# The Destruction of Slavery in the American Civil War

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The Confederate States of America (Confederacy or C.S.A) seceded to defend their rights, including their right to own slaves, in 1861. The American Civil War that ensued after the secession ironically ended slavery rather than preserved it. In this paper, I will use the collection of primary sources in *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War* edited by a group of leading historians, as well as the source *Confederate Reckoning: Power and Politics in the Civil War South* by historian Stephanie McCurry, to analyze several key events and ideologies that contributed to slavery's end in the U.S. The emergence of slaves as a politically relevant force during the Civil War contributed to their freedom. Slaves political relevance began with Confederates fear of their own slaves. Slaves practicality as guides and informants encouraged Union officers to keep slaves within their lines, which enabled Lincoln to enact gradual emancipatory policies, such as the Confiscation and Militia Acts. The use of slaves against the Confederacy eventually lead to the passing of the Emancipation Proclamation on January 1, 1863, which further inspired slaves to join the Union force. The military dominance of the Union combined with freed slaves signaled not just the end to the Confederacy, but also to the institution of slavery that the Confederacy perpetuated. The destruction of slavery was spurred by the Confederate's decision to secede, which cultivated the emergence of slaves as salient political figures during the Civil War, increased sensitivity of soldiers to the plight of slaves, and placed outside pressure on the institution of slavery from both the Union's invasion and Lincoln's Emancipation Proclamation.

For slavery to end, misconceptions of it being mutually beneficial for the slaves and slave owners had to be recognized. The Civil War forced slave owners and white southerners to abandon their long-held argument that slavery was based on paternalism and exposed the true relationship between the slave and master, which was a mutual fear of each other. Historian Stephanie McCurry explains, "War…was often part of a larger

crisis in which slaveholding regimes were pressed to take 'account...of social forces hitherto excluded from political life.'"[1] The Civil War forced the Confederacy to acknowledge the political power of slaves and the potential threat they posed. Less than a month after the onset of the war an Alabama farmer named William H. Lee urged president Jefferson Davis of the Confederacy to consider drafting slaves: "I think that you had better order out all the negroe felers from 17 years oald up ether fort them up or put them in the army and Make them fite like good fells for wee ar in danger of our lives hear among them."[2] Lee's letter demonstrates that the white Southerners were afraid slaves would rise in rebellion once the Union marched south, which exemplifies the tension between slaves and the broader white population. Therefore, the Confederacy had a notion that slaves were going to be a hazard during the war even before the Union had become dedicated to freeing slaves.

The Union Army was content to preserve the institution of slavery at the beginning of the Civil War but the Union's perspective gradually evolved because of increased personal interaction between Union soldiers and slaves. General Harney of the Union Army explained how the Union reacted to slaves in Missouri: "slaves have escaped from their owners, and have sought refuge in the camps of United States troops...They were carefully sent back to their owners. An insurrection of slaves was reported to have taken place in Maryland."[3] The Union Army not only returned slaves to their owners, but were also willing to help put down slave insurrections. Maryland was a border state instrumental to the Union war effort, so the Union Army was careful to ensure that the state remained content with the Union. However, slaves began to challenge Union policy by demanding immediate political attention. General Butler, a Union commander, was flooded with slave refugees at Fortress Monroe. Butler writes:

> "Up to this time I have had come within my lines men and women with their children...I have therefore determined to employ, as I can do very profitably, the able-bodied persons in the party...As a military question it would seem to be a measure of necessity to deprive their masters of their services."[4]

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1   Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge: Harvard University Press, 2010), 310.

2   "William H. Lee to Jefferson Davis, May 4, 1861," in *Free at Last: A Documentary History of Slavery, Freedom, and the Civil War*, ed. Ira Berlin et al. (New York: The New Press, 2007), 4.

3   "General William S. Harney to Sgd. Thomas T. Gantt, May 14, 1861," *Free at Last*, 7–8.

