proclamation, which asserted from the first moment possible that he has assumed control based on his own belief in his right to power. His language is charged with passion and authority. The proclamation further stated, “In order, therefore, to suppress disorder, to maintain as far as now practicable the public peace, and to give security and protection to the persons and property of loyal citizens, I do hereby extend and declare

²⁶ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 561.

established martial law throughout the State of Missouri.”²⁷ In order to understand the significance of this order it is necessary to understand the nature of martial law which is an application of law directly from a military power occupying a certain area.²⁸ This meant that in addition to the power already in the hands of the major general, he was now taking more power from whatever local law enforcement or groups there were and vesting it in his own military authority. In light of the strained relationship between Union states, the government, and the people, it is no wonder President Lincoln did not appreciate this breach of power. Frémont’s argument for issuing the proclamation resided in his own belief that he was justified to make military, and thus public, policy as a commanding officer, as was made clear through his reference to his “judgment” and duty to Missouri. This was the foundational mentality for many officers in the army Lincoln contended with. These men believed they had a right to assert authority, and in some cases did have the right, and in turn created policy.

The policy dynamics that came out of the proclamation were multifold. The emerging problem with fighting a war on American soil was that the commanders in making military related policy decisions, in turn, made direct political and social policies as well. In the example of this proclamation Frémont stated, “the property, real and personal, of all persons in the State of Missouri who shall take up arms against the United States, or who shall be directly proven to have taken an active part with their enemies in the field, is declared to be confiscated to the public use, and their slaves, if any they have, are hereby declared freemen.”²⁹ The language Frémont used is again

²⁷ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 561.

²⁸ “Definition of Martial Law,” accessed January 29, 2021, <https://www.merriam-webster.com/dictionary/martial+law>.

²⁹ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 562.

charged with his bold belief in his own authority. This is social policy disguised as military policy. While apprehending those who were causing trouble for Union soldiers in Missouri and confiscating property were well within his jurisdiction as a commanding officer, freeing slaves was not. In the Confiscation Act and as Butler modeled, slaves could be confiscated and used as laborers by the Union army. They were, in essence, exchanging one ownership for another. The language of the First Confiscation Act did not decree runaway slaves as free men, but rather confiscated laborers. This proclamation named these people “freemen” in a complete change of policy.

Frémont’s policy had significant ramifications because of the aforementioned, but also because Missouri was a border state and still allowed slavery. The status of the border states was a constant concern for President Lincoln; if just one other state left the Union to join the Confederacy, military forces would be weakened, and the general defense of the Union would be made strategically more difficult. So, while some rejoiced over the proclamation, President Lincoln was immediately concerned about the effects such a proclamation would have on Union war efforts. In a response letter to Frémont, Lincoln wrote, “your proclamation of August 30th gave me some anxiety.”³⁰ He went on to explain how this proclamation and the freeing of slaves could lead to the secession of border states. He also included a copy of the First Confiscation Act in the letter and asked Frémont to alter his proclamation to align with the current policy and law. This letter revealed Lincoln’s unease at the policy determination of his commanding officers. He was anxious and concerned by the order and wholly disagreed with the extreme measures Frémont had taken.

³⁰ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 568.

Lincoln further made his stance clear in a letter to Senator Orville H. Browning, who challenged his revocation of Frémont's proclamation. Lincoln wrote, "Fremont's proclamation, as to confiscation of property, and the liberation of slaves, is *purely political*, and not within the range of *military* law, or necessity."³¹ This letter illustrated perfectly the breakdown in policy responsibility during the Civil War. Lincoln argued it was not within Frémont's authority to issue such a proclamation and called it "purely political." And yet, it could be argued, questions of military policy and pure politics were too intertwined to be answered separately at this time. As a commanding officer, Frémont thought he had the right to do what he believed was necessary to maintain peace and control in Missouri. He saw an opportunity to cripple the enemy by confiscating their property and taking strong measures against Confederate forces through martial law. Further, it might be also "purely political" not to take important wartime measures solely to preserve delicate political standing with the border states and within Congress. So, Lincoln's condemnation of the proclamation on grounds it was "purely political" seems to lack significant support. He goes on in this letter to state about the slaves in Missouri that, "If the General needs them, he can seize them, and use them; but when the need is past, it is not for him to fix their permanent future condition."³² Lincoln explained it is no longer the government of the United States if one general, or even a president, could make decisions that would forever change property ownership through a proclamation. That being said, Lincoln did in fact do exactly that less than a year later with his Emancipation Proclamation.

³¹ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 568.

³² Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 568.

In conclusion, Frémont's proclamation was enormously significant. It was a test of the Lincoln administration and their ability to control policy in a centralized way. It forced Lincoln to respond, at least publicly, that he was not going to side with emancipation. The proclamation was read widely by the whole country; everyone within the Union who heard of it was forced to consider one side or the other. Frémont took a bold public stance that would later trickle down through policy decisions. It had direct effects on not just the military efforts of the Union, but the politics of the day.

A year later Congress approved the Second Confiscation Act which proved a major turning point in the official view of former slaves. Using language that originated with Benjamin Butler and was perpetuated by John C. Frémont, Congress referred to the runaway slaves and refugees as "contraband." In the legislation they wrote into law an answer to the question posed by officials, soldiers, and free men themselves. The bill stated that anyone who was found to be committing treason against the United States would have his slaves "made free."³³ This was a significant change from the First Confiscation Act which only allowed for the taking of the "property" for Union use, employing ambiguous language. These refugees were given the distinct classification of "free" instead of a confiscated laborer. This shows a major change in the legislatures and administration's view of these men and women. The administration and Congress were able to watch these commanding officers like Butler, Frémont, and then ordinary citizens like Davis and Lockwood, to spread the word about refugee camps. After gauging public response to these policies and their relative success, the U.S. government could proceed with these policies. The language of these acts and the clear shift (albeit

³³ Simpson, Sears, and Sheehan-Dean, eds., *The Civil War, The First Year*, 135.

gradual) of the official response to the former slaves can be attributed to the work of these individuals.

The Emancipation Proclamation

One of the most well-known aspects of President Lincoln's legacy is his Emancipation Proclamation. Following his response to Frémont's proclamation and other officer-driven policy, it can almost seem surprising that he issued his landmark policy announcement on freeing slaves. It is important now to take a moment and analyze the administration's views of the events occurring in the time between the outbreak of the war and 1863.

In July of 1862, at about the same time that Congress passed the Second Confiscation Act, President Lincoln submitted his first draft of the Emancipation Proclamation to the cabinet.³⁴ This is significant because as the events of the war progressed and actions of the military commanders escalated, Lincoln was changing his mind on policy relating to slavery in America. In this draft Lincoln stated:

“I, as Commander-in-Chief of the Army and Navy of the United States, do order and declare that on the first day of January in the year of Our Lord one thousand, eight hundred and sixty-three, all persons held as slaves within any state or states, wherein the constitutional authority of the United States shall not then be practically recognized, submitted to, and maintained, shall then, thenceforward, and forever, be free.”³⁵

The significance of this draft was immense. President Lincoln had debated measures such as compensated emancipation, relocation of slaves to colonies, and maintaining the institution to maintain peace. But, by July 1862, the president had

³⁴ Stephen W. Sears, ed., *The Civil War, The Second Year Told by Those Who Lived It*, vol. 2, 4 vols. (The Library of America, 2012), 364.

