

“DISPOSSESSING COPPERHOODS, BUSHWHACKERS, AND SLAVEHOLDING REBELS: AFRICAN AMERICAN TESTIMONY AND SELF-EMANCIPATION POLITICS IN CIVIL WAR BORDER STATES”

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I. INTRODUCTION

In the fall of 1864, Private Spottswood Rice, a black soldier stationed at Benton Barracks Hospital in St. Louis, wrote to his family’s owners on the subject of their cruelty in refusing to emancipate his daughters.¹ In the process, the soldier branded the owners “Copperhood” [sic] and “Slaveholding rebbels.”² One of the owners, Postmaster F. W. Diggs of Glasgow, may have felt the need to take extra precaution against the force of this accusation when he responded in writing to the Commander of the Department of Missouri with reassurances of his loyalty as a Union man.³ From all appearances, Pvt. Rice’s letter had the power to define the political allegiance of his former enslavers on his own terms. Among other things, examining how African American efforts toward self-emancipation during the Civil War impacted the lives of ordinary white civilians provides a

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1. Steven F. Miller, *Missouri Black Soldier to His Daughters, and to the Owner of One of the Daughters*, FREEDMEN & S. SOC’Y PROJECT, <https://freedmen.umd.edu/rice.htm> (last modified Nov. 30, 2023).

2. Spottswood Rice, “*My Children is My Own*”: *Missouri, September 1864, Spottswood Rice to His Children and to Kitty Diggs*, in *THE CIVIL WAR: THE FINAL YEAR TOLD BY THOSE WHO LIVED IT* 362-64 (Aaron Sheehan-Dean ed., 2014), reprinted in *CIVIL WAR 150 DOCUMENT OF THE MONTH SEPTEMBER 2014* 362, 363 (2014).

3. *Id.* at 362.

historical context for understanding race relations in Border States, such as Missouri, in the three years prior to and immediately following the war's end. Focusing on the unique socio-political environment of these border regions, where allegiance to the Union was often ambiguous, the study investigates how enslaved persons strategically navigated legal systems to secure their freedom.⁴

In Missouri, where loyalty to the Union was subject to flux, enslaved African Americans seized opportunities presented by military orders or the courts of the district or assistant provost marshal to secure their freedom or dispossess White Missourians of their property and freedom.⁵ Such actions were particularly revolutionary in Border States because federal policy enabled such states to keep slaves and maintain slavery as a condition of their loyalty to the Union.⁶ Through the powerful tool of testimony, they skillfully attested to the loyalties of White Missourians, thereby strengthening their own claims for emancipation.⁷ This strategy not only highlighted the complexities of allegiance in these contested spaces but also illuminated the crucial role that African American voices played in shaping the trajectory and realities of freedom during this tumultuous period.

Using the State of Missouri as a case study, this essay explores the nuanced dynamics of self-emancipation politics among enslaved African Americans in border states during the U.S. Civil War, a time and space characterized by contested loyalties and uncertain alliances. In so doing, the article delves into the dual impact of African American testimony, revealing its role not only in securing individual freedom but also in dispossessing White Missourians aligned with the Confederacy or expressing disloyalty to the Union of their personal property and freedom. The relationship between testimony that led to these outcomes was, at times, fractured, unbalanced, and uneven. There were no guarantees, but by strategically engaging with available legal systems, African Americans assisted in the confiscation of property from Confederate sympathizers, effectively challenging the socio-economic underpinnings of slavery and dismantling the infrastructure that sustained the institution. Finally, the article emphasizes the agency of enslaved African Americans in shaping their own destinies during a pivotal

4. FREEDOM: A DOCUMENTARY HISTORY OF EMANCIPATION, 1861-1867: VOL I., SER. II: THE BLACK MILITARY EXPERIENCE 689-691 (Ira Berlin, et al. eds., 1982) [hereinafter FREEDOM: THE BLACK MILITARY EXPERIENCE].

5. See MISSOURI'S DIGITAL HERITAGE, *Missouri's Union Provost Marshal Papers: 1861-1866*, <https://s1.sos.mo.gov/records/archives/archivesdb/provost/> (last visited Mar. 21, 2024).

6. Amy Murrell Taylor, *The Border States*, in *The Civil War Remembered* (U.S. Nat'l Park Serv. And E. Nat'l 2017), <https://www.nps.gov/articles/the-border-states.htm>.

7. See MICHAEL FELLMAN, *INSIDE WAR: THE GUERRILLA CONFLICT IN MISSOURI DURING THE AMERICAN CIVIL WAR 66-67* (1989).

moment in American history. This article exposes the ability of civil war to upend power relationships even in the most conservative of spaces, such as American courts of law.

