

BLACK SOLDIERS, CITIZENSHIP, AND CONSTITUTIONAL RHETORIC: 1857-1866

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BLACK SOLDIERS, CITIZENSHIP, AND CONSTITUTIONAL RHETORIC: 1857-1866

by

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This paper evaluates the rhetoric surrounding military service by blacks in the Civil War, analyzing the rhetoric of political activists, most notable of whom was Frederick Douglas, and focusing on how they used newspapers, journals, and public speaking events to practice the ancient art of persuasion to build support for Civil War military service by blacks. The story of the Civil War, the end of slavery, and the journey from the Dred Scott ruling to the Fourteenth Amendment is taught at some point in some variation to virtually every school child in the United States. What is often overlooked during this historical review is the part played by military service in the black struggle for something more than freedom—the acquisition of citizenship and the practical application of the responsibilities, rights, and freedoms associated with citizenship. This study argues by analogy to show both its historical and contemporary applicability, identifying military service as an invaluable political and social link between the black battle for citizenship and similar struggles by groups of “others” in our society, groups who still see military service as a necessary and critical stepping stone on the path to full citizenship.

BLACK SOLDIERS, CITIZENSHIP, AND CONSTITUTIONAL RHETORIC: 1857-1866

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside....

—Amendment XIV
Constitution of the United States¹

“Citizen” is such a simple word, representing an arguably straightforward concept, and yet the concept is so powerful that it drove the social and political changes that followed the Civil War and ultimately necessitated a constitutional declaration redefining citizenship in the United States. When considered out of historical context, the Fourteenth Amendment appears disconcertingly redundant, given the ideologies of freedom, justice, and representation that formed the basis of the Declaration of Independence and the Constitution of the United States. It is only when the realities of antebellum America’s “peculiar institution” of black slavery, the Supreme Court’s 1857 Dred Scott ruling, the military service of blacks in the Civil War, and the constitutional abolishment of slavery through the Thirteenth Amendment are included in the history of American citizenship that we can fully understand the significance of and necessity for the Fourteenth Amendment to the Constitution of the United States of America.

The story of the Civil War, the end of slavery, and the journey from the Dred Scott ruling to the Fourteenth Amendment is taught at some point in some variation to virtually every school child in the United States. What is often overlooked during this historical review is the part played by military service in the black struggle for something more than freedom—the acquisition of citizenship and the practical application of the responsibilities, rights, and freedoms associated with citizenship. While state’s rights,

the preservation of the Union, and the abolition of slavery were among the principal issues that split the Union, the debate over arming blacks became a significant piece of the political and military picture once the war ceased to be perceived as a 90 day distraction. Black political activists, most notable of whom was Frederick Douglass, used newspapers, journals, and public speaking events to practice the ancient art of rhetorical persuasion as an integral element of their efforts to build support for Civil War military service by blacks. Their public rhetoric calling for the arming of blacks as a responsibility of community and as a necessity to ensure victory was sincere and a legitimate argument in support of the immediate task at hand. At the same time, the rhetoric of black responsibility and necessity was not an endstate for those involved in the debate. Rather, these arguments marked an historic opportunity for social change and a clear decision point for those on either side of the debate. This decision point can be viewed as a shroud, most often thin and at times transparent, draped over the quest for citizenship for blacks and the tremendous potential for social change believed to be inherently resident in the concept of citizenship. Discussion of the role blacks would play in the war varied often in structure, approach, and content, but were essentially always centered and grounded in the connection between military service and a corresponding state of citizenship in a democracy—specifically—the inherent responsibilities, rights, and privileges that accompany the responsibilities of citizenship. How did “we the people” take the monumental step toward a more egalitarian democracy—the step from Dred Scott to the Fourteenth Amendment? How did “we the people” change from “we the white males” to “we males,” black and white? Who said what, to whom, in what context, to what effect? This work will analyze the national debate surrounding the