³⁵ Sears, *The Civil War, The Second Year*, 346.

decided his course of action and now only awaited a time to issue the proclamation. President Lincoln was waiting for a military victory to accompany the announcement. That time came in September of 1862 and he was finally able to issue his proclamation a few months later in January of 1863. In his proclamation he quotes his original draft, written that July, and proclaimed all slaves outside the Union were forever free.³⁶

In Conclusion

President Lincoln and the U.S. Congress were plagued with new policy initiatives arising from all over the country on the topic of slavery in the early years of the war. From the first shots fired at Ft. Sumter to the Emancipation Proclamation itself, the traditional avenues of policy formulation were influenced by the military officials in the field. In some cases, these decisions were even driven by civilians like those at Ft. Monroe. It is clear through the trial and error of military generals issuing policy that their decisions played a role in what would become official United States policy on slavery. From the bold actions to allow refugee slaves into Union lines to the announcement of emancipation, grass-roots policy influenced what President Lincoln and Congress were able to accomplish and adopt. While these leaders were extremely influential and effective in issuing policy on slavery and the position of African Americans in the Union, they would not stop there.

³⁶ "Transcript of the Proclamation," National Archives, October 6, 2015, <https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation/transcript.html>.

CHAPTER TWO

“Men in earnest don’t fight with one hand, when they might fight with two, and a man drowning would not refuse to be saved even by a colored hand.”

Frederick Douglass, September 1861

While the American government was still contemplating how to address the policies regarding refugee slaves, Frederick Douglass and many others were pushing the idea of enlisting Black men in the Union army. As early as 1861 Douglass’s calls for adding Black troops to the army were heard in the deep South by Union officers and equally ignored by Union government officials. While the question of abolition, the legal status of refugee slaves, and how to employ them stood in the balance, the idea of enlistment received growing attention. This was an area in which it is important to note the de-centralization of public policy. Northern press and civilian activists helped play an important role in the call to support the policy of enlistment that was unsupported by the government. While the U.S. government debated the nature of “confiscated property,” two military generals were fighting to integrate Black refugees and free men into the Union army. General David Hunter and General John W. Phelps were both known abolitionists and commanded, respectively, Union forces along the coast of South Carolina, Georgia, and Florida and the Department of the Gulf.³⁷ In 1862, around the same time Frémont had issued his orders, these generals began a policy campaign of their own; they wished to include Black men in the Union forces. The actual incorporation of these troops, legally, into the Union army though, took years.

³⁷ Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, eds., *Freedom a Documentary History of Emancipation 1861-1867*, The Black Military Experience, II (Cambridge University Press, 1982), 6.

Lincoln's Policy

To understand what the war generals, civilians, and former slaves themselves were fighting against, it is key to know where the Lincoln Administration stood on the matter. President Lincoln began his trudge toward emancipating the slaves held in Confederate lands in mid 1862. As previously referenced, he introduced his cabinet to the idea in July and waited for a military success to accompany the message. This opportunity appeared with the repulsion of Confederate forces at Antietam. Following this battle, and the announcement of the Second Confiscation Act, Lincoln was able to announce his plan for emancipation. Earlier in April of 1862, Lincoln signed the act abolishing slavery in the District of Columbia. This act, almost entirely carried by Republicans, was a small but important piece of Lincoln's policy toward slavery.

It was clear, though, that abolition only in Washington D.C. would not be enough for abolitionists and African Americans and they called for a greater policy stance. One of the areas where this became especially visible was a push by some to include Black individuals in the Union army. In a letter from a former slave Garland H. White to Secretary of War Edwin Stanton in May of 1862 it is clear there was support amid civilians for Black enlistment. White wrote, "I am now a minister, & am called upon By my people to tender your *Hon* thir willingness to serve as soldiers in the southern parts during the summer season or longer if required."³⁸ Garland H. White is just one example of the brave men who volunteered to serve in the Union army well before the government had allowed it. While it would be incorrect to assume the entire North, or the entire Union, was ready for Black enlistment, it is true that the tide of popular

³⁸ Murphy, *The American Civil War*, vol. 1, 213.

sentiment was changing. In an explosive summer on the topic of Black enlistment, just a few months later, Hunter began in earnest his freeing and arming of slaves throughout the South in the hope of making soldiers of the individuals. The Second Confiscation Act was then passed in July along with an amended Militia Act. Congress, after the events at Fort Monroe and the effects of the First Confiscation Act, sought to formally legalize the recruitment of Black men into the Union army for labor purposes. The updated Militia Act stated that it was legal for the president to “receive into the service of the United States, for the purpose of constructing entrenchments, or perming camp service, or any other labor...persons of African descent.” The act went a step further, in connection to the Second Confiscation Act stating, “when any man or boy of African descent who by the laws of any State shall owe service or labor to any person who, during the present rebellion has levied war or has borne arms against the United States... shall forever thereafter be free.”³⁹ This coupled with the Second Confiscation Act was immensely significant. The act provided a clause to free any mother, wife or child of said men. This piece of legislation also provided ten dollars a month, a single ration and allowance for clothing to the men. This clarified some of the lingering confusion about what to do with refugees and former slaves, as previously explained, but left the case for enlisting these men as soldiers closed. While these steps proved vital in the slow move toward full enlistment, it was not enough for many abolitionists, Republicans and military leaders.

The Press Calls for Enlistment

As military leaders began to force the question of enlistment, the press and certain civilians like Garland H. White supported the effort as well. A vital member of

³⁹ Murphy, *The American Civil War*, vol. 1, 231.

this story, who neither served in official political roles or military roles, was Frederick Douglass. Aware of Douglass and his newspaper, *Douglass' Monthly*, President Lincoln invited the abolitionist to the White House three times to discuss his views.⁴⁰ Douglass wanted immediate emancipation and believed fully in the abilities of Black individuals to serve, not only in the Union army, but as thriving American citizens.⁴¹ Horace Greeley also influenced the way the people interpreted and understood policy through his *New York Tribune*. Another significant newspaper outlet in affecting policy surrounding slavery was the *Weekly Anglo-African*. In an article published in early March 1862 reporter George E. Stephens, who also served as a cook for a lieutenant-general, wrote of the conditions of the refugees. He explained their appearance and acceptance as contrabands (per Butler's policy) but supplied an inside look into the mindset of a laborer with no chance of being accepted as a soldier. Stephens wrote, "the black man under the incentives of Free labor, pay, and freedom, goes blithely and gaily to his task; while the white man under the repulsiveness of forced labor and no pay, lounges about and skulks sulkily away."⁴² He went on to write that the men were clothed, fed, housed, and paid a small amount for their labor and in light of those comforts, "his pay is nearly as good as the enlisted soldier."⁴³ This newspaper, written and distributed by African Americans living across the country, provided an inside look at the sentiment of the time. In March of 1862 (when this was written in Maryland) tensions rose between the government and some of the military officials, like General David Hunter and Phelps,

⁴⁰ Lederle, "Frederick Douglass on Abraham Lincoln: The Writer and Abolitionist Remembers the President in Library of Congress Primary Sources | Teaching with the Library of Congress," February 7, 2013.

⁴¹ "The 'Contraband Goods' at Fortress Monroe," *Douglass Monthly*, July 1861.

⁴² Sears, ed., *The Civil War, The Second Year*, 92.

⁴³ *Ibid.*

who wanted these men for more than laborers. The official change in the Militia Act and Second Confiscation Act would not become policy for another few months. This camp, while seemingly small in scale, is just one of many camps that employed Black men and refugees for compensated work before it was official policy. White soldiers saw these refugees completing tasks well and with zeal and it provided an environment where a policy of Black enlistment would thrive, or at least survive. Stephens wrote, “these 30 or 40 men do more in the same space of time than a hundred white men – thus reversing the order of things.”⁴⁴ This was information that would bolster the policy initiative and give validity to the idea of Black Union soldiers. It was spontaneous cooperation of groups with varied motives reaching for the same goal. The combination of press attention and new initiatives in military camps created an environment in which public policy was created, implemented, and evaluated, all without official United States recognition or influence.

