

## Episode 231: African-American Confederates

Week of March 8-March 14, 1865

On March 13, 1865 Confederate President Jefferson Davis signed into law a bill that would have been unthinkable even six months before. The bill was a sign of the desperation felt by the Southern high command as the war turned increasingly in favor of the Union. General Order 14 allowed African-American men to serve as soldiers in the Confederate army.

The movement towards this amazing order began over a year before when Confederate Major General Patrick Cleburne submitted a proposal that reached Jefferson Davis to free Southern slaves and enlist them as soldiers. Cleburne, an Irish-American and renowned as a tough fighter, saw that the Confederate cause was hopeless without extra manpower. Davis and others ignored Cleburne's January 1864 request.

A year later things had gotten bad enough that Davis was willing to rethink his position. He encouraged Mississippi congressman Ethelbert Barksdale to introduce a bill that would allow male slaves to serve as soldiers if they had their master's permission. This bill was passed by the Confederate House of Representatives on February 20, 1865. The Confederate senate passed a slightly amended version of the bill on March 8, 1865 and five days later Davis signed it into law.

The opening paragraph of the order reads as follows:

AN ACT to increase the military force of the Confederate States.

*The Congress of the Confederate States of America do enact*, That, in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States, secure their independence, and preserve their institutions, the President be, and he is hereby, authorized to

ask for and accept from the owners of slaves, the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct.

While the bill provided for equal rations and supplies for the black soldiers, it did not reward them with their freedom. Section 5 states that “nothing in this act shall be construed to authorize a change in the relation which the said slaves shall bear toward their owners, except by consent of the owners and of the States in which they may reside, and in pursuance of the laws thereof.”

Furthermore, the men passing the bill had a collective memory of slave uprisings in the past and did not want too many of the slaves armed. Section four states that “not more than twenty-five per cent. of the male slaves between the ages of eighteen and forty-five, in any State, shall be called for under the provisions of this act.”

Despite the bureaucratic efforts to turn the bill into law, it was too little too late for the Confederacy. While there is evidence that a few black men did pick up arms in support of the Confederate cause during the war, the March 1865 bill had little effect. Apparently two companies of black men were recruited in Richmond but had barely begun training when the city fell to the Union. In contrast, the Union began to rely on African-American soldiers as soon as the Emancipation Proclamation was issued in January 1863. Ultimately about 178,000 black men were part of 175 Union regiments, nearly one-tenth of the total Union fighting force. Their performance was an important part of the Union victory and included a Congressional Medal of Honor recipient in Sgt. William H. Carney. Carney was awarded the medal for valor in the Battle of Fort Wagner in Charleston, South Carolina in July, 1863.

