

**THE FRUITS OF CITIZENSHIP: AFRICAN AMERICANS, MILITARY  
SERVICE, AND THE CAUSE OF CUBA LIBRE, 1868-1920**

by

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In memory of  
MARY LOUISE HEMPHILL  
Psalm 23

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## TABLE OF CONTENTS

DEDICATION	ii
ACKNOWLEDGEMENTS	iii
LIST OF FIGURES	vii
LIST OF APPENDICES	viii
LIST OF ABBREVIATIONS	ix
ABSTRACT	x
INTRODUCTION	1
CHAPTER	
I. “THE REAL AND FORCED RESPONSIBILITIES OF AN UNEQUAL CITIZENSHIP”: AFRICAN-AMERICANS AND THE POLITICS OF MILITARY ORGANIZATION	21
II. EXCHANGES OF EMPIRE: AFRICAN AMERICANS, INSURGENTS, AND THE “NEW BIRTH” OF CUBAN FREEDOM	83
III. WHEN IMMUNITY GOES ABROAD, DISEASE COMES HOME	147
IV. THE TERMS OF CITIZENSHIP: AFRICAN AMERICAN WOMEN AND CLAIMS-MAKING AFTER THE WAR	201
V. “PROPERTY BY CITIZENSHIP”: AFRICAN AMERICAN POLITICAL ACTIVISM, KINSHIP, AND COMMUNITY AFTER THE FINAL WAR FOR CUBAN INDEPENDENCE	242
CONCLUSION	312
APPENDICES	317
BIBLIOGRAPHY	320

## LIST OF FIGURES

### FIGURE

1	The Sugarhouse on the Norma Plantation	115
2	Affidavit of Louisa Coleman	208
3	Photograph, Pierre L. Carmouche	285
4	Map of New Orleans pensioners and supporters	290



## LIST OF APPENDICES

### APPENDIX

- 1 Percentage of Applicants Receiving Pensions By Category.....318
- 2 Number of Successful Applications Pre and Post 1914.....319

## LIST OF ABBREVIATIONS

### Archival Abbreviations

AGO	Adjutant General's Office
ARC	Amistad Research Center
NONA	New Orleans Notorial Archive
NOPL	New Orleans Public Library
USNA	United States National Archives
UNO	University of New Orleans

### Other Abbreviations

App.	Application
RG	Record Group
USV	United States Volunteer
Wid.	Widow
Cert.	Certificate
No.	Number

## ABSTRACT

The *Fruits of Citizenship* examines the multiple links between African American political activism and the United States' involvement in the War for Cuban Independence. It explores the overlapping and entangled histories of two regiments that emanated from hubs of African American political activism—Illinois and Louisiana—and situates them within the history of the intervention. In the preceding months, Illinois had maintained its vibrant Republican party with a strong black political constituency, whereas in Louisiana, the longstanding history of black political activism was being challenged by the ascendant white supremacy. In 1898, when the United States intervened, it seemed to offer black Americans the opportunity to use military service as a means to buttress their calls for full recognition as citizens.

Some men enlisted with hopes of taking up the cause of Antonio Maceo, the slain Cuban Revolutionary leader. However, charged with disarming the revolutionary forces and restoring peace, black soldiers found themselves at the center of a conflict over how to govern the Cuban island and to protect American interests in the post-colonial era. Environmental conditions and diseases proved to be the greatest challenge for the soldiers, however. Though, when they returned home, they found their pension claims largely rejected by the Veterans Bureau.

I approach the question of how black men—and women— attempted to translate military service into concrete gains by embedding their efforts within a history of

African American politics surrounding the intervention. I begin with studies of New Orleans and Illinois politics, and then explore how local activists engaged with the ongoing work of securing political, social, and economic freedoms, including what the 1868 Louisiana Constitution had referred to as public rights. I subsequently examine how their battles drew upon specific notions of manhood and womanhood, not to mention morals and sexual propriety. Drawing on pension files, military records, newspapers, and Cuban secondary sources, I use microhistorical techniques to demonstrate the multiple links between African Americans' political activism and the War in Cuba. This dissertation reveals a new dimension of the claims-making that developed around the question of the privileges and responsibilities of citizenship.

## INTRODUCTION

In June of 1874, Professor John Mercer Langston, prominent Republican, founding member and past President of the Equal Rights League, and professor of law at Howard University, delivered a speech at Oberlin College on the issue of “Cuban Freedom.” Langston argued that, “with freedom established in our own country and equality before the law promised... we may well consider our duty with regard to the abolition of slavery.” Linking the situation of Africans brought to the United States to that of those who were enslaved elsewhere, Langston argued, “there can be no peace upon our continent; there can be no harmony among its people till slavery is everywhere abolished. Every nation, whether its home be an island or upon a continent of oppressed, ought to have, like our own, a new birth of freedom.”<sup>1</sup> By the time the United States government began formally considering intervening in the Cuban War for Independence in 1898, African Americans had been watching the Cuban crisis unfold for over a quarter of a century.

But in 1874, black Americans could not have predicted that they would lose their new birth of freedom in the decades that followed. By 1896, the New Orleans Citizens’ Committee, led by Louis Martinet and Rodolph Desdunes, which had organized to challenge the Louisiana Separate Car Law, had suffered an irreparable

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<sup>1</sup> “The Colored Men of the United States and Cuban Freedom,” *New Orleans Republican*, June 18, 1874, Cuba file, Marcus Christian Papers, University of New Orleans Archives.

defeat when the Supreme Court handed down its famed decision in *Plessy v. Ferguson*.<sup>2</sup> At the same time, disfranchisement was taking hold throughout the South as southern states passed constitutions aimed at eliminating black voters. The window of opportunity for African American rights-based claims was rapidly closing.<sup>3</sup>

