INTRODUCTORY NOTE:

There are some discrepancies concerning the total number of black units in the Civil War. As of 15 Jul 1865, the Bureau of Colored Troops reported 149 units on hand (139 regiments and 10 companies of light artillery) and, furthermore, indicated this was the peak number. However, additional black units had been organized but were either discontinued or, for the most part, redesignated. No official source noted the total number of African-American units. Unofficial sources place that total number at 166 or 167 (see Boatner and Phisterer cited below), but counts of the black units listed in the Volunteer Register and Dyer (cited below) do not tally with those numbers. To resolve the number problem will probably require careful research in the published sources and records of the Adjutant General’s Bureau of Colored Troops now in custody of the National Archives.

Part of the problem may lie in terminology. "United States Colored Troops" (USCT) designated those black soldiers recruited and organized into units by the Bureau of Colored Troops. However, the Bureau did not exist until May 1863. African-American units already raised eventually came under supervision of the Bureau, usually by a procedure involving the unit's reorganization and a change in its name and number. Exceptions to name-changing were the 54th and 55th Massachusetts Infantry and the 29th and 30th Connecticut Infantry Regiments, which retained their state designations and remained as state units temporarily in the service of the United States. All other USCT units were directly in the service of the United States and not "on loan" to the United States from any state.
LEGAL STATUS OF BLACK TROOPS

Recruitment of soldiers into the Regular Army in Apr 1861 was governed by Regulations for the Army of the United States, 1857. According to Paragraph 1299, an enlistee had to be a "free white male person above the age of eighteen and under thirty-five years, being at least five feet four and a half inches high, effective, able bodied, sober, free from disease, of good character and habits, and with a competent knowledge of the English language." Initial calls to expand the Regular Army with militia commenced in Apr 1861 under legal authority of the Militia Act of 28 Feb 1795, and the District of Columbia Militia Act of 3 Mar 1803. See:


The 1795 act prescribed conditions under which the President could call state militia into federal service, but did not prescribe conditions of enlistment. However, Sec 4 stated that "the militia employed in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States..." (Callan, p. 78). The 1803 act authorized establishment of the District of Columbia militia. Sec 6 enrolled "every able-bodied white male, between the ages of eighteen and forty-five years..." (Callan, p. 113).

A third pertinent law, not invoked in Apr 1861, was the Act of 8 May 1792 establishing a uniform militia of the U.S. It called for enrollment of "each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years..." (Callan, pp. 64-65). One interpretation of this last act was that it did not specifically exclude blacks, but only required enrollment of whites, thus avoiding the black question. However, several states interpreted the law to mean exclusion of blacks. See Chap 2, Jack D. Foner, Blacks and the Military in American History (NY: Praeger, 1974; E185.63F64).

Interestingly, Attorney General Edward Bates observed in 1864 that Congress had never "prohibited the enlistment of free, colored men into either branch of the national military service." The insertion of the restrictive adjective "white" into the pre-Civil War Army Regulations (1821-1857) was a "striking instance of legislation by an executive department," according to Colonel William Winthrop, military law expert. The Bates and Winthrop quotes are from Foner, p. 287, while the three Congressional Acts noted above appear in John F. Callan, Military Laws of the United States (Baltimore: Murphy, 1858; UB500.1858.A11). To determine whether or not individual states permitted enlistment of blacks in Apr 1861 would require examination of state, not federal, militia laws.
-Conscripting Freedman, 1863

The initial effort of General David Hunter, Dept of the South, to draft (or, rather, impress) blacks occurred 9 May 1862, that is, before the President or Congress had faced the issue squarely. Recruiting black volunteers was permissible within War Dept guidelines, as seen in Secretary Cameron's letter of 14 Oct 1861 to Gen T.H. Sherman (Cornish, pp. 18 & 36). However, the War Dept could not countenance Hunter's unilateral emancipation proclamation and concomitant draft, particularly after his action received wide publicity.

A few months later, the President authorized arming freed slaves (Second Confiscation Act of July 1862) and on 3 Mar 1863, Congress passed the Enrollment Act, which authorized conscription of able-bodied male citizens between the ages of 20 and 45. Three days after the Act passed, Gen Hunter again attempted to draft liberated blacks in his jurisdiction.

What authority did Hunter have for such a second draft? Could blacks in occupied Southern states have been considered U.S. citizens and, thus, eligible for the draft? Slaves freed before the war very well may have been accorded all the rights of federal citizenship and also of citizenship of their individual states, but citizenship for slaves freed by the war was not federally recognized until 1868 (14th Amendment). Therefore, one can ask, what was the legal status of a war-freed Southern slave from the moment of liberation until 1868, or, at least, until a "friendly" government was established in his rebellious state? Could marital governors confer citizenship rights, such as the "right" to be drafted?

Resources:
See Chap II.


See Chap XI.


See also:
GENERAL SOURCES


Black Troops, Civil War

See Chap. V.


By Civil War black veteran.


See Chapter 2.

Illustrated study of black participation.

Gladstone, Wm. Collection of materials re various black soldiers & units. Arch.


See index.

See Chaps. 20-37.


Black Troops, Civil War


See Chap. 2.


See Chap 2 and App 1-5.


See General Index volume under "U.S. Colored Troops."


Black Troops, Civil War

See Chap 19 for his impressions of a black unit.


See also:
-Bibliographies on Black Service with Confederate Forces in Ethnic Groups-Blacks-Civil War; NYC Draft Riots, 1863 in Military Service-Conscription; Blacks & Medal of Honor in Awards-MOH; Reconstruction; USCT regiments and various black units that retained their state designations in Civil War Unit Bibliographies.

