Friction and Abrasion: The Recruitment of Slaves in Maryland

Peter Atwood Sicher
Towson, Maryland

Bachelor of Arts, Johns Hopkins University, 2011
Master of Arts, Johns Hopkins University, 2011

A Thesis presented to the Graduate Faculty of the University in Virginia for the Degree of Masters of Arts

The Corcoran Department of History

University of Virginia
August, 2015

Peter Sicher
December 24, 2014

Friction and Abrasion
The Recruitment of Slaves in Maryland

On July12, 1862, Abraham Lincoln welcomed a delegation of Border State congressmen to the White House. If the President was frustrated with this particular group, he had good reason. In March, Lincoln had asked Congress to pass a resolution stating that "the United States ought to co-operate with any state which may adopt gradual abolishment of slavery, giving to such state pecuniary aid, to be used by such state in its discretion, to compensate for the inconveniences public and private, produced by such a change of system." Both the House of Representatives and the Senate passed the resolution by wide margins. Most Border State representatives, however, had voted against the proposal.[1]

Lincoln now told his visitors that they had erred, and that the window of opportunity to correct their mistake was closing fast. "If the war continue long, as it must, if the object be not sooner attained, the institution in your states will be extinguished by mere friction and abrasion—by the mere incidents of the war. It will be gone, and you will have nothing valuable in lieu of it."[2] Over the next three years Lincoln's warning proved to be prophetic, at least in Maryland.

---

[1] "Message to Congress, [March 6, 1862]," in, Roy P. Basler, ed., *The Collected Works of Abraham Lincoln, Volume Five*, (Rutgers University Press: New Brunswick, 1953). Pages 144-145. And, James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, (New York: Oxford University Press, 1988). Pages 498-504. And, William C. Harris, *Lincoln and the Border States: Preserving the Union*, (Lawrence: University Press of Kansas, 2011). Pages 165-169. And, Charles Lewis Wagandt, *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864*, (Baltimore: Maryland Historical Society, 2004). Pages 58-59. And, Eric Foner, *The Fiery Trial: Abraham Lincoln and American Slavery*, (New York: W.W. Norton & Company, Inc., 2010). Pages 195-200 and 212-214.

[2] "Appeal to Border State Representatives to Favor Compensated Emancipation," in, Basler. Pages 317-319.

Slavery in Maryland on the eve of the Civil War was not nearly as significant to the state's economy or society as it once been, or as it still was to the economies and societies of the Deep South. Nonetheless, while the "peculiar institution" may have been in a state of gradual decline in Maryland, before the election of Abraham Lincoln as President of the United States it was in no immediate danger. Within four years of Lincoln's election, however, slavery in Maryland was dead. It did not even survive long enough to be abolished by the Thirteenth Amendment.

In a legal sense, the institution of slavery died in Maryland on November 1, 1864, when a newly ratified state constitution went into effect after winning approval at the polls by the narrowest of margins. (The constitution passed with 30,174 votes for, and 29,799 against. Without the ballots of Union soldiers, who backed emancipation by a margin of 2,633 to 263, the constitution would not have been ratified).[3]

The passage of the new state constitution was a significant event, granting unambiguous legal freedom to thousands of human beings. However, some Marylanders correctly recognized that their new constitution, at least to an extent, was an epilogue to a story that had played out over the previous eighteen months. From a certain point of view, the constitution merely provided legal recognition to a revolution that had already been accomplished on the ground. As early as October 1863, Dr. Samuel Harrison, a Unionist slaveholder from the Eastern Shore wrote in his diary that the state constitutional convention planned for the following year would need only to "strike out 5 lines in Maryland Code, & slavery will be abolished. Indeed all look upon it as a defunct institution."[4]

---

[3] Wagandt. Pages 262-263.
[4] "Monday, October 22," in Dr. Samuel A. Harrison Diary. Maryland Historical Society.

Harrison was quite clear as to why slavery had become "defunct" in Maryland: the recruitment of slaves by the Union Army. "The President has declared he must have the negroes and will take them. Thus the valuable part will be taken off and only the old, the young & and the infirm, with the women will be left."[5]

The military began recruiting African Americans in Maryland in July 1863. By the end of the war eight thousand seven hundred and eighteen had enlisted in the Union Army.[6] While exact figures are probably impossible to come by, it is likely that at least half (and possibly considerably more) of those that enlisted were slaves.[7] If so, that means that at minimum, the

---

[5] *Ibid*.

[6] Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, Eds., *Freedom: Series II: The Black Military Experience: A Documentary History of Emancipation, 1861-1867 (Freedom: A Documentary History of Emancipation),* (New York: Cambridge University Press, 1982). Page 12.

[7] This estimate is based on several pieces of evidence. First, Col. William Birney reported that from July 6 to October 10, 1863, he recruited 1,738 Maryland blacks. Around the same time, he wrote a letter to Lincoln in which he estimated that he had recruited 1,250-1,300 slaves, which would mean that well over seventy percent of the recruits from the first four months of Birney's tenure were slaves. In December 1863, Birney reported that as of the first of that month, he had recruited 2,791 Maryland blacks. (A letter to the *Baltimore American* claimed that twice that number of slaves had been carried off.) In other words, even if all of the recruits brought in between October 10 and December 1 were free, then roughly half of the recruits as of December 1863 were slaves. Considering the fact that Birney *did* recruit free blacks before his October letter to Lincoln, and *did* recruit slaves after the letter, it follows that well over half of the blacks recruited in Maryland from July 1863 to the beginning of December 1863 were in fact slaves. Second, in his history of the Seventh United States Colored Troops, one of six black regiments raised in Maryland, Joseph Califf listed 1,255 enlisted men. He placed an asterisk next to the names of those enlistees who were free as of April 19, 1861. However, not a single asterisk is placed next to the name of any of the 377 enlistees who dead, the 240 who were discharged, the 14 who deserted, the 11 who went missing, or the 4 who were transferred. It seems unlikely that not a single one of those 646 enlistees was free as of April 19, 1861 so it is therefore likely that the lack of asterisks indicates that Califf chose not to indicate their status. Of the remaining 609, enlistees, only 126 were free as of April 19, 1861. Finally, an examination of the records of the Board of Claims Commission for Maryland, which was created to examine compensation claims made by masters who slaves were recruited, shows that 4,229 claims were filed of which 4,140 were considered to be legitimate claims for actual slaves. (Some of those 4,140 were nonetheless rejected because they were rebels or rebel sympathizers. Even those claimants who were sustained may not always have received their money. The Board was extremely slow to pay out claims. Those who had not received compensation by the time the 14th Amendment was ratified were out of luck.) Col. William Birney to Lt. Col. Cherebrough, A.A.G., November 16, 1863, B-612 1863, Letters Received, Ser. 2343, Middle Department and 8th Army Corps, RG 393 Pt. 1 [C-4124]. And, "William Birney to Abraham Lincoln, October 3, 1863," in Series 3, Volume 3, Page 862, United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington: Government Printing Office, 1880-1901). Courtesy of Cornell University Library, Making of America Digital Collection. And, *Baltimore American*. December 16 and December 23. And, Joseph M. Califf, *Record of the Services of the Seventh Regiment, U.S. Colored Troops, from September, 1863, to November, 1866, By an Officer of the Regiment*, (Providence: E.L. Freeman & Co., 1878). Pages 105-138. And, Register of Claims of the Maryland Commission, 1863-1865, Records of the Slaves Claims Commission, 1864-1867, Records of the Adjutant General's Office, 1762-1984, Record Group 94. National Archives, Washington, D.C. And, Register of Claims of the Maryland Commission, 1866-1867,

process of recruiting African Americans liberated over four-thousand slaves in Maryland, constituting one-fourth of the pre-war population of military-aged male slaves. The recruitment process also led to the liberation of slaves who did not or could not actually enlist. For example, in March 1864, Union forces in Prince George's County, in the process of enlisting able-bodied male slaves who had been confined in a prison for safekeeping by their masters, allowed the women and children confined there to escape as well.[8] Furthermore, the effect of the Union Army's recruitment of slaves went beyond mere numbers. By constantly interposing military authority between master and slave, the recruitment process struck a heavy blow at slavery's central relationship.

Scholarship on this subject has at times recognized the importance of slave recruitment, but has not provided a detailed examination of the process. The two most important works on emancipation in Maryland during the Civil War are *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864* by Charles Lewis Wagandt and *Slavery and Freedom on the Middle Ground: Maryland During the Nineteenth Century* by Barbara Fields. Published in 1964, Wagandt's work is a traditional political history that narrates the growth and ultimate victory of an emancipation party in Maryland. While Wagandt's focus is on the actions of politicians, he does have a chapter on slavery during the war, in which he provides a useful summary of the controversy over slave recruitment. Wagandt's most useful contribution on this subject is his suggestion that the issue of slave enlistment, by keeping conservative Unionists "off balance," may have strengthened hand of the radical emancipationists like United States Rep. Henry

---

Records of the Slaves Claims Commission, 1864-1867, Records of the Adjutant General's Office, 1762-1984, Record Group 94. National Archives, Washington, D.C. And, Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground, Maryland during the Nineteenth Century*, (New Haven: Yale University Press, 1985). Pages 239-240.

[8] "States Attorney of Prince Georges County to the Governor of Maryland, March 15, 1864," and "Officer of a Maryland Black Regiment to the Superintendent of Maryland Black Recruitment, March 28, 1864," in Berlin et al. Pages 216-219.