arming of blacks in the Civil War to better understand how this particular rhetoric influenced public and political policy concerning the penultimate issues of military service, slavery, and freedom while supporting attainment of the ultimate goal, that of black citizenship. This analysis will focus on untangling supporting ideologies, often buried within the rhetoric, and deconstructing those ideologies to illuminate basic attributes of social construction. Focusing on how specific ideas about citizenship, military service, and integration were represented will show how that representation contributed to the debate over egalitarianism, association, and inclusion in American society. Finally, contemporary analogy will point toward a more comprehensive applicability of this study, identifying military service as an inherent link between the black battle for citizenship and similar struggles by past, present, and future groups of “others” in our society: “others” who also see military service as a valid and compelling stepping stone on the path to full citizenship and who reflect on the journey of black Soldiers in search of citizenship as a guide in their own quest for inclusion in American political and social structures.

Why Military Service?

From the docking of the slave ship Desire in 1636 through the shots at Fort Sumter in 1861, blacks in America were placed in diverse categories of citizenship, often differing not only from region to region, but from state to state, and even county to county. In Massachusetts, where slavery was outlawed in 1780, blacks could vote and were ostensibly citizens in the years leading up to the Civil War.² At the opposite end of the country, Louisiana free blacks were allowed to maintain a black militia and enjoyed a status somewhere above that of slaves but below whites.³ While the issue of slavery

divided the union, the question of blacks as citizens only differed in degree of rejection from North to South. Miscegenation, manumission, and immigration of people of color from places like the West Indies swelled the ranks of “freemen,” until by 1810 more than 100,000 free blacks lived in the Southern states alone.⁴ This growing class of “others” fed racist and separatist fears throughout the first half of the 19th century in antebellum America. The result was that “the distinction between bondage and freedom weakened, making black person synonymous with slave.... The racial and status distinctions were made gradually and were concretized in law”.⁵ The growing discontent between whites and blacks came to its legal head in 1857, when the Supreme Court issued the Dred Scott decision, ruling that blacks were ineligible to attain United States citizenship, either from a State or by virtue of birth in the United States.⁶ For the black man, the country was marching farther and farther away from the ideals expressed in the Constitution, with the concept of full citizenship for blacks being unthinkable in the Southern states and unpopular almost everywhere.

Blacks could trace a proud, military heritage back to Crispus Attucks, a mulatto freeman generally considered the first casualty of the American Revolution, who was shot and killed in the Boston Massacre. Arguably more important than this individual heritage was the communal heritage of freedom and citizenship that was associated with black military service. Blacks who fought during the Revolutionary War were generally emancipated, producing many freemen in the mid-nineteenth century who could trace their freedom to the service of their fathers” or grandfathers”.⁷ The significance of this historical fact was not lost on Frederick Douglass, who prophesied “Once let the black man get upon his person the brass letters U.S.; let him get an eagle

on his button and a musket on his shoulder and bullets in his pocket, and there is no power on earth which can deny that he has earned the right to citizenship in the United States".⁸ Douglass" rhetoric was often a dual edged sword, and so it was when he spoke of arming blacks. He knew that Chief Justice Taney had not only ruled blacks to be noncitizens in the Dred Scott case, but that Chief Justice Taney also addressed the issue of blacks serving in the military, writing:

Nothing could more strongly mark the entire repudiation of the African race. The alien is excluded, because, being born in a foreign country, he cannot be a member of the community until he is naturalized. But why are the African race, born in the State, not permitted to share in one of the highest duties of the citizen? The answer is obvious; he is not, by the institutions and laws of the State, numbered among its people. He forms no part of the sovereignty of the State, and is not therefore, called upon to uphold and defend it.