EMANCIPATION


Liberated slave became his servant during the war.


Black Troops, Civil War


Chaps 29 & 30 cover Fremont's premature emancipation proclamation of 30 Aug


Union officer reminisces on specific cases involving liberated slaves in TN.


Letters of Lucy and Sarah Chase, who taught freedmen in South, 1863-69, contain descriptions of life in the camps.


RECRUITING


Awards and practices in Mass and Louisiana, with emphasis on Civil War.
See pp. 491-500 on organizing black units in Louisiana.

See index for political machinations over the issue of arming Negroes, as recorded by Lincoln's Secretary of Treasury.

Includes account of Hamlin's influence on Lincoln's policy towards armed Negroes.

Body measurements taken by US Sanitary Commission provided anthropological bases for late 19th cent institutional racism.

See pp. 22-27 on Hunter's report on arming Negroes.

Parson complained of copperhead propaganda deluging 86th Indiana, considering it treasonous. "...We have but very few men who are now unwilling to enroll Negroes in the service."

Freedmen on SC Sea Islands, many of whom were recruited in 1862.


Scovel opposed a bill before the state legislature that would have prohibited enlistment of Negro troops in NJ.

Describes recruiting of black troops and the organization of units.

Black Troops, Civil War

See especially pp. 98-112 on prevalent Midwest racism & effect on enlisting Negro units.

ORGANIZATION & TRAINING


OFFICERS/COMMAND


His diary for Aug 1863 including comments on board established to examine applicants for commissions in black regiments.


Scroggs, Joseph J. Diary (photocopied transcript). CWTI Coll. Arch.
LT, 5th US Colored Infantry; see entries of 19 & 31 Oct and 6 & 9 Nov 1863, which pertain to his examination before the Cincinnati Board of Examiners.
   Includes roster of students. Also 1863 edition (12 p.).

   Required applicant for commission in USCT to possess "good moral character and
   standing in the community" and to submit to "a fair but rigorous examination" of fitness
   to command troops.

Wilson, Keith. "Thomas Webster and the Free Military School for Applicants for Command of Colored

RACE RELATIONS & JUSTICE

Bahney, Robert S. “Generals and Negroes: Education of Negroes by the Union Army, 1861-1865.”

Bennett, Michael J. “‘Frictions’: Shipboard Relations between White and Contraband Soldiers.”

Betty, Mary Frances. Military Necessity and Civil Rights Policy: Black Citizenship and the


Mulderink, Earl F. III. “‘We Want a Country’: African American and Irish American Community Life

Samito, Christian G. Becoming American Under Fire: Irish Americans, African Americans, and the
   KF4700.S262.

   “The Intersection Between Military Justice and Equal Rights: Mutinies, Courts-Martial, and

   “Proof of Loyalty: Irish Americans, African Americans, and the Redefinition of Citizenship


   pp. 72-85. Per.
LT Sturges, Battery M., 1st Ohio Light Artillery Regiment, commented on black impressment by Army of Cumberland near Murfreesboro. In the latter letter he commented favorably on black units, opining that white soldiers were losing their prejudices.


Pat Woodruff, 63rd Illinois Infantry, expressed strong opposition to "this Negro war." He implied anti-Negro sentiment was rife around him.

See also: 
- Photos of black soldiers executed at Petersburg, VA, 1864. MOLLUS #1413 (Vol. 29) & #2172 (Vol. 44) PhotoArch.

CAMPAIGNING

See index under "Hawkins' Division (Colored)." See esp. pp. 193-202, assault on Blakely, 9 Apr 1865.

29 Sep 1864 battle action near Richmond for which 14 (of a total of 16) Medals of Honor to black soldiers were awarded.

Includes recounting of his use of black troops in battles of Tupelo and Brices Crossroads, MS, 1864. Also includes panegyrics on Bouton's service by officers of black regiments.

See Chap 16 on black troops in his Army of the James.

Butler's welcome home after the war, incl his remarks on experiences with blacks.

Served in Hincks' Division of colored troops, 1864, VA.


Kautz, August V.  "Reminiscences of the Civil War.”  Typescript, presented to the US Army War College Library, Jul 1936.  114 p.  Kautz Papers-Arch.  References to blacks during the Petersburg Campaign:

  p. 95-Butler told Kautz he regretted dismounting Negroes to provide horses for whites p. 101-Ord heard deceased Negro troops were being buried without coffins p. 102-Kautz was given command of a Negro unit, 1st Division, 25th Corps pp. 104-108-activities of the 1st Division p. 108-7000 Negro troops marching on a Richmond street singing "John Brown's Body."


McGregor, Frank.  Letters to family and Susie.  Papers.  Arch.  Scottish immigrant, 83rd Ohio Infantry, commented favorably on Negro fighting ability after the Battle of Milliken’s Bend.  He also recorded critical remarks made by others.


Brief history of black contribution to Tennessee campaigns.


Turner, John Wesley. Letters to his father. Turner Papers. Arch. While serving as Chief of Staff, Dept of South, during siege of Charleston, he spoke disparagingly of the use of black troops. Turner was later offered commission in 39th US Colored Infantry.


**FORT PILLOW MASSACRE, 12 APR 1864**


Examined individual service records of involved soldier and concluded that 50% casualties occurred--either in a desperate defense or a massacre.


See Chap XIV.

**POSTWAR EXPERIENCE**