Winter Davis. Rather than focusing on achieving gradual emancipation, many moderate and conservative Unionists devoted their energy to protesting the enlistment of slaves, allowing Davis and his allies to take the initiative on emancipation.[9]

Barbara Fields's book was published in 1985. Like Wagandt's book, *Slavery and Freedom on the Middle Ground* has a single chapter on slavery during the Civil War. Unlike Wagandt, Fields argues that the recruitment of slaves was central to emancipation in Maryland, going so far as to write that "Full-scale recruitment put an end to slavery in Maryland." In a later essay in a book released to accompany Ken Burns's documentary on the Civil War, Fields wrote that "By the time Lincoln issued his Emancipation Proclamation, no human being alive could have held back the tide that swept toward freedom." While that is a position to which she seems inclined in *Slavery and Freedom on the Middle Ground*, it is a position she cannot fully sustain with the evidence she herself provides. She emphasizes the agency of the slaves in the process of black recruitment by tying it to the larger exodus of slaves to Union lines that begin with the outbreak of war. She misses, however, the opportunity to fully untangle the relationship between the slaves and the Union Army and to explain how that relationship was vital to the success of emancipation. [10]

Unlike Fields, William Freehling, offers a nuanced account of the mutually reinforcing roles the Union Army and slaves played in emancipation, in a short but excellent book entitled *The South Vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War,* published in 2001.As Freehling explains, the institution of slavery was sustained by the antebellum state's use of its police powers to deter and coerce fugitives and potential resistors.

---

[9] Wagandt. Pages 116-132.
[10] Fields. Pages 90-130. And, Barbara J. Fields, "Who Freed the Slaves?" in Geoffrey C. Ward, *The Civil War: An Illustrated History* (New York, 1990). Pages 153-154.

The flight of slaves to Union lines created a dilemma for Union policy makers. Hoping to keep the Border States in the Union and return the secessionists to their proper allegiance, Lincoln wished to avoid antagonizing slaveholders in the early stages of the war. This Union-saving policy was undermined by the fact that the presence of Union-saving soldiers enticed slaves to flee to their masters. To placate slaveholders, soldiers were discouraged from protecting fugitives. The fugitives, however, were often slaves who had been used by the rebels to bolster their own war effort. Because of this, and because they resented the extra work that went along with being incorporated into the police power of the slave system, soldiers often tried to protect fugitives. One possible solution was to bar fugitives from even entering Union lines, which General Henry W. Halleck attempted to do. Despite such efforts, fugitives kept coming, and by serving as laborers, gained leverage over citizen soldiers, who themselves had leverage over politicians back home. Eventually Lincoln chose to embrace the slaves, who were able to enter into a useful collaboration with Union Armies. Freehling argues that this collaboration, of which the military service of ex-slaves was an essential part, was vital not only to the preservation of the Union, but also to the destruction of slavery. The Union Army became an army of liberation, transforming the relationship between slavery and state power. The slave patrol was replaced by the recruiting party.[11]

In *Freedom National: The Destruction of Slavery in the United States, 1861-1865*, historian James Oakes offers a very different narrative of emancipation/ Oakes argues that

[11] William Freehling, *The South Vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War*, (New York: Oxford University Press, 2001). (In *Freedom National: The Destruction of Slavery in the United States, 1861-1865*, historian James Oakes offers a very different narrative of emancipation, one in which President Lincoln and the Republican Congress were united in their determination to destroy slavery from the war's commencement. Oakes *significantly* exaggerates the Republican Party's early commitment to emancipation, but he does demonstrate the central role of slave recruitment in Union emancipation policy during the war's second half. James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865*, (New York: W.W. Norton & Company, 2013).)

President Lincoln and the Republican Congress were united in their determination to destroy slavery from the war's commencement. While Oakes *significantly* exaggerates the Republican Party's early commitment to emancipation, he does demonstrate the central role of slave recruitment in Union emancipation policy during the war's second half.[12]

In this paper, I hope to demonstrate how the collaboration between the Union Army and slaves played out in the process of the army's recruitment of African Americans in Maryland. The relevancy of this story, however, goes beyond emancipation in Maryland. As a Border State exempt from the Emancipation Proclamation, Maryland is often portrayed as an outlier in the story of the end of slavery. At least as far as black military service goes, however, that was not the case. Well over half of the roughly 180,000 African Americans who served in the Union Army came from states or counties exempted from the Proclamation.[13]

Maryland on the Eve of Emancipation[14]

By the eve of the American Civil War, the institution of slavery in Maryland was in decline. While slaves had constituted a third of the state's population in1790, by 1860, that proportion had declined to barely more than one-eighth. In northern Maryland, slaves made up only 3.2 percent of the population. While the proportion of slaves had declined, the proportion of free blacks had skyrocketed. In 1790 free blacks constituted slightly more than one-fortieth of Maryland's population. By 1860, free blacks were slightly less than one-eighth of Maryland's

[12] James Oakes, *Freedom National: The Destruction of Slavery in the United States, 1861-1865*, (New York: W.W. Norton & Company, 2013).
[13] According to Berlin, 178,975 blacks served in the Union Army. Of those, 32,671 came from Free States. Another 41,719 came from the Border States. In addition, 20,133 came from Tennessee, which was entirely exempt from the Proclamation. Combined, this adds to 94,523, or 53% of African American soldiers. Furthermore, at least some of the 5,919 black recruits credited to Virginia and the 24,052 credited to Louisiana came from counties exempted from the Proclamation. Berlin. Page 12.
[14] Much of the material in this section is based on sections 1, 4, and 6 of my 2011 MA Thesis: "A Helping Hand: Federal Patronage and the Creation of the Maryland Emancipation Movement."

total population, almost equal to the population of slaves. Maryland had by far the largest free black population in the Union. Historian Barbara Fields notes that "In fact, to find free black populations similar to Maryland's in relative size, it is necessary to leave North America and turn to the slave societies of Latin America and the Caribbean." At the same time, white immigrants were pouring into the state. In fact, by 1860, Maryland contained almost as many immigrants as slaves.[15]

As the following table illustrates, like a miniature United States, Maryland was starkly divided into a northern region in which slavery was so rare that the region resembled a free state, a heavily enslaved southern region, and an intermediate region (in Maryland's case on the Eastern Shore of the Chesapeake), in which slavery was significant, but hardly pervasive.[16]

	Slave	Free Black	White	Total	Slave%	Free Black%	White%
Northern Maryland	**13327**	**41881**	**365649**	**420857**	**3.2%**	**9.95%**	**86.9%**
Alleghany	666	467	27215	28348	2.3%	1.6%	96%
Baltimore County	3182	4231	46722	54135	5.9%	7.8%	86.3%
Baltimore City	2218	25680	184520	212418	1%	12.1%	86.9%
Carroll	783	1225	22525	24533	3.2%	4.993%	91.8%
Frederick	3243	4957	38391	46591	6.96%	10.6%	82.4%
Harford	1800	3644	17971	23415	7.7%	15.6%	76.7%
Washington	1435	1677	28305	31417	4.6%	5.3%	90.1%
Eastern Shore	**24957**	**28277**	**91894**	**145128**	**17.2%**	**19.9%**	**63.3%**
Caroline	739	2786	7604	11129	6.6%	25%	68.3%
Cecil	950	2918	19994	23862	3.99%	12.2%	83.8%

[15] Barbara Jeanne Fields, *Slavery and Freedom on the Middle Ground, Maryland during the Nineteenth Century*, (New Haven: Yale University Press, 1985). Pages 1-2. And, the U.S. 8th Census, 1860, *Population of the United States in 1860*, (Washington: Government Printing Office, 1864). Pages 210-214. And, the U.S. 9th Census, 1870, *The Statistics of the Population of the United States*, (Washington: Government Printing Office, 1872). Pages 3-7. And, Charles Lewis Wagandt, *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864*, (Baltimore: Maryland Historical Society, 2004). Page 3. And, William W. Freehling, *The Road to Disunion: Volume II; Secessionists Triumphant, 1854-1861*, (New York: Oxford University Press, 2007). Page 88.

[16] Calculated from the U.S. 8th Census, 1860, *Population of the United States in 1860*, (Washington: Government Printing Office, 1864). Pages 210-214. Regional groupings based on Fields. Page 9.

Dorchester	4123	4684	11654	20461	20.2%	22.89%	56.96%
Kent	2509	3411	7347	13267	18.91%	25.7%	55.4%
Queen Anne	4174	3372	8415	15961	26.2%	21.1%	52.7%
Somerset	5089	4571	15332	24992	20.4%	18.3%	61.3%
Talbot	3725	2964	8106	14795	25.2%	20%	54.9%
Worcester	3648	3571	13442	20661	17.7%	17.3%	65.1%
Southern Maryland	**48905**	**13784**	**58375**	**121064**	**40.4%**	**11.4%**	**48.2%**
Anne Arundel	7332	4864	11704	23900	30.7%	20.4%	48.97%
Calvert	4609	1841	3997	10447	44%	17.62%	38.3%
Charles	9653	1068	5796	16517	58.5%	6.5%	35.1%
Howard	2862	1395	9081	13338	21.5%	10.5%	68.1%
Montgomery	5421	1552	11349	18322	29.6%	8.5%	61.94%
Prince George	12479	1198	9650	23327	53.5%	5.1%	41.1%
St. Mary's	6549	1866	6798	15213	43%	12.3%	44.7%
Maryland	**87189**	**83942**	**515918**	**687049**	**12.7%**	**12.2%**	**75.1%**

Aware of these demographic changes, proslavery politicians further south were deeply concerned about Maryland's long term loyalty to the "peculiar institution." In 1856, the *Richmond Enquirer* pointed out Maryland's "geographical position, her longest line of boundary being co-terminous with non-slaveholding territory, and her narrow territorial limits make the escape of fugitives easy, [and] forbid her being a slaveholding State with safety or profit, save in a few of her southern counties." The *Enquirer* worried that William Seward's boast was true; that "Freesoilism is stronger on the shores of the Chesapeake bay, surrounded by slavery, than on the shores of San Francisco, surrounded by Freesoillism itself."[17]

In reality, despite these demographic shifts, the Republican Party in Maryland was extremely weak. In the presidential election of 1856, when more than ninety thousand votes were cast in the state, less than three hundred Marylanders voted for the Republican nominee, John C. Frémont.[18] Almost all of his votes came from the City of Baltimore.[19] Four years later, the

[17] *Richmond Enquirer*, quoted in the *Charleston Mercury*, September 13, 1856.
[18] *Baltimore Sun*. November 14, 1856.
[19] *Ibid.* October 10, 1856.