For African Americans the strategy of using military service to secure the rights of citizenship was a road well traveled. To prove worthiness for citizenship, African American men had fought in American wars dating back to the American Revolution. The sacrifices black men had made during the Civil War remained a recurrent theme in African American thought and letters through the turn of the century, informing, inspiring, and shaping many of the debates over the United States' involvement in the War for Cuban Independence. And when the federal government issued successive calls for volunteers in April and May of 1898, once again, black Americans had an opportunity to base their claims to citizenship on military service. By the post-Reconstruction era, however, one thing had changed: African Americans who enlisted

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<sup>2</sup> *Plessy v. Ferguson* 163 U.S. 537 (1896). On Desdunes, Martinet, and the Citizens' Committee see Rodolph Lucien Desdunes, *Our People and Our History; a Tribute to the Creole People of Color in Memory of the Great Men They Have Given Us and of the Good Works They Have Accomplished*, trans. Sister Dorothea Olga McCants (Baton Rouge: Louisiana State University Press, 1973). See also Joseph Logsdon and Lawrence Powell, "Rodolphe Lucien Desdunes: Forgotten Organizer of the Plessy Protest," in *Sunbelt Revoution: The Historical Progression of the Civil Rights Struggle in the Gulf South, 1866-2000*, ed. Sam Hyde (Gainesville: University of Florida Press, 2003),42-70.

<sup>3</sup> Various manifestations of this argument have been put forth. Prof. Rayford Logan argued that the 1890's were the nadir of the Negro's status. See Rayford Logan, *The Negro in American Life and Thought: The Nadir, 1877-1901* (New York: Dial Press, 1954), 66. Others have focused on the power of Democratic forces to overwhelm black voters in the South, while also noting that these efforts did not go unchallenged. The process of achieving disfranchisement was always contingent on the strength of the protests in opposition. See J. Morgan Kousser, *The Shaping of Southern Politics : Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974); William Ivy Hair, *Bourbonism and Agrarian Protest: Louisiana Politics, 1877-1900* (Baton Rouge: Louisiana State University Press, 1969); Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001); and Xi Wang, *The Trial of Democracy: Black Suffrage and Northern Republicans, 1860-1910* (Athens: University of Georgia Press, 1997).

in 1898 now fought to secure the content of a citizenship to which they were already legally entitled.

The *Fruits of Citizenship* examines the multiple links between African American political activism and the United States' involvement in the Cuban Insurgent Army's war for independence from Spain. In 1898 when the United States intervened, it seemed to offer black Americans the opportunity to use military service as a means to buttress their calls for full recognition as citizens. This dissertation examines the overlapping and entangled histories of two regiments that emanated from important centers of African American political activism—Illinois and Louisiana—and situates them within the larger history of the intervention. The Eighth Illinois Volunteer Infantry and the Ninth United States Volunteer Infantry (Louisiana) were part of a select group of African American volunteer regiments that were mustered in and deployed during the war in Cuba. These regiments became central to the history of the era. Examining their respective trajectories simultaneously provides windows into the national landscape of black politics, two extremely important centers of Republican activity, and Cuba during the United States' occupation of the island.

Choosing two African American regiments, one northern and one southern, and both from areas with long histories of Republican Party politics, also provides a productive approach to understanding how the experience of citizenship differed for African Americans across region. However, my goal is not simply to compare the two states, but rather to explore moments when their respective histories became entangled, revealing the internal dynamics of black politics during the period. I connect these overlapping political narratives to the larger world of Afro-American politics. And then,

in the latter chapters, I demonstrate the ways in which the war politicized those who had remained largely separate from the political sphere.

In New Orleans, as historian Eric Arnesen has argued, no clear distinction existed between working class union activists and the larger world of black social life.<sup>4</sup> Hence, the mustering of a regiment pulled the threads that held the New Orleans community together—the union, the fraternal association, the church, and the ward political club. Outside of New Orleans, familial structures and labor networks, organized by the vestiges of a plantation system of labor dating back to the antebellum years when the laborers were largely enslaved, dictated the patterns of organization. Politics in Chicago drew on one of the most politically active black communities in the country. African Americans grew in number and political strength in Illinois after waves of southern migrants arrived in the state in the 1910's, largely overshadowing the substantial strength of black politics in this earlier period.<sup>5</sup> In the months preceding the United States' intervention, Illinois' citizens had maintained a vibrant Republican party with a strong black political constituency, whereas in Louisiana, the longstanding

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<sup>4</sup> Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863-1923* (New York: Oxford University Press, 1991), 85. Other works on Louisiana politics post-Reconstruction include: Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge: Harvard University Press, 2005); Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens: University of Georgia Press, 1995); Hair, *Bourbonism and Agrarian Protest*.

<sup>5</sup> On Chicago politics, see Ida B. Wells-Barnett, *Crusade for Justice; the Autobiography of Ida B. Wells* (Chicago: University of Chicago Press, 1970); Harold Foote Gosnell, *Negro Politicians; the Rise of Negro Politics in Chicago* (Chicago: The University of Chicago Press, 1935); St Clair Drake and Horace R. Cayton, *Black Metropolis; a Study of Negro Life in a Northern City*, rev. and enl. ed. (New York: Harper & Row, 1962); Sundiata Keita Cha-Jua, *America's First Black Town : Brooklyn, Illinois, 1830-1915* (Urbana: University of Illinois Press, 2000); Timuel D. Black, *Bridges of Memory. Chicago's First Wave of Black Migration* (Evanston, Ill.: Northwestern University Press, 2003); Davarian L. Baldwin, *Chicago's New Negroes : Modernity, the Great Migration, & Black Urban Life* (Chapel Hill: University of North Carolina Press, 2007); Christopher Robert Reed, "Progressive-Era Chicago, 1900-1919 " in *The Chicago NAACP and the Rise of Black Professional Leadership, 1910-1966* (Bloomington: Indiana University Press, 1997), 8-16.



history of black political activism was being challenged by the ascendant white supremacy. Examining the organization of the Ninth United States Volunteer Infantry (Louisiana) and the Eighth Illinois Infantry offers a window into the divergent citizenships experienced by men and women in the two states.

