

WHO FREED THE SLAVES?

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IN AUGUST 1862, ANSWERING THOSE WHO URGED him to proclaim emancipation a goal of the war, Abraham Lincoln bluntly summarized his policy: "If I could save the Union without freeing *any* slave, I would do it; if I could save it by freeing *all* the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that." Although Lincoln privately believed that slavery was wrong and wished it might be abolished, his public policy faithfully reflected the standpoint of those for whom the war was an issue between free, white citizens: between unionists and secessionists, between right judged by free-soil northerners and rights claimed by slaveholding southerners. Those appointed or self-appointed as spokesmen for "respectable" opinion in the loyal states agreed on that premise even when they disagreed heatedly on the conclusion to be drawn from it. Some might believe that property rights, including rights to human property, must be held inviolable, others that slavery must not be allowed to spread, yet others that neither goal mattered compared to preserving the Union undisturbed. Nevertheless, as respectable citizens of sound and practical sense, all concurred that the aggrieved parties in the struggle of North against South were white citizens, and that the issue should be decided on the basis of what would best promote such citizens' desires and interests.

But wars, especially civil wars, have a way of making respectability scandalous and scandalousness respectable, and that is just what the American Civil War did. Abruptly, people whose point of view had never been respectable became the voice not just of morality but of practical common sense as well: abolitionists, black and white, calling not just for the containment of slavery but for its eradication; free black people demanding the right to take an active part in the war; and especially the slaves themselves, insisting on the self-evident truth that their liberty, like everyone else's, was an inalienable gift of God.

A black soldier in Louisiana, born a slave, dismissed with contempt those northerners, including Abraham

Lincoln, who proposed to save the Union without disturbing slavery: "Our union friends says the[y] are not fighting to free the negroes we are fighting for the union and free navigation of the Mississippi river very well let the white fight for what the[y] want and we negroes fight for what we want... liberty must take the day nothing Shorter." By the time that anonymous soldier's defiant manifesto, discarded on a street in New Orleans, was found by a policeman, Lincoln had been forced to recognize the truth it expressed. In issuing his final Emancipation Proclamation on January 1, 1863, Lincoln himself conceded that liberty must take the day, nothing shorter. Preserving the Union—a goal too shallow to be worth the sacrifice of a single life—had become a goal impossible in any event to achieve in that shallow form.

In truth, it had been impossible from the beginning. Once the Federal Union was breached, with its delicately wrought and euphemistically phrased constitutional protections for slaveholders, slavery could never again be safe. The wisest minds on both sides of the battle lines understood that perfectly. Wendell Phillips, the great abolitionist and campaigner against human oppression in all forms, reminded secessionists that "the moment you tread outside of the Constitution, the black man is not three fifths of a man,—he is a whole one." Brigadier General Daniel Ullmann, commander of a brigade of black soldiers in the Union Army, put the matter with vivid precision: "The first gun that was fired at Fort Sumter sounded the death-knell of slavery. They who fired it were the greatest practical abolitionists this nation has produced." Perhaps Ullmann had specifically in mind the white-haired veteran secessionist from Virginia, Edmund Ruffin, who claimed for himself the symbolic honor of firing the first shot at Fort Sumter (and who would later take his own life, unable to reconcile himself to the defeat of the Confederacy). Certainly conservative slaveholders had foreseen the danger and warned their fellow slaveholders that secession would unleash a revolution that must end with the destruction of slavery.

What was true from the beginning—and clear to the wise—was not immediately clear to everyone, however. Shortsighted rebels expected to preserve slavery while fighting for independence. Equally shortsighted unionists believed that they could forever compromise the issue of the slaves' freedom to suit the convenience of white citizens. Abraham Lincoln carefully tailored his policies and his public pronouncements to protect such unionists from the truth. In December 1862, three months after



announcing his intention to free slaves in the rebellious Confederacy, Lincoln proposed an unamendable amendment to the Constitution that would have postponed the final abolition of slavery in the United States until the year 1900.

Unlike Lincoln, the slaves harbored no illusion that a war to defeat secession could be anything but a war to end slavery. They knew ahead of Lincoln himself that he would have to take on the role of emancipator, and they acted on that knowledge before there was anything but blind faith to sustain it. Right after Lincoln's election, before even South Carolina had seceded, slaves deep in the South celebrated the coming jubilee. In April 1861, as Federal troops made their way through Maryland on their way to defend the nation's capital, a former slave told soldiers that he was sorry he had already paid his owner for his freedom. "If I had known you gun men was acoming," he observed dryly, "I'd a saved my money." A farmer in Monroe County, Alabama, wrote in distress to Jefferson Davis in May 1861—before the war had fairly begun—that "the Negroes is very Hiley Hope up that they will soon Be free."