Republican fared only slightly better. Lincoln won slightly more than two thousand votes out of over ninety thousand votes cast.[20] Once again, a disproportionate number of the votes for the Republican electoral ticket came from Baltimore City, perhaps as many as two thirds.[21]

That is not to say that the Democrats went largely unopposed in Maryland in the decade before the Civil War. When the Whig Party collapsed, it was replaced in much of the North by the Republican Party, but in some states, it was reincarnated as the anti-immigrant American Party (or Know-Nothings). The American Party was in large part the creation of conservative former Whigs who did not want to join the long-despised Democrats but refused to join the antislavery Republican Party. In Maryland, it became a viable alternative to the Democratic Party. In 1857, Know-Nothing Thomas H. Hicks was elected governor, and in 1858 the American Party gained control of both chambers of the state legislature.[22]

As slave state after slave state seceded from the Union during the frightening winter of 1860-1861, some hoped and others feared that Maryland would be next. While Governor Hicks was a staunch Unionist, the state legislature, which had been elected in the wake of John Brown's raid on Harper's Ferry, was controlled throughout most of the war's first year by pro-southern Democrats. Hicks tried to forestall attempts to take Maryland out of the Union by simply not convening the legislature.[23]

Several days after the surrender of Fort Sumter, the worst fears of Maryland Unionists seemed on the verge of becoming reality. On April 19, when the Sixth Massachusetts Infantry

---

[20] "Election of 1860," in Gerhard Peters, *The American Presidency Project*, Accessed March 31, 2011, http://www.presidency.ucsb.edu/showelection.php?year=1860.
[21] *New York Tribune*. November 12, 1860.
[22] Jean H. Baker, *The Politics of Continuity: Maryland Political Parties from 1858 to 1870*, (Baltimore: The Johns Hopkins University Press, 1973). Page 5. (For a discussion of the American Party, see Freehling, Chapter 7: "The Scattering of the Ex-Whigs.")
[23] James McPherson, *Battle Cry of Freedom: The Civil War Era*, (New York: Oxford University Press, 1988). Page 285. Also, see Wagandt. Page 12.

tried to pass through Baltimore on its way to Washington D.C. the troops were set upon by a secessionist mob. By the time the Massachusetts men made it out of the city, twelve civilians and four soldiers were dead.[24] For several days, Maryland seemed to teeter on the brink of full-scale rebellion. Hicks was frightened enough to convene the legislature, which denied it had the power to take Maryland out of the Union but did claim that Maryland should remain neutral between the North and the South. Within a short period, however, calm returned to the state. Only nine days after the riot, Henry Winter Davis wrote to Seward that "A great reaction has set in."[25] The federal government took no chances, however. On May 13, Brigadier General Benjamin F. Butler and troops under his command occupied Baltimore with no resistance. Federal troops would remain in the city throughout the war. Furthermore, Lincoln suspended the writ of habeas corpus in Maryland, even allowing several secessionist members of the State Legislature as well as Baltimore Mayor George W. Brown to be arrested.[26]

While the loyalty of Maryland and other Border States hung in the balance, the federal government tried to avoid antagonizing slaveholders. While stationed in Annapolis several weeks before occupying Baltimore City, General Butler wrote a letter to Governor Hicks that clearly illustrates how the government wished the army to approach slavery at this point in the war. "I have understood," Butler wrote, "that some apprehensions were entertained of an insurrection of the negro population of this neighborhood. I am anxious to convince all classes of persons that the forces under my command are not here in any way to interfere with, or countenance any interference with, the laws of the State." The general promised that he was

[24] Wagandt. Page 11.
[25] Ibid. Pages 12-13.
[26] Ibid. Pages 13-14 and 31.

"ready to co-operate with your excellency in suppressing, most promptly and effectively, any insurrection against the laws of Maryland."[27]

The government's accommodating policy towards slavery was soon challenged by both slaves and soldiers. From the commencement of the war, the Union Army was a magnet for fugitive slaves. Its mere presence in a Southern community threatened to destabilize slavery. Initially, the military was required to return fugitive slaves. Many soldiers, however, resented this policy. When A.J. Smoot, a Maryland slaveholder attempted to retrieve a slave, he was chased away by soldiers shouting "shoot him, bayonet him, kill him, pitch him out, the nigger Stealer the nigger driver."[28] Some soldiers were motivated by compassion for the slaves. As historian William Freehling explains in *The South vs. The South*, even "antiabolitionist privates squirmed under the orders to shove a freedom seeker toward perpetual servitude." Others may have simply resented being told what to do by haughty slaveholders. Most soldiers acted out of self-interest. Freehling notes that fugitive slaves "often knew where rebels hid and where they could strike. After being debriefed, black spies cut down trees that protected Confederate snipers and threw up earthworks that stymied Confederate guerrillas."[29]

One of the most notable members of the Union Army to defy slaveholders, was ironically (considering his letter to Hicks), none other than Benjamin Butler, who after being transferred to Fort Monroe in Virginia, defended his refusal to return the fugitive slaves of rebels by classifying the fugitives as "contraband of war." Lincoln sustained Butler's pragmatic legal reasoning, referring to his general's new rule as "Butler's fugitive slave law." Eventually, President Lincoln

---

[27] "Benjamin F. Butler to Thomas H. Hicks, April 23, 1863," in Series 1, Volume 2, Page 593, United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington: Government Printing Office, 1880-1901). Courtesy of Cornell University Library, Making of America Digital Collection.
[28] Fields. Page 102.
[29] William Freehling, *The South Vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War*, (New York: Oxford University Press, 2001). Pages 99, 101-102.

and the Republicans in Congress went even further, legitimizing the actions of soldiers who refused to return runaway slaves. On March 13, Lincoln signed new military regulations which prohibited the return of fugitive slaves or the assisting of masters in catching them.[30] This was part of a larger shift in the government's policy toward slavery, a shift in which the decision to allow African Americans to serve in the Union Army was a major part.

A New National Policy

Early in the war, Harry Jarvis, a slave on Virginia's Eastern Shore, escaped a particularly cruel master and sought refuge with Union forces under the command of General Benjamin Butler at Fortress Monroe. Years later, Jarvis recalled how he went to Butler and "asked him to let me enlist, but he said *it warn't a black man's war*. I told him it *would* be a black man's war 'fore dey got fru."[31]

From almost the very beginning of the war, fugitive slaves (popularly known as "contrabands" after Benjamin Butler justified his refusal to return of group of fugitives to secessionist owners by labeling the slaves as "contraband of war") were used as laborers by the Union Army. However, few whites considered black military service likely or desirable. In the first months of the conflict the War Department rejected several offers by the Northern free black community to assist in the defense of the Union. Jacob Dodson, for example, an employee in the Senate Chamber and a veteran of three trips "across the Rocky Mountains in the service of the country with Frémont and others," offered the services of "300 reliable colored free citizens of this city who desire to enter the service for the defense of the city," shortly after the surrender of

---

[30] Oakes. Page 210. And, Foner. Pages 170-171 and 195.

[31] John W. Blassingame, Ed., *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies,* (Baton Rouge: Louisiana State University Press, 1977). Pages 606-611. And. Foner. Pages 187-188. And, Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration,* (Cambridge: The Belknap Press of Harvard University Press, 2003). Pages 70-71.

Fort Sumter. The War Department declined the offer, informing Dodson that it had "no intention at present to call into the service of the Government any colored soldiers."[32]

Although radicals may have dreamed of a biracial army of liberation that would strike at the heart of slavery, the overwhelming majority of loyal Americans believed they were engaged in a "white man's war" for the preservation of the Union. In May 1861, the *New York Herald* condemned fanatics who wished, among other things, "to arm the negroes and let them loose upon their masters." Half a year later the *Herald* was still singing the same tune, declaring, "We have loyal white men enough, three times over, to put down the Southern rebellion. Let us keep the negro in his place…if we attempt to make him a Union soldier we ruin him, we ruin the South instead of saving it, and we disgrace ourselves and our cause in the eyes of the whole civilized world."[33]

However, despite the mainstream aversion to arming African Americans, especially slaves, a few tentative steps were taken towards black military service in late 1861. In October, Secretary of War Simon Cameron authorized General Thomas W. Sherman, commander of an expedition to South Carolina's Sea Islands, to:

> …avail yourself of the service of any persons, whether fugitives from labor or not, who may offer them to the National Government. You will employ such persons in such services as they may be fitted for—either as ordinary employes, or if special circumstances seem to require it, in any other capacity, with such organization (in squads, companies, or otherwise) as you may deem most beneficial to the service.

President Lincoln, however, rendered Cameron's already cautious language ambiguous by inserting the caveat that this did not mean "a general arming of them for military service."

---

[32] Dudley T. Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861-1865*, (New York: Longmans, Green, 1956). Page 2.
[33] *New York Herald*. May 1, 1861 and November 26, 1861.