General Hunter’s Forces

On May 9, 1862, General Hunter issued a proclamation that originated solely from his policy belief and was at odds with the views of Congress and the Administration. In the proclamation Hunter said, “Slavery and martial law in a free country are altogether incompatible; the persons in these three States—Georgia, Florida and South Carolina—heretofore held as slaves, are therefore declared forever free.”⁴⁵ Similar to Frémont, Hunter tried to use martial law as a way to get what he wanted accomplished. Again, it is clear military necessity and public policy are utterly

⁴⁴ Sears, ed., *The Civil War, The Second Year*, 92.

⁴⁵ Berlin, Reidy, and Rowland, *Freedom a Documentary History of Emancipation 1861-1867*.

intertwined. Hunter made his proclamation in the name military strategy, but he was addressing a situation that was politically charged. In this policy, though, Hunter went further than Frémont in declaring the slaves free and determining their fitness to serve in the Union forces. President Lincoln responded swiftly to this proclamation and made it clear that if slaves were to be declared free in any capacity it would be “under my responsibility, [which] I reserve to myself, and which I cannot feel justified in leaving to the decision of commanders in the field.”⁴⁶ Lincoln made it clear he was not in favor of having his generals determine public policy. And yet, Hunter’s proclamation was far reaching and found its way to the floor of Congress.⁴⁷ On June 14th Congress responded by passing a joint resolution opposing Hunter. The House of Representatives met to pass an inquiry into Hunter’s action in the Southern region. The resolution stated plainly that the War Department had not given him the authorization to raise companies of “fugitive or captive slaves.”⁴⁸ The resolution goes further to stipulate that while the War Department and Lincoln Administration did furnish Hunter with arms, they were not meant to be used by “those slaves.”⁴⁹ The purpose of this resolution was for Congress to assert its authority over a situation it did not ordain nor politically align with. It is this precise reasoning that makes Hunter’s testing environment for the enlistment of Black soldiers all the more interesting. He was clearly at odds with the War Department, so much so that they demanded he respond to the issued resolution with a full report of his actions. His policy initiative had captured the attention of the

⁴⁶ “President Lincoln’s Proclamation Overruling Hunter’s Emancipation, May 19, 1862,” accessed February 8, 2021, <http://www.freedmen.umd.edu/hunter.htm>.

⁴⁷ *Official Records*, ser. 2, vol. 3, 147-148.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

nation's policy makers; it clearly had influence and was important enough that Congress, along with Lincoln himself, wrote to address it. While they rejected it at the time, his steps forward for enlistment provided a platform for the administration to base their later decisions on.

Phelps's Call for Emancipation and Enlistment

In a similar way, General Phelps, a commanding officer below Benjamin Butler, sought to arm refugee slaves in the summer of 1862. The Commanding General is yet another example of a military officer who brought his pre-existing beliefs into policy decisions (both socially and militarily) during this time. Phelps served in the Department of the Gulf, which Benjamin Butler had taken command of after his departure from Ft. Monroe. New Orleans was captured by Union forces in April of 1862, opening up an entirely new region to Northern troops that was once strictly under Southern control. Somewhat surprisingly, Butler's reaction was complex and at times at odds with the enlistment of Black soldiers from the newly captured region, yet another example of his complexity of character. General Phelps, though, saw the capture of New Orleans as a way to begin his plan for an African American presence in the Union army to undermine the Southern forces. The location of New Orleans made this venture a unique issue, because it was so far from Washington, D.C. and nestled deep within Confederate territory. This meant that it would take a long time for word to reach the Lincoln Administration about anything happening in Louisiana and travel between the two places would be precarious. It also meant that the Union army would need to bulk up its forces in order to maintain a strong military upper hand. These factors led to the opening Phelps found to recruit Black soldiers.

Beginning earlier in December 1861, Phelps publicly encouraged refugee slaves to join the Union soldiers in Southern Louisiana. With the surrounding areas, including New Orleans, still under Confederate control, Phelps' call became even more charged as runaway slaves found refuge within his lines. By the following May, Phelps had gathered many refugee slaves and had encouraged a spirit of resistance among his soldiers to the institution of slavery. By the following June, Phelps was urging the president himself to adopt policy intended for enlistment and abolition. Around this time Butler was also discouraging Phelps's insubordination. Butler's motivation seemed at odds with his previous policy on confiscation, but it is possible he either wanted to enlist Black soldiers on his own, or did not want to stray from War Department orders.

The tension between the lack of official U.S. policy and confusion in the minds of military leaders came to a head in June 1862. In a series of correspondences between General Phelps, Butler, and the War Department it is clear there was a struggle to understand and implement policy regarding what to do about not only refugee slaves, but the potential to enlist them in the army. With the military success in Louisiana, it became clear to plantation owners in the area they would soon be overrun with Union power. An account reached General Phelps that a well-known plantation owner, Mr. Lablanche, had given his slaves the option of "leaving before sundown or receiving fifty lashes."⁵⁰ After these individuals made it to the Union Camp Parapet, others arrived and soon the camp had received around 150 refugee slaves. Phelps, in his letter to his superiors, wrote that Lablanche justified sending his slaves away, stating, "Yankees are

⁵⁰ *Official Records*, ser. 1, vol 15, 486-90.

king here now, and that they [slaves] must go to their kind for food and shelter.”⁵¹

General Phelps followed that quote with a long explanation of the humanitarian injustice that slavery brought about and its opposition to the spirit of the United States Constitution. He expressed pity and confusion as to how to proceed with the refugees who had nothing and nowhere to go.

Following a detailed explanation of his moral beliefs, General Phelps suggested a radical policy initiative. In reference to the refugee African Americans currently at Camp Parapet, Phelps wrote, “fifty regiments might be raised among them at once, which could be employed in this climate to preserve order... an army partly of blacks would naturally operate in favor of freedom and against those influences which at present most endanger our liberties.”⁵² Brigadier General Phelps was confident in his ability to arm the newly escaped slaves and train them as soldiers. He boldly suggested this enlistment policy and intertwined it with the importance of permanent abolition and justice.

In response to the multi-page policy suggestions given by Phelps, his superior officer Benjamin Butler responded in a demure way to the War Department. Butler wrote, “General Phelps, I believe, intends making this a test case for the policy of the government.”⁵³ Butler saw clearly that Phelps had the passion, ability and intention to raise Black soldiers and responded by deferring to the War Department. In an interesting rhetorical patten, he profusely asked for guidance and promoted his willingness to listen to the Department’s wishes, advice and policies. Throughout his letter, though, he also wrote his own ideas on the policy and situation. Butler wrote, “I

⁵¹ *Official Records*, ser. 1, vol 15, 486-90.

⁵² *Ibid.*

⁵³ *Ibid.*

respect his [Phelps] honest sincerity of opinion, but I am a soldier, bound to carry out the wishes of my government so long as I hold its commission, and I understand that policy to be the one I am pursuing.”⁵⁴ His language here resembles that of his earlier letters to the War Department regarding the situation at Fort Monroe. In his original letter written from Fort Monroe, he wrote paragraphs about the morality of how to handle the refugees and the question of humane treatment. It is interesting how now he demurely refers to himself as simply a soldier wishing to pursue the direction of his governing leaders; where was this reserved attitude when he boldly set forth to establish his precedent-setting “contraband” policy? While Phelps’ letter to the Department was certainly more in-depth regarding his specific policy suggestions, General Butler shared similar moral outlooks and impassioned beliefs about treatment of refugee slaves.

This exchange of correspondences is an interesting study in the evolving and sensitive nature of grassroots policy development. It seems Butler needed to balance his own beliefs with the wishes of the department in order to avoid a fate similar to Frémont or others who had lost their posts for asserting their opinions. It is also interesting to note his suggestion that Phelps intended to use this as a “test case” for government policy, as that is precisely what he did at Fort Monroe and what Phelps would later go on to do.

