

Walter L. Williams, "Again in Chains: Black Soldiers Suffering in Capacity," in *Civil War Times*, Vol. 20, No. 2 (May, 1981), pp. 36-43.

## **Again in Chains**

The controversy over the bleak fate of black Union soldiers captured by Confederates became one of the most disturbing problems for both sides in the Civil War. A controversy that raged from the first proposed Northern use of black troops until the end of the war, it typified the South's defense of slavery and white supremacy, as well as universal problems relating to prisoners and exchange. Once the Federal Government made the decision to use "United States Colored Troops;" the problem for the Union was how to force Confederates to treat black prisoners—including former slaves from the South—on the same footing as white prisoners. For Confederates the problem was how to prevent Federals from using black troops, and how to insure that black men would be unwilling to fight against them.

With President Abraham Lincoln's Emancipation Proclamation came moves for blacks, including liberated Southern slaves, to be recruited into the Union army. Aghast, the Confederate Government reacted with three different policies. On October 23, 1862, the Confederate Congress established nineteen depots, where "any slave by capture from the enemy" would labor on public works and be advertised in newspapers to allow owners to inspect the lot and claim a missing slave. This law made no mention of captive free blacks. Later, on December 23, 1862, President Jefferson Davis officially declared that "negro slaves captured in arms be at once delivered over to the executive authorities of the respective States to which they belong, to be dealt with according to the laws of said States." Finally, on May 1, 1863, the Rebel Congress passed a joint resolution declaring that all captured blacks should be delivered to the state authorities where they were captured. There were conflicting provisions in these laws, either providing that all slaves be returned to their masters, or dictating that all slaves and free blacks be turned over to a state government. State laws against slave insurrection provided for the death penalty, but there was disagreement in the laws concerning the state to which the prisoner would be sent.

But despite conflicts, Confederate policies toward black prisoners were hard and clear that blacks, slave or free, would not be recognized as prisoners of war due equal treatment and exchange. Confederates carefully referred to them as "recaptured" insurrectionists or as "captured in arms, rather than as "prisoners of

war." These policies made the black soldier liable to be made a slave on the oath of a white man claiming to be his owner, or even subject to the death penalty.

When the grim implications of Confederate policy toward United States Colored Troops became clear, they hit a Lincoln Administration still reeling from a Northern backlash over the use of black troops. Many Union dissenters believed use of "colored troops" would only harden the South's resolve to win its war. But these protesters did not present a solid bloc, while other elements of public opinion called for support of black prisoners. Under the influence of the abolitionist or radical wing of his party, Lincoln ordered retaliation on July 30, 1863. Without mincing words, the president declared that international law permitted no distinction by race in the treatment of prisoners of war, and that selling captives into slavery was a barbarism. In language based on suggestions to him by black abolitionist Frederick Douglass, Lincoln ordered a Confederate prisoner shot for each black prisoner executed, and declared for every prisoner enslaved, a Rebel prisoner would be put at hard labor. The United States Government, the president announced, would insure equal protection for all its soldiers, and would hold to a retaliation policy until black troops were recognized and treated as prisoners of war.

One of the most direct actions the United States took at the time was to cut off the exchange of all prisoners until the Confederates would exchange blacks. Later, Lieutenant General Ulysses S. Grant stopped all exchange because of the military strength returned prisoners added to the dwindling Confederate armies. This factor, not the poor treatment of black captives, was probably most influential in preventing a large-scale exchange until near the end of the war.

For whatever reason—coercion by retaliation or refusal to exchange prisoners—the Federal attitude had an effect upon the South's treatment of captured Negro troops. In a private letter to the governor of South Carolina on August 31, 1864 Confederate Secretary of War James A. Seddon complained that Union retaliations had "serious consequences which might ensue from the rigid enforcement of the act of Congress" providing for the execution of captured United States Colored Troops. However, by October 2, General Robert E. Lee took lenient measures and proposed to Ulysses S. Grant an exchange of all black troops, except slaves of Confederates, and sixteen days later free black sailors were exchanged. Then, on February 8, 1865, the Confederate Congress clarified policy and amended the May 1, 1863 act by omitting the sections on free blacks and by substituting a law to apply only to "our negro slaves in war against the Confederate States." But by the end of the war, according to the U.S. adjutant general's report, 236 blacks had been exchanged. It was clear that

Union retaliation threats, if they did not guarantee equal treatment for all black captives, at least allowed free black soldiers to be open to exchange and to be treated as prisoners of war rather than agents of servile insurrection.