—Chief Justice Roger B. Taney⁹

Douglass, fully understanding the significance of Chief Justice Taney"s declaration, saw in this declaration a timely and temporal opportunity, for he knew that if blacks were used as soldiers in the Civil War, the issue of citizenship would require resolution.¹⁰

While Chief Justice Taney"s ruling infuriated freemen, abolitionists, and radical activists, it accurately reflected the historic view of military service as a badge of citizenship. The belief that a link existed between military service and citizenship was not new. American laws restricting blacks from serving in the militia can be traced back to the colonial period and European views of "militia service as a responsibility as well as a badge of citizenship. Blacks would not be permitted or expected to serve if they were not citizens. If not expected or permitted to serve, that was another indication that they were not citizens".¹¹

Black leaders, outraged over the Supreme Court's decision in the Dred Scott case, immediately saw the Civil War as an unprecedented opportunity to abolish slavery and attain citizenship status for blacks. Soon after shots were fired at Fort Sumter, black leaders throughout the North began arguing for the immediate arming of blacks and the formation of black regiments, with Douglass boldly proclaiming that "ten thousand black recruits could be raised in thirty days".¹² The Anglo-African Journal published a running series of articles debating the participation of blacks in the military. Publishing in this journal, Alfred M. Green, a lecturer, school teacher, and respected leader in the black convention movement, was one of the first black activists to participate in the public debate on the duty and responsibility of black people as soldiers and civilians in the Civil War.¹³ Believing that the surest path to acceptance and equality was through participation in the war, Green used several different arguments to try and persuade his audience to support military service. Most frequent among his arguments was the supposition that military service presented an opportunity to renew philosophical claims for just treatment.

It is true, the brave deeds of our fathers, sworn and subscribed to by the immortal Washington of the Revolution of 1776, and of Jackson and others, in the War of 1812, have failed to bring us into recognition as citizens, enjoying those rights so dearly bought by those noble and patriotic sires....yet let us endeavor to hope for the future, and improve the present auspicious moment for creating anew our claims upon the justice and honor of the Republic.

—Alfred M. Green¹⁴

Even though Green's call for black military service was hotly contested in the Anglo-American Journal by members of the Vashon family as well as other notable abolitionists, his rhetoric found a sympathetic audience as he drew on emotional

appeals, focusing on the heroic heritage of black soldiers and an intrinsic faith that honor would beget honor.¹⁵

The black response to the rhetoric of men like Green and Douglass was tremendous. As early as April, 1861, Negro organizations in Boston, Pittsburgh, Cleveland, Cincinnati, New York, and elsewhere throughout the northern states petitioned local, state, and federal officials to repeal the white-only militia laws and authorize the formation of colored units to support the war. At the same time, this pathos-driven rhetoric had little effect on white government leaders, for without exception the states, including the liberal state of Massachusetts where a Negro drill company was organized on April 29, and the federal government declined all offers of military service from colored men. A petition from the black leaders of Boston addressed their state assembly and requested: “your honorable body to cause to be stricken forthwith from the militia law of the State the odious word „white,” by which they are now precluded from being enrolled in the militia, and thus disabled as citizens from defending the Commonwealth against its enemies....” In a rhetorical move of its own, and one all too reminiscent of Pontius Pilate, the assembly refused to act on the request, and citing federal authority over the constitution of militias, they forwarded the petition to the U.S. Secretary of War who replied: “this Department has no intention at present to call into the service of the Government any colored soldiers”.¹⁶

Having failed to convince the government to enlist blacks on the basis of duty, Douglass turned to persuasion through prejudice and fear of armed southern blacks, arguing in the Fall of 1861:

It is pretty well established that there are at the present moment many colored men in the Confederate army doing duty not only as cooks, servants, and laborers, but as real soldiers, having muskets on their shoulders, and bullets in their pockets, ready to shoot down loyal troops, and do all that soldiers may do to destroy the Federal Government and build up that of the traitors and rebels.