4   "General Benjamin F. Butler to General-in-Chief Winfield Scott, May 27, 1861," *Free at Last*, 9–10.

Butler was forced to make a decision about the slaves who flooded his camp; he decided to pragmatically employ the slaves rather than allow them to return and aid the Confederacy. Slaves were considered property by both the Union and Confederacy at this time, but Butler's decision led to a blow against the institution of slavery in the form of the first Confiscation Act. The Confiscation Act passed in August 1861 by Abraham Lincoln allowed all slaves employed in support of the rebellion to be captured and utilized by Union troops.[5] Slaves interaction with the Union Army had led to an ideological and legislative change in the Union's stance towards slavery.

The Confiscation Act exposed Union soldiers to slaves, which made the soldiers more sensitive to the cruelty of slavery. General Charles P. Stone reminded soldiers of their duty: "in several instances soldiers of this Corps have so far forgotten their duty as to excite and encourage insubordination among the colored servants in the neighborhood of their camps, in direct violation of the laws of the United States."[6] Soldiers decided to encourage slaves to leave their masters not only within the Confederacy, but within Maryland, a border state. Tension built between the Union Army and Maryland's political figures as soldiers ignored official policy and protected the slaves who were aiding the Union cause. Maryland Governor Thomas H. Hicks complained to the Secretary of War that Union soldiers and even officers were interfering with slaves being returned to their masters. Hicks explains, "[the slave master] was surrounded by [Union soldiers],[who] menaced him, and applied opprobrious epithets, such as Negro stealer, Negro catchers, and that the Negro was better than he, the master was &c &c until he was obliged to leave the ground."[7] Soldiers defended slaves for whom masters came because they began to empathize with the slaves who worked alongside them. Union soldiers who had not cared about slavery before the war now sided with slaves, yet another step towards ending slavery because it challenged the current law regarding the return and treatment of runaway slaves in service of the Union.

As Union soldiers became more sensitive to the plight of slaves for humanitarian reasons, Union officers viewed slaves in increasingly pragmatic and strategic terms. In March 1862, General Abner Doubleday wrote to a New York regiment to inform them that Union soldiers could no longer return fugitive slaves to their owners: "All negroes coming into the lines of any of the camps or forts under his command are to be treated as persons and not as chattels."[8] African Americans being treated as

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5    Ibid., 11.

6    "Brigadier General Stone to Troops in Maryland, September 23, 1861," *Free at Last*, 12–3.

7    "Governor Thomas H. Hicks to Washington, November 18, 1861," *Free at Last*, 15–7.

8    "E. P. Halsted (General Doubleday's adjunct) to Commander of New York Regiment," April 6, 1862, *Free at Last*, 36–7.

people was an instrumental step to ending slavery because the institution of slavery illustrated them as inferior to white men. Doubleday further explained, "[freed slaves] bring much valuable information…They are acquainted with all the roads…and they make excellent guides. They also Know and frequently, have exposed the haunts of secession spies."[9] Union officers were not defending slaves out of abolitionist notions as the soldiers previously mentioned seemingly did. However, the Union officers saw that freed slaves were a valuable military resource in their role as guides and informants. Therefore, officers enacted policy that tangibly impacted the end of slavery by inducing the then radical notion that slaves were to be treated as people for the valuable service they gave the Union Army.