General Sherman, far less aggressive than the more famous holder of that name, chose not to use blacks in a military capacity.[34]

Secretary Cameron did not take the hint from Lincoln's modification of his instructions for Sherman. Without consulting President Lincoln, Cameron released his Department's annual report to the press on December 1, 1861. The report endorsed making soldiers of the slaves, declaring that "It is as clearly a right of the Government to arm slaves, when it may become necessary, as it is to use gun-powder taken from the enemy." Lincoln ordered the deletion of this passage, but it was too late. A little more than a month later, Cameron was sent away to serve as the minister to Russia. Although some people, including Cameron himself, felt that this was a punishment for his radicalism, this seems unlikely. Simon Cameron was both incompetent and notoriously corrupt, completely unsuited to lead the War Department at such a critical time. However, the fact that some critics were angry over Cameron's "transfer" illustrates how opinion was shifting on the issue of black military service.[35]

In May 1862, General David Hunter, Thomas Sherman's successor, thrust the issue to the forefront of public discussion. Hunter commanded the Department of the South, which was technically comprised of the states of Georgia, South Carolina, and Florida, although the Union only controlled the coastal islands that Sherman had captured. Hunter announced that all of the slaves in his department, regardless of their owner's loyalty, were "forever free" and he began forming black military units. Lincoln overruled Hunter's "emancipation proclamation" but the arming of African Americans continued.[36] In June, at the urging of Kentucky Representative Charles A. Wickliffe, Congress demanded to know whether Hunter had recruited fugitive slaves,

---

[34] Cornish. Pages 18-20. And, Foner. Page 188.
[35] McPherson. Pages 357-358. And, Michael Burlingame, *Abraham Lincoln: A Life, Volume Two*, (Baltimore: The Johns Hopkins University Press, 2008). Pages 241-242.
[36] Foner. Pages 206-207. And, Cornish. Pages 33-55.

whether he was acting with the permission of the War Department, and whether the Department had supplied him with uniforms and arms for his black recruits. Hunter sarcastically replied that "…no regiment of fugitive slaves has been or is being organized in this department. There is, however, a fine regiment of persons whose late masters are 'fugitive Rebels'…" He went on to state that "The experiment of arming blacks, so far as I have made it, has been a complete and even marvelous success. They are sober, docile, attentive and enthusiastic, displaying great natural capacities for acquiring the duties of the soldier," and that "it is my hope…to have organized by the end of next fall and to be able to present the Government from 48,000 to 50,000 of these hardy and devoted soldiers."[37]

Hunter's view was not so far outside the mainstream of public opinion as it had been a year before. Many loyal Americans began to believe that using blacks as soldiers was a necessary step, not because of widespread antislavery principles, but because it was believed black soldiers could help a war effort which required immense manpower. Some claimed that blacks were better suited than whites to serve in the hot and humid climate of the Deep South. Some believed unfounded rumors that the rebels were already using blacks as soldiers.Others argued that arming blacks would mean fewer white casualties. The Governor of Iowa wrote that when the war ended, "I shall not have any regrets if it is found that a part of the dead are *niggers* and that *all* are not white men."[38]

In July, Congress passed legislation, which Lincoln signed, amending the Militia Act of 1795 to allow the president to enlist African Americans in the Union Army for the purpose of

---

[37] *Baltimore American*. July 4, 1862.

[38] John David Smith, "Let us all be Grateful that we Have Colored Troops that Will Fight," in John David Smith, Ed., *Black Soldiers in Blue: African American Troops in the Civil War Era*, (Chapel Hill: University Of North Carolina Press, 2002). Page 10. And, Cornish. Page 40. And, Glenn David Brasher, *The Peninsula Campaign and the Necessity of Emancipation: African Americans and the Fight for Freedom*, (Chapel Hill: University of North Carolina Press, 2012). Page 53.

"constructing intrenchments, or performing camp service or any other labor, or any military or naval service for which they may be found competent." Lincoln, however, was hesitant to use this authority, at least publicly. He claimed that "to arm the negroes would turn 50,000 bayonets from the loyal Border States against us that were for us."[39]

When it became clear in August that the black units he had armed and trained would not be officially accepted into the Army, David Hunter reluctantly disbanded most of them. On the other hand, during the last few months of 1862, the War Department quietly authorized several generals to discreetly enroll African Americans in the Army. This new practice became Lincoln's official policy on January 1, 1863.[40]

The Emancipation Proclamation declared that "all persons held as slaves" within "States, and parts of States" in rebellion against the United States government "are, and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons." Lincoln also declared that African Americans "will be received into the armed service of the United States."[41] Illustrating how much his view had changed, Lincoln wrote in the spring of 1863 that "The mere sight of fifty thousand armed and drilled black soldiers on the banks of the Mississippi, would end the rebellion at once."[42]

After being rejected by Butler, Harry Jarvis chose to emigrate to Africa. After a change of heart, however, he returned to the United States and after landing in Boston, "foun' dat it had got to be a black man's war fo' suah." He enlisted in the Fifty-Fifth Massachusetts, the sister

---

[39] Louis P. Masur, *Lincoln's Hundred Days: The Emancipation Proclamation and the War for the* Union, (Cambridge: Harvard University Press, 2012). Page 92.
[40] Ibid. Pages 294-296.
[41] Smith. Pages 21-22. And, Cornish. Pages 47-53.
[42] Foner. Pages 250-251.

regiment to the famous Fifty-Fourth, serving until he suffered a severe leg wound.[43] Jarvis was right. By the end of the war roughly 180,000 African Americans entered the Union Army, constituting twenty-one percent of black males aged 18-45, and around nine percent of the total number of men who served in the Union Army. Eight thousand seven hundred and eighteen were from Maryland.[44]

The Policy of Recruitment of African Americans in Maryland is Inaugurated

On June 15, 1863, the Second Corps of Robert E. Lee's fabled Army of Northern Virginia crossed the Potomac River and entered Maryland. The Second Corps, commanded by General Richard Ewell, was soon followed by the rest of Lee's Army. In Baltimore, General Robert C. Schenck, the commander of the Middle Department, which encompassed most of Maryland (as well as Pennsylvania, Delaware, New Jersey, and parts of Virginia), prepared to respond to Lee's new offensive.[45]

Robert Schenck was born in Ohio in 1809. Elected to the House of Representatives as a member of the Whig Party in 1843, he went on to serve for eight years. He returned to politics in the late 1850s as a Republican, campaigning for Lincoln in 1860. As a reward, Schenck, who had

---

[43] Blassingame, Ed., *Slave Testimony: Two Centuries of Letters, Speeches, Interviews, and Autobiographies*. Pages 606-611. And, Foner. Pages 187-188. And, Hahn. Pages 70-71.

[44] Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, Eds., *Freedom: Series II: The Black Military Experience: A Documentary History of Emancipation, 1861-1867 (Freedom: A Documentary History of Emancipation)*, (New York: Cambridge University Press, 1982). Page 12. And, Foner. Page 252. And, William F. Fox, *Regimental Losses in the American Civil War, 1861-1865: A Treatise on the Extent and Nature of the Mortuary Losses in the Union Regiments, with Full and Exhaustive Statistics Compiled From the Official Records on File in the State Military Bureaus and at Washington*, (Albany: Albany Publishing Company, 1889). Page 527.And, Gary W. Gallagher, *The Union War*, (Cambridge: Harvard University Press, 2011). Page 88. And, Smith. Page xv. (These numbers are inexact. According to both Fox and Berlin et al., 178,975 African Americans served in the Union Army. Fox also states that a total of 2,143,855 men served in total. If both numbers are correct, than blacks constituted 8.35% of Union forces. However, authors of several recent secondary works such as Foner, Gallagher, and Smith claim the number was actually around nine or ten percent.)

[45] Noah Andre Trudeau, *Gettysburg: A Testing of Courage*, (New York: HarperCollins, 2002). Pages 18 and 46. And, Frederick H. Dyer, *A Compendium of the War of Rebellion*, (Des Moines: Dyer Publishing Company, 1908). Page 339.

no prior military experience, received a commission as a brigadier general in 1861. After being wounded during the Battle of Second Bull Run, Schenck was promoted to major general. On December 22, 1862, he took command of the Middle Department.[46]

Concerned that Lee might attack Baltimore, Schenck scrambled to improve the city's fortifications. Most of the laborers were free African Americans. Some of them were volunteers. Others were impressed into service. A correspondent for the *New York Herald* wrote that blacks "…on their way to the markets with their baskets to get their Sunday dinner…were intercepted by the police and marched off with the rest to work on the intrenchments. Their entreaties to be allowed to take home their marketing were in most cases disregarded, and the poor fellows, after working hard all day, were compelled to dig all night." Similar scenes took place at African American churches. Although many of them had no choice as to whether they would take part in the work, Schenck's laborers did not go unrewarded. The Baltimore City Council appropriated $100,000 to pay them.[47]

Schenck's preparations proved unnecessary. Lee's army was soundly defeated by General George G. Meade's Army of the Potomac at Gettysburg, Pennsylvania. The rebels never approached Baltimore. However, the fortification work by African Americans in Baltimore proved to be significant for a different reason.

Many of the free blacks who assisted Union forces in Baltimore enjoyed the experience of serving their country and wished to continue in that service. General Schenck sent several

---

[46] David Work, *Lincoln's Political Generals*, (Chicago: University of Illinois Press, 2009). Pages 12-13 and 71. And, Charles Lewis Wagandt, *The Mighty Revolution: Negro Emancipation in Maryland, 1862-1864*, (Baltimore: Maryland Historical Society, 2004). Page 96. And, "Schenck, Robert Cumming, (1809-1890)," in *Biographical Directory of the United States Congress, 1774-Present*, Accessed March 17, 2014, http://bioguide.congress.gov/scripts/biodisplay.pl?index=S000118.

[47] *New York Herald*. June 23, 1863. And, *Baltimore American* June 22, 1863. And, Edward G. Longacre, *A Regiment of Slaves: The 4th United States Colored Infantry, 1863-1866*, (Lincoln: University of Nebraska Press, 2003). Pages 1-7.

requests to President Lincoln, seeking permission to enroll a group of these men in the Union Army. On June 30, he wrote in a telegram that he "had 4,000 able-bodied negroes at work on fortifications. Many of them seem to want to continue to work, or would fight for the Government." He told Lincoln that "one or two regiments for the war could be raised out of the good material, if you would authorize it, and have it done immediately, while the humor is on them."[48]

When Lincoln did not respond, and with time running out, Schenck tried again on July 4, writing "once more respectfully to suggest that somebody be sent here, or authorized to accept the services of and organize these blacks, who are now willing to be enrolled," and that 200 more African Americans from the Eastern Shore had expressed interest in joining in the Union Army. He warned the President if they were "not accepted and organized while this spirit prevails among them, it will be difficult to get them together hereafter."[49]

This time Lincoln responded quickly, sending a telegram to Schenck less than an hour after receiving the general's message. His response, however, left Schenck still waiting for a definitive answer to his request. "Your dispatches about negro regiments are not uninteresting or unnoticed by us; but we have not been quite ready to respond. You will have an answer to-morrow," the president wrote.[50]

By the summer of 1863, Lincoln had become an enthusiastic proponent of black military service. In a public letter released in August he wrote that "whatever negroes can be got to do as soldiers, leaves just so much less for white soldiers to do, in saving the Union." But rather than

---

[48] Robert C. Schenck to Abraham Lincoln, June 30, 1863, in Series 1, Volume 27, Part 3, Page 432, United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington: Government Printing Office, 1880-1901). Courtesy of Cornell University Library, Making of America Digital Collection.