—Frederick Douglass, Sep 1861¹⁷

While the rhetoric during the early months of the war did not produce any immediate change in the military policy concerning blacks, it can be credited with influencing the political activities of white abolitionists and blacks across the nation. During this first six months of the war, white leaders like Major General John Charles Fremont, Commander of the Western Department, and Secretary of War Simon Cameron supported arguments for black military service and openly challenged the Lincoln administration's policies on abolition and the arming of blacks. In response to their attempts to rush Lincoln on this critical and sensitive issue, Fremont was relieved of command and Cameron was "rewarded" with a new post as the United States Minister to Russia.¹⁸ At this same time, and despite the refusal of the government to recognize them, blacks in many Northern cities were able to organize and maintain military companies without official recognition. Additionally, in light of the government's refusal to accept them as soldiers, hundreds of free blacks made what could be deemed as a truly noble sacrifice, volunteering to serve as cooks and servants for the white regiments from the Northern states.¹⁹

The black leaders and white abolitionists fully understood that their efforts to focus the war on abolition and black citizenship were at odds with Lincoln's oft-expressed position that all issues were secondary to preservation of the Union. Lincoln, concerned about the border states and the "perceptions" of the southern populace,

continued to declare that the war was not about slavery nor was abolition an aim of the Union forces.²⁰ Frustrated at Lincoln's official exclusion of blacks as soldiers throughout the first eighteen months of the war, Douglass declared the administration's policy a "spectacle of blind, unreasoning prejudice...fighting with its „white hand" while allowing its „black hand" to remain tied".²¹ Clearly, Douglass, having lost faith in Lincoln's government, shifted his rhetorical approach and was now addressing the administration as an adversary. Douglass realized that in concentrating on motivating and mobilizing free blacks, he had failed to provide a convincing argument to the white decision makers. Thus, his rhetoric previously meant to persuade blacks by addressing their patriotic emotions and self-interests for future improvement, now focused on appealing to a white audience. While emotional argument was still the centerpiece of his rhetoric, he now built his case around the concern, fears, and self-interests of those in power.

In February, 1862 after the offers of black support through military service had been repeatedly denied, Douglass shifted rhetorical gears once more and presented his evaluation of the situation in a veiled threat, saying:

...the side which first summons the Negro to its aid will conquer... The South will emancipate and arm her slaves sooner than submit to defeat...the abolition of slavery is no longer a question. The only question left to be answered is, whether they or we shall abolish it—on which side the four million blacks shall fight—whether they or we shall inscribe on our banner "Justice to the Negro," and under it advance to success.

—Frederick Douglass²²

Douglass balanced this veiled threat by arguing that blacks' "most ardent desire to serve the cause" had been ignored, and that "Colored men were good enough to fight under Washington," but "They are not good enough to fight under McClellan".²³

Douglass' forwarding of a "take us or they will" message was a rhetorical gamble that

could have wrought severe consequences if his rhetoric were to be received by the white government as a near-traitorous threat. But by this time, Confederate victories over Union forces had already created a new fear in the North that resulted in increased political power in the hands of the radicals and abolitionists who wished to steer the war toward abolitionist ends.²⁴ Additionally, Douglass displayed a tremendous understanding of the value of ethos by continually reminding his audience of the past glories and loyalty of black soldiers. The successful mixing of these two distinctly different approaches toward the same ends marked Douglass as a master rhetorician, able to focus on all available means of persuasion in each situation, for each audience. Douglass' success in achieving this balance, while maintaining his own ideological focus on improved citizenship and a new positioning as black Americans, kept him in position to be even more effective once the tides of war turned in his ideological favor.

The second year of the war signaled the success of Douglass' rhetoric, the beginning of the end of slavery, and the opening of the door to armed service by blacks. Contrary to the expectations of most Northerners, the war had not ended in 90 days. Douglass' rhetoric fanned the flames of public uncertainty and insecurity that grew from the extended war, the congressional talk of white conscription, the use of black soldiers in the Confederate Army, and unexpected Union defeats on the battlefield. The people began to speak, while Congress and the Lincoln Administration began an ideological transformation. Once inconceivable, black service and a war with full emancipation as a primary goal became viable and even attractive positions as both officers and enlisted personnel in the military began to reshape their long-held beliefs about the value and legitimacy of black soldiers.²⁵ The rhetoric of the black leaders, calling for black service,

full emancipation, and citizenship for blacks had become the rhetoric, at least temporarily, of the majority of the North.

