



Army wives' emancipation complications

By Stephanie McCurry

▲ Swept away

The African wedding custom of 'jumping the broom' survived slavery, but many marriages didn't.

In the summer of 1862, as the Union moved to embrace hard war tactics and President Abraham Lincoln contemplated emancipation, the U.S. Congress debated and then passed a confiscation bill that declared "forever free" all slaves of Rebel owners *and* provided for the enlistment of men of African descent in the U.S. Army. When it was finished, the Militia Act authorized the enlistment and emancipation of slave men owned by Confederates. But it also extended the promise of emancipation to those men's wives.

Yet for those enslaved women who might try to take the only route to freedom available—marriage—there was one big problem: Marriage was illegal for slaves.

Marriage had customary but not legal standing in the South. In both the United States and the Confederate States, it was a civil right reserved for the free and self-possessing. This was no secret, even to the men who wrote the law. As one congressman observed in the midst of debate, there was no such thing as a slave wife. "In the land of slavery, no male slave has a child... no slave has a wife," Sen. Jacob Col-lamer, R-Vermont, sadly pointed out, "...and this provision...is to all practical purposes, a dead letter." But still the law passed, making the wives, mothers and children of black soldiers free—providing, that is, they were

owned by *Rebels*. Women owned by loyal men were out of luck.

The complications for the more than a million African-American women enslaved in the C.S.A and U.S. were profound. From the earliest moments of the war, when fugitive slaves escaped the Confederate works and showed up at Fort Monroe in Virginia, Union officials had imagined the "contraband" as male and the women refugees as their wives. No matter that marriage was illegal for slaves or, more immediately, that many of the women who made it to Union lines or refugee camps during the war had come on their own or as heads of families themselves.

But not everyone was somebody's wife. The unknown "woman who came through 200 miles in men's clothing" to Fort Monroe had no husband, or at least none with her when she arrived.

Slavery had wreaked havoc on African-American families. The thousands of women whose dangerous bid for freedom took them to refugee camps that grew up all over the South, were refugees from a family and gender culture shaped by generations of enslavement, by the interstate slave trade and by the war itself. So if the Union model was that black soldiers would extend the benefits of loyalty, service and citizenship to their wives—that men would take the martial route to emancipation and women the marital one—that policy proved a bad fit and only a partial solution for the huge population of women who struggled to secure their freedom in the maelstrom of war. Regardless, marriage was part of the basic template of federal emancipation policy.

The government's position is not difficult to understand, even if historians have not paid it much attention. The recourse to marriage reflected assumptions about adult women's normative position as wives, but also was animated by a host of pressing concerns, chief among them male responsibility for dependents. The specter of massive public welfare—that emancipation would create a population of women and children dependent on the government for support—hung over every discussion about how to administer the growing population of fugitive slaves under Union control. It explains the harshness of the treatment accorded



■ **A family affair** Men who signed up with the United States Colored Troops expected rights that extended to their families.

female refugees. For if Union officers wanted the men as laborers and soldiers, the women slaves who flooded into Union lines unbidden, unwelcome and unmarried appeared as a burden. As late as 1863 one commander in the Mississippi Valley complained about the thousands of “negroes” within his command, “two-thirds to three-fourths of whom are women and children incapable of army labor, a weight and an encumbrance.” Lincoln himself, consulted about the problem, offered this solution. “The able bodied male contraband are already in the army,” he told his secretary of war. “But the rest are in confusion and destitution. They had better be set to digging their subsistence out of the ground.” And so they were, on plantations operated by the U.S. Treasury Department and Northern lessees—or Confederate planters who had conveniently returned to their allegiance to the Union.

But if the marital route to emanci-

pation was difficult for those African-American women who were not soldiers’ wives, it could be almost as impassable for those who were. In Kentucky, a loyal state exempted from the Militia Act and the Emancipation Proclamation, enlistment was the only means to emancipation for black men. And until March 1865, those men’s wives had no government protection. The soldier’s wife was not just a fictional character summoned up for the convenience of federal policy: She was Ann, who wrote “to my dear husband” in January 1864 to tell him of the abuse and neglect she suffered in retribution for his enlistment, to tell him “our child cries for you” but also to strengthen his resolve. “Do the best you can and don’t fret for me it wont be long before I will be free and then all we make will be ours.” When Ann’s husband became a soldier, she became a soldier’s wife, though she was still a slave. There were 50,000 like her in Kentucky alone.

Women like Ann fought for government recognition of their marriages and to claim the protections and entitlements it promised, none more valuable than freedom itself. “I am the wife of Nathan Johnson a solder in Company F, 116th U.S.C. Infantry,” Frances

Johnson swore in an affidavit in March 1865 at Camp Nelson, Ky. Ann Summer wrote Maj. Gen. Benjamin Butler at Portsmouth, Va., to claim rations promised to “all the soljurs wives of color.” In these efforts the women were backed up by their husbands, now in the uniform of the United States, who corralled white officers to enforce provisions of the Emancipation Proclamation where it applied, gathering up their wives and children as the army marched. And when the government’s promises of rations and pay were not honored, when the sacredness of their family relations was disrespected, they took action. When some men’s wives were removed from camp as “prostitutes” when they showed up on payday to get their husbands’ wages or were removed from camp as vagrants, black soldiers lodged complaints. “A collard man thnk jest as much of his wife as a white dus of his,” one soldier wrote.

The law was not a dead letter. Black soldiers and their wives made sure of that. □

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