[49] Robert C. Schenck to Abraham Lincoln, July 4, 1863, in Series 1, Volume 27, Part 3, Page 528, *Ibid*.

[50] Abraham Lincoln to Robert C. Schenck, July 4, 1863, in Series 1, Volume 27, Part 3, Page 528, *Ibid*.

confining himself to a conventional defense of using black troops, he went further, implying that African Americans were more worthy of admiration than some whites, writing that when the Union emerged victorious "there will be some black men who can remember that, with silent tongue, and clenched teeth, and steady eye, and well-poised bayonet, they have helped mankind on to this great consummation; while, I fear, there will be some white ones, unable to forget that, with malignant heart, and deceitful speech, they strove to hinder it."[51]

However, despite his enthusiasm for the use of black soldiers, Lincoln had good reason to be cautious about adopting the policy in Maryland. By the summer of 1863, there was little danger of Maryland joining the rebellion, but by that point Lincoln's ambitions for Maryland were greater than keeping the state in the Union. Thanks in large part to the president's expert political maneuvering, by the summer of 1863 there was a significant and growing emancipation party in the state. If the emancipationists in Maryland gained control of the state government, they would be able to call a state constitute,onal convention and turn Maryland into a free state. The fall elections of 1863 would be critical. When considering Schenck's request Lincoln must have weighed the possibility of alienating moderate voters against his Army's hunger for manpower.

Finally, on July 5, 1863, Schenck received the answer he had been hoping for. Secretary of War Edwin M. Stanton informed him that an order would be issued to organize an African American regiment in Maryland and that Colonel William Birney "has been directed to report to you immediately for that duty."[52]

---

[51] Abraham Lincoln to James C. Conkling, August 26, 1863, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln, Volume Six*, (Rutgers University Press: New Brunswick, 1953). Pages 406-410.
[52] "Edwin M. Stanton to Robert C. Schenck, July 5, 1863," in Series 3, Volume 3, Pages 470-471, *Official Records*.

Born in Alabama in 1819, William Birney was the son of James Gillespie Birney, a famed abolitionist. James Birney took his family from Alabama to Kentucky in 1833, where he manumitted his slaves and openly embraced abolitionism. In 1835, the elder Birney moved again, this time to Ohio, where he published an antislavery newspaper, which provoked a violent attack from a proslavery mob. James Birney later went on to serve as the presidential candidate of the Liberty Party in 1840 and 1844. Before being sent to Maryland, William Birney commanded troops at the Battles of First Bull Run, Gaines Mill, Second Bull Run, Chantilly, Fredericksburg, and Chancellorsville.

Like his father, William Birney abhorred slavery. Shortly after receiving his appointment to organize African American soldiers in Maryland, he wrote to fellow radical Salmon P. Chase, Lincoln's Treasury Secretary, that he had hoped to strike "a heavy blow at the 'institution' in this state." He would fulfill that ambition.[53]

Recruitment of African Americans both Free and Enslaved Begins

As of the 1860 census, there were 31,257 African American males between the ages of eighteen and forty-five in Maryland. However, of that number, only 15,149 were free. Officially, Colonel Birney's responsibility as Superintendent of Colored Recruitment in Maryland was limited to the enrollment of free black in the Union Army. From the very beginning, however, Schenck and Birney had other ideas. Years later, Birney admitted "I had gone into the army to

[53] D. Laurence Rogers, *Apostles of Equality: The Birneys, the Republicans, and the Civil War*, (East Lansing: Michigan State University Press, 2011). Pages 53, 93-114. And, Daniel Walker Howe, *What Hath God Wrought*, (New York: Oxford University Press, 2007). Page 652. And, Wagandt. Page 123. And, William Birney, *General William Birney's Answer to Libels Clandestinely Circulated by James Shaw, Jr., Collector of the Port, Providence, R.I., with a Review of the Military Record of the said James Shaw, Jr., Late Colonel of the Seventh U.S. Colored Troops*, (Washington: Stanley Snodgrass, Printer, 1878). Page 4.

aid in abolishing slavery." Within his first month in Maryland, Birney would provide ample evidence of this.[54]

Towards the end of July, Schenck apparently received information that a number of secessionists, including rebel General George H. Steuart, had put their slaves in a Baltimore "slave prison" for safekeeping. Camlin's slave pen also housed slaves belonging to residents of Washington D.C., who had sent them to Maryland in order to evade an April 1862 law that abolished slavery in the nation's capital. On July 27, despite the fact that Union forces did not have the legal authority to recruit slaves in Maryland, Schenck ordered Birney to "proceed to Camlin's slave pen in Pratt Street and enlist the slaves of Gen'l Stuart and other Rebels and Rebel sympathizers there incarcerated, in the service of the United States – and liberate all those confined there."[55]

Birney set out to execute this order on the very day on which it was received. When he arrived at the slave prison, he encountered deplorable conditions. In his report, he described the scene:

> The part of the prison in which slaves are confined is a brick-paved yard about twenty five feet in width by forty five feet in length, closed in on all sides. The front wall is a high brick one; the other sides are occupied by the cells of prisons two or three stories in height. The yard is not covered in. It is paved with brick. A few benches, a hydrant, numerous wash tubs and clothes lines covered with drying clothes were the only object in it. I found 26 men 1 boy 29 women and 3 infants. Sixteen of the men were shackled together, by couples, at the ancles with heavy irons and one had his legs chained together by ingeniously contrived locks connected by chains suspended to his waist. I sent for a blacksmith and had the shackles and chains removed.

---

[54] Birney, Page 5. And, Fields. Page 123. And, Ira Berlin, Joseph P. Reidy, and Leslie S. Rowland, Eds., *Freedom: Series II: The Black Military Experience*. Page 11.

[55] *Baltimore American*. July 28, 1863. And, "Superintendent of Maryland Black Recruitment to the Headquarters of the Middle Department and 8th Army Corps," July 27, 1863, in Berlin, et al. Pages 198-200. And, Charles W. Mitchell, Ed., *Maryland Voices of the Civil War*, (Baltimore: The Johns Hopkins University Press, 2007). Pages 338-340.

Although he did not find the slaves of General Steuart, as they were apparently being confined elsewhere, Birney broke open the prison and freed the slaves confined there. The twenty-six men and the boy, who was fourteen years of age, "expressed their desire to enlist in the service of the United States," a desire which Birney was able to happily fulfill. Unfortunately, Birney was forced to surrender some of the slaves to their masters when some produced proof of ownership and swore allegiance to the Union. However, none of the slaves he enlisted in the army were returned to their owners.[56]

The raid on Camlin's slave pen was only the beginning of William Birney's assault on the institution of slavery in the state of Maryland. Dr. Samuel A. Harrison, a Unionist slaveholder in Talbot County, recorded in his diary on August 24 that he had heard "that slaves are withheld from their masters even when they are recognized within the camps of the U. States."[57] It would not be long before Dr. Harrison would receive personal confirmation of this rumor.

On August 27, Harrison boarded a steamer and traveled to Baltimore in search of a missing slave who he had heard was in one of Birney's camps. Several days later he went to one of the camps.[58] Almost immediately, he had what for him, a deeply unsettling experience. He wrote "For the first time in my life rec^{d}. a command from a negro. This to a Southern man is galling." Despite this shock, Harrison initially found Birney's adjutant to be extremely accommodating, giving him permission to "to examine the Camp for my boy" and even examining the muster rolls. Harrison's slave was found in the rolls of Company I of the 4th

---

[56] "Superintendent of Maryland Black Recruitment to the Headquarters of the Middle Department and 8th Army Corps," July 27, 1863, in Berlin, et al. Pages 198-200. And, Longacre. Page 15.
[57] "Monday, August 24," in Dr. Samuel A. Harrison Diary. Maryland Historical Society.
[58] The exact day on which he visited the camp is difficult to determine with certainty. The diary entry is "Saturday, August 30." August 30, 1863, however, was a Sunday. Furthermore, Harrison's *next entry* is for "Sunday, August 30."

United States Colored Troops. The doctor's attempt to recover his "property" then hit a snag. He wrote that "The adjutant gave me to understand that an application for his delivery to me would be in vain; that the Department of War had so ordered." Furthermore, the adjutant admitted that "in recruiting no questions are asked whether the man offering [himself] is slave or free." Harrison's only consolation was that as a Unionist he could apply for compensation for his lost property. He was told to ask Birney for a certificate that he could use for that purpose.[59]

After giving Harrison a certificate that affirmed that "a boy calling himself William Martin was enlisted in Comp. I of 4th Col. Troops," Birney revealed just how radical his plans were:

> During conversation he said that it was the intention of the Gov^{t}.to take <u>all</u> negroes of disloyal persons, & that loyal men would be Compensated for the loss of theirs. He said it was the intention to recruit a brigade in Maryland. He claimed that the Gov^{t}. had as much right to a mans slaves as it did to the son of any man 18 years of age, not yet free from his father. Said the Gov^{t}. seizes <u>property</u> use of the army, and slaves will not be exempt from such seizure, said that the safety of the State is the supreme law, and overrides all other laws…

When Birney said this, he still had no legal authority to enlist slaves in the Union Army. He did, however, have the tacit approval of Secretary of War Stanton. Years later he admitted that "recruiting *slaves* in Maryland, a loyal State, was done at first without the knowledge and always without the approbation of President Lincoln. I did it with the knowledge and tolerance of Secretary Stanton but without his official sanction, he having distinctly informed me that I did it on my own responsibility."[60]