This dissertation blends political, social, legal, and microhistorical methodologies, interweaving national and local level analyses of African Americans' efforts to defend their claims to citizenship. Microhistory—a layering of disparate sources to reveal networks that often lie hidden in analyses of aggregate level data—has provided one means of explicating these dynamics, in this case by enabling me to recreate community level politics.<sup>6</sup> African Americans' multiple articulations of citizenship claims as developed in the context of war—via letters, pension applications, military records, and newspapers—provide a unique window into African American life. These writings prove to be a rich source from which to glean an understanding of how African American men and women attempted to use military service to their own advantage at the turn of the century.

This methodology has also had the benefit of allowing me to excavate the individual and collective voices of those who were putting forth claims for full citizenship rights at the turn of the century. It would be nearly impossible to provide a national view on the question of military service or black civil rights, for there was no single national African American “voice” on the Cuban situation. Many desired to use

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<sup>6</sup> Giovanni Levi, "On Microhistory," in *New Perspectives on Historical Writing*, ed. Peter Burke (University Park: Pennsylvania State University Press, 1992), 101-2, 10-14. For examples of the method in practice, see Arlette Farge and Jacques Revel, *The Vanishing Children of Paris: Rumor and Politics before the French Revolution*, trans. Claudia Miéville (Cambridge: Harvard University Press, 1991); Rebecca J. Scott, "Reclaiming Gregoria's Mule: The Meanings of Freedom in the Arimao and Caunao Valleys, Cienfuegos, Cuba: 1880-1899," *Past and Present* 170 (Feb., 2001):181-216.

military service as a means to shore up political patronage and also to buttress their challenges against disfranchisement, lynching, and segregation. Others hoped it would translate into improved social standing, while some had personal aspirations to prove their manhood or support their families. And finally, some men, who shared the transnational outlook that enabled John Mercer Langston to link the Cuban cause to his own, also enlisted to support the cause of Cuban freedom. When the United States formally declared war on Spain in April of 1898, African Americans rallied to the cause for a myriad of reasons, while collectively transforming the Cuban intervention into an opportunity for their own betterment at home.

This dissertation also provides a history of local people and their conceptions of the meaning of citizenship, tracing their intellectual genealogy through the towns of southeastern Louisiana, up through southern Illinois, into the countryside of eastern Cuba, and back. Along the way, there are points when activists in Illinois politics came in contact with those from Louisiana, Washington, D.C., New York, and other states throughout the Union. But as a history of African Americans and United States empire, it also draws connections across national borders, examining the revolution in Cuba and African American citizenship claims as concurrent and intersecting developments.<sup>7</sup> By combining these historical approaches and weaving together microhistorical, local, national, and transnational histories, we can reexamine familiar political centers from new vantage points.

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<sup>7</sup> On transnational historical methodology, see Louis A. Pérez, Jr. Review of *Rethinking American History in a Global Age*, by Thomas Bender, ed., *Journal of American History* 89, no. 2 (September 2002):558-66. Theoretical discussions regarding placing United States history in transnational context can be found in Amy Kaplan and Donald Pease, eds. *Cultures of United States Imperialism* (Durham Duke University Press, 1993); Ian Tyrell, "American Exceptionalism in the Age of Internationalism," *American Historical Review* 96, no. 4 (1991):1030-55; and David Thelen, "The Nation and Beyond: Transnational Perspectives on United States History," *The Journal of American History* 86, no. 3 (1999).

So how did African Americans attempt to use military service in the Cuban intervention to improve their situation in the United States? I approach this question by using the methodologies of micro and local history to identify individuals who were working on the state, city, and community level. Some of the most prominent actors were black Republicans; men and women who saw themselves as carrying forth what James McPherson has referred to as the “neo-abolitionist” legacy of the Civil War era.<sup>8</sup> But other politicians and those who became politicized solely through military service are also examined here. I then broaden my scope to the national and transnational level, embedding these microhistorical and local narratives within the broader history of the period.

The narrative begins with early debates over black immunity to tropical diseases, and then recounts the process leading up to the eventual recruitment of black troops in Louisiana, connecting it with the same process in Illinois. The first chapter explores the evolving interest in the War in Cuba and the possibilities aroused by the prospect of occupation, while chapters three through five explore the post-war realities experienced by the soldiers and their supporters after the regiments’ return. The United States’ occupation of the island is the subject of the second chapter. In this chapter, I have explored the daily interactions between American soldiers and local Cubans that shaped the experience of the United States’ occupation for both.

During enlistment, as black troops from Louisiana were mustered into federally organized “immune regiments”—based on their purported ability to withstand the tropical diseases of malaria and yellow fever—medically informed ideas of black

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<sup>8</sup> James M. McPherson, *The Abolitionist Legacy: From Reconstruction to the NAACP* (Princeton: Princeton University Press, 1975).

immunity divided African Americans as they debated whether this was really the best means to bring honor upon the race.<sup>9</sup> The question gained added significance after President William McKinley and his administration decided that in the federally organized units (as opposed to those built on existing state militias) all the officers' positions above the rank of lieutenant—captain, major, and colonel—would be filled by white men. With black men from southern states barred from ascending above the rank of lieutenant, African Americans in national circles widely debated the issue.

As men traveled to the muster stations in large numbers, they resolved the dispute, accepting enlistment without a guarantee of access to commissioned ranks. Many did so, at least in part, because military service was closely associated with masculinity. Some argued, that if black men served in Cuba they might succeed in asserting their manhood and therefore their suitability for full citizenship. These notions of citizenship, to the extent that they were predicated on military service, were highly gendered and tied to conventional constructions of full citizenship as an exclusively male domain.