In July of 1862, just weeks after this exchange took place, General Phelps took matters into his own hands and created five companies of African American troops. This produced contention between Butler and Phelps yet again, with Butler wanting his policy of confiscation and contraband to win out. Phelps, though, did not want these

⁵⁴ *Official Records*, ser. 1, vol 15, 486-90.

men as laborers, but rather as soldiers. He also sought out runaway slaves as well as free Black men, another difference between the two officers' policies. This is yet another example of the entanglements of military and social policy. While it was within Phelps' jurisdiction to raise companies, much needed at that moment, it was not War Department policy for him to include Black soldiers. Phelps argued the use of former slaves against their masters in the heart of the South would lay the foundation for a strong military counter to Confederate forces. The other consequence of this, though, was the question of whether these people were "contrabands" still, soldiers or "freemen."⁵⁵ This question would be one that plagued the Union army until 1863 when the Emancipation Proclamation finally "allowed" the enlistment of Black soldiers.

It is here an argument can be made for the influence of those Generals like John Phelps and David Hunter. They set policy in motion that was both before their time and outside of the will of Congress or the Lincoln administration. While there might have been hope in parts of the government for Black enlistment, it gained little traction in the early years of the war. The bold actions of these generals created a test environment for what would "officially" come to pass with the Emancipation Proclamation. It is clear from the surviving correspondences that the War Department, cabinet, and the President himself knew what was happening in the Gulf region as well as in South Carolina, Georgia, and Virginia. In the case of General Phelps, they did not intervene, but rather watched the events play out awaiting their result. In the case of Hunter, their intervention only meant more widespread knowledge of the occurrence. This could have

⁵⁵ Berlin, Reidy, and Rowland, *Freedom a Documentary History of Emancipation 1861-1867*.

provided encouragement to abolitionists in the North and gotten people used to the idea of Black soldiers.

In either case, the actions of General Phelps, Hunter and Butler exemplify the military leaders' ability to seize a political moment through military means. They wielded power within their regions in the army and were able to translate that into accomplishing public policy initiatives in some of the most profound ways yet to be seen in the war. Their actions set the stage for the eventual adoption of the policy of recruiting Black soldiers for the army.

The 54th Massachusetts

Robert Gould Shaw was an immensely significant player in the events leading up to Black enlistment in the Union army. As the son of ardent abolitionists, he was hand-chosen to be the first commander of the first official Black company: the 54th Massachusetts infantry.⁵⁶ This regiment was to be the example for which other “colored regiments” would be modeled and all of America was tracking their progress. In his Emancipation Proclamation, Lincoln clearly stated of the newly freed slaves that they would be “received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.”⁵⁷ This was the culmination of the efforts of so many of the war generals and civilians alike.

The 54th Massachusetts was one of the first to see the reward of the proclamation's policy. Though its creation was rooted in official U.S. directives, there were leaders like Shaw whose actions generated policy that would remain for the rest of

⁵⁶ Douglas R. Egerton, *Thunder at the Gates* (New York: Basic Books, 2016).

⁵⁷ Murphy, Justin D., ed., *The American Civil War: Interpreting Documents Through Primary Documents*, vol. 2, 2 vols. (ABC-CLIO, 2019), 260.

the war. While the government had deemed these men worthy of the army, there were still many Northern citizens and soldiers who were against the idea of Black soldiers in the armed services. Following Frémont's proclamation, Lincoln wrote, "on the news of Gen. Fremont having actually issued deeds of manumission, a whole company of our Volunteers threw down their arms and disbanded."⁵⁸ At the idea of the abolition of slavery in Kentucky (a border state still within the Union) an entire company refused to fight in the war. While much had evolved since the previous year and Frémont's proclamation, it was precisely this sentiment, still lingering in some places, that General Robert Gould Shaw and the soldiers were facing.

Even within the leadership of these new companies, though, there were different policies as to how to lead the soldiers. As per historic precedent, the U.S. government was not as involved in the policy generation, but rather an onlooker of the final result; the War Department governed these generals with loose reigns. Shaw ran his camp with order and as much fairness as possible. His soldiers were trained, fed, clothed and ready for battle when they were called to Fort Wagner in the summer of 1863. The 54th Massachusetts was sent to join the 2nd South Carolina in Georgia for active duty. The 2nd South Carolina Volunteer regiment was led by Colonel James Montgomery who pursued an entirely different policy than Shaw had with the 54th. Shaw wrote to his wife what he thought about Montgomery's leadership style and the issues he observed with the colonel's actions. Montgomery ordered two regiments to destroy Darien, a small town in Georgia, with little to no regard for the few "defenseless" remaining inhabitants or the

⁵⁸ Murphy, *The American Civil War*, vol. 2, 569.

deserted “beautiful little town.”⁵⁹ Shaw wrestled with the order as it was not the War Department’s policy to utterly decimate towns unnecessarily. Montgomery justified the destruction by stating, “We are outlawed and therefore not bound by the rules of regular warfare.” This reasoning was a policy of its own, though, because in the eyes of the United States government, they were not the outlaws, even though they treaded on Confederate land. Shaw recognized another issue with this policy and wrote, “I am not sure that it will not harm very much the reputation of black troops and of those connected with them.”⁶⁰ Shaw saw clearly that the decisions of the military leaders around him, including himself, would influence policy regarding Black enlistment. He knew this experiment could be ended as quickly as it had begun by the administration and feared the actions of the regiment’s leaders could bring about that outcome. That being said, policy (whether one of pure Union war strategy or one of guerrilla warfare) generated by officials on the ground, influenced the success of companies of Black troops.

In the end, Shaw’s decision to treat the Black soldiers as worthy of their assignment proved an invaluable measure in driving policy. On July 18th, 1863 Shaw led his men into a battle that proved to set the men up as the example for all others. Dissimilar from Montgomery’s style, Shaw held his men to a standard set for the white soldiers. He did not find it suitable for them to burn towns or attack defenseless positions. Above all, he wanted to give these men a chance to prove themselves in battle; on July 18th he got that chance. James Henry Gooding was a soldier in the 54th

⁵⁹ Brooks D. Simpson, *The Civil War, The Third Year Told by Those Who Lived It*, vol. 3, 4 vols. (The Library of America, 2013), 234.

⁶⁰ Brooks D. Simpson, *The Civil War, The Third Year*, 234.

Massachusetts who wrote of his time in the regiment to the *New Bedford Mercury* newspaper. The men faced an enormous task in defeating the almost impenetrable beach position the Confederate forces held, but Shaw wanted his men to have a chance to fight. In two engagements the 54th proved their might. Gooding wrote of the first skirmish, “It is not for us to blow our own horn; but when a regiment of white men gave us three cheers as we were passing them, it shows that we did our duty as men should.”⁶¹ Gooding makes clear that whatever prejudices did exist, Shaw’s policy to set the 54th up as equals to the white forces in skill and bravery succeeded. The next battle, though, proved more costly than the previous. Another soldier in the 54th who recounted his experience, Lewis Douglass, was the son of the renowned Frederick Douglass. His account of the assault on Fort Wagner revealed the intense bombardment the men experienced. Douglass wrote to the woman who would be his wife, “This regiment has established its reputation as a fighting regiment not a man flinched, though it was a trying time... I wish we had a hundred thousand colored troops we would put an end to this war.”⁶² The men of the 54th experienced unrelenting shelling on the beach and found themselves attacking the Confederate position in vain. In the midst of the fight, Colonel Robert Gould Shaw fell alongside his men. Gooding wrote of this experience, “When the men saw their gallant leader fall, they made a desperate effort to get him out.”⁶³ Amid the terror, the regiment felt deep loyalty to Shaw. They had worked together in what were incredibly difficult odds, and Shaw had given his life in the process.

⁶¹ Brooks D. Simpson, *The Civil War, The Third Year*, 403.

⁶² Brooks D. Simpson, *The Civil War, The Third Year*, 405-406.