Going to War.

From an historical perspective, things began to happen quickly after the summer of 1862. On July 17, Congress passed a militia act that repealed the long standing federal prohibition against colored men serving in the militia. It had taken 15 months, but the cries of Douglass, Green, and countless others were heard and acted upon. Former slaves were enlisted by the hundreds, and by the end of 1862, with the political climate transformed and the military situation stagnated, black troops were seeing action in Louisiana and Kansas. With the new year came the Emancipation Proclamation, irrefutable proof that the war and the will of the people had changed course, now undeniably flowing toward abolition. But, where in 1861 blacks all across the North had stepped forward and volunteered to serve, in 1863 they were much less eager.²⁶ The earlier Union refusals of black service were not easily forgotten; the Confederates were threatening to execute captured Union black Soldiers; and the Union had decided all officers in the black regiments would be white. These setbacks caused Douglass to admit “it is a little cruel to say to the black soldier that he shall not rise to be an officer of the United States whatever may be his merits; but I see that though coupled with this disadvantage colored men should hail the opportunity of getting on the United States uniform as a very great advance”.²⁷ Douglass began to travel and recruit free black men, adjusting his rhetoric once again to argue:

Blacks faced two enemies of comparable significance—southern slavery and northern racism. We shall be fighting a double battle against slavery at the South and against prejudice and prescription at the North....a half a

loaf is better than no bread—and going into the army is the speediest way to overcome the prejudice that has dictated unjust laws against us....Let us take this little the better to get more.

—Frederick Douglass²⁸

Douglass' vision was critical for the future success of the black pursuit of citizenship. He recognized that a call to arms to the very people who had been turned down a short two years earlier would have to be carefully designed. He chose to turn the North's refusal itself to fuel a passionate response from Northern free blacks. By privileging the very prejudices of the North, Douglass hoped to inspire volunteerism among free blacks who saw nothing to gain by volunteering for military service. Once again his adept analysis of his audience and subsequent modification of his rhetoric worked toward achieving Douglass' goal of citizenship through military service, as his voice helped convince more than 33,000 Northern blacks to set aside the present inequities of service in the Union army for a chance at a better tomorrow.²⁹

At the end of the Civil War the first phase of Douglass' vision had been accomplished with an estimated 200,000 blacks serving in the military forces of the United States, fighting to preserve a Union that as recently as 1857 had constitutionally declared them ineligible for United States citizenship.³⁰ Whether their service would result in the second phase of Douglass' vision remained to be seen. Interestingly, a black infantry regiment put the finishing touches on a war from which they were originally excluded when on May 12, 1865 (33 days after the surrender at Appomattox) the last battle of the Civil War was fought near Brownsville, Texas between a group of confederate soldiers and the 34th Indiana Veteran Volunteer Infantry, which included the 87th and 62d United States Colored Infantry. During the war, almost 3,000 black

men died in battle, with another 34,000 dying from other causes, e.g., disease, prisoner of war, accidents.³¹ Many of these men fought and died in partial response to the rhetoric of black leaders like Douglass and Green. They had upheld their legacy of honor, passed down from Crispus Attucks; they had helped preserve the Union. But what of that second enemy that Douglass spoke about? Would they achieve freedom, social equality, and full citizenship? Would they even move the dream forward by creating a better tomorrow than yesterday? Even though the question of equality remains a local, state, regional, and national issue to this day, Douglass was right in his belief that military service would lead to improved status for blacks. The legacy of black uniformed service in the Civil War and the legacy of Frederick Douglass and Alfred M. Green is signified in the words of the Thirteenth and Fourteenth Amendments. Slavery was no more, and the constitutional question of citizenship was resolved by the mixed blood of blacks and whites, spilled on battlefields across the United States for all to see.