The change of Union attitude towards slaves and the institution of slavery was cyclical as the first Confiscation Act was driven by slave's initiative to flee to Union camps, which changed how soldiers and officers viewed slaves. Union military officers' new perspective inspired Lincoln to sign further legislation to alter the Union's policy regarding slaves and slavery. However, McCurry explains that none of the policy would have been considered without the political activity of slaves: "Southern slaves' insurrection against both slavery and the slaveholders' state alerted Union men to the potential utility of their labor, loyalty, and military service, and put emancipation on the agenda."[10] Lincoln signed the first federal law that abolished slavery in any place in April 1862 when he emancipated all slaves in Washington D.C.[11] Lincoln also signed the second Confiscation Act in July 1862, which expanded the freedom of runaway slaves from the Confederacy. Now any slave who escaped and who previously had a rebel owner was forever free, and Union troops were banned from offering up slaves in federal service to anyone, even if they had papers. The second Confiscation Act further incentivized slaves to travel to the Union encampments in their area, or even those that were a far and treacherous journey away. The exodus of slaves to the North ate away at slavery's power.[12] Lincoln also enacted a Militia Act in July 1862 that allowed any African American to join the armed forces. The Militia Act extended freedom to slaves' entire families if they joined the armed forces of the Union. Lincoln's Confiscation and Militia Acts helped end slavery by gradually granting more freedom to slaves in both the Union and the Confederacy.

Lincoln's emancipatory policy towards slaves in the Confederacy was echoed by abolitionist officers in areas under federal control, such as Southern Louisiana. When officers gave Unionist slaves free papers,

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9   Ibid.
10  McCurry, *Confederate Reckoning*, 315.
11  "E. P. Halsted to Commander of New York," 39.
12  *Free at Last*, 59–60.

an enraged planter wrote to General George F. Shepley that his slaves were in a state of open rebellion: "One of the revolted named Auguste, demanded from the overseer his gun…In reply to M[r.] Smith's question, 'if he had a pass,' he said Gen. Dow had given him free papers which he produced."[13] Abolitionist Union officers, such as General Dow, gave slaves under Union protection free papers to further emancipate slaves in the U.S. The strained relationship between Union slaveholders and the Union military was highlighted when Colonel Smith D. Atkins of the 92d Illinois regiment refused to return runaway slaves who came within his unit. Atkins saw the slaves under his command as a practical asset. The press comments, "At Winchester, on the road to Lexington, the citizens threatened, with the aid of the 14th Kentucky to 'clean out,' the Illinois boys. Col Atkins accordingly marched through the town with fixed bayonets and loaded guns."[14] The drama that unfolded between Union slaveholders and the military at Winchester that had previously been contained to written complaints had exploded into tangible threats of violence following Atkins emancipatory efforts. Colonel Smith wrote to General Gillmore of the Union that "I am under orders to proceed southward with my command, and I do not know at what moment I may find the enemy, and I cannot afford to piddle away my time in hunting up niggers or in replying to bills in chancery filed against me."[15] Atkins refused to return slaves because he was commanding a military unit, and thought that being caught in the controversy regarding returning slaves inhibited his combat effectiveness.

The strong emotions surrounding the expectation of the Emancipation Proclamation explicitly betrayed the oppression of the institution of slavery to both planters and African Americans. A Louisiana planter, Pierre Soniat, feared insurrection, which he would not need to fear if masters and slaves truly had a cooperative relationship as the Confederates claimed. Soniat explains,

> "[Slaves] imagine that they are to be freed by Christmas. Vague reports are spread about what they intend, taking whatever weapons they can find, to come in vast numbers and force the federal government to give them their freedom…The negro regiments being organized and armed are especially to be feared."[16]

13  "John C. P. Wederstrandt to General George F. Shepley, September 19, 1861," *Free at Last*, 72–3.

14  "Colonel Smith D. Atkins Publication from the Cincinnati Commercial, Cleveland, Ohio, November 1862," *Free at Last*, 76–7.

15  "Colonel Smith D. Atkins to Brigadier General Q. A. Gillmore, November 19, 1862," *Free at Last*, 78–9.

16  "Pierre Soniat to General Nathaniel P. Banks, December 20, 1862," *Free at Last*, 84–5.

Soniat worried that slaves would rebel if the Emancipation Proclamation did not happen. This shows that many planters did not believe Lincoln would free the slaves, but also believed that slaves had the power to free themselves if armed. Union officers of color asked General Banks to allow African Americans in the Union military to celebrate the coming Emancipation Proclamation: "We…respectfully ask of you th privirliges of Salabrating Th first Day of January th 1863 by a Large procesion on that Day & We wish to pass the Head quarters of th Union officers high in a authority."[17] The very existence of this letter points to the progress made toward ending slavery before the Emancipation Proclamation. Free African Americans who served the Union corresponded with white Union military officers about having a celebration, which included the white Union officers themselves.