II. THE WARTIME UNCERTAINTIES OF A CIVIL WAR BORDER STATE

The nature of the war fought in Missouri, a guerilla conflict sharply dividing citizens who supported Union or Confederate interests, produced a situation wherein race became a primary determinant in measuring the national loyalties of ordinary citizens.⁸ Prior enlistment in the Union or Confederate militaries was not a definitive method of signaling one's allegiance. Union commanders in Missouri deployed small outfits of soldiers disguised as rebel and guerilla bands to locate southern sympathizers among the state's civilian population.⁹ Conversely, Confederate soldiers returning to Missouri from other theaters of war formed groups called Paw Paw Militias.¹⁰ Dressed as Union soldiers, these men terrorized Union supporting citizens and slaves alike.¹¹ Wartime circumstances also placed tremendous pressure on social networks and political affiliations.¹² Individuals identified as being friends, family, or associates of military combatants risked losing life and personal property.¹³

In this context, enslaved African Americans played unique, if not critical, roles as informants for the Union Army during the Civil War.¹⁴ Michael Fellman's work on the nature of Missouri's guerrilla conflict suggests that black informants provided the principal source of Union intelligence in wading through the murky sympathies of the state's white citizenry.¹⁵ Fellman observes, "In the context of this guerrilla war where bushwhackers blended into the citizenry and so few whites could be counted on to help fight the bushwhackers, Union soldiers learned that blacks provided the most trustworthy military information."¹⁶ Missouri also provided the Union Army with more African American recruits than any

8. FELLMAN, *supra* note 7, at 66-68.

9. FELLMAN, *supra* note 7, at 168-69.

10. FELLMAN, *supra* note 7, at 53.

11. FELLMAN, *supra* note 7, at 175.

12. FELLMAN, *supra* note 7, at 264.

13. FREEDOM: A DOCUMENTARY HISTORY OF EMANCIPATION, 1861-1867: VOL. I, SER. I: THE DESTRUCTION OF SLAVERY, 480-481 (Ira Berlin, et al. eds., 1985) [hereinafter FREEDOM: THE DESTRUCTION OF SLAVERY]; *Id.* at 476-479; FELLMAN, *supra* note 7, at 121-22.

14. P.K. Rose, *The Civil War: Black American Contributions to Union Intelligence*, in STUDIES IN INTELLIGENCE WINTER 1998-1999.

15. FELLMAN, *supra* note 7, at 66-67.

16. FELLMAN, *supra* note 7, at 66; *see also* WILLIAM E. PARRISH ET AL., MISSOURI: THE HEART OF THE NATION 185 (Wiley-Blackwell 4th ed. 2020); P.K. Rose, *supra* note 14.

other state in the Union, with the exception of Louisiana, Kentucky, Tennessee, and Mississippi.¹⁷ Although many of the individuals mentioned herein are men, it should be mentioned that African American male informants represent only a fraction of the examples and forms that black contestation of white loyalties took during the conflict.¹⁸

Enlistment in the Union Army could be too hazardous for most slaves, particularly the aged, women and children.¹⁹ For example, striking out for a military outpost could become more dangerous to the life of a slave than remaining in the service of slaveholders.²⁰ Union camps occasionally became the target of slave catchers and kidnappers engaged in the smuggling and trading of Missouri's slaves into Kentucky.²¹ Moreover, enlistment of African Americans into the Union Army encountered stiff opposition from citizens throughout Missouri, but particularly in the center of the state holding the heaviest concentration of slaves.²² Military laws also forbid runaway and "fugitive" slaves from coming into Union lines for practical reasons.²³ In response to the belief that enslaved African Americans within Union lines were providing slave owners with valuable information on the position, size and movements of Union camps, the Commander of the Department of the Missouri issued General Order No. 3 prohibiting these camps from harboring fugitive slaves.²⁴ Consequently, runaways, slaves "hired-out" for wages, and enslaved families of enlisted men represent another group of individuals that potentially had the capacity to arbitrate the loyalty of White Missourians during the Civil War.²⁵

Escape to states such as Kansas was a difficult choice for those African American slaves living in the center of Missouri, as Bushwackers, guerilla

17. LORENZO J. GREENE ET AL., *MISSOURI'S BLACK HERITAGE* 82 (Gary R. Kremer & Antonio F. Holland eds., Univ. Mo. Press, rev. ed. 1993); see also Richard B. Sheridan, *From Slavery in Missouri to Freedom in Kansas: The Influx of Black Fugitives and Contrabands into Kansas, 1854-1865*, 12 KAN. HIST. 28, 31, 33 (1989); John W. Blassingame, *The Recruitment of Negro Troops in Missouri During the Civil War*, 58 MO. HIST. REV. 326, 332 (1964).

18. GREENE ET AL., *supra* note 17, at 82-83.

19. Elsie Freeman et al., *The Fight for Equal Rights: Black Soldiers in the Civil War*, 56 SOC. EDUC. 118 (1992).

20. *Id.*

21. Blassingame, *supra* note 17, at 336.

22. Blassingame, *supra* note 17, at 332.

23. Fugitive Slave Act, 1850, § 4 (repealed 1864), https://avalon.law.yale.edu/19th_century/fugitive.asp.

24. Steven F. Miller, *Order by the Commander of the Department of the Missouri*, FREEDMEN & S. SOC'Y PROJECT, <https://freedmen.umd.edu/HalleckGO3.html> (last modified Nov. 30, 2023).