Black women, however, were not passive bystanders. Scores of African American women, many of them yellow fever nurses from the southern states or former nurses from the Civil War, flooded recruitment stations, later serving in the medical hospitals in Cuba. Many women remained at home. And when their sons, husbands, or fathers failed to return from “the deadly isle,” or returned sick and suffering with diseases, they submitted claims for federal pensions to the federal government. These

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<sup>9</sup> *Volunteer Army Act of 1898*, Public Law 294, *U.S. Statutes at Large* 30 (May 10, 1898). The bill provided for ten federally organized regiments of men “immune to diseases incident to the tropics” to be gathered from the southern states and other areas where yellow fever and malaria were common. These were segregated regiments, with four regiments reserved for black men. The four black regiments were to have white officers for the positions above the rank of lieutenant: captain, major, colonel, and general.

women often asserted gendered notions of propriety, morality, and dependency to establish their suitability for federal support. Soldiers, widows, politicians, activists, and entire communities worked on multiple fronts to reconstruct their relationship to the federal government. And in doing so, they asserted their suitability for the full rights, responsibilities, and benefits of citizenship by claiming to adhere to highly gendered constructs of manliness and feminine domesticity.

In 1899, as the regiments arrived back in the United States, black veterans and their supporters attempted to translate military service into material gains either through political appointments, legislative action on lynching and disfranchisement, or the post war pension. Coming in the aftermath of the War with Spain, the Presidential election in November of 1900 afforded African Americans the political platform from which to discuss the contradictions between the United States' professed support of liberty abroad and the denial of African Americans' full citizenship rights at home. In this context, black enlistment became the means to bring honor upon the race in a national context and to reestablish its standing in national politics.

Activists did not approach the century's end with a foreboding sense that they would face the rollback of nearly all of Reconstruction's progress, but rather as race leaders and as citizens, they saw themselves as continuing an ongoing struggle for freedom. This process began in the 1890's, but the various methods soldiers used to improve their own standing extended well into the 1920's. As African Americans actively turned their service abroad into a fight for rights at home, the period between 1898 and 1920 became an era of sustained intellectual involvement and political consciousness.

## The Texture of Citizenship

The *Fruits of Citizenship* engages a body of scholarship exploring political activism in the 1890's and beyond, and adds to the historiography on African Americans and military service. In 1954, Rayford Logan first published *The Negro in American Political Life and Thought: The Nadir 1877-1901*.<sup>10</sup> In this enduring work, Logan argued that the 1890's —characterized by disfranchisement, racial violence, and the rollback of the Reconstruction amendments—constituted “the Nadir of the Negro's status.”<sup>11</sup> Logan was largely correct in saying that the 1890's were a low point for African Americans under the law and within the major political parties. However, local and microhistorical studies reveal that a considerable level of contingency remained even after disfranchisement had taken full hold in southern states; the boundaries of citizenship were far from settled. As scholars have found, African Americans continued to challenge restrictions on citizenship using political clubs, the courts, and mainstream political activity in the nineteenth and early twentieth centuries.<sup>12</sup>

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<sup>10</sup> Logan, *The Negro in American Life and Thought*. Logan republished it as Rayford Logan, *The Betrayal of the Negro: From Rutherford Hayes to Woodrow Wilson*, new enl. ed. (New York: Collier Books, 1965).

<sup>11</sup> Logan, *The Betrayal of the Negro*, 62.

<sup>12</sup> This cadre of scholars includes historians such as Elsa Barkley Brown, Glenda Gilmore, and Steven Hahn who have reconsidered the definition of black politics after Reconstruction by assessing the thoughts and activities of African Americans outside of the mainstream political process. Elsa Barkley Brown, "Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom," *Public Culture* 7, no. 1 (1994):107-46; Elsa Barkley Brown, "To Catch the Vision of Freedom: Reconstructing Southern Black Women's Political History, 1865-1880," in *African-American Women and the Vote, 1837-1965*, ed. Ann D. Gordon (Amherst: University of Massachusetts Press, 1997); Steven Hahn, *A Nation under Our Feet : Black Political Struggles in the Rural South, from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003); Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny after Reconstruction* (Chapel Hill: University of North Carolina Press, 2004); Martha S. Jones, *All Bound up Together : The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007). For works on African American activism during the progressive era see Evelyn Brooks Higginbotham, *Righteous Discontent : The Women's Movement in the Black Baptist Church, 1880-1920* (Cambridge: Harvard University Press, 1993); Kevin Gaines, *Uplifting*

Several scholars have focused on African American involvement in the United States' military campaigns, exploring the ways in which African Americans have used military service to advance their own calls for citizenship.<sup>13</sup> But as historians study the years between 1865 and 1914, years that are framed by the end of the Civil War and the beginning of World War I, questions arise about how we understand the period. Historians Frederick Cooper, Thomas Holt, and Rebecca Scott offer a compelling framework with which to undertake this endeavor in their introduction to *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Post-Emancipation Societies*. Cooper, Holt, and Scott have pushed historians to explore what they term "the beyond of freedom." As they suggest, while we know when slavery ends what we do not know is where freedom begins. Where can we identify the achievement of its ideals? What

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*the Race: Black Leadership, Politics, and Culture in the Twentieth Century* (Chapel Hill: University of North Carolina Press, 1996); and Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1991). For recent work on African Americans and the courts see Scott, *Degrees*; Jones, "Leave of Court: African-American Legal Claims Making in the Era of Dred Scott V. Sandford," in *Contested Democracy: Politics, Ideology and Race in American History*, ed. Manisha Sinha and Penny Von Eschen (New York: Columbia University Press, 2007), 54-73. A synthetic source which connects the emancipation era to the early twentieth century movements for civil rights is McPherson, *Abolitionist Legacy*. See also Mitchell, *Righteous Propagation*.