⁶³ Brooks D. Simpson, *The Civil War, The Third Year*, 404.

Fort Wagner was a key moment in the struggle to establish Black men as capable soldiers. Those that lived in the Union were by no means all abolitionists; many in the North did not agree with racial equality even if some did advocate for the abolition of slavery. Shaw led his men and established policy that they should be trained and treated like white soldiers (or as similarly as they could under the circumstances). He himself led them into battle knowing the significant odds against them but also knowing the importance of the moment. Shaw understood that the 54th was similar to the test environments of Hunter and Phelps; the actions of the men in the 54th would be recorded and looked upon by the entire nation. The bravery of the soldiers and the leadership of Shaw set them apart as an exemplary regiment.

The 54th Massachusetts, 2nd South Carolina and many other regiments would not have been possible without the policy initiatives begun by Phelps, Hunter, and Shaw. It was the constant pushing of boundaries and defying of power that allowed for this end result. As previously shown, President Lincoln had to cater to certain groups in order to maintain the Union. If there had been no urgency to enlist Black soldiers, or test environments that proved it to be a success, who knows how long it would take to be made official policy.

In Conclusion

The question of Black enlistment in the Union military proved to be grassroots driven. While Lincoln gave the final seal of approval, he did so based off of the results of trial situations. Although these testing environments were not pre-approved, official government response depended on them to issue final policy. Without the efforts of civilians like Douglass and White or military generals like Phelps, Hunter and Shaw,

Lincoln would have nothing but political suggestion to base his policy on. In addition, he had given no clear word to the public that he would support such a policy if in fact it was proposed. So, these test environments created by Black men and the politics of local generals created a successful platform for African Americans to prove to the Union they should be allowed to fight. The bravery and sacrifice of the 54th Massachusetts proved to many that these men were ready for battle. These scattered environments with these different leaders created a mosaic of examples to support the enlistment of Black soldiers.

CHAPTER THREE

“I can make the march and make Georgia howl.”

William T. Sherman October 9th, 1864

While there were efforts aimed directly at policy reform for Black Americans, there is a nuanced policy area that included unintentional reform. Some leaders in this story did not intend to create political or social change for Black Americans, but their actions led to just that. By looking at Sherman’s March to the Sea, freedom along his march and the policy of living off the land, it will become clear that these grassroots initiatives had an impact on policy.

Top Generals Take on Policy

William T. Sherman and General Ulysses S. Grant were the main military leaders for the Union during the last years of the war. When Grant took over the military war effort, the Union strategy shifted with his new ideas and ways to wage war; Grant met Robert E. Lee head on in aggression and threw all the resources he had at the war. Sherman worked closely with Grant and together they began to weld together a policy that would define the end of the war. Even President Lincoln was willing to defer to Grant in military matters. He wrote in one letter after Grant pursued a different course than one Lincoln proposed, “you were right, and I was wrong.”⁶⁴ While the military policy was shaped clearly by the two men, both stated their wishes to stay out of public debate. Grant in response to the aforementioned letter from Lincoln shifted to the topic of arming Black soldiers: “I would do this whether the arming of the negro seemed to me a wise policy or not, because it is an order that I am bound to obey and do not feel that

⁶⁴ Brooks D. Simpson, *The Civil War, The Third Year*, 377.

in my position I have a right to question any policy of the Government.”⁶⁵ While he went on to say that he did, in fact, believe this was sound policy, this is important in understanding how Grant desired to defer to the government for policy issues. Sherman also made it clear from the outset he was not in a position to generate policy. In a letter he responded to an old friend who was demanding the return of his runaway slaves Sherman said, “my opinion is, we execute not make the Law, be it of Congress or War.”⁶⁶ These two leaders knew their place and at least made it seem that they had no interest in shaping policy outside of the war effort. In March of 1864 Ulysses S. Grant was given the title of Lieutenant General, an honor that had only fully been bestowed on one other person: General George Washington. In a letter commending him on the promotion, Sherman wrote of his affection for the general and warned him to “not stay in Washington. Halleck is better qualified than you are to stand the buffets of intrigue and policy.”⁶⁷ So, even the two men were reminding each other to stay out of federal policies and focus on the war effort. All of these intentions, though, seem to be somewhat misplaced when looking at the wide sweeping effects of their military efforts on policy.

Sherman’s War Mentality

In the months following Grant’s promotion, fighting in the Eastern theater increased significantly. In April of 1864, Grant told Sherman he had proposed his idea of an aggressive, offensive war to President Lincoln who had given him full support. Grant wrote to Sherman, “get into the interior of the enemy’s country as far as you can,

⁶⁵ Brooks D. Simpson, *The Civil War, The Third Year*, 488.

⁶⁶ Stephen W. Sears, *The Civil War, The Second Year*, 376.

⁶⁷ Stephen W. Sears, *The Civil War, The Second Year*, 736.

inflicting all the damage you can against their War resources.”⁶⁸ This order gave Sherman a start to his movements in Georgia. Following a series of military defeats there, Sherman was forced into a position that alienated him from his supply line. In a moment of spontaneous military strategy, Sherman decided to move his troops across Georgia and use the Southern land as his line of supply instead. During the Civil War, soldiers relied on rail lines to provide much needed resources and transportation, so when a company was cut off from their access, they usually found themselves in a precarious situation. Sherman, though, saw an opportunity. He wrote to Grant, “it is useless to occupy it [Georgia], but the utter destruction of its roads, houses, and people will cripple their military resources.”⁶⁹ This was significant because it reveals the on-the-spot thinking that allowed for spontaneous policy to develop. Sherman took the loose order from Grant (approved by Lincoln) to wage an all-out war, but decided on a course all of his own making.

In a similar way, in his approach to Atlanta, Sherman issued an order for all of the inhabitants to evacuate the city to lessen the civilian casualties. When the Confederate officers demanded Sherman take back the order, he responded he would, “not revoke my orders, simply because my orders are not designed to meet the humanities of the case, but to prepare for the future struggles in which millions yea hundreds of millions of Good People outside of Atlanta have a deep interest.”⁷⁰ This is proof that by September, he was so entrenched in his policy that he would be willing to do anything to end the war; he did not sympathize with the Confederate demands

⁶⁸ Aaron Sheehan-Dean, ed., *The Civil War, The Final Year Told by Those Who Lived It*, vol. 4, 4 vols. (The Library of America, 2014), 22.

⁶⁹ Sheehan-Dean, ed., *The Civil War, The Final Year*, 432.

⁷⁰ Sheehan-Dean, ed., *The Civil War, The Final Year*, 384.

because he had seen too much destruction and death wreaked throughout the war. He had made it clear he was unconcerned with the “humanities” of the situation; which would prove both true and untrue in the coming weeks. These were the first steps he took in his march to the sea, and as we can tell, his ruthless pursuit of victory was paid at a high price.

March to the Sea

Over the course of the next four months, William T. Sherman marched about 60,000 men across the Confederate state of Georgia. His original plan was to march until he could reunite with Union supply lines, but he later decided he would continue his march until he reached Savannah. Upon hearing this, other officers in the Union army disagreed and even told Grant of their disapproval.⁷¹ Nonetheless, Sherman had decided on this course and over the next months did not relent. He knew as he set out that this path would leave devastation in his wake, and he intended to fulfill his promise to “make Georgia howl.”⁷² The objectives of this mission were supposedly purely strategic; Sherman wanted to win Georgia and end with his army in a place that could be of assistance to Grant’s forces. That being said, Sherman’s rhetoric and following actions hint at a deeper, more personal, attack on the state. While crippling Georgia’s resources to weaken the Confederate forces was the main objective, the lengths Sherman’s men went to decimate the land and towns they passed went beyond military necessity.