25. Diane Mutti Burke, *Slavery on the Western Border: Missouri's Slave System and its Collapse during the Civil War*, in CIVIL WAR ON THE WESTERN BORDER, <https://civilwaronthewesternborder.org/essay/slavery-western-border-missouri's-slave-system-and-its-collapse-during-civil-war>.

units supporting the Confederacy and organized from Missouri's civilian population, lay in wait for slaves to pass their way.²⁶ In addition, Union officers soon discovered that Missouri's slaveholding class supported the repression of African American freedom by paying Bushwackers to guard and patrol the roads for runaways.²⁷ In his report to Major General W. S. Rosecrans describing social conditions in Pike County, Lt. Col. A Jacobson listed this form of repression as the leading factor obstructing the enlistment of African American soldiers in the region.²⁸ Jacobson wrote, "In the Southern part of Pike County, armed patrols guard the roads at night to prevent negroes from going off. The white inhabitants there are so generally disloyal that no evidence except that of negroes, can be obtained as to the true state of things there." Thus, for some slaves, remaining stationary was key to their becoming arbiters of white loyalty.²⁹

A. Property Understood: Race and the Social Construction of Ownership in War

The dilemma of Private Spotswood Rice and Postmaster F. W. Diggs represents an example demonstrating the power and effects of African American contestation of white loyalty during the Civil War. Frank Diggs was born Francis W. Diggs in October 1810, in Fauquier County, Virginia.³⁰ His parents migrated from England during the late eighteenth century.³¹ Early in his adulthood, Diggs moved to Missouri—initially settling in Callaway County.³² While in Callaway, he met and married another Virginian, Catherine Curd, whose family moved to the county in 1831.³³ Nine years later, Diggs had permanently established his family in Glasgow, Missouri.³⁴

By 1840, the town of Glasgow was quickly becoming a fixture in Missouri's production of tobacco and hemp.³⁵ Located on the Missouri River in Howard County, the town was ideal for transporting the two crops to St.

26. PARRISH, *supra* note 16, at 203.

27. FELLMAN, *supra* note 7, at 212.

28. FREEDOM: THE BLACK MILITARY EXPERIENCE, *supra* note 4, at 238-239.

29. *Id.*

30. ILLUSTRATED ATLAS MAP OF HOWARD COUNTY MO. 23 (n.p., Mo. Publ'g Co. 1876).

31. *Id.*

32. *Id.*

33. WM. S. BRYAN & ROBERT ROSE, A HISTORY OF THE PIONEER FAMILIES OF MISSOURI 316 (St. Louis, Mo., Bryan, Brand & Co. 1876).

34. ILLUSTRATED ATLAS MAP OF HOWARD COUNTY MO., *supra* note 30; BRYAN & ROSE, *supra* note 33.

35. J.Y. Miller, *Glasgow Missouri History*, <https://www.jymiller.net/glasgowhist.html> (last modified Oct. 26, 2021).

Louis, before being shipped to markets further south.³⁶ Glasgow had set up its first post-office three years before Diggs' arrival.³⁷ At the outbreak of the Civil War, Missouri ranked sixth in the production of tobacco among all states.³⁸ Unlike corn and hogs (the major agricultural exports in Missouri), harvesting tobacco and hemp required "back-breaking" and "labor intensive" work.³⁹

Apparently, Diggs achieved a substantial level of prosperity by producing tobacco. A small measure of his success becomes readily apparent when one considers the number of slaves Diggs owned.⁴⁰ Notwithstanding his property in real estate, Diggs owned over sixteen slaves when the Civil War commenced in 1861.⁴¹ It is uncertain whether Diggs' success as a tobacco planter led him to seek public office; however, in 1854, he received his first appointment as a County Court Judge.⁴² Diggs went on to receive subsequent appointments in 1857, 1863, and again in 1865.⁴³

The Civil War was a difficult and turbulent time for most residents in Glasgow, including Diggs. After concluding that slavery would soon end or be gradually abolished at the beginning of the conflict, he immediately did away with his property in slaves.⁴⁴ Thereafter, he decided to enter public life for good. On December 31, 1861, he became only the eleventh postmaster in Glasgow's history.⁴⁵ The next few months of Diggs' life are somewhat of a mystery. On February 14, 1862, less than two months after receiving his position, Christian Dantel replaced Diggs as the town postmaster.⁴⁶ He then regained his former title three months later, on May 22, and held the position until March 1862.⁴⁷ Clearly, Diggs' longstanding service as a county judge, postmaster, and reputable businessman should have had some influence on the perception of his loyalty in the eyes of the government. He found his life unreasonably complicated on this issue, however, by letters from a former slave in the area.⁴⁸

36. *Glasgow, MO, SLAVE STAMPEDES ON THE SOUTHERN BORDERLANDS*, <https://stampedes.dickinson.edu/place/glasgow-mo> (last visited Mar. 22, 2024).

37. *Id.*

38. FELLMAN, *supra* note 7, at 6.

39. FELLMAN, *supra* note 7, at 6-7; *HISTORY OF HOWARD AND CHAITON COUNTIES, MISSOURI* 60 (Missouri, St. Louis: Nat'l Hist. Co. 1883).

40. *FREEDOM: THE BLACK MILITARY EXPERIENCE*, *supra* note 4, 691.

41. *Id.*

42. *HISTORY OF HOWARD AND CHAITON COUNTIES, MISSOURI*, *supra* note 39, at 352-53.

43. *Id.*

44. *FREEDOM: THE BLACK MILITARY EXPERIENCE*, *supra* note 4, at 691.

45. *HISTORY OF HOWARD AND CHAITON COUNTIES, MISSOURI*, *supra* note 39, at 234.

46. *Id.* at 234-35.

47. *Id.*

48. *Id.* at 234-35; Rice, *supra* note 2, at 362.