<sup>13</sup> Willard B. Gatewood Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975); Garna Christian, *Black Soldiers in Jim Crow Texas, 1899-1917* (College Station: Texas A&M University Press, 1995). The large number of works on the Civil War precludes naming them in entirety. However, representative examples include: Ira Berlin, Joseph Reidy, and Leslie Rowland, ed. *Freedom's Soldiers: The Black Military Experience in the Civil War* (Cambridge: Cambridge University Press, 1998); Ira Berlin, et. al., *Slaves No More: Three Essays on Emancipation and the Civil War* (Cambridge: Cambridge University Press, 1992); James Hollandsworth, *The Black Military Experience During the Civil War* (Baton Rouge: Louisiana University Press, 1995); Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999); and Donald R. Shaffer, *After the Glory: The Struggle of Black Civil War Veterans* (Lawrence: University Press of Kansas, 2004). On twentieth century wars, see Brenda Gayle Plummer, *Rising Wind: Black Americans and U.S. Foreign Affairs, 1935-1960* (Chapel Hill: University of North Carolina Press, 1996); Penny M. Von Eschen, *Satchmo Blows up the World: Jazz Ambassadors Play the Cold War* (Cambridge, Mass.: Harvard University Press, 2004); and Penny Von Eschen, *Race Against Empire: Black Americans and Anticolonialism, 1937-1957* (Ithaca, NY: Cornell University Press, 1997).

are the appropriate temporal boundaries of the study of post emancipation societies?<sup>14</sup>

If Reconstruction, for example, was an unfinished revolution as Eric Foner argues, where does it end? Does it end in the 1890's? Or does it perhaps only end in the 1960's?<sup>15</sup> When we examine the "beyond" of emancipation as Cooper, et. al. encourage us to do, and explore the citizenship battles that occurred over the course of the twentieth century as a product of United States emancipation, then citizenship begins to look more like a status yet to be obtained, rather than a position that was conferred with the fourteenth amendment. With or without the full privileges of United States citizenship, African Americans never ceased to make claims to a broadly conceived spectrum of citizens' rights.

As historians of successive generations have grappled with this history of the "beyond of slavery," the enterprise has produced increasing numbers of works focusing centrally on exploring the history of citizenship in varying contexts.<sup>16</sup> If citizenship is

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<sup>14</sup> Frederick Cooper, Thomas C. Holt and Rebecca J. Scott, ed. *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Post-Emancipation Societies* (Chapel Hill: University of North Carolina Press, 2000), 3-4.

<sup>15</sup> Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988).

<sup>16</sup> Classic works on citizenship rights include: Kousser, *Shaping*; Foner, *Reconstruction*; Eric Foner, *Nothing but Freedom: Emancipation and Its Legacy* (Baton Rouge: Louisiana State University Press, 1983); Frank McGlynn, and Seymour Drescher, ed. *The Meaning of Freedom: Economics, Politics, and Culture after Slavery* (Pittsburgh: University of Pittsburgh Press, 1992); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998); Roger Ransom and Richard Sutch, *One Kind of Freedom: The Economic Consequences of Freedom* (Cambridge and New York: Cambridge University Press, 1977); Harold Woodman, *New South, New Law: The Legal Foundations of Credit and Labor Relations in the Postbellum Agricultural South* (Baton Rouge: Louisiana State University Press, 1995). Recent works on the topic include: Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996); Tera W Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors after the Civil War* (Cambridge: Harvard University Press, 1997); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998); Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000); Elsa Barkley Brown, "Negotiating and Transforming



tied to the vote then what does that mean for our understanding of African Americans' sense of themselves as citizens after disfranchisement? If voting, jury service, or military status defines citizenship then what does that mean for women? Is freedom limited only to economic and social freedoms? But as we have learned, if citizenship is narrowly defined by the political, and politics even more narrowly by civic participation, then it forces us to view the 1890's as the end to black political involvement rather than a moment of evolving political consciousness.

African Americans were not only focused on the vote, they defined citizenship in increasingly expansive terms that differed across time and space. Eric Foner has argued that "the fulfillment of blacks' non-economic aspirations, from family autonomy to the creation of schools and churches all depended in considerable measure on success in winning control of their working lives and in gaining access to the economic resources of the South."<sup>17</sup> In a recent article analyzing the conceptual roots of the 1896 *Plessy* challenge, Rebecca Scott examines the evolving construction of rights based claims in Louisiana between 1868 and 1896. Scott argues that the " 'civil, political, and public rights and privileges' " as outlined in the 1868 Louisiana Constitution were essential to the conceptual framework employed by the organizers of the *Plessy* challenge. Activists in Louisiana, drawing on the ideologies of the French and Haitian

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the Public Sphere: African American Political Life in the Transition from Slavery to Freedom," in *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, ed. Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon (Princeton: Princeton University Press, 2000), 28-66; Hahn, *Nation under Our Feet*; Scott, *Degrees*; Laurent Dubois, *A Colony of Citizens: Revolution & Slave Emancipation in the French Caribbean, 1787-1804* (Chapel Hill: University of North Carolina Press, 2004); Thomas C. Holt, *The Problem of Freedom: Race, Labor, and Politics in Jamaica and Britain, 1832-1938* (Baltimore: Johns Hopkins University Press, 1992); Jones, *All Bound up Together: The Woman Question in African American Public Culture, 1830-1900*; Manisha Sinha and Penny M. Von Eschen, *Contested Democracy: Freedom, Race, and Power in American History* (New York: Columbia University Press, 2007); and Hannah Rosen, *Terror in the Heart of Freedom: Citizenship, Sexual Violence, and the Meaning of Race in the Postemancipation South* (Chapel Hill: University of North Carolina Press, 2009).

<sup>17</sup> Foner, *Reconstruction*, 110.

Revolutions of 1789, 1791, 1830, and 1848, referred to the *public*, connoting claims to dignity and public standing, and dodging the contentious phrase “social equality,” which their enemies so often used to discredit their aspirations. As she demonstrates, public rights were essential to the calls of the Louisiana activists for the equal dignity of citizens in the public sphere.<sup>18</sup> Foner and Scott, through their analyses of civil rights claims put forth by people of color in the post-Reconstruction era, provide support for a more inclusive reading of citizenship by demonstrating that in popular usage it was broadly defined.