Birney's boldness would likely have amounted to very little if it were not for the fact that large numbers of slaves in Maryland were equally bold. It was not just recruiters who sought out slaves; the slaves themselves actively sought out recruiters. After being arrested by local officials

---

[59] "Saturday, August 30," in Harrison Diary.
[60] *Ibid*. And, Birney. Page 6.

in Frederick for having "enticed Slaves to leave their masters," Col. John P. Creager was placed in a jail that happened to house eight slaves owned by secessionist masters.[61] The slaves managed to send a note to Creager by putting it in a handkerchief with a stone and throwing it up to his window. The slave who wrote the note told Creager that "I have the honor to inform you that they a lot of Boys in hear that wants to enlist and go in the Army and they would make good soldiers and they all appear to want to go and fight, and be very glad to go."[62]

About a month later, the *Centreville Citizen* reported that "the constant absconding of slaves from their masters…" had caused "considerable excitement in our county." The loss of slaves to the army was a daily occurrence. Readers were informed that "On Sunday night a very large number left the neighborhood of Centreville and repaired to Queenstown, where a Government steamer was lying for the purpose of recruiting colored troops. On Monday and Tuesday [a] large number deliberately walked away from their masters, leaving them without labor to conduct their farming operations."[63]

A remark in the same article underscores how the process of black recruitment in Maryland was fueled by the agency of both slaves and recruiters. The *Citizen* remarked that "…a steamer arrived in Corsica Creek on Tuesday night for the purpose of taking away these willing recruits, and they are freely embracing the opportunity thus offered to fight for 'Massa Lincoln.'"

---

[61] The source of Creager's rank is murky. The War Department refused to secure his release because it did not have authority over civilians. Birney himself did not deny that Creager was a civilian according to Berlin, et al. Creager was clearly a recruiting agent for Birney and the general system for recruiting black regiment was for officers not to receive their commission until enough soldiers had been enlisted for the regiment to be mustered into the service. It is possible that Creager's rank was of a prospective nature, that he was to be made a colonel when one of Birney's regiments was mustered into the service. I am skeptical, however, that this was the case because I have never found mention of a plan to give him command of a regiment. Berlin, et al. Page 205.

[62] "Civilian Recruiting Agent to the Superintendent of Maryland Black Recruitment," August 19, 1863, in Berlin, et al. Pages 203-205.

[63] *Centreville Citizen*, in *Baltimore American*. September 22, 1863.

In other words, the action of army recruiters created opportunities for bondsmen to gain their freedom. To realize these opportunities, the slaves themselves took action.[64]

There may actually have been cases when slaves attempting to enlist were turned away. On August 24, the *Baltimore American* reprinted an article from the *Easton Gazette* reporting that when several slaves "expressed a desire to play 'sojer,'" and join a group of free blacks who had been recruited, they "were of course denied the privilege." In a diary entry on Wednesday, August 26, Harrison described an incident, in which a number of slaves "marched to Easton and offered themselves as recruits. They were told by Mr. Frazier to go to their home and obey their master, but to make sure they did return to their ???, they were sent off under guard."[65]In light of the fact that Harrison lived near Easton, it is possible that Harrison was describing the same incident as the one mentioned in the *Easton Gazette*. Even if they were separate incidents, it seems extremely unlikely that such occurrences were common. The brazenness with which Birney admitted his intentions, the frequency with which slave recruitment was discussed, and the intense anger it provoked in some quarters, all attest to the fact that during the late summer of 1863, whatever the law may have authorized, slaves were allowed to enlist in the army with great frequency. In fact, within a month, Frazier wrote to Stanton that "The enlistment of slaves has been quite rapid in Talbot. Some three hundred have enlisted and left Easton within the last five

---

[64] *Ibid*. (There were cases when slaves attempting to enlist were turned away. In August, the *Easton Gazette* reported that when several slaves "expressed a desire to play 'sojer,'" and join a group of free blacks who had been recruited, they "were of course denied the privilege." In his entry of Monday, August 17, 1863, Dr. Harrison describes a similar incident, or perhaps the same incident. Overall, however, I believe such cases to have been isolated. Easton Gazette, in Baltimore American, August 24. And, "Monday, August 17," in Harrison Diary.)

[65] If this description is accurate, then it is likely that John Frazier, Provost Marshal for the First Congressional District, broke the law. On March 13, 1862, Lincoln signed a new Article of War that prohibited "All officers or persons in the military or naval service of the United States…from employing any of the forces under their respective commands for the purpose of returning fugitives from service or labor, who may have escaped from any persons to whom such labor is claimed to be due." Foner. Page 195. And, "Law Enacting an Additional Article of War," in *Freedom & Southern Society Project*, Accessed March 22, 2014, http://www.freedmen.umd.edu/artwar.htm.

days" and urged the release of a proclamation announcing that "it is the will of the Administration to accept all slaves who are willing to volunteer."[66]

Some loyal Marylanders actually supported the enlistment of slaves and advocated that the War Department grant explicit authority for the practice. The reason for this is hinted at in an exchange between the Baltimore City municipal government and the military authorities. According to the *Baltimore* American, on July 13, the City Council "passed a resolution of inquiry to the Mayor in respect to whether the colored troops now being raised in this city would be credited by the War Department to the quota of the city under the Conscription act." Several days later Secretary Stanton replied that "Colored troops will be credited to the State the same as any other troops." What this policy meant was that the more African Americans the Union Army enrolled, the fewer whites would be at risk of being drafted. Just as it did at the national level, this fact encouraged many Unionists in Maryland who were by no means sympathetic to the plight of slaves to support their recruitment by the army.[67]

Six months later, the *American* noted that while many white Marylanders had been saved from the draft by the recruitment of African Americans, there had not been enough black enlistments to fill the state's entire quota. The paper editorialized that "Many now called upon to answer to the draft doubtless wish the enlistment of colored troops had been a good deal more general that it has been, no argument that could formerly be used being half so strong as that which now appeals in favor of a coveted exemption from military service."[68]

Another factor that led some white Marylanders to support the recruitment of slaves was the sense that the policy of only recruiting free blacks hurt non-slaveholding whites while

---

[66] *Easton Gazette*, in *Baltimore American*, August 24, 1863. And, "Monday, August 26," in Harrison Diary. And, "Eastern Shore Provost Marshal to the Secretary of War," September 21, 1863, in Berlin et al. Pages 210-211.
[67] *Baltimore American*. July 28, 1863.
[68] *Ibid*. December 16, 1863.

leaving slaveholders unaffected. In a letter to Secretary Stanton that appeared in the press several weeks later, Hugh Lennox Bond, Judge of the Baltimore Criminal Court, wrote that "To take away from the State the hearty, strong & able free blacks who now do the manual labor on the farms of the seven comparatively free counties of the State, and in the City of Baltimore, will leave those sections of the State without labor, or else compel them, the most loyal sections of the State, to hire Slave labor." Not only would this strengthen an institution that the Lincoln administration was actively trying to destroy in Maryland, it would enrich a class that was, according to Bond, predominately disloyal to the Union.[69]

Backlash

Although some white Marylanders supported the recruitment of slaves by the Union Army, many others, especially slaveholders, vociferously opposed the practice. Opposition was by no means confined to rebels and rebel sympathizers.

Judge Bond's letter to Stanton in support of slave recruitment led to much public debate on the subject. The most vocal critic of Bond's position was Governor Augustus Bradford. Born in 1806, Augustus Bradford was a conservative Whig in the decades before the outbreak of war. An ex-Whig, Augustus Bradford was elected Governor of Maryland in November 1861. Running as the nominee for the Union Party, Bradford won the election by a lopsided margin of 57,502 to 26,070.[70] This was a major turning point in Maryland wartime politics, as it ended any realistic chance of the state joining the rebellion.

---

[69] Hugh Lennox Bond, "Baltimore Judge to the Secretary of War," August 15, 1863, in Berlin, et al. Pages 200-203. And, Wagandt. Page 123.

[70] Harris, *Lincoln and the Border States: Preserving the Union*. Page 75. And, Frank F. White, Jr., "Augustus W. Bradford," in *Archives of Maryland: Biographical Series*¸ Accessed May 12, 2014, http://msa.maryland.gov/megafile/msa/speccol/sc3500/sc3520/001400/001463/html/1463bio2.html.

In his Inaugural Address, delivered on January 8, 1862, Bradford made clear his unwavering commitment to the preservation of the Union. He accused secessionists of starting a "causeless and unnatural war." He denied that states had the right to secede and declared that to allow the breakup of the Union "is to admit the failure of republican institutions—is to confess before the nations of the earth, that we are powerless for self-government, and to transmit our names to future generations, to stand forever in ignoble contrast with the glorious sires from whom we have descended." Just because Bradford rejected secession did not mean he rejected slavery. In fact, one of his primary arguments against disunion was that slavery was safer within the Union than outside of it. Bradford, who owned slaves himself, had nothing but contempt for emancipationists, who he labeled as traitors. The policy of emancipation, Bradford said, "if not suppressed, is calculated to inflict upon the cause of the Union the severest blow it has yet encountered."[71]

By the summer of 1863, as historian William C. Harris explains in *Lincoln and the Border States*, Bradford "saw the writing on the wall for the extinction of slavery." Although he became an emancipationist, albeit a reluctant one, the governor still hoped that emancipation would be gradual and compensated.[72] Events, however, had outpaced Bradford. Lincoln had warned the Border States a year earlier that if they rejected his offer of gradual and compensated emancipation, the war itself would destroy slavery "by mere friction and abrasion." Slavery "will be gone, and you will have nothing valuable in lieu of it."

Bradford feared that the recruitment of slaves was an attempt to take the issue of emancipation out of the hands of Marylanders. In a letter to Francis Thomas (one of Maryland's

---

[71] Augustus W. Bradford, *Inaugural Address of Hon. Augustus W. Bradford, Governor of Maryland; Delivered in the Senate Chamber, Before the Senate and House of Delegates, January 8, 1862*, (Annapolis: Thomas J. Wilson, 1862).