But as a policy, the Confederate enactments against captive black Union troops failed. The United States continued to enlist black soldiers, and United States Colored Regiments steadily increased until the end of the war. Nor did Confederate policies discourage black men from fighting. Colonel Thomas W. Higginson of the 1st South Carolina United States Colored Troops (U.S.C.T.) noted that Southern laws threatening to execute them or their officers, only made his regiment take on "grim satisfaction. It helped their esprit de corps immensely. With us, at least, there was to be no play-soldier." The captured black soldier, however, had to face gruesome actualities, not abstract policy. Because of the lack of Confederate records and because few black prisoners left memoirs, it is difficult to discover how black prisoners were actually treated. A report on Confederate prisons, done for the U.S. House of Representatives in 1869, stated that 776 were captured and 79 died while in Southern prisons. This report was often cited as authoritative, but Senate Executive Document 62 showed 111 marked burials of black prisoners who died at Andersonville alone. And in the single battle of Fort Wagner, the 54th Massachusetts U.S.C.T. reported between 50 and 100 troops captured. The total number of black prisoners, while not exact must have exceeded what official estimates indicated.

The lack of Confederate records on black captives resulted from an attempt to keep these statistics secret. In June 1863 the Confederate agent for prisoner exchange wrote to Secretary of War Seddon that he had "no especial desire to find" records of captured blacks. And in 1864 Davis's military adviser directed North Carolina Governor Zebulon Vance,

“To avoid as far as possible all complications with the military authorities of the United States in regard to the disposition which will be made of this class of prisoners (black), the President respectfully requests Your Excellency to take the necessary steps to have the matter of such disposition kept out of the newspapers of the State, and in every available way to shun its obtaining any publicity.”

Despite this disposition to hide facts on black prisoners, Southerners sometimes flaunted their hostility toward captured blacks. Statements of Confederates about how they treated black prisoners, and rare testimonies by black prisoners themselves, tell that at the point of seizure Confederates either sent the black captive to the rear as a prisoner, or dealt with him on the spot; but the prevailing

Rebel impulse was to kill black prisoners. The most notorious incident of this sort occurred at Fort Pillow, Tennessee, on April 12, 1864, where a large number of black troops were killed after they had surrendered. Although half of the fort's defenders were black and there were few escapes, 168 white Union troops were reported seized, but only 58 blacks were noted as captured

The most common record of the murder of black prisoners was found in United States officers' reports of battles. In early 1864 Brigadier General James S. Brisbin reported that he saw papers placed on the dead bodies of captured troops from the 6th U.S. Colored Cavalry, threatening death to all black troops. In that same year Union Brigadier General George L. Andrews, commanding the Corps d'Afrique in Louisiana, had a sworn statement from a local white who saw a Confederate officer shoot a wounded black prisoner, and saw other bodies piled along a road. Andrews concluded that black captives "have been deliberately murdered after capture." Warren Lee Goss, a white Massachusetts artilleryman captured at Plymouth, North Carolina, remembered that captured blacks "were drawn up in line, and shot down like dogs." But a black soldier in the same fight, Sergeant Samuel Johnson of the 2d U.S. Colored Cavalry, removed his uniform and pretended to be a local slave, after his unit surrendered. In his testimony after escaping he recalled that some captured black troops were "taken into the woods and hung. Others I saw stripped of all their clothing and then stood upon the bank of the river with their faces riverward and there they were shot. Still others were killed by having their brains beaten out by the butt end of the [enemy's] muskets."

Union troops were not the only commentators about black captive murders. Some Confederate soldiers' letters revealed evidence of killing black prisoners. On February 16, 1864, Major General George E. Pickett boasted, "had I caught *any* negro, who had killed either officer, soldier, or citizen of the Confederate States, I should have caused him to be immediately executed." Other Confederate officers promoted the killing of black captives by castigating their subordinates for reporting such captures. Upon learning of his troops' capture of black prisoners at the Battle of Milliken's Bend, Louisiana. Lieutenant General E. Kirby Smith on June 13, 1863, complained that his subordinates should have given "no quarter to armed negroes and their officers. In this way we may be relieved from a disagreeable dilemma." The Confederate War Department issued a reprimand to Kirby Smith a month after the fight, but Confederate deserters reported the hanging of captured blacks three days after the battle.