In February 1864, Spotswood Rice enlisted in the 67th U.S. Colored Infantry at Glasgow, Missouri.⁴⁹ Prior to his enlistment in the army, Rice had been the slave of Benjamin W. Lewis, a prominent businessman and partner of William Spear & Co. Tobacconists.⁵⁰ Lewis was also known in Glasgow's political circles and sat on the Board of Trustees for Glasgow's public library.⁵¹ While the details surrounding his entry into military life are unclear, Rice's enlistment may have come as a consequence of Lewis' bid to collect money for his service and thwart the rapidly decreasing value of his slaves: a common practice at this stage of the war.⁵²

Rice appears to have been literate and a man of some means—however small. He was a tobacco roller, a skill requiring considerable training that undoubtedly distinguished him from ordinary field hands. Rice offered forty dollars to his daughter's owner, Kittey Diggs (Frank Diggs' sister).⁵³ With the exception of this daughter and another one that he kept himself, Frank Diggs had owned Rice's wife and ten other children.⁵⁴ Kittey Diggs' refusal to relinquish her claim to Rice's daughter—by payment or otherwise—caused Rice to write two letters expressing his outrage.⁵⁵

In his first letter, dated September 3, 1864, Rice meant to comfort his children with the knowledge that he would soon be coming through Glasgow with approximately 1,600 Union men.⁵⁶ Although Rice sent the letter to Kittey Diggs' household, he most likely realized that Frank Diggs would receive or intercept his mail because he addressed the letter to both of his daughters.⁵⁷ He addressed his second letter to the attention of Kittey Diggs.⁵⁸ Besides forewarning her of what would happen when he saw her again, Rice's letter labeled the Diggs' "Copperhood," and, "Slaveholding rebbels."⁵⁹

49. Deborah Keating, *Rice, Spotswood*, in *CIVIL WAR ON THE WESTERN BORDER*, <https://civilwaronthewesternborder.org/encyclopedia/rice-spotswood>.

50. *HISTORY OF HOWARD AND CHAITON COUNTIES, MISSOURI*, *supra* note 39, at 207; Keating, *supra* note 49.

51. *HISTORY OF HOWARD AND CHAITON COUNTIES, MISSOURI*, *supra* note 39, at 233-34.

52. Blassingame, *supra* note 17, at 332; Tera W. Hunter, *When Slaveowners Got Reparations*, *N.Y. TIMES* (Apr. 16, 2019), <https://www.nytimes.com/2019/04/16/opinion/when-slaveowners-got-reparations.html>.

53. Miller, *supra* note 1; *FREEDOM: THE BLACK MILITARY EXPERIENCE*, *supra* note 4, at 689-690.

54. Miller, *supra* note 1.

55. *Id.*

56. *Id.*

57. *Id.*

58. *Id.*; *FREEDOM: THE BLACK MILITARY EXPERIENCE*, *supra* note 4, at 690.

59. Miller, *supra* note 1.

One week later, F. W. Diggs wrote to General Rosecrans, Commander of the Department of the Missouri, defending the loyalty of himself and his family members with references from four reputable businessmen.⁶⁰ Similarly, Postmaster Diggs' need to establish his loyalty as a Union man was of the utmost importance to him due to the nature of his livelihood. Private Rice's accusation that Diggs was not loyal to the Union so infuriated Diggs that his letter recommended that the Commander of the Department of the Missouri throw the "scoundrel," Rice, out of the state.⁶¹ More importantly, Diggs acknowledged the weight of Rice's accusations—sent through the mail—during wartime.⁶² Despite his history as a public servant and position as a postmaster, F. W. Diggs needed to respond immediately to Rice's accusations and threat given the politically volatile situation in Glasgow.⁶³ On March 6, 1864, J. P. Lewis, the Assistant Provost Marshal at Glasgow, sent Assistant Adjutant General J. Rainsford a telegram stating that, "Some negroes who were enlisted in this county and sent to St. Louis . . . are hauling off tobacco from their former masters and owners and taking their wives and children."⁶⁴

By 1864, the town of Glasgow had become a crossroads for Union and Bushwacker interrogations of civilian allegiances.⁶⁵ A raiding party abducted James L. Morgan, a tobacco merchant and a Southerner, with the intention of killing him.⁶⁶ His captors came under fire from an opposing raiding party in the area, and Morgan escaped in the ensuing confusion.⁶⁷ He left Glasgow that summer, commenting that, "Low lived men who claim to be Union or Rebel as occasion requires, [ride] the country destroying life & property, regardless of law & usages of regular warfare."⁶⁸

Union officers understood the difficult task involved with discerning the sympathies of civilians in the area. Brigadier General Clinton B. Fisk instructed the officers at the garrison in Glasgow to avoid ambiguity in dealing with guerillas and guerilla sympathizers.⁶⁹ Militia Captain John D. Meredith disguised his men as guerillas as a means of ferreting out the town's

60. *Id.*; FREEDOM: THE BLACK MILITARY EXPERIENCE, *supra* note 4, at 691.

61. Miller, *supra* note 1.

62. *Id.*

63. *Id.*

64. Asst. Adjt. Genl. J. Rainsford to Brig. Genl. E. B. Brown, 6 March 1864, *Destruction of Slavery*, doc. 189; FREEDOM: THE BLACK MILITARY EXPERIENCE, *supra* note 4, at 689-691.