[72] Harris. Pages 207 and 282.

Representatives in Congress) that appeared in the press, the governor railed against "the inordinate and violent policy which a few seem disposed to adopt, and which bears the appearance, whether so designed or not, of constraining by Military force the public sentiment of the State into some short cut contrary to the current into which it is so satisfactorily gliding." Bradford claimed that while the vast majority of loyal Marylanders supported gradual emancipation, "Men will never submit to be coerced towards a policy, although in point of fact otherwise inclined to it, and the mere attempt to do so…produces an inevitable reaction." Even if the policy of recruiting slaves was defended on the grounds of military necessity, Bradford stated that it would be "be impossible to convince our people that it has not been instigated mainly with a view to a very different purpose. They will regard it – and circumstances will warrant the conclusion – as an effort to affect by military means a political object."[73]

Bradford's argument that the recruitment of slaves threatened to undermine the political prospects for emancipations seems as if it were carefully designed to appeal to President Lincoln, who had taken a keen interest in the cause of emancipation in Maryland. The tack Bradford took was probably the only one with a chance of success. It would have made little sense to construct an argument around keeping Maryland in the Union, when by the summer of 1863 there was little risk of the state joining the rebellion. It would have made even less sense to focus on the harm inflicted upon planters. An appeal on behalf of slaveholders was unlikely to sway the author of the Emancipation Proclamation, if that was indeed what Bradford was attempting to do.

Others, however, did take a more conventional approach in the public debate on slave recruitment in Maryland. In another response to Hugh Lennox Bond, a writer for the *Baltimore American* using the nom de plume "Justice" attacked the recruitment of slaves on the grounds

[73] "August Bradford to Francis Thomas," September, 9, 1863, in Executive Letterbook, Maryland State Archives.

that slaveholders suffered more from the loss of slaves to the Union Army than the employers of free blacks did from the loss of their employees. "Justice" wrote that when a free black was recruited, his employer lost only "the latter lost an employee, "From one, you but take away the labor which if he gets he must *pay* for…and upon which he has no other claim than for the wages stipulated between them, and you still leave him in the rightful possession of all his property." On the other hand, when the army recruited a slave, the master lost both his labor and his property, "for it is his own property which does his own labor; and in so doing you not only take away the labor he had, but likewise leave him without means of paying for other." Furthermore, "If you take away the able-bodied into military service, you take away from him the productive portion, and you leave the unproductive a burden upon his hands to be supported by him."[74]

Some opponents of slave recruitment did more than write about their displeasure. The arrest of John Creager has already been mentioned, but it was not the only or even the most extreme attempt to obstruct recruitment.

To discourage their enlistment, some unscrupulous opponents of slave recruitment spread rumors amongst the slaves, such as the claim that the military intended to use them not as soldiers but as breastworks, or that they were going to be resold into slavery abroad. Such rumormongering may have at least occasionally been effective. In October, the *Somerset Herald* described an incident in which a group of slaves backed out of trying to enlist after misinterpreting the site of officers giving receipts of owners so that they could request compensation. The *Herald* reported that "when the darkies saw that the officers gave receipts for them they became considerably alarmed, declaring that they had been *sold!*"[75]

---

[74] *Baltimore American*. September 24, 1863.
[75] *Somerset Herald*, October 27, 1863, in *Baltimore American*, October 30, 1863. And, Fields. Page 124.

One of the most effective forms of obstruction was the targeting of the families of potential recruits. On December 28, 1863, the *Baltimore American* reported that it was the opinion of Birney that "the chief obstacle in the way of his operations is the circumstance that married slaves who enlist are obliged to leave their wives and children in the hands of masters who are sure to maltreat them in revenge for the loss of the husband and father." The *American* claimed that "Tens and hundreds of such have come to the camp offering to enlist if they could take their wives and children with them, or could be assured that they would be safe and well cared for during their absence." Birney believed, that except for equalizing the wages of white troops and black troops, the most effective step that could be taken to stimulate slaves to volunteer would be "A law declaring the freedom of the wife and children of every slave who shall enlist into the service of his country…"[76]

The most violent episode of resistance was the murder of Lieutenant Eben White by slaveholder John H. Sothoron and his son. In a history of the Seventh United States Colored Troops, Joseph M. Califf described the murder in some detail. On the morning of October 21, 1863, White received information that Sothoron was holding two blacks in his house to prevent them from enlisting. That afternoon, White and two of his men journeyed from Benedict, Maryland to Sothoron's farm. There, "he found Sothoron and his son, each armed with a double-barreled gun and a pair of pistols. Lieut. White stated his mission and ordered the men released." White's demand was met only with verbal abuse. White then started towards a field where he saw a group of slaves working. Sothoron and his son followed White to the field and "demanded what he wanted. White replied that he was there to enlist such of his slaves as desired to do so." This enraged Sothoron, who threatened to kill White. In response, one of White's guards "raised

[76] *Baltimore American*. December 29, 1863.

his musket to shoot Sothoron, but White ordered him to stop. Sothoron's son then raised his gun to shoot the guard, when White, seeing that they were really in earnest, told one of the guard to cock his piece, and at the same time seizing the musket of the other guard exclaimed, 'If I die, I'll die fighting.'" At that moment, "Sothoron levelled his gun and fired, the ball taking effect in the right breast. The son also fired, striking him near the same place, and he fell mortally wounded." The guard whose musket White had taken then ran. He was also shot but the wound was minor and the guard escaped. The other guard fired at Sothoron's son, "grazing his check," before escaping as well. When the two guards made it back to Benedict, they reported the incident to "Capt. Leary, of the *Cecil,* who immediately got up steam and ran down to a landing near the plantation, and with his engineer, two of his crew and five soldiers went ashore." Leary and his men found that the "body of poor White in the field where had fallen, which, upon examination, showed that he had been twice shot after he fell, and his head badly beaten, as if with gun-stocks."[77]

By the time Leary arrived at the Sothoron planation, the murderers had already fled. Although several search parties tried to apprehend the Sothorons, they were able to make it across the Potomac and then to Richmond, where the younger Sothoron joined the rebel army. After the war, Sothoron was apparently acquitted after a farcical trial.[78]

General Order 329

[77] Joseph M. Califf, *Record of the Services of the Seventh Regiment, U.S. Colored Troops, from September, 1863, to November, 1866, By an Officer of the Regiment*, (Providence: E.L. Freeman & Co., 1878). Pages 11-12. (I have corrected Califf's spelling of Sothoron. He misspells the name as Southron.)

[78] Ibid. Page 12. And, Baltimore *Sun*, October 28 and November 5, 1863. And, Peter W. Crain to Andrew Johnson, August 9, 1866. Maryland Historical Society. (Although opposition to black recruitment in Maryland was neither mild nor peaceful, it paled in comparison to the intensity of opposition in Kentucky, where Lincoln felt compelled to suspend black recruitment for more than six months. See, Harris. Pages 223-267.)

Several weeks before Lieutenant White's murder, President Lincoln found himself under increasing pressure to respond to critics of black recruitment in Maryland. One aspect of black recruitment that was especially galling to many Marylanders was the use of black recruiters.

Writing to his ally in Lincoln's cabinet, Postmaster General Montgomery Blair, Governor Bradford reported that a group of loyal slaveholders had met with him to ask for assistance. The Talbot delegation was not thrilled that recruiting officers were blocking their efforts to ascertain whether their slaves had joined the army, information they would need in order to receive compensation. However, they were willing to acquiesce to this burden, telling Bradford: "We have come to you Governor at this time not so much to get pay for our slaves – if the Government stands in need of them let it have them." Rather they came to "entreat that a *negro regiment* which they threaten to bring down from Baltimore and quarter in our neighborhood not be allowed to come. Our people are in a state of utter Consternation at the prospect of such a thing. – Whilst we are willing that the Government shall take from us any thing it needs, for God's sake let it not suffer us to be pillaged by a Regiment of negroes."[79]

Senator Thomas Hicks, Bradford's predecessor, had similar complaints. In a letter to Lincoln, he wrote that he had heard that Birney "is to come over to our shore shortly with some colored companies in uniform, &c., to establish his headquarters for recruiting; and that he is to enlist slaves as well as free people." Hicks begged Lincoln to "stop the array of the uniformed and armed negroes here, let the recruiting go on as it is, and all will be well."[80]

---

[79] "Governor of Maryland to the U.S. Postmaster General," September 11, 1863, in Berlin, et al. Pages 208-210.
[80] "Thomas H. Hicks to Abraham Lincoln, September 4, 1863," in Series 3, Volume 3, Page 767, United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, (Washington: Government Printing Office, 1880-1901). Courtesy of Cornell University Library, Making of America Digital Collection.

On September 25, two weeks after it was written, Lincoln finally saw Bradford's letter to Blair. One passage in particular was likely calculated to alarm Lincoln, who was a politician above all else. Bradford wrote that complaints over slave recruitment "come not from the Secessionists or the Democrats…But our most loyal men, men who are willing and anxious to sustain the Government – Aye to sustain the Republican party sooner than again put themselves in the grasp of the Democracy. – But I tell you, and mark my prediction – if these practices are not speedily stopped we are given over in spite of all we can do, once more to the Democratic rule."[81]

On October 1, Maryland Senators Hicks and Reverdy Johnson brought another message from Governor Bradford. Bradford wrote that not only was the practice he complained about continuing, it was increasing. "I trust you need no assurance that neither the loyal citizens of this State nor myself would seek in ought to arrest or impede any action of the Government calculated to contribute to its safety or to crush the power of those who are assailing it," he wrote. However, Birney's actions were so angering Marylanders, that they were producing the opposite result. The governor described the standard operating procedure of recruiters:

> A Steamer in Government employ provided with a recruiting officer and armed guard is sent into some one of the many rivers with which our State abounds, and this officer and guard immediately make known their presence, and find means of communicating with the slaves on the neighbouring Farms. The slaves, usually under cover of the night, are induced to quit their owners' homes and to repair on board the Boat; the officer in charge exercises his arbitrary discretion – by no means regulated by the question of the owner's loyalty – in carrying off one man's slaves and allowing another's to return; and when his cargo of recruits is thus made up, he weighs anchor and delivers them at camp in a distant part of the State, sometimes before their owner is aware of their absence.
>
> These owners are not allowed access to them, and in some instances have been positively refused though their only and avowed purpose was to identify their property as a preliminary to a claim for future indemnity in case such should be allowed.