Even if black captives survived the encounter with Confederate troops or field officers. they were sometimes killed by official order. Probably the earliest hint

at the execution of black Union captives was reported from Savannah on November 14, 1862. Secretary of War James A Seddon, after conferring with President Jefferson Davis, ordered: "They cannot be recognized in any way as soldiers subject to the rules of war and to trial by military courts.... Summary execution must therefore be inflicted on those taken."

The black prisoner who survived capture, and there were many, experienced varied fates within the Confederacy. One of the first actions toward him was to separate him from white prisoners. Lieutenant General John Bell Hood forced the 44th U.S. Colored Infantry to surrender at Dalton, Georgia on October 13, 1864, on the terms that white troops would be paroled, but blacks would be enslaved. And a Union officer's subsequent report explained that one of Hood's subordinates, Major General William B. Bate,

"had my colored soldiers robbed of their shoes (this was done systematically and by his order), and sent them down to the railroad and made them tear up the track.... One of my soldiers, who refused to injure the track, was shot on the spot, as were also five others shortly after the surrender.... A number of my soldiers were returned to their masters.... I tried to get the free servants and soldiers in the regiment belonging to the free States (Ohio and Indiana) released [on parole with the white prisoners], but to no avail."

Sometimes the policy of turning captured blacks over to the state governments was followed. After the Union attack on Fort Wagner, South Carolina Governor M.L. Bonham requested the Confederate army to turn over all captured black troops, to be tried under the law stipulating any black person who assisted a slave insurrection was "guilty of treason against the State and must suffer death. Secretary of War Seddon agreed, and the governor ordered the trial of the captives who were "slaves and free negroes of the Southern States," but delayed action on the free Northern blacks. President Davis, under pressure from Lincoln's retaliation order, recommended that those Northern blacks not be brought to trial at all, and thus would not have to be executed. By December 1864, Bonham had turned over those designated "free" captives to Confederate prison officials, where, evidently the Northern blacks were kept in military prisons for the rest of the war, while slaves and free Southern blacks were killed.

A less complicated disposition of captured blacks was to sell them into slavery. On June 3, 1863, Secretary of War Seddon stated, "As negroes without free papers when not claimed by the owners they will be liable to be sold as slaves." But free blacks were sometimes also sold as slaves. In April 1863 at Galveston,

Texas, two blacks who were from a prominent Massachusetts family, were captured and sold in a slave market at Houston. One Confederate colonel reported on March 6, 1864, that with his general's permission he ordered the sale of black captives, with the proceeds to be divided among the soldiers. He also directed no further captures of blacks to be reported to him

The second form of the enslavement of black prisoners came when white men claimed captives as their former slaves. And this was done simply on the basis of white testimony. An officer of the 7th U.S.C.T. reported that, of the 100 black troops in his regiment captured in September 1864, "Some were claimed as slaves by men who had never known them." Andersonville prison commander Henry Wirz allowed local planters to go inside the pen and inspect black prisoners, claiming any they thought to be theirs. On one occasion white prisoner Simon Dufer and other Massachusetts soldiers told Wirz that one claimed captive was a free man who had been born in New England. but the black was enslaved anyway.

Black prisoners were also used as military laborers for the Confederacy. In October 1864 over 150 black prisoners, including free Northern blacks. were working under fire as laborers in Richmond. U.S. Major General Benjamin F. Butler retaliated by assigning Confederate prisoners to dangerous work on Union fortifications, forcing Southerners to remove captured blacks from dangerous labor. But that Union effort could not keep the South from impressing black prisoners for other work. As early as April 1863 the Confederate War Department approved use of captured blacks for labor. and assignments of black soldier laborers continued as late as April 5, 1865. On October 15, 1864 *The Mobile Advertiser and Register* publicized a list of names of 575 captured blacks who were being used as laborers or waiting for owners to claim them. Union intelligence identified 570 of the names as U.S. troops. One of these captives, Private Joseph Howard of the 110th U.S. Colored Infantry later testified: "The rebels robbed us of everything we had.... We were kept at hard labor and inhumanely treated.... For the slightest causes we were subjected to lash. We were very poorly provided for with food."