65. FELLMAN, *supra* note 7, at 31.

66. *Id.* at 32.

67. *Id.*

68. *Id.*

69. *Id.*

southern sympathizers.⁷⁰ As postmaster of Glasgow, Diggs did not have the flexibility to negotiate his loyalty like other citizens. He was undoubtedly aware that guerilla and Union forces were intercepting mail to locate the allegiances of citizens and gain knowledge on troop positions.

Diggs' decision not to dismiss the accusations against his loyalty on the account of Rice's race is also understandable in that asserting his allegiance to the Union was imperative to his job security. In fact, Diggs' quick response may have preempted Rice from formally petitioning his commanders for the release of his daughters (chronic rheumatism had hospitalized Rice) on the grounds that Diggs was a rebel sympathizer. In any event, Diggs kept his job as postmaster of Glasgow until 1849.⁷¹ By 1850, he had become the mayor of the city.⁷² It is that much more ironic, then, that such an important person in Glasgow's political life found it necessary to validate his loyalty for the purpose of confronting allegations made by a former slave.⁷³

Enlistment in the Union military, taking an oath of allegiance, and acquiring a signed petition attesting to his loyalty from the local provost marshal failed to aide George B. Anderson in winning back his property from military authorities.⁷⁴ When C. L. Hartman of the 3rd Iowa Calvary confiscated Anderson's bay stallion, he acted from what was in his thinking reliable information that the horse's owner was a rebel.⁷⁵ On April 21, 1862, Hartman's scouting party encountered several African Americans in Fulton, Missouri that "advised," him of a stolen horse on the premises of George B. Anderson.⁷⁶ His informants claimed that Henry Anderson, a rebel soldier, had captured the horse in the Battle of Springfield or Lexington from a fallen federal officer; and, later sent the horse to his brother, George Anderson for safekeeping.⁷⁷ Leaning on the information gleaned from his "informants," Hartman argued that Anderson was in possession of stolen goods, if not also guilty of being a rebel sympathizer, and was steadfast in his belief that he made the correct decision.⁷⁸ Outlining the ordeal in a letter to Brigadier

70. *Id.*

71. ILLUSTRATED ATLAS MAP OF HOWARD COUNTY MO., *supra* note 30, at 23.

72. *Id.*

73. *Id.*

74. *George B. Anderson - State: Missouri - Year: 1862*, NAT'L ARCHIVES, <https://catalog.archives.gov/id/27515849> (last visited Feb. 21, 2025) (NAID: 27515849, Record Group 109: War Dep't Collection of Confederate Records 1861-1867) Nat'l Archives at Washington, DC, [hereinafter NAT'L ARCHIVES *George B. Anderson*].

75. *Id.* at 12.

76. *Id.* at 12-13.

77. *Id.* at 12.

78. *Id.*

General Schofield, Hartman included depositions from displaced African Americans and Union soldiers, stating, “Henry W. Anderson captured said horse from a federal officer at the Battle of Springfield or Lexington (informants were not certain),” and “Henry M. Anderson after he captured the horse sent him to his Brother George B. Anderson to keep for him.”⁷⁹ General Schofield rendered the horse government property and took no further actions against George B. Anderson.⁸⁰

It is interesting to note, however, the complexity and extent of Anderson’s effort to defend his loyalty against the testimony of several slaves. In his letter to General Schofield, Anderson presented the fact that he served in the Missouri State Guard for several months leading to an honorable discharge.⁸¹ After returning home, he “voluntarily,” took the military oath in the presence of the provost marshal at Fulton.⁸² He even submitted a letter from the same provost marshal affirming his loyalty as a Union man.⁸³ Apart from all of the evidence documenting his loyalty, Anderson apparently held a certificate of ownership proving that he paid for the horse.⁸⁴ He was livid over the fact that Hartman had disregarded his certificate in preference for, the verbal statements of “prejudiced Persons to my Injury or loyalty.”⁸⁵

B. Autonomy Unbound: Definition as a Transformative and Critical Emancipatory Power

In addition to affecting the property and wartime allegiances of slaveowners, African Americans used the opportunity of arbitrating white loyalty to gain freedom. No less than fourteen African American slaves appeared at the Union Post in Lamine Cantonment, with their owner’s horses and saddles.⁸⁶ Although the commander of that post later returned the property to the owner, the group did succeed in casting enough doubt as to the question of their owner’s loyalty to win a hearing before the favorably disposed commander on their freedom.⁸⁷ General Schofield requested the permanent protection of three slaves who were, “used as guides to conduct

79. *Id.* at 14-15, 18; Bryan, *History of the Pioneer Families of Missouri*, 303.

80. *Id.*

81. *Id.* at 3-4.

82. *Id.*

83. *Id.* at 4.

84. *Id.*

85. *Id.*

86. IRA BERLIN ET AL., *The Destruction of Slavery, in SLAVES NO MORE, THREE ESSAYS ON EMANCIPATION AND THE CIVIL WAR* 1, 23 (1992).