This is a conclusion supported by my study of African Americans during the final War for Cuban Independence, and lays the foundation for what I conceptualize as the texture of citizenship. As the antithesis of slavery, freedom and citizenship became expansive concepts. Citizenship, as most African Americans perceived it, was an amalgam of political, economic, public, and personal powers that African Americans not only hoped for, but had also caught a clear glimpse of during and after the Civil War and Reconstruction.<sup>19</sup> This understanding of citizenship formed the basis for the full

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<sup>18</sup> For a discussion of public rights claims, an explanation of the difference between the concepts of public rights and social rights, and an unpacking of the phrase “social equality,” see Rebecca J. Scott, “Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge,” *Michigan Law Review* 106, no. 5 (2008): 777-804. On the term “social equality” see, Nell Irvin Painter, “‘Social Equality,’ Miscegenation, Labor, and Power,” in *The Evolution of Southern Culture*, ed. Numan V. Bartley (Athens: University of Georgia Press, 1988), 47-67; Linda K. Kerber, *No Constitutional Right to Be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998).

<sup>19</sup> Hannah Rosen makes a similar argument regarding citizenship. See Rosen, *Terror in the Heart of Freedom*, introduction. Several women’s, gender, and feminist historians have argued for expansive constructions of citizenship. In particular, see Painter, “‘Social Equality,’ Miscegenation, Labor, and Power”; Kerber, *No Constitutional Right to Be Ladies*; Hunter, *To ‘Joy My Freedom*; Frankel, *Freedom’s Women*; Leslie Schwalm, *A Hard Fight for We: Women’s Transition from Slavery to Freedom in South Carolina* (Urbana: University of Illinois Press, 1997); and Jones, *All Bound up Together*. Considering works such as Tera Hunter’s, *To ‘Joy My Freedom* and Leslie Schwalm’s *A Hard Fight For We* also help us to consider the ways that gender and free labor ideology converged in many former female slave’s understanding of their rights as women and as free labors particularly where the politics of family were concerned. See also, Nell Irvin Painter, Review of *Reconstruction: America’s Unfinished Revolution: 1863-1877*, by Eric Foner, *Journal of Women’s History* (Winter 1991): 132-133.

range of rights claims individuals put forth before, during, and after their return from service in 1898 -1899. Citizenship, in this context, was not something conferred, but rather something negotiated. And those one-generation outside of slavery saw economic opportunity, political participation, public, and social freedom as equal parts of the right of citizenship.

The fact that states were abridging their rights did not abate the constitutional promise. Men and women continued the fight, not only for full citizenship itself, but also for its benefits. It was this conviction that fueled civil rights challenges, efforts for political recognition within the Republican Party, and the quest for military officers' positions even in the face of a denial of many of the rights of citizenship under the law. This same desire for the fruits of citizenship fueled scores of pension requests by returning volunteers and their families. The local networks that rallied to procure black volunteers for military service in Cuba in 1898 often reorganized on behalf of individual and collective rights after the soldiers returned. By piecing together local networks, national politics, and individual histories, we are able to reconstruct a history of African American activism surrounding the question of citizenship in this seemingly dismal period. Coming on the heels of the failure of Reconstruction, the Cuban War for Independence offered African Americans another opportunity to redeem for themselves some of the hope for full citizenship that emancipation had birthed.

### **The Cause of Cuba Libre**

Though the United States formally declared war on Spain in 1898, the history of the American involvement in the Cuban War for Independence must begin in 1868. As the Civil War concluded, the Cuban War for Independence was nearing the beginning of the first of three phases: The Ten Years' War (1868-78), the Guerra Chiquita, or Little War (1879-80), and the final War of Independence (1895-98). The United States government did not formally intervene until the War for Independence was already in its final stage. By the time United States soldiers were deployed to Cuba, the Cuban Revolution had been intermittently making progress for more than a quarter of a century.<sup>20</sup> Cubans of all colors and social origins had created a formidable cross-racial, cross-class alliance, and forged a nationalist ideology in which all, regardless of race

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<sup>20</sup> Willard Gatewood's seminal works on Black Americans during this era of U.S. imperialism are the most thorough by far, challenging the ignoring of black troops in most histories of the period published before or after. See Gatewood Jr., *Black Americans*. The rather limited discussion of African American participation in the "Spanish-American War" by other historians generally inserts them into a U.S. centered narrative of the latter, and focuses on selected units that participated in familiar battles. For example, see Miles V. Lynk, *The Black Troopers, or the Daring Heroism of the Negro Soldiers in the Spanish-American War*, 2nd ed. (New York: AMS Press, 1899; reprint, 1971); Edward Van Zile Scott, *The Unwept: Black American Soldiers and the Spanish American War* (Montgomery: The Black Belt Press, 1996); T.G. Steward, *The Colored Regulars in the United States Army* (New York: Arno Press, 1969); Frank N. Schubert, *Buffalo Soldiers and the Medal of Honor, 1870-1898* (Wilmington: Scholarly Resources, 1997). A pioneering recent example which situates the participation of black troops from the United States within the Cuban War for Independence itself can be found in Scott, *Degrees*. For another work which similarly situates black participation in the war outside a singularly U.S. context and within a broader transnational network is Mitchell, *Righteous Propagation*.

Historians of the United States are nonetheless beginning to draw on the works of English – language authors who keep the island at the center of their story: Louis A. Pérez, *Cuba between Empires, 1878-1902* (Pittsburgh: University of Pittsburgh Press, 1983); and Philip Sheldon Foner, *The Spanish-Cuban-American War and the Birth of American Imperialism, 1895-1902* (New York: Monthly Review Press, 1972). Aline Helg, *Our Rightful Share: The Afro-Cuban Struggle for Equality, 1886-1912* (Chapel Hill: University of North Carolina Press, 1995).