Many soldiers left first-hand accounts of the brazen behavior of Sherman’s men as they made their way to Savannah from Atlanta. They tore up as much railroad as they

⁷¹ Donald Stoker, *The Grand Design, Strategy and the U.S Civil War* (Oxford University Press, 2010), 380.

⁷² Stoker, *The Grand Design*, 381.

could, making it impossible for Confederate forces to easily travel through the state and also further insulating themselves from Union help. This policy of destroying rail lines was around before this march but is best exemplified with Sherman and his men. The policy of living off the land had been used in small measures throughout the war; Union soldiers would take resources they needed from nearby individuals or from the land and would try providing receipts for reimbursement at the conclusion of the war. However, no one had yet attempted to traipse through enemy territory living solely off the land and what could be found. Sherman set out rules for his men that included not entering people's homes and not burning homes that would swear loyalty to the Union. Soon into their march, though, it became clear Sherman had a loose hand on governing his men's actions and with 60,000 troops split into four columns, foraging to survive became the pillaging of Southern towns.

The diary of James M. Connolly, a soldier in Sherman's company, revealed much about what it was like in Georgia at the time. In one account, Connolly came upon "the finest one [plantation] I ever saw, but by the time our column has all passed Mr. Whitefield won't have a sweet potato, a pig, chicken, turkey, horse, mule, cow, and scarcely a nigger left."⁷³ They came across plantation homes at the height of Southern wealth and destroyed what they found. Anything they needed, they helped themselves to from the homes of the Southern upper class. Sherman's army burned entire towns to the ground while taking all the land had to offer from other places. One account stated that

⁷³ Sheehan-Dean, ed., *The Civil War, The Final Year*, 472.

Sherman said his army was “in perfect health and spirits, with everything they want.”⁷⁴ What they could not carry with them, they set on fire.⁷⁵

As his army made its way to Savannah, they lived comfortably off of the resources of Southern civilians and conquered town after town. Many towns surrendered, or all inhabitants had already fled upon hearing word Sherman was coming. While the policy discussed between Grant and Lincoln was an offensive war, the policy to destroy Southern property in enormous proportions belonged wholly to Sherman.

Freedom Along the March

An unintended effect of Sherman’s march was the African Americans who joined the march as they made their way through Georgia. Though, Sherman was not himself someone who believed wholeheartedly in the abilities of Black Americans to be soldiers. Connolly, in a patronizing account remembered how, “before the whole column has passed, they pack up their bundles and march along, going, they know not whither, but apparently satisfied they are going somewhere toward freedom.”⁷⁶ Due to the Confiscation Acts and the previous year’s Emancipation Proclamation, Sherman was obligated to follow the policy of allowing refugees behind Union lines. Policy was not clear, though, on the specifics of liberating slaves directly from plantations and having them march with the Union army. This seemed to be the dilemma Sherman had to ponder as he crossed the state and decided a policy course of his own. As they neared Savannah, their final target, a Major in the Union army John Chip Gray, recounted a conversation he had with Sherman on this topic. Gray wrote, “the army brought in great

⁷⁴ Sheehan-Dean, ed., *The Civil War, The Final Year*, 516.

⁷⁵ Sheehan-Dean, ed., *The Civil War, The Final Year*, 474.

⁷⁶ Sheehan-Dean, ed., *The Civil War, The Final Year*, 470.

droves of cattle, mules, and negroes, the latter of whom he wants to turn over to General Saxton, and evidently does not believe in the African as a soldier.”⁷⁷ Gray was referring to General Rufus Saxton, an officer in the army who was an abolitionist and led companies of African American soldiers. This conversation is important because it reinforces the idea that while Sherman himself was not in favor of Black enlistment, his march led to the inadvertent freeing of many slaves.

There are two important components to consider here: the question of whether generals would follow official policy and allow Black men to find refuge behind Union lines or going outside of direct policy and free those held in bondage in far reaches of the Confederacy. With plantations abandoned by masters, many of these individuals were living life in limbo with no clear policy reaching them. While these accounts also revealed many white Union soldiers used these newly freed slaves as personal assistants or field hands, the Black men and women were freed from their plantations and Confederate jurisdiction. Sherman’s march provided Black individuals still in bondage a clear way out and into the Union. While this had happened on similar scales at Ft. Monroe and in other states, this march took freedom into the heart of Confederate territory and helped liberate slaves that had been far from the previous fighting. In another eye-witness account, Connolly wrote about how some of the slaves rejoiced when Sherman’s men marched through the countryside. In one account Connolly recalled an anecdote about how a Black man who was the commissary of the plantation wanted to simply lay eyes on Sherman. Connolly wrote, “He was taken to the door of Sherman’s tent, and the old man took off his hat, looked at the general a few moments,

⁷⁷ Sheehan-Dean, ed., *The Civil War, The Final Year*, 518.

then bowing respectfully turned and walked off, saying to himself as he walked off shaking his head: ‘He’s got the Linkum head.’”⁷⁸ This story is significant because while Sherman’s intent was to destroy the South, not to raise Black individuals out of slavery, it is clear he could not do one without the other. In his attempt to pillage and destroy Southern wealth, he had to liberate the slaves and allow them to join his army in their march. Sherman, whether he wanted to be or not, became a symbol of freedom to some of the people newly freed from bondage. The referenced “Linkum head” refers to the association people made between Sherman and Lincoln’s emancipation policies. So, while Sherman’s march was supposed to be strictly military strategy, it ended up bolstering policy that brought Black individuals out of slavery.

In the months Sherman took his men across Georgia, the War Department and other Union army officials had little to no idea how the campaign was going. In December Lincoln addressed this in his Annual Message to Congress. Lincoln said, “The most remarkable feature in the military operations of the year is General Sherman’s attempted march of three hundred miles directly through the insurgent region...The result not yet being known, conjecture in regard to it is not here indulged.”⁷⁹ Lincoln was impressed by Sherman’s attempt but he, along with the entirety of the North, did not know how Sherman’s troops fared. In light of this, the pillaging, plundering, and burning of Georgia was solely under the authority of Sherman.

In an striking culmination, 20,000 freed African Americans accompanied his troops by the time Sherman’s army reached Savannah in January of 1864. As news of

⁷⁸ Sheehan-Dean, ed., *The Civil War, The Final Year*, 476.

⁷⁹ Sheehan-Dean, ed., *The Civil War, The Final Year*, 504.

Sherman's military success reached Union officials, so did the news of alleged mistreatment of African Americans along the way. Secretary of War Edwin Stanton traveled to Savannah to meet with a group of Black ministers and Sherman to hear any grievances.⁸⁰ It is stark to notice that at the outset of the war, some of these men weren't considered citizens and some were even considered property. So, for the Secretary of State to travel to Savannah to meet with a group of these African American men and hear potential grievances against Sherman was significant. It reveals how quickly a change in policy can begin to shift people's behaviors and decisions. Stanton asked Sherman to leave the room and the men stated that, "we unanimously feel inexpressible gratitude to him, looking upon him as a man that should be honored for the faithful performance of his duty."⁸¹ This reinforces the idea that, while unintentionally, Sherman was recognized for his success in bringing abolition to the heart of the South.

Shortly after this meeting Sherman issued Special Field Orders No. 15. While he created this policy with the help of Secretary Stanton, it was only able to come about due to his efforts in the march to the sea. The order designated certain land abandoned by plantation owners to be "set apart for the settlement of the negroes now made free by the acts of war and the proclamation of the President."⁸² This order set apart 400,000 acres of plantation land for the former slaves and by mid 1865, about 40,000 Black individuals were living on this land.⁸³ This order was enormously significant, if it lasted. While the government had settled the question of emancipation, this order went so far as to relocate former slaves and endow them with property. This property was rich land

⁸⁰ Sheehan-Dean, ed., *The Civil War, The Final Year*, 558.