87. *Id.*

our troops to places where rebels and military stores were secreted, and who have given valuable information which could not be obtained from white men.”⁸⁸

The military did not always give African American slaves a free hand to define the loyalty of their masters in their own interest. Union forces attempted to set boundaries and standards in the interrogation of African Americans who claimed their owners were rebel insurgents and sympathizers.⁸⁹ On December 24, 1862, the Commander of the Department of the Missouri issued General Order No. 35.⁹⁰ The order provided freedom and protection to those slaves considered “captives of war,” who could prove that their owners had given aid or comfort to the rebel cause.⁹¹ However, the law left determining the credibility of slave testimony up to the individual commanders in the field.⁹²

The creation of General Order No. 35, only complicated matters for military personnel and slaveholders alike. The confusion usually centered on the term “captive of war.”⁹³ The Provost Marshal at Linn Creek wrote to his superior asking for clarification on the issue.⁹⁴ Union commanders occasionally gave badly treated African American slaves protection inside military lines despite the fact that this was against military policy.⁹⁵ But, how were military officials to deal with African American slaves who claimed that their southern sympathizing slaveowners had deserted them? The Assistant Provost Marshal at Audrain had similar questions for the Commander of the Department of the Missouri.⁹⁶ He wrote a letter on February 16, 1863, which observed the response of absent slaveholders to African American slaves.⁹⁷ His letter claimed that “. . . The secessionists [sic] have threatened to shoot every black who gives us any information and have already made way with several in this and adjoining counties.”⁹⁸

In June 1863, a letter penned by four persons representing the interests of slaveholders in Lafayette County was sent to Governor Gamble requesting

88. FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 429.

89. BERLIN, *supra* note 86, at 17-19.

90. FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 441.

91. *Id.*

92. *Id.* at 441-444

93. *Id.* at 444-445

94. *Id.*

95. *Id.* at 445.

96. *Id.*

97. *Id.*

98. *Id.*

that he rescind General Order No. 35.⁹⁹ The letter spoke to the amazing degree to which African Americans could level social power to their own advantage by defining white loyalty.¹⁰⁰ According to the four signatories on the letter, one hundred and fifty slaves had gathered at the Union post in Lexington, Missouri, requesting freedom and asylum with the defense that their owners supported the rebellion.¹⁰¹ The white slaveholders involved expressed frustration over the irony that although their loyalty was, “unquestioned,” they were unable to recover their slaves due to the accusations of the slaves: “It is no matter what proof the master offers, the negroes say that they be long to secessionists, and the officers believe them . . . not one can be obtained by the owner, no matter how loyal he may be.”¹⁰² African Americans had the power to de-mask rebels, rebel sympathizers and cruel slaveholders. Occasionally, Union military personnel connected cruelty to slaves with disloyal behavior. This type of contestation appears to have occurred more often with families of enlisted men.¹⁰³

African American contestation of wartime loyalties clearly affected the freedom of Missouri’s white citizenry irrespective of their established loyalty. The case of Edmund Wilson is but another example. Wilson’s former slaveowner, Samuel Bowdery, denied Wilson’s request to see his family on two separate occasions.¹⁰⁴ Despite the fact that Wilson held a note from his recruitment officer and the Provost Marshal at Carrollton, Missouri, Charles Moeller, warning Bowdery that his actions were a federal crime, Bowdery persisted in his refusal to allow Wilson access to his family.¹⁰⁵ Perhaps Bowdery’s blatant disregard for the authority of the note embarrassed Moeller. In any event, Moeller wrote to the District Provost Marshall in St. Joseph, requesting that Bowdery be severely punished.¹⁰⁶ Undoubtedly, Moeller hoped to strengthen his position with the assertion that

99. John F. Ryland et. al. to His Excellency Governor Gamble, 4 June 1863, FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 457-458.

100. *Id.* at 457

101. *Id.*

102. *Id.*

103. FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 501.

104. *Samuel Bowdery, - State: Missouri - Year: 1864*, NAT’L ARCHIVES, <https://catalog.archives.gov/id/27573363> (last visited Feb. 21, 2025) (NAID: 27573363 Record Group 109: War Dep’t Collection of Confederate Records 1861–1867) Nat’l Archives at Washington, DC, [hereinafter NAT’L ARCHIVES *Samuel Bowdery*]; *Letter from Charles Moeller to Lt. Col. S. J. Jemmison* (May 17, 1864) NAT’L ARCHIVES, <https://catalog.archives.gov/id/27573363> (last visited March 8, 2025) (NAID: 27573363 Record Group 109: War Dep’t Collection of Confederate Records 1861–1867) Nat’l Archives at Washington, DC, [hereinafter NAT’L ARCHIVES *Moeller*].

105. *Id.*

106. *Id.*

Bowdery was “a secessionist who has given aid and comfort to rebels,” a phrase that he gleaned from his conversations with Wilson.¹⁰⁷ In his letter to the District Provost Marshal, Moeller made the observation that certain Provost Marshals in the area were rebel sympathizers and, therefore, not trustworthy.¹⁰⁸

Occasionally, Provost Marshals were civilians from the local population who assisted in supporting the continuation of slavery in the state.¹⁰⁹ Writing to his friend in December 1863, W. A. Poillon, a Missouri Unionist, observed that the Provost Marshal in his area “plays billiards and eats oysters [sic] Suppers with rebels who have been banished the state and accused of Horse Stealing and the Pro Marshals Head Quarters is the common Rendezvous of Rebels.”¹¹⁰ Similarly, after alerting two Union officers of an attempt by Missouri slaveholders in the area to smuggle their slaves across state lines, Poillon claimed the officers “informed me it was none of their business and further that if any man should pass through town with fifty Negroes on their way to Kentucky [sic] they had no right to stop them.”¹¹¹