Conclusion

Everyone, abolitionists and anti-abolitionists, Northerners and Southerners, knew that honorable military service during a time of national crisis could serve as the groundwork for unprecedented social change on the basis of citizenship, not granted, but earned. A foreshadowing of Martin Luther King, Jr.'s "Dream" is apparent in the words of one black man from New Orleans who explained to a Union general in 1862, "No matter where I fight: I only wish to spend what I have, and fight as long as I can, if only my boy may stand in the street equal to a white boy when the war is over."³² This disenfranchised black man understood the message of Douglass, Green, and countless others. A message proclaiming that, for the black man, the war was not simply about

state's rights, nor was it simply about the abolition of slavery. The war, and more importantly black participation in the war, was an opportunity to claim a higher state of citizenship based on the historical rights of warriors.

The potential for social change is evident in the rhetoric surrounding black service in the Civil War. Without this rhetoric, black service in the Civil War may not have become a reality, and the history of the American people as well as the specific history of the American Negro may have been considerably different from what we study today. At the heart of honorable³³ military service, and fierce opposition to that service, is the question of citizenship, the responsibilities of a citizen, and the rights associated with those responsibilities. The leaders on both sides of the Civil War knew that in a democracy, the rights of citizenship are inherent to the act of military service. With this understanding, they were able to perceive the issue of black service as an unprecedented step forward, or backward in the eyes of the oppositionists, in the conflict over the citizenship status of blacks. History has proven Douglass' views on the importance of military service to be correct, for the belief that military service was inherently linked to citizenship influenced military and political decisions concerning black soldiers throughout the Civil War.³⁴

The realization of the social implications of military service has proven itself to be a key in the social evolution of the United States. Drawing from the lessons learned from nineteenth-century black service, the military, and especially the Army, has since been used as a testing ground for social policy, and studied by virtually every administration since the Civil War. Activists, politicians, and military leaders, recognizing the effectiveness of using the military as a compelling social litmus test, have regularly

situated their arguments for and test of social change within the ranks of the military. Racial integration in the Army is one of the longest running, and arguably most successful of those social “experiments,” but it is only one of countless “experiments” whose intent is to (re)define the rights and privileges of citizenship, as well as determine who is a citizen and what constitutes citizenship. The surface issues change, and the arguments are continually reconstructed, but the ideology shrouding the rights, privileges, and responsibilities of citizenship remain constant, providing an exigency for the study of Civil War rhetoric as the birthplace of this form of social determination in the United States.

In a continuation and modernization of historian Dudley Cornish’s vision for application of the study of the black struggle for citizenship, an historical examination of the past can illuminate the problems of the present and so help toward their final solution. This examination can contribute toward the solution of the American dilemma regarding the full integration into American society of Blacks, Asians, Hispanics, Natives, Women, and all other peoples whose rights, privileges, and responsibilities of citizenship are restricted.³⁵ While the lessons of history are endless, perhaps the most salient truth to be gleaned from this work is that seldom, if ever, are arguments for military service by an “other” the ultimate goal of those presenting the argument. In such endeavors, the objective of the grand-strategy most often resides outside of the military and somewhat disconcertingly, even outside the distinct parameters of national security. These dual realities present the nation and the military a paradox wherein debate focuses on the penultimate question rather than the ultimate question of citizenship and the rights and responsibilities corresponding to it. This paradoxical approach to social

(re)engineering and determination of public policy becomes a distraction whose only justifying exigency is the nation's unwillingness to address the ultimate question and in so doing, render the penultimate question mute. National and military attention tends to become absorbed in the question of military service when the nation and the military would be best served if the conversation were elevated to the defining characteristics in debate. While such a change in political processes and activism would be honorable, it is not on the horizon. Questions of social rights, responsibilities, and privileges continue to find the military a fertile ground for national debate. Correspondingly, contemporary arguments tend toward a continuation of the historically proven tactic of opening the door to citizenship through military service.