[81] "Governor of Maryland to the U.S. Postmaster General," September 11, 1863, in Berlin, et al. Pages 208-210. And, Wagandt. Page 127.

Bradford felt that even if this policy was necessary and legal, Maryland was being unfairly treated because "it is being executed here with less regard to the interests of a State that has stood steadfastly by the Government than has been observed towards others that have been the most conspicuous in the Rebellion."[82]

Bradford requested that if this policy was continued, the President should publicly announce that it was required by "urgent public necessity" and that "such proceedings be adopted as may enable all who have not forfeited their right to Government protection to be fairly and fully compensated." Bradford knew that some might claim he was exaggerating, but "to this I can only say that in my opinion, no policy adopted by the Government since the commencement of the Rebellion has ever awakened such unequivocal opposition." He told Lincoln that "no convention or primary meeting of any party or of any fragment of a party has, to my knowledge, yet ventured to express their approval of…" the policy in question.[83]

All of this was too much for Lincoln. He immediately ordered that Birney cease all recruitment activities until further notice and asked Bradford to come to the capitol to meet with him and Stanton.[84]

Before the meeting with Bradford, Stanton suggested a framework for the recruitment of African Americans, the principles of which he believed the Governor had accepted at a previous meeting. Under this proposed framework, free blacks could be enlisted, as could slaves with the

---

[82] "Augustus Bradford to Abraham Lincoln, Monday, September 28, 1863, endorsed by Lincoln, Oct. 1, 1863," in Transcribed and annotated by the Lincoln Studies Center, Knox College, Galesburg, Illinois. Available at *Abraham Lincoln Papers at the Library of Congress*, Manuscript Division (Washington, D.C.: American Memory Project, [2000-02]), http://memory.loc.gov/ammem/alhtml/alhome.html, Accessed March 23, 2014. And, Wagandt. Page 129.

[83] Augustus "Augustus Bradford to Abraham Lincoln, Monday, September 28, 1863, endorsed by Lincoln, Oct. 1, 1863," in Lincoln Papers. LOC.

[84] Wagandt. Page 129. And, John W. Blassingame, "The Recruitment of Negro Troops in Maryland," in *Maryland Historical Magazine*, March 1963, Vol. 58, No. 1. Page 23

consent of their owners. Furthermore, if necessity required that slaves were enlisted without their owners consent, then "loyal owners…could receive a just compensation…upon filing in this Department deeds of manumission." [85]

Lincoln largely agreed with Stanton's proposal. In a memorandum he made only two minor changes. First, rather than requiring the consent of the owner before a slave could be recruited, Lincoln decided that consent was only necessary from loyal owners. Second, he wrote that he objected to "conducting offensively, while recruiting, and to carrying away slaves not suitable for recruits." [86]

This framework formed the basis of the agreement hashed out by Lincoln, Stanton, and Bradford on October 3. In order to prevent the anger caused by recruiting squads traveling throughout the state, it was decided that recruiting stations would be established instead. There were a few modifications to Lincoln's and Stanton's framework. At Bradford's request, a proviso was added that postponed the possibility of slaves belonging to loyal owners being recruited without consent: "If within thirty days from the date of opening enlistments…a sufficient number of the description of persons aforesaid to meet the exigencies of the service should not be enlisted, then enlistments may be made of slaves without requiring consent of their owners." Furthermore, Bradford was assured that recruiting officers would no longer be accompanied by troops either white or black. Bradford did not see the new regulations as ideal (among other things, he would have preferred that at least 60 days were given before slaves

[85] "Edwin M. Stanton to Abraham Lincoln, October 1, 1863" in Series 3, Volume 3, Pages 855-856, *Official Records*.
[86] *Ibid*.

could be recruited without the consent of loyal owners), but he accepted them as the best he could get.[87]

General Order No. 329, as the new regulations were designated, was initially confidential. Until it was officially promulgated, the moratorium on black recruitment was supposed to stay in effect. The delay may have been politically motivated. On November 4, Marylanders would go to the polls in a vital election that could result in the victory of Maryland emancipationists who would then rewrite the state constitution and make Maryland a free state. Continuing the ban on black recruitment may have been a way to mollify moderate voters. If so, Birney and Schenck did not particularly care. They kept on recruiting. Lieutenant Eben White, for example, went to the Sothoron plantation with two African American guards during this period. Lincoln was not pleased with Birney and Schenck when he learned of White's murder. His personal secretary John Hay observed in his diary that Lincoln was worried that Schenck was "complicating the canvass with an embarrassing element, that of forcible negro enlistments." Hay wrote that "the Tycoon (Hay's affectionate nickname for the president) observes, 'Schenck is wider across the head in the region of the ears, & loves fight for its own sake, better than I do.'"[88]

If the intent had been to wait until after the election before announcing the new regulations, White's murder may have been what prompted the army to announce them earlier. On November 2, the *Baltimore American* carried a notice from the War Department announcing the creation of seventeen recruiting stations and a Board of Claims that would judge all claims

[87] Wagandt. Pages 129-130. And, "General Orders, No. 329, October 3, 1863," in Series 3, Volume 3, Pages 860-861, *Official Records*. And, "Augustus Bradford to Edwin M. Stanton, October 3, 1863," in Series 3, Volume 3, Pages 862-863, *Official Records*.
[88] Tyler Dennett, Ed., *Lincoln and the Civil War in the Diaries and Letters of John Hay*, (New York: Dodd, Mead & Company, 1939). Page 105.

filed by "alleged owners of slaves who may be enlisted," and award compensation up to $300. To facilitate compensation, recruiting officers would be required to give certificates to owners whose slaves they recruited.[89]

Despite the promises of the Lincoln administration, in the end Bradford's protests made little difference. Marylanders continued to complain that recruiters made no distinction between loyal and disloyal owners. In fact, by allowing the Union Army to recruit the slaves of loyal owners without the owner's consent if "a sufficient number" of black recruits were not gained after thirty days (a limiting factor which was probably ignored), and without designating what a sufficient number was, General Order No. 329 actually provided legal authorization for what Birney had been doing all along. Furthermore, although the establishment of recruiting stations was supposed to solve the issue of roving recruiters spreading outrage, recruiting parties *continued* to raid plantations. Describing the system employed by recruiters during a period almost entirely after General Order No. 329 went into effect, Joseph Califf wrote that "The usual method of proceeding was, upon reaching a designated point, to occupy the most desirable public building, dwelling-house, warehouse, or barn found vacant, and with this as a rendezvous, small parties were sent into the surround country, visiting each plantation within a radius of twenty or thirty miles." These recruiting parties generally consisted of black soldiers led by white officers. With the key election over, however, these complaints did not receive much attention from the administration.[90]

Conclusion: Friction and Abrasion

[89] *Baltimore American*. November 2, 1863.
[90] Harris. Page 276. And, Califf. Pages 7-14. And, Mitchell 417-430.

After his frustrating conversation with William Birney, the Superintendent of Colored Recruitment in Maryland, Dr. Samuel Harrison "left the camp, disgusted with the whole affair." It was then that he witnessed a spectacle "Now, here is another evidence of the rapid change that is occurring in sentiment of the people of our state," he wrote. "A negro regiment can parade the streets of Baltimore, without exciting a storm of abuse and indignation. The radical emancipations have evidently the upper hand in the City, and with the Military will control the whole state. Slavery is dead."[91]

In a legal sense, Harrison was wrong. A new state constitution that went into effect on November 1, 1864 killed slavery in Maryland. However, the new constitution abolished an institution very different than what it had been in 1860. Harrison may have overstated his case when he claimed in October 1863 that all the state constitutional convention planned for the following year "will be called upon to do, will be to strike out 5 lines in Maryland Code, & slavery will be abolished. Indeed all look upon it as a defunct institution." But he was not entirely wrong. The military recruitment of slaves left slavery in a considerably weakened state in Maryland.[92]

The effect of recruitment went beyond the roughly four thousand slaves directly liberated by the process. It was not just slaves who enlisted who were able to gain their freedom because of the process of recruitment. In some places, recruiters exceeded their authority and freed all of the slaves they encountered. Furthermore, slaves who went away with recruiters but were rejected on medical grounds apparently never returned to their masters.[93] In addition, at least

[91] "Saturday, August 30," in Harrison Diary.
[92] *Ibid*.
[93] *Baltimore American*. December 16 and December 23

some family members gained a legal right to freedom due to the enlistment of a relative.[94] Finally, as historian Barbara Fields notes, the damage inflicted upon slavery by the recruitment process was about more than the number of slaves liberated. "At its foundation, the collapse was a moral and political phenomenon, arising from the slaves' daily more vivid perception that their owners were no longer sovereign," she writes.[95]

Harrison may have overestimated the role slave recruitment played in the abolition of slavery in Maryland. There were other important factors such as the rise of a party committed to immediate emancipation, the declining economic significance of slavery in Maryland, and the national triumph of Lincoln's Republican Party. But it is nonetheless clear that the recruitment of slaves did inflict significant damage on the institution of slavery in Maryland. The actions of military officials and slaves created just the sort of "friction and abrasion" about which President Lincoln had warned.

[94] The Militia Act of 1862 which authorized the recruitment of African Americans guaranteed the freedom not just of all enlistees, but mothers, wives, and children of enlistees who had belonged to disloyal owners.
[95] *Baltimore American*. December 23, 1863. And, "States Attorney of Prince Georges County to the Governor of Maryland, March 15, 1864," and "Officer of a Maryland Black Regiment to the Superintendent of Maryland Black Recruitment, March 28, 1864," in Berlin et al. Pages 216-219. And, Field. Page 127.