At times the slaves' faith was not just blind, but mistaken. In August 1864, a slave in Maryland—who had

heard, no doubt, of Lincoln's Emancipation Proclamation—wrote confidently to ask Lincoln's help in forcing her mistress to let her go free. Annie Davis believed, incorrectly, that the proclamation freed slaves everywhere. She did not realize that, in the loyal slave states of Maryland, Delaware, Missouri, and Kentucky, as well as in Tennessee and in the portions of Louisiana and Virginia held by the Federal army, Lincoln was more determined to retain the goodwill of the slaveowners than to secure the liberty of the slaves.

Even inevitable lessons do not necessarily come easy or cheap. Only gradually and at great cost did the nation at large learn that the slaves were more than property to be haggled over or offered as payment for the compromises of others. They were people: people whose will and intentions were as much a fact of the war as terrain, supplies, and the position of the enemy; people whose point of view must therefore be taken into account. The burden of teaching that lesson fell upon the slaves. Their stubborn actions in pursuit of their faith gradually turned faith into reality. It was they who taught the nation that it must place the abolition of slavery at the head of its agenda.

Officers and men of the armed forces were among the first to acknowledge practical reality, because it was they to whom the slaves first gained access. The deceptively simple first step in the process came when slaves ran away to seek sanctuary and freedom behind Federal lines, something they began doing as soon as Federal lines came within reach. And, unfortunately for Lincoln's plan to keep the question of union separate from the question of slavery, Federal lines first came within the slaves' reach in the border slave states that Lincoln was determined to keep in the Union at all costs. Slaves from loyal Maryland as well as rebellious Virginia fled to the Federal army during the Battle of Bull Run, the first engagement of the war. While unionists and secessionists fought openly for control in Missouri, slaves escaping from owners of both types made their way to Federal positions. In Kentucky, whose attempted neutrality both armies promptly challenged, slaves escaping from soldiers of the invading Confederate army joined slaves escaping from local owners in seeking refuge with Federal troops.

Once the slaves arrived, something had to be done about them. Deciding just what proved a ticklish matter, since every possible course—taking them in, sending them away, returning them to their owners, or looking the other way—threatened to offend some group whose

goodwill the administration needed. Sheltering the fugitives would antagonize the loyal slaveholders, whose support underpinned Lincoln's strategy for holding the border slave states in the Union and perhaps wooing back to the Union some slaveholders within the Confederacy itself. But handing fugitives over to their pursuers would infuriate abolitionists. On principle, soldiers of abolitionist or free-soil leaning resisted orders to return fugitives; and even soldiers who held no strong convictions one way or the other resented being ordered to perform a menial chore—slave-catching—at the behest of arrogant masters and mistresses whom they suspected of feigning loyalty while secretly favoring the rebellion. Looking the other way and doing nothing could not resolve the problem either: each side would interpret any such attempt as a maneuver to help the other. Moreover, purely military considerations suggested that some slaves ought not to be returned to their owners: those assigned to work for the Confederate army and those who offered valuable intelligence or served as pilots and guides for Federal troops.

Lincoln did his best to evade the whole question, ordering his commanders not to allow fugitives within the lines in the first place. But orders could not stop the slaves from seeking refuge with Union forces; nor could orders prevent Union forces—out of altruistic sympathy with the fugitives' desire for freedom, pragmatic pursuit of military advantage, or a selfish desire to obtain willing servants—from granting the refuge sought. Whatever action military officials then took committed the government, visibly, to a definite policy concerning slaves and their owners. However politicians might strive to separate the war from the question of slavery, military men learned at first hand that the two were inextricably linked.

Eventually, the lesson learned in the field must impress itself as well upon politicians. Aggrieved slaveholders took their complaints to the press, to local officials, to their congressional delegations, to the War Department, or to Lincoln himself. Aggrieved soldiers and abolitionists did the same. Somewhere within the political system, someone would sooner or later have to act. Lincoln's first Secretary of War, Simon Cameron, acted too forthrightly. His public proposal that the Union free the slaves of rebels and enlist slave men as soldiers ensured his ouster from the cabinet. Cameron's successor, Edwin M. Stanton, knew better than to run his head into a hornets' nest. He carefully refrained from general pronouncements and, in answering inquiries from commanders in the field about

how to deal with fugitives, perfected the art of the reply that contained no answer. Left without political guidance, some commanders fretted and floundered. Others took initiatives that enveloped the government in public controversy and turned the heat back onto the political officials who had hoped to escape it.

Twice Lincoln's commanders embarrassed him publicly by moving ahead of him on the question of emancipation. In August 1861, General John C. Frémont proclaimed martial law in Missouri and declared free all slaves of secessionist owners. Frémont refused Lincoln's order that he amend the proclamation. Accordingly, Lincoln amended it himself and, after a decent interval, relieved Frémont of command and appointed General David Hunter to replace him. Frémont's proclamation enraged unionist slaveholders but stirred the enthusiasm of abolitionists: audiences on the lecture circuit interrupted Wendell Phillips with wild applause and would not permit him to continue, once he mentioned the magic name of Frémont. In May 1862, General Hunter himself, by then transferred to command of the Department of the South (which included South Carolina, Georgia, and Florida), put Lincoln on the spot once more—and for higher stakes—by declaring slavery abolished throughout his department. This time the slaves at issue belonged not to loyal owners in loyal states but to unquestionably rebellious owners in the Confederacy itself. Upon Lincoln fell the onus—the disgrace, many believed—of abolishing Hunter's abolition, as he had abolished Frémont's.