⁸¹ Sheehan-Dean, ed., *The Civil War, The Final Year*, 564.

⁸² Sheehan-Dean, ed., *The Civil War, The Final Year*, 566.

⁸³ *Ibid.*

for farming endeavors and could work to help these African Americans start to gain footing in American society. In totality, Sherman's march had wide sweeping effects on policy regarding African Americans and their access to freedom in Georgia.

Effect on Southern Morale

Word of Sherman's march quickly spread and soon Georgians everywhere were lamenting his approach. Following the Union army win in Atlanta, Confederate President Jefferson Davis made his hatred of General Sherman and his plans public. Davis said in an address to Georgians, "Let us with one arm and one effort endeavor to crush Sherman."⁸⁴ Davis' determination to crush Sherman was a clear representation of Confederate fear and hatred of Union presence in the South.

There are many Southern accounts of Sherman's March that reveal the depth of turmoil it wrecked upon the people of the Confederacy. Sherman and his men pitched their tents on plantation land and even used homes as temporary military bases.⁸⁵ Sherman humiliated the elite Southern class of men; he made himself at home in their living rooms and helped himself to their possessions. When the plantations owners were home, though, the Union soldiers sought to do everything in their power to weaken them as well as use their resources to survive.

Mary S. Mallard was staying at a cotton plantation South of Savannah with her mother when she recorded her interactions with Sherman's soldiers in December 1864. She wrote in her diary about being visited by troops half a dozen times; each visit by Sherman's men left them with less and less. The men took food, livestock, trinkets from

⁸⁴ Sheehan-Dean, ed., *The Civil War, The Final Year*, 400.

⁸⁵ Sheehan-Dean, ed., *The Civil War, The Final Year*, 475.

inside the home and some of the slaves on the property.⁸⁶ While Mallard wrote that some of the men respected Sherman's order to not enter homes, she also wrote of men storming into her home, breaking down doors and digging through her personal items. She wrote with malice and hatred towards the "Yankees" and lamented their presence.⁸⁷ In one account said, "we look back upon their conduct in the house as a horrible nightmare, too terrible to be true."⁸⁸ Word spread of exactly this kind of interaction and fear within the state swelled. A brigadier general in Sherman's army, John White Geary, wrote around the same time of Mallard's account that "this last campaign of Sherman's has almost disemboweled the rebellion."⁸⁹ These accounts give greater authenticity to the idea that Sherman's march went deeper than physical damage. The march affected the way people felt in the South about the rebellion itself. Sherman broke down the will of Confederate people in Georgia to fight; Georgians were made to be helpless as their homes and were ransacked for sport. Sherman, with this military advance, landed a blow to the seat of the plantation system of power. This had rippling effects on the Black Americans who lived on these plantations; they watched as their "masters" were made to be completely helpless, weak and humiliated.

All of the above anecdotes about Sherman's March reveal the deep psychological effect his policy had on the Southern plantation society. This march hit the Confederate people in a way they feared most deeply; Sherman, in one military move, was able to strip the entire aristocratic class of Georgia of their land, their possessions, their wealth, the food on their table and, most of all, their slaves. The plantation owners fled when

⁸⁶ Sheehan-Dean, ed., *The Civil War, The Final Year*, 524.

⁸⁷ *Ibid.*

⁸⁸ Sheehan-Dean, ed., *The Civil War, The Final Year*, 529.

⁸⁹ Sheehan-Dean, ed., *The Civil War, The Final Year*, 520.

able, but often found themselves sitting ducks when the Union soldiers arrived in their towns. As shown by the diary entries of soldiers and stories of harrowing moments experienced by the plantation owners, the destruction was enormous. Sherman was able to enter into the heart of Southern antebellum life and crush whatever wealth or prosperity still existed in late 1864. This way of life, the system of slavery, was supported by the plantation business. Sherman's men stripped the fields and took the laborers wherever they went. If Georgia, as prosperous and strong as it had been, fell so easily, how would any other state fare? Sherman's policy of pillaging, burning, foraging, and destruction intentionally or unintentionally helped dismantle the system that held Black men and women in slavery.

In Conclusion

By striking the Southern way of life on the home front, Sherman's forces undermined the entire antebellum way of life. Sherman and his men charted a course of their own as they marched through Georgia blazing a new policy as they went. They won land, resources, and morale for the Union cause. The tactic of foraging for meals and living off Southern land shifted the burden of the war onto the Confederacy. Instead of Union lands bearing the weight of war (burned fields, ruined crops, destroyed cities) the Confederacy was paying for Union troop's prosperity. With every plantation home ransacked, field burned, town torched the Union forces stole more and more wealth from the already financially weakened Confederate powers.

William T. Sherman emancipated tens of thousands of African Americans still in bondage as he marched through Georgia. It is in this way his policies had rippling effects for Black Americans. This, followed by his order that gave them land, proved

revolutionary for African Americans in a time when war was winding down and a Union win was in sight.

CONCLUSION

This research addressed the question of how a specific set of policies arose during the Civil War. In a time of chaos and unprecedented change, new questions came about to address what it meant to be a soldier, a free man and an American. Each political party and activist group of the time wrestled with the question of slavery. Democrat and Republican alike had to consider the effects of generations of policy supporting slavery and how to proceed. Not only that, but how to proceed as a united nation. It is in this tumultuous political environment I found grassroot policy initiatives most compelling. Our nation's leaders followed the lead of those in lesser places of power and that made all the difference.

This deep dive into analyzing the policy origins revealed interesting points about the spontaneous cooperation between military officers and African Americans. The two groups did not always share the same morals or beliefs, but they both sought to do all in their power to win the war. This created a unique collaboration that yielded new and innovative policy.

While I am not arguing this is the first - or only - time people have used times of political upheaval to enact their own agendas, it is clear the Civil War provided a prime example of such policy actions. In the early to mid-nineteenth century the question of war, of secession, was tied closely to the question of abolition. From that stemmed the question of citizenship, freedom and equal treatment under the Constitution. Each individual I have mentioned shared varying views as to how to answer those questions. The differing and independent perspectives, I believe, are what make this case so fascinating; each person who touched these policies left their unique fingerprint. Such

policies did not just have war time ramifications; these influences changed the way people viewed African Americans in society. The outcome of these moments meant runaway slaves became refugees, laborers, and soldiers as free men. Policies generated in the heat of battle and deriving from absolute necessity found their way into the halls of Congress and the president's desk at the White House. The varying decisions made by these individual actors spread throughout the Union, changing the fabric of our nation. In a time of decentralized power for legislative change, those without traditional influence found a voice and motivation to enact policy that would echo throughout history.

Bibliography

“Abraham Lincoln: Domestic Affairs | Miller Center,” October 4, 2016.

<https://millercenter.org/president/lincoln/domestic-affairs>.

American History Central. “Butler, Benjamin Franklin.” Accessed February 10, 2021.

<https://www.americanhistorycentral.com/entries/benjamin-franklin-butler/>.

“Avalon Project - Fugitive Slave Act 1850.” Accessed February 8, 2021.

https://avalon.law.yale.edu/19th_century/fugitive.asp.

“Avalon Project - General Orders No. 100 : The Lieber Code.” Accessed December 20, 2020.

https://avalon.law.yale.edu/19th_century/lieber.asp.

Berger, Ronald J, and Marvin D Free. *Crime, Justice, and Society an Introduction to*

Criminology, 2015. <http://public.eblib.com/choice/PublicFullRecord.aspx?p=6199411>.

Berlin, Ira, P. Reidy, Joseph, and Rowland, Leslie S., eds. *Freedom a Documentary History of Emancipation 1861-1867. The Black Military Experience, II*. Cambridge University Press, 1982.

“Brigadier General John W. Phelps, Proclamation to ‘The Loyal Citizens of the Southwest,’ December 4, 1861 | House Divided.” Accessed February 8, 2021.