The World of the twenty-first century looks far different from the World of the mid-nineteenth century. And yet, socially constructed tension, centered around ethnic differences, demands our attention each day, whether we are sending soldiers to function as peacekeepers in Europe, Africa, or Asia, or we are addressing bilingual education and minority presence in American entertainment and politics. Every day, one has only to pick up a newspaper, magazine, or journal to read about the litany of diverse challenges, e.g., ethnic, religious, social, facing the United States as it marches into the second decade of the twenty-first century. At or near the top of everyone's list of challenges are concerns about diversity: what is it, how do we address it, what are its implications, is it unifying or separating? Whether the topic-of-the-day is women in combat, gays in the military, or military service by resident aliens, today's social initiatives/experiments within the military can trace their political roots to the historical precedence of black service in the Civil War. Likewise, the rhetoric of today can be

traced to the rhetoric of yesterday in its attempt to bestow and recognize the rights and responsibilities of citizenship with validation through military service. Perhaps, today's rhetoric will be as insightful and as helpful as Frederick Douglass", guiding us to an ever-improving understanding and application of the Fourteenth Amendment wherein "All persons" truly becomes, all persons, once and for all.

Endnotes

¹ U. S. Constitution, Amendment XIV.

² Joseph T. Goldman, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York: Macmillan, 1990), 175.

³ William Wells Brown, *The Negro in the American Rebellion: His Heroism and his Fidelity* (Boston: Lee and Shepard, 1867), 10.

⁴ Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon, 1974), 15.

⁵ Mary Berry, *Military Necessity and Civil Rights Policy: Black Citizenship and the Constitution, 1861-1868* (Port Washington, NY: Kennikat, 1977), 3.

⁶ *Ibid.*, 103.

⁷ Goldman, *Forged in Battle*, 167.

⁸ Frederick Douglass, *Douglass Monthly* (Rochester, NY, April 1863).

⁹ Roger B. Taney, *Decision: Dred Scott v. Sanford* (United States Supreme Court), 1857.

¹⁰ Berry, *Military Necessity and Civil Rights Policy*, 103.

¹¹ Taney, *Dred Scott*, 1857.

¹² David Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee* (Baton Rouge: Louisiana State UP, 1989), 148.

¹³ Alfred M. Green, *Letters and Discussions on the Formation of Colored Regiments, and the Duty of the Colored People in regard to the Great Slaveholders' Rebellion, in the United States of America* (Philadelphia, PA: Ringwalt & Brown, 1862), 2.

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¹⁵ *Ibid.*, 1.

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¹⁷ Frederick Douglass, *Douglass Monthly* (Rochester, NY, September 1861).

¹⁸ Dudley Cornish, *The Sable Arm: Negro Troops in the Union Army, 1861-1865* (New York: Norton, 1966), 23.

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²⁰ Cornish, *The Sable Arm*, 10.

²¹ Douglass, *Douglass Monthly*, September 1861.

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²³ Blight, *Frederick Douglass' Civil War*, 154.

²⁴ Hondon B. Hargrove, *Black Union Soldiers in the Civil War* (North Carolina: McFarland, 1988), 23.

²⁵ Hargrove, *Black Union Soldiers*, 31.

²⁶ McPherson, *The Negro's Civil War*, 173.

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²⁸ Douglass, Frederick, *Douglass Monthly* (Rochester, NY, March 1863).

²⁹ Blight, *Frederick Douglass' Civil War*, 164.

³⁰ Berry, *Military Necessity and Civil Rights Policy*, 89.

³¹ Cornish, *The Sable Arm*, 16.

³² Joseph T. Glatthaar, *Forged in Battle: The Civil War Alliance of Black Soldiers and White Officers* (New York: Macmillan, 1990), 3.

³³ Cornish, *The Sable Arm*, XI.

³⁴ Berry, *Military Necessity and Civil Rights Policy*, IX.

³⁵ Cornish, *The Sable Arm*, XV.