The Emancipation Proclamation officially ended the institution of slavery within the Confederacy on New Year's Day in 1863. The Emancipation Proclamation changed the primary goals of the war to emphasize ending slavery. However, as McCurry explains, "it took military victory to secure emancipation."[18] Lincoln's Proclamation could only be enforced through Union military action. Just days after the Emancipation Proclamation, a group of black men who served in the Union military, acted to free their families in North Carolina. Edward Stanley, a unionist who was military governor, protested: "A band of negroes & soldiers, 'armed', visited the premises of a Mrs. Page of that town, and carried away several negroes…They were very insolent in their conduct and threatened to have the town shelled if they were interfered with."[19] African-Americans acted with a newfound authority after the Emancipation Proclamation as they worked to free those still enslaved. The Emancipation Proclamation may have provided the legal spark necessary to end slavery, but it was the tangible actions of freed slaves and soldiers systematically freeing their families and friends that eradicated the institution of slavery.

The Emancipation Proclamation further pressured the Confederacy as it aided the Union's war effort through turning slaves to the Union cause. McCurry explains, "By the spring of 1863 the Union Army was recruiting aggressively in Confederate territory."[20] Even the Confederate officers realized that the Union military was a liberating force and that if they did not move their slaves away, they would be forced to fight them. General E. Kirby Smith of the Confederacy explained, "Our plantations are made

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17  "J. M. Marshall and Henry Clay to General Nathaniel P. Banks, December 22, 1862," *Free at Last*, 85.
18  McCurry, *Confederate Reckoning*, 314.
19  "Edward Stanley to Federal Military Commander, January 20, 1863," *Free at Last*, 98.
20  McCurry, *Confederate Reckoning*, 319.

his recruiting stations, and unless some check can be devised, a strong and powerful force will be formed which will receive large additions as he advances on our territory."[21] The Confederacy's largest asset was becoming their largest liability as the Union force swept through the Confederacy and liquidized the Confederacy's investment from them. The Confederates themselves scrambled to recruit slaves to join their Army, emphasizing how the institution of slavery had lost hope of survival: "Because of slavery, the C.S. A. was forced to wage war with the Union Army in front and 'an insurrection in the rear.'"[22] Slaves had shattered the Confederacy's resolve, which is seen in General Lee's backing to emancipate slaves in return for arming them. The Confederacy had become focused on survival rather than perpetuating their own ideals. Lee asks, "'whether slavery shall be extinguished by our enemies and the slaves be used against us or use them ourselves.'"[23] Slaves managed to become such a politically important group during the Civil War that the Confederacy was willing to end slavery to fight off the Union.

The destruction of slavery was spurred by the Confederacy's decision to secede, which spurred the emergence of slaves as salient political figures during the Civil War, increased sensitivity of soldiers to the plight of slaves, and placed outside pressure on the institution of slavery from both the Union's invasion and Lincoln's Emancipation Proclamation. The Confederacy's hasty secession from the Union to protect slavery ultimately resulted in its demise. Slaves managed to make themselves political figures in an era where they were repressed and considered inferior to those who held power in both the Union and the Confederacy. Slaves managed to make an ally of the Union through proving their usefulness in combat and through providing more manpower for the Union. Lincoln passed several emancipatory policies, which culminated in the Emancipation Proclamation. The Emancipation Proclamation coupled with a Union victory ended slavery, as the institution crumbled under pressures from both outside and within the Confederacy.

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21   "General E. Kirby Smith to Another Confederate Commander, September 4, 1863," *Free at Last*, 139–40.

22   McCurry, *Confederate Reckoning*, 327.

23   Ibid., 341.