<http://hd.housedivided.dickinson.edu/node/38500>.

“Browse | Cornell University Library Making of America Collection.” Accessed April 27, 2021. http://collections.library.cornell.edu/moa_new/waro.html.

Center, Amistad Research. “William Roscoe Davis.” Amistad Research Center. Accessed April 19, 2021. <https://amistadresearch.wordpress.com/category/william-roscoe-davis/>.

“Confiscation Acts - MrLincolnandfreedom.Org.” Accessed January 8, 2021.

<http://www.mrlincolnandfreedom.org/civil-war/congressional-action-inaction/confiscation-acts/>.

Contrabands’ Relief Commission. *Report by the Committee of the Contrabands’ Relief Commission of Cincinnati, Ohio : Proposing a Plan for the Occupation and Government of Vacated Territory in the Seceded States*. Cincinnati [Ohio]: Gazette Steam Printinig House, 1863.

<http://link.gale.com/apps/doc/CY0112449652/SABN?u=txshracd2598&sid=zotero&xid=3ecbf6f1>.

Davis, Arthur P. “William Roscoe Davis and His Descendants.” *Negro History Bulletin*, January 1950.

“Definition of MARTIAL LAW.” Accessed January 29, 2021. <https://www.merriam-webster.com/dictionary/martial+law>.

Diefendorf, Oliver, Thomas M. O’Brien, and United States. War Dept. *General Orders of the War Department : Embracing the Years 1861, 1862 & 1863 : Adapted Specially for the Use of the Army and Navy of the United States*. Vol. 2. New York: Derby & Miller, 1864.

<http://link.gale.com/apps/doc/CY0107805810/SABN?u=txshracd2598&sid=zotero&xid=ba758091>.

Dixon, David T. “John Wolcott Phelps’ Emancipation Proclamation.” *Emerging Civil War* (blog), January 4, 2021. <https://emergingcivilwar.com/2021/01/03/john-wolcott-phelps-emancipation-proclamation/>.

Douglass, Frederick, and C. W. Foster. “Lincoln and Frederick Douglass - With Malice Toward None: The Abraham Lincoln Bicentennial Exhibition | Exhibitions - Library of

Congress.” Web page, February 12, 2009. <https://www.loc.gov/exhibits/lincoln/lincoln-and-frederick-douglass.html>.

Egerton, Douglas R. *Thunder at the Gates*. New York: Basic Books, 2016.

“Freedmen and Southern Society Project: Chronology of Emancipation.” Accessed February 10, 2021. <http://www.freedmen.umd.edu/chronol.htm>.

“GENERAL BUTLER AND THE CONTRABAND OF WAR.” *The New York Times*, June 2, 1861, sec. Archives. <https://www.nytimes.com/1861/06/02/archives/general-butler-and-the-contraband-of-war.html>.

Jr, R Kelly, Rowland. “Humanizing the Enslaved of Fort Monroe’s Arc of Freedom,” 2019, 14.

Lederle, Cheryl. “Frederick Douglass on Abraham Lincoln: The Writer and Abolitionist Remembers the President in Library of Congress Primary Sources | Teaching with the Library of Congress.” Webpage, February 7, 2013.

<https://blogs.loc.gov/teachers/2013/02/frederick-douglass-on-abraham-lincoln-the-writer-and-abolitionist-remembers-the-president-in-library-of-congress-primary-sources/>.

Library of Congress, Washington, D.C. 20540 USA. “Abraham Lincoln Papers: Series 1. General Correspondence. 1833-1916: Abraham Lincoln, [May-June 1861] (Message to Congress, July 4, 1861, Second Printed Draft, with Changes in Lincoln’s Hand).” Online text. Accessed May 14, 2021.

<https://www.loc.gov/resource/mal.1057200/?sp=1&st=text>.

Library of Congress, Washington, D.C. 20540 USA. “Abraham Lincoln Papers: Series 1. General Correspondence. 1833-1916: Abraham Lincoln to Andrew Johnson, Thursday, March 26, 1863 (Urges Recruitment of Black Soldiers in Tennessee).” Online text.

Accessed February 22, 2021.

<https://www.loc.gov/resource/mal.2263800/?sp=1&st=text>.

Library of Congress, Washington, D.C. 20540 USA. "Abraham Lincoln Papers: Series 1.

General Correspondence. 1833-1916: Orville H. Browning to Abraham Lincoln, Tuesday, April 30, 1861 (Political and Military Affairs)." Online text. Accessed May 14, 2021.

<https://www.loc.gov/resource/mal.0949600/?sp=2>.

Murphy, Justin D., ed. *The American Civil War: Interpreting Documents Through Primary Documents*. Vol. 1. ABC-CLIO, 2019.

Murphy, Justin D., ed. *The American Civil War: Interpreting Documents Through Primary Documents*. Vol. 2. 2 vols. ABC-CLIO, 2019.

National Archives. "Transcript of the Proclamation," October 6, 2015.

<https://www.archives.gov/exhibits/featured-documents/emancipation-proclamation/transcript.html>.

"Northern Minister to a U.S. Senator from Massachusetts, January 29, 1862." Accessed April 19, 2021. <http://www.freedmen.umd.edu/LLockwood.html>.

Phelps, John Wolcott (rcp). "Letter to John Wolcott Phelps." Text. University of Vermont, Bailey/Howe Library, Special, November 10, 2010. United States.

<https://cdi.uvm.edu/manuscript/uvmcdi-92635>.

"President Lincoln's Proclamation Overruling Hunter's Emancipation, May 19, 1862."

Accessed February 8, 2021. <http://www.freedmen.umd.edu/hunter.htm>.

Sheehan-Dean, Aaron ed. *The Civil War, The Final Year Told by Those Who Lived It*. Vol. 4. 4 vols. The Library of America, 2014.

Simpson, Brooks D. *The Civil War, The Third Year Told by Those Who Lived It*. Vol. 3. 4 vols. The Library of America, 2013.

Simpson, Brooks D., W. Sears, Stephen, and Sheehan-Dean, Aaron, eds. *The Civil War, The First Year Told by Those Who Lived It*. Vol. 1. 4 vols. The Library of America, 2011.

Staff, Times-Dispatch. "Key Players in Contraband Decision at Fort Monroe in 1861."

Richmond Times-Dispatch. Accessed April 19, 2021. https://richmond.com/key-players-in-contraband-decision-at-fort-monroe-in-1861/article_a90ec4ca-e42e-591a-bb0c-do3ac21f4e38.html.

Stoker, Donald. *The Grand Design, Strategy and the U.S Civil War*. Oxford University Press, 2010.

Taylor, Amy Murrell. *Embattled Freedom Journeys through the Civil War's Slave Refugee Camps*. Chapel Hill: The University of North Carolina Press, n.d.

"The 'Contraband Goods' at Fortress Monroe." *Douglass Monthly*. July 1861.

<http://www.accessible.com.ezproxy.lib.utexas.edu/accessible/docButton?AAWhat=doc&AAWhere=9&AABeanName=toc1&AANextPage=/printFullDocFromXML.jsp&AACheck=4.1246.9.0.0>.

"The Miscreant Suppressed | American Battlefield Trust." Accessed January 5, 2021.

<https://www.battlefields.org/learn/articles/miscreant-suppressed>.

W. Sears, Stephen ed. *The Civil War, The Second Year Told by Those Who Lived It*. Vol. 2. 4 vols. The Library of America, 2012.

Weekly Anglo African (1859-1860). Accessed April 27, 2021.

<http://archive.org/details/WeeklyAngloAfricanI>.

Westwood, Howard C. "Benjamin Butler's Enlistment of Black Troops in New Orleans in 1862." *Louisiana History: The Journal of the Louisiana Historical Association* 26, no. 1 (1985): 5–22.