Alternatively, high ranking Union officers made attempts to place checks on Provost Marshals who—through deception or conflicted loyalties—aided the smuggling of slaves across state lines.¹¹² When Geo W. Caldwell received written warning regarding his treatment of the family of Richard Glover (an African American soldier), he quickly and successfully applied to the Provost Marshal General’s office for a pass to Kentucky.¹¹³ Amazingly, Caldwell had Glover’s wife beaten with a leather strap while she was pregnant and was successful in getting his pass to take Glover’s family with him to Kentucky several weeks later.¹¹⁴ Brigadier General William A. Pile was so furious with the actions of the Provost Marshal General’s office that he recommended Major General Rosecrans set three conditions on the powers of Provost Marshals.¹¹⁵ Aside from requesting that the “pro Mar Dept be required to furnish a report of all passes given to slaves,” General Pile asked that “orders be sent out for the arrest of all persons, prowling over the state for the purpose of buying and smuggling to Kentucky the wives and

107. *Id.*; Carrolton Recruitment Station, December 1863-April 1864 at slide 133, <https://www.sos.mo.gov/archives/provost/provostPDF> (Colored Volunteer Descriptive List of Edmond Wilson).

108. See NAT’L ARCHIVES Moeller, *supra* note 104.

109. FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 477-478.

110. See FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 477-78.

111. *Id.* at 478.

112. FREEDOM: THE BLACK MILITARY EXPERIENCE, *supra* note 4, at 245-46.

113. *Id.* at 245.

114. *Id.* at 246.

115. *Id.*

children of these, Sable ‘Patriots’ and true Heroes.”¹¹⁶ In this case, military officials connected loyalty with the treatment accorded to the families of enlisted African American soldiers.

Perhaps the most intriguing illustration of the changing social relations between blacks and whites resulting in African Americans becoming the arbiters of white loyalty comes from the testimony of a slave named Aaron Mitchell of Louisiana, Missouri. In company with three other slaves, Mitchell attempted to escape to the Union outpost at Hannibal in the hope of enlisting into the Union military upon arrival.¹¹⁷ He and the others never made it to the outpost and were beaten severely after being overtaken by slave catchers.¹¹⁸ In the process of his punishment, Aaron became witness to the senseless shooting of one of his partners in the botched enlistment attempt.¹¹⁹

On January 4, 1864, Deputy Provost Marshal P. Draper took a sworn affidavit from Aaron Mitchell on the events that caused the death of his friend.¹²⁰ The event was singularly noteworthy in that state laws did not allow African Americans to testify in court, on their own behalf or against whites.¹²¹ Draper commented that he was under the impression that “no testimony of a negro would ever be used, except as a mere source of information.”¹²² He, therefore, signed the affidavit on Mitchell’s behalf.¹²³ However, Mitchell’s testimony was enough for Draper to request “. . . a mounted force to investigate and to arrest the guilty parties . . .”¹²⁴ The point here is not that Mitchell defined the loyalty of whites necessarily, but that the use of African Americans as interrogators of white truth created different opportunities to receive social justice and achieve self-empowerment.

Although later cleared of all charges, the testimony of James Reese’s former slave, James Parris, landed him in jail for over a year.¹²⁵ While a prisoner in the hands of Rebels whom he had known for some time, Parris had come to learn that Reese had provided sensitive information on the

116. *Id.*

117. *Id.* at 237.

118. *Id.*

119. *Id.* at 237-38.

120. *Id.* at 238.

121. *Id.*

122. *Id.*

123. *Id.*

124. *Id.*

125. *James Reese - State: Missouri - Year: 1862*, NAT’L ARCHIVES, <https://catalog.archives.gov/id/28026319>, (last visited Feb. 21, 2025) (NAID: 28026319, Record Group 109: War Dep’t Collection of Confederate Records), Nat’l Archives at Washington, DC, [hereinafter NAT’L ARCHIVES James Reese].

maneuverings of Union military near New Creek.¹²⁶ Reese was on “parole of honor,” at the time of Parris’ accusation and was not to aid or “abet the enemy in any way.”¹²⁷ Reese, like George Anderson, had enlisted into the Union military and used this fact, along with several supportive letters from friends and family, to get out of jail.¹²⁸ He, nevertheless, had to resign the Oath of Allegiance in August 1864.¹²⁹

At the end of the war, African Americans continued to arbitrate the loyalty of whites that filed claims for property losses suffered during the war. Ann Wheeler of Clark, Missouri, in Chariton County, testified that her enslaver, W. S. Wheeler, intended to join Sterling Price in the fall of 1864.¹³⁰ She also gave evidence that Wheeler had fed and harbored Bushwackers on various occasions.¹³¹ Ann Wheeler identified the names of four guerillas whom her owner had directly assisted with these provisions.¹³² James and Giles Hyde gave similar depositions that their owner, R. S. Hyde, sent his two sons to join the rebel army.¹³³ R. S. Hyde had been among the first settlers in Keytesville, Missouri.¹³⁴ Giles Hyde stated that he accompanied the two sons to the rebel encampment and that “R. S. Hyde furnished the sons with a team of horses and a wagon, an [sic] sent me to drive.”¹³⁵ He stayed with one of the sons until the end of the war.¹³⁶ Thus, African Americans continued to affect the lives of whites through the contestation of loyalty in post-Civil War Missouri. Examples of African Americans arbitrating white loyalty in the post-Civil War era are not unique to Missouri alone.