Even though official Confederate policy did not recognize any black captives as prisoners of war until February 1865 (and then only free blacks), both slave and free black prisoners were confined in Confederate military prisons before then. And official and unofficial sources showed some mention of black prisoners in nine Confederate prisons: Andersonville, Salisbury, Florence, Charleston, Danville, Libby, Castle Thunder, Cahaba, and Huntsville in Texas. Of those prisons, some seemed singled out to accommodate more Negro captives than

others. In March 1864, about 200 blacks captured in the Battle of Olustee, Florida, were in Andersonville. The Salisbury prison report for January 1865 shows a total of 120 blacks. Danville prison held about 200 blacks during the summer of 1864. But in a number of cases, blacks were kept segregated from white Union prisoners, reflecting the Southern determination not to recognize blacks as prisoners of war.

When blacks were mixed with white prisoners it often was to show contempt for all Yankee soldiers. Four black prisoners were kept in a separate cell with some Union officers in Libby prison as special punishment for the officers. Asa Isham, a Union prisoner in the main section of Libby, described the conditions of the close confinement cell as cramped and with no light: "An open tub was placed in the room for the reception of their excrement, where it was permitted to remain for days before removal." The men in this cell had no mailing privileges. no eating utensils. and no medical care for nearly five months. The black prisoners in the cell suffered just as much as the white officers, even though they were not the ones against whom the extra punishment was directed.

Blacks in Southern prisons were also put on hard labor and detailed to carry off the dead. Andersonville prison diaries remark that blacks were put in squads under the control of a white prisoner, who would supervise their work on the defenses and grounds around the stockade. In Libby, about twenty black prisoners made up the prison labor force. A-C. Roach, a white prisoner. recalled that blacks were frequently beaten: "For the most trifling offenses (sic), either imagined or real. they were.... [whipped] on the bare back from thirty to forty lashes, with a horsewhip or cat-o-nine tails."

The problem of inadequate medical care faced all prisoners in the South, but the health of black prisoners of war was worse than their white counterparts. Their extra work and contact with the dead probably weakened their resistance to disease. And white prisoners at Andersonville, like Warren Lee Goss, noticed that an unusually large proportion of black captives were "wounded and mutilated: when there had been a case of amputation. it had been performed in such a manner as to twist and distort the limb." There were some instances in which the wounded blacks were refused medical treatment by the Confederate doctors. According to witness S.S. Boggs, one black prisoner "had a hand shot off, and some enraged brutes had cut off his ears and nose, and otherwise mutilated him. The doctors refused to dress his wounds, or even amputate his shattered arm; he was naked in the prison, and finally died."

Under such circumstances the death rate for black prisoners was high. Homer Sprague, a Union officer imprisoned at Danville, stated, "the negro soldiers suffered most. There were sixty-four of them living in prison when we reached Danville, October 20. '64. Fifty-seven of them were dead on the 12th of February, '65, when I saw and talked with the seven survivors."

In some ways, the experience of surviving black prisoners was similar to white prisoners' experiences. Author James M. Guthrie, in doing research for his *Camp-Fires of the Afro-American* talked with a number of black veterans who had survived prison life. Their experiences matched those described by white prisoners. including similar complaints of severe malnutrition and deprivation. And black prisoners, like whites, were shot along the "dead-line," the camp boundary in Southern stockades. But even if their experiences were similar, black prisoners were noted as being even more discouraged in prison than white captives. Sergeant Benjamin Booth, a caucasian imprisoned at Salisbury. noted. "All ambition to live seems to have died out in them. They become so despondent that they will tumble down almost anywhere. give up the struggle, and die." Asa Isham, in Charleston prison, remembered the chorus of a favorite song among the black men there:

Waiting, weak and hungry:  
Oh! how bad I feel.  
Down in Charleston, South Carolina,  
Praying for a good, square meal.

If the black prisoner was despondent, he had a right to be. A United States Colored Troop captured by the Confederates had a great chance of not surviving his imprisonment. But that Negro soldiers continued to fight against this threat is a lasting tribute to their dedication to the Union war effort and to the freedom of their people.

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