Historians from Cuba, of course, have long understood this perspective: See Miguel Varona Guerrero, *La Guerra de Independencia de Cuba, 1895-1898*, 3 vols. (Havana: Editorial Lex, 1946); Emilio Roig de Leuchsenrig, *Cuba no debe su independencia a los Estados Unidos* (Havana: Sociedad Cubana de Estudios Históricos e Internacionales, 1950); and Emilio Roig de Leuchsenrig, *La guerra libertadora cubana de los treinta años, 1868-1898* (Havana: Oficina del Historiador de la Ciudad de la Habana, 1958), especially chapter 33 on the United States intervention. For the most recent work on the War for Independence that uses both Cuban and United States sources see Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898* (Chapel Hill: University of North Carolina Press, 1999).

and social status, became equal members in the new nation.<sup>21</sup> Though racial and social tensions plagued the Liberation Army, racial equality remained a central tenet of its ideology. The cross-racial alliance that went to war in 1895 seemed to promise not only independence from Spain, but also social egalitarianism and racial inclusion.<sup>22</sup>

Though the dissertation opens with a discussion of United States politics after the Civil War, conceptually, it is Cuba and the Cuban War for Independence that are the pivot on which it turns. I have chosen to engage with historical interpretations of the war produced by Cuban historians, both those who write from Cuba and in the United States, rather than the wealth of histories written about the intervention as part of a conflict between Spain and the United States.<sup>23</sup> Engaging with these historical interpretations of the war has yielded a different history of the occupation. The United States' intervention in the final War for Independence and the participation of African Americans therein are rightly viewed as part of a longer history of transnational interchange between Cubans and Americans. Historians of the Cuban war provide support for this perspective; they argue that the story of Cuban independence does not begin with the arrival of the Americans in 1898, but rather starts with the first war in

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<sup>21</sup> Alejandro de la Fuente, *A Nation for All : Race, Inequality, and Politics in Twentieth-Century Cuba* (Chapel Hill: University of North Carolina Press, 2001), 23-45. On the possibilities, limitations, and challenges involved in the building of Cuban nationalist ideology, see Fuente, *Ibid.* See also Fernando Martínez Heredia, "Nationalism, Racism, and Classes in the Revolution of 1895 and the Cuban First Republic," *Cuban Studies* 33 (2002):95-123; Ferrer, *Insurgent Cuba*, Introduction; Helg, *Our Rightful Share*, 68-90. On Martí in particular see Paul Estrade, *José Martí: Los fundamentos de la democracia en Latino America* (Aranjuez, Spain: Ediciones Doce Calles, 2000).

<sup>22</sup> Fuente, *A Nation for All*, 12, 23; Ferrer, *Insurgent Cuba*, Introduction.

<sup>23</sup> Among Americanists, a strong challenge to the narrow focus on the war as a conflict between the Spanish and the Americans can be found in Philip Sheldon Foner, *The Spanish-Cuban-American War*.

1868.<sup>24</sup> When African American soldiers went to Cuba in 1898, they became a part of the larger process of Cuban independence.

A transnational perspective can inform our understanding of the individuals and soldiers who comprised both the revolution and the occupation, while also providing an opportunity to observe them at the point of their meeting.<sup>25</sup> I explore one dimension of this by examining how the daily circumstances of the United States occupation shaped the experience of citizenship for both the occupier and the occupied. Microhistory allows us to go below the surface of United States empire, examining it “from below.”<sup>26</sup> When employed in transnational studies, microhistory can help to explain long-term changes in macro-level processes such as the end of colonialism, the rise of empire, demography, production, or investment. I have employed this strategy while linking micro-level struggles to the macro-level project of empire building. In the process, I work to identify sites of contest, conflict, and cooperation on the ground in order to explore the dynamics of larger scale trends. The United States intervention produced conflict and cooperation alike, locking African American and Cuban aspirations for full citizenship in conflict—and at times in cooperation—with the expansion of United

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<sup>24</sup> This argument is developed in Roig de Leuchsenrig, *Cuba no debe su independencia a los Estados Unidos* and Roig de Leuchsenring, *La guerra libertadora*.

<sup>25</sup> Important studies of the period have focused on the interval between the United States’ intervention into the Cuban War in April of 1898 and the withdrawal of troops in 1902, assessing the broader political, legal, and social consequences for the emerging Cuban Republic. See, Scott, *Degrees*; Pérez, *Cuba between Empires*; and Marial Iglesias Utset, *Las metáforas del cambio en la vida cotidiana : Cuba, 1898-1902* (La Habana : Ediciones Unión, 2003). Scott in particular makes considerable use of micro-history, a method I have adopted in my study.

<sup>26</sup> In order to craft the narrative, I have adopted strategies employed by historians who study empire “from below.” Lara Putnam, *The Company They Kept: Migrants and the Politics of Gender in Caribbean Costa Rica, 1870-1960* (Chapel Hill: The University of North Carolina Press, 2002), 10; Aims McGuinness, *Path of Empire: Panama and the California Gold Rush* (Ithaca: Cornell University Press, 2008), 13-14.

States empire. By examining the early months— August of 1898 to March of 1899—I will also perhaps shed light on the processes that followed during the reorganization of the Island under Governor Leonard Wood and the Army of Cuban Pacification.

In November of 1898, an incident occurred that epitomized the tensions that had plagued those involved in the occupation since the early months. When members of the Ninth United States Volunteer Infantry, members of the Cuban Rural Guard, and Cuban people living in San Lu s, Cuba were involved in a shootout, the conflicting rumors, speculations, and silences surrounding the event revealed a deeper conflict over the future and direction of the new Cuban Republic. As the events were retold in newspapers and official testimonies, the conflicts inherent to the occupation became clear, while the actual happenings became more obscured. Within newspapers, letters written to military officials, and official testimonies recorded in court martial records, there are rare opportunities to “listen” to Cuban residents who lived through the occupation, and to uncover the conflicts that are often masked, but present between the lines.

As participants in two of the greatest nineteenth century revolutions in the Western hemisphere—the American Civil War and the first Cuban War for Independence— African American and Cuban men and women had been contributing authors to the emerging discourse of freedom in the Americas. By the time the United States intervened in Cuba’s war in 1898, activists and scholars had been connecting African Americans and Cubans in the common cause of freedom for over two decades. And though acting upon such diasporic visions often produced tensions, there were also moments of transnational collaboration. The unfolding revolution in Cuba had, over

time, bound together communities of exiles, émigrés, and sympathizers into a real and imagined community of supporters outside of the island's borders. And likewise, the presidential call for recruits had successfully pulled together a longstanding African American campaign for full citizenship with an equally longstanding Cuban campaign for full freedom.<sup>27</sup>

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<sup>27</sup> The concept of an imagined community is central to Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* 2nd rev. ed. (London: Verso, 1991).