African Americans provided information and gave depositions on the loyalty of whites filing claims and seeking public office in the South when the war concluded.¹³⁷ The commissioners of the Southern Claims

126. *Id.*

127. *Id.*

128. *Id.* at 4, 6.

129. *Id.* at 5.

130. Deposition of Ann Wheeler, 26 December 1866, Benecke Family Papers, State Historical Society of Missouri Research Center-Columbia (SHMSO), 22.

131. *Id.*

132. *Id.*

133. Deposition of James Hyde, 1 December 1866, Benecke Family Papers, SHMSO, 11-12; Deposition of Giles Hyde, 21 December 1866, Benecke Family Papers, SHMSO, 13-14.

134. Mark Grimsey, *History of Howard and Chariton Counties, Missouri: Written and Compiled from the Most Official Authentic and Private Sources, Including a History of its Townships, Towns, and Villages, Together With a Condensed History of Missouri*. St. Louis, Mo.: National Historical Co., 1883, State Historical Society of Missouri.

135. Deposition of Giles Hyde, Benecke Family Papers, 13.

136. *Id.*

137. See e.g., *Testimony of Nancy Johnson, a Formerly Enslaved Resident of Liberty County, Georgia, Given Before the Southern Claims Commission*, NAT’L ARCHIVES, <https://catalog.archives.gov/id/3854707>, (last visited Feb. 21, 2025) (NAID: 3854707, Record

Commission (SCC), established in the secessionist states, considered the loyalty of a claimant an essential factor in determining the validity of a claim.¹³⁸ The reports of agents within the SCC testify to the use of black witnesses in helping to determine the loyalty of southern whites.¹³⁹ John D. Edwards, the SCC agent in Arkansas, reported that African Americans made better witnesses than many of the claimants' associates.¹⁴⁰ In his weekly report dated June 27, 1874, Edwards asserted that, "They always know if a man was *really* loyal, . . . in fact are generally better posted than the rich white neighbors of the claimants."¹⁴¹ Moreover, he believed that African Americans attained a more accurate sense of the details surrounding a claimant's property because of the slave experience.¹⁴² Other SCC officers relented at the use of African American witnesses based on the assumption that blacks would be prejudiced against former slaveholders.¹⁴³ Missouri was a border state and did not have the SCC; therefore, White Missourians applied to the U.S. Court of Claims to seek compensation for wartime losses.¹⁴⁴

III. CONCLUSION

African American contestation of political loyalty during and after the Civil War affected the livelihoods, freedom, and property of White Missourians. In several instances, it resulted in the confiscation of property, as in the case of George B. Anderson.¹⁴⁵ Anderson claimed that the horse that C. L. Hartman took from him was critical to the development of his father's farm.¹⁴⁶ Apparently, Anderson used the horse—a bay stallion—to haul wood and other heavy objects.¹⁴⁷ African American contestation of political loyalties also placed White Missourians in danger of losing their freedoms. The potential existed for Samuel Bowdery to be severely

Group 217: Records of the Acct. Officers of the Dep't of the Treasury Series: Settled Case Files for Claims Approved by the Southern Claims Commission,) Nat'l Archives at Washington, DC.

138. *Id.*

139. Frank W. Klingberg, *The Southern Claims Commission*, University of California Publications in History, vol. 50 (Berkeley, Ca.: University of California Press, 1955), 85-86.

140. *Id.*

141. *Id.* at 85.

142. *Id.*

143. *Id.* at 89.

144. "States Affected," LibGuides: American Civil War, Southern Claims Commission, St. Louis County Library, <https://slcl.libguides.com/c.php?g=1211551&p=8860413> (accessed April 6, 2024).

145. NAT'L ARCHIVES *George B. Anderson supra* note 74.

146. *Id.*

147. *Id.*

punished were it not for the abrasive disposition of a provost marshal that wanted, “nothing to do,” whatsoever with African Americans testifying against whites.¹⁴⁸ In still another sense, African Americans could potentially divest White Missourians of employment by defining a citizen’s loyalty to the Union.¹⁴⁹ This was nearly the case with F. W. Diggs, postmaster at Glasgow, Missouri.¹⁵⁰ Conversely, an alternative aspect of this newfound social empowerment was the opportunities it gave runaway, fugitive, and captured slaves to emancipate themselves.¹⁵¹ One-hundred and fifty runaway slaves had arbitrated the loyalty of White Missourians to gain freedom.¹⁵² What the Union officials in Missouri could not do, they did with simple words. Other African Americans were certain to follow the example of these initial efforts. By the time the federal government would raise the ire of local populations through the imposition of its many bureaus, soldiers, magistrates, and politicians, ordinary African American civilians had profoundly altered the social landscape of race relations in Missouri through the contestation of political loyalties.

148. NAT’L ARCHIVES *Samuel Bowdery supra* note 104.

149. *See Spotswood, supra* note 49, at 689–91.

150. *See Spotswood, supra* note 49, at 689–91.

151. FREEDOM: THE DESTRUCTION OF SLAVERY, *supra* note 13, at 457, 457-58.

152. *Id.* at 457.