While Lincoln, pursuing his own delicate political calculations, permitted himself the luxury of temporizing on the question, Congress took decisive action. In July 1861, responding to the many complaints it had received, the House of Representatives resolved that it was "no part of the duty of the soldiers of the United States to capture and return fugitive slaves." In August, Congress passed an act confiscating slaves whose owners had knowingly required or permitted them to labor on behalf of the rebellion. The language of the act left unsettled whether or not such slaves became free: the Union general Benjamin F. Butler popularized the term "contraband" to cover the uncertainty, and eventually "contraband" came to apply to virtually any slave the Union army or navy encountered. But for all its equivocation, the first confiscation act opened a door through which slaves fleeing military labor with the Confederate army could take the first step toward freedom; and it established a precedent for less equivocal actions to follow.

Before long, Congress proceeded from cautious first steps to much bolder ones. In March 1862, it adopted a new article of war that forbade military personnel—upon pain of court-martial—to return fugitive slaves to their owners. That key act provided runaways with useful military accomplices, especially after the Confederate invasion of Kentucky during the fall of 1862 swept large numbers of free-soil midwesterners into the ranks of the Union army. Shortly after adopting the new article of war, Congress abolished slavery in the District of Columbia and, later, in all the territories. In July 1862, over Lincoln's objections, Congress passed a second confiscation act that did what Frémont had tried to do in Missouri: it declared free all slaves whose owners supported the rebellion. In the same month, Congress authorized the enlistment of "persons of African descent" into military service. Above all else, it was military recruitment that doomed slavery in the loyal slave states. So far ahead of Lincoln had Congress traveled on the road to emancipation that, at the moment of its issuance, the final Emancipation Proclamation freed not a single slave who was not already entitled to freedom by act of Congress.

The initiative of the slaves forced Congress to act. Slaves could not vote, hold office, or petition for redress of grievances. They were not, in fact, citizens at all. But the war provided them a port of entry into the political system, a transmission belt to carry their demand for freedom from military lines to the highest levels of government, whether officials seated at the heights wanted to hear it or not. By touching the government at its most vulnerable point, the point at which its military forces were fighting for its life, the slaves were able to turn their will to be free into a political problem that politicians had to deal with politically.

Still, freedom did not come to the slaves from words on paper, either the words of Congress or those of the President. In an especially ugly episode, officials in Kentucky seized hundreds of refugees from Tennessee and Alabama who had followed the Union army north. Free in the Confederacy under the confiscation act and the Emancipation Proclamation, the refugees found themselves imprisoned and sold as slaves in the Union state of Kentucky, where slavery remained legal until the ratification of the Thirteenth Amendment eight months after the war was over.

Only a minority of slaves could free themselves by enlistment or escape, usually at the cost of leaving behind friends, family members, and painfully accumulated prop-

erty. Spiteful owners took vicious reprisals against the families of those who left, especially if they left to become soldiers. And although the second confiscation act and the Emancipation Proclamation turned the armed forces of the Union into an engine of liberation within the Confederacy, nothing but the unarmed force of the slaves themselves could prevent owners from seizing them again once the troops moved on. After all, the main business of the army and navy was fighting the war, not protecting the freedmen.

Whether in the loyal slave states of the Union or in the heart of the Confederacy, the slaves themselves had to make their freedom real. Thousands of slave men gained freedom for themselves and their families by enlisting for military service. Others, temporarily assigned by Confederate authorities to perform military labor away from home, returned to spread subversive news—about the progress of the war or about the Union's emancipation edicts—among slaves hitherto insulated from events in the outside world. When rebel owners fled, fearing the approach of the Federal army, many slave men and women refused to be dragged along. Instead they stayed behind to welcome the Union forces, taking over and dividing the abandoned plantation property and setting up their own households and farms. Deep in the Confederacy, where they could expect no help from Union forces, slaves forced concessions from mistresses left to manage plantations on their own. Mistresses were ardent Confederate patriots and the bedrock upon which slavery rested. But with routine disrupted and able-bodied white men away at war, many had no choice but to make terms when the slaves slowed the pace of work or demanded wages before they would work at all.

The slaves decided at the time of Lincoln's election that their hour had come. By the time Lincoln issued his Emancipation Proclamation, no human being alive could have held back the tide that swept toward freedom. How far the slaves' freedom would extend and how assiduously the government would protect it were questions to which the future would provide a grim answer. But, for a crucial moment, the agenda of the slaves merged with that of the government. The government discovered that it could not accomplish its narrow goal—union—without adopting the slaves' nobler one—universal emancipation. That is what Spotswood Rice, an ex-slave soldier from Missouri, meant when he taunted his daughters' mistress with the boast that "this whole Government gives cheer to me and you cannot help your self."