## CHAPTER I

### **“THE REAL AND FORCED RESPONSIBILITIES OF AN UNEQUAL CITIZENSHIP”: AFRICAN-AMERICANS AND THE POLITICS OF MILITARY ORGANIZATION<sup>1</sup>**

For thirty years the Negro has been in fashion. He has had political value and has been petted. Now we have made friends with the Southerners. They and we are hugging each other. We are all united. The Negro's day is over. He is out of fashion. We cannot treat him one way and the Malays, Tagals, and Kanakas another way.... When the Negro postmaster's house was set on fire...it was a bad omen for the extension of liberty, etc., to Malays and Tagals by simply setting over them the American flag.

–William Graham Sumner<sup>2</sup>

In March of 1898, Congressman George H. White, a U.S. Representative from North Carolina and the only remaining black member in Congress, stood before the legislature arguing that black men should have the right to serve as artillerymen in the U.S. military. Congress was considering a bill that would authorize two additional regiments of artillery for the pending war with Spain, and White was attempting to

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<sup>1</sup> Taken from a resolution passed by the Afro American Protective League of the State of Illinois printed in *Illinois Record*, November 27, 1897. "...Proscription has not made the Negro calloused to an appreciative sentiment of the real and forced responsibilities of an unequal citizenship, it has brought out his stronger and better characteristics and prepared him for an exalted place of manhood that will ultimately win the respect and admiration of the world."

<sup>2</sup> William Graham Sumner, "Conquest of the United States by Spain," in *The Conquest of the United States by Spain and Other Essays*, ed. Murray Polner (Chicago: Regnery, 1965).

propose an amendment to it that would provide for the enlistment of black soldiers. The House rules would not permit him to amend the bill, but his speech struck such chords with the African American press that several papers including the *Cleveland Gazette*, a staunchly Republican Afro-American paper with national circulation, printed it in its entirety under the front-page headline: “ONLY AN EQUAL CHANCE.”<sup>3</sup>

Unfortunately for Congressman White, he was delivering his speech before an audience that had largely turned away from the type of affirmative congressional activism that had characterized the Radical Republicanism of the Reconstruction era. The 1890 Lodge Elections Bill was the last piece of suffrage legislation that had come before the House for debate.<sup>4</sup> Republicans, who in 1890 held a slight majority in the House of Representatives, achieved passage of the bill in the House, but it was ultimately defeated in the Senate. The last major push by the national Republican Party to guarantee an inclusive franchise, the bill’s failure signaled the end of efforts by the federal administration to protect black voting rights in the South.<sup>5</sup>

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<sup>3</sup> *Cleveland Gazette*, “Only an Equal Chance,” March 26, 1898. *Illinois Record*, “Negro Artillerymen,” March 19, 1898.

<sup>4</sup> Congressman Henry Cabot Lodge’s voting enforcement bill, famously referred to as the Lodge “Force” Bill, would have placed federal supervisors at the polls to protect black men while voting, but it barely made it through the House and was killed by a democratic filibuster in the Senate. On the bill’s passage through House and Senate see Xi Wang, *The Trial of Democracy: Black Suffrage and Northern Republicans, 1860-1910* (Athens: University of Georgia Press, 1997), 232-52; Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2000), 108-10.

<sup>5</sup> A number of historians have written about this subject. Keyssar and Wang both note that the ideological divisions within the Republican Party were a factor in its uneven commitment to black voting rights. See Wang, *Trial of Democracy*, 250-54; Alexander Keyssar, *The Right to Vote*, 109-10. An enduring text on the period is Stanley P. Hirshson, *Farewell to the Bloody Shirt: Northern Republicans & the Southern Negro, 1877-1893* (Gloucester, Mass.: P. Smith, 1968). Hirshson states that the “Nadir for the Negro” began after 1891. He argues: “when Republican efforts for the Negro dramatically and suddenly stopped. A student of the period between the Force bill struggle and the First World War will search in vain if he looks for election acts, education bills, and other political measures designed to aid the Negro” (251-2). This point only refers to Republican Party politics on the national level, and does not take into account

The 1890's were a decade in which Democrats were gaining power, and Republicans quickly realized that if they wanted to win back the legislature and the White House, they had to court the white, not the black, southern vote. In the election of 1892, Democrats recovered the House of Representatives, the Senate, and the Executive Branch. Claiming that the Lodge Bill's defeat gave their party a mandate to repeal the Enforcement Acts, House Democrats moved with haste to start doing so.<sup>6</sup> The acts, which dated back to the 1870's, had criminalized violence aimed at voter suppression.<sup>7</sup> When nearly all of them were successfully repealed in 1894, informal vote suppression increased.<sup>8</sup> Republican officials were acquiescing to the growing power of Northern merchants and eastern industrialists engaged in southern trade by 1893, these factions claiming that "waving the bloody shirt" and touting the defense of the Negro would do nothing for profits.<sup>9</sup>

Hence, when Congressman White made his general address to the members of Congress, he not only expressed his dismay with the present legislation, but also addressed the failure of the federal government to ensure all the rights of citizenship guaranteed under the Reconstruction amendments. "The last amendments to the constitution guarantee to us all the rights of American citizenship," White noted, "and it

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local organizing, local suits over public transportation and education, or local organizing that continued on to the national level well to the end of the century.

<sup>6</sup> On repeal of the Enforcement Acts see Wang, *Trial of Democracy*, 253-260 ; Scott, *Degrees*, 87.

<sup>7</sup> Wang, *Trial of Democracy*, 49-133

<sup>8</sup> On violence and voter suppression see Steven Hahn, *A Nation under Our Feet : Black Political Struggles in the Rural South, from Slavery to the Great Migration* (Cambridge: Belknap Press of Harvard University Press, 2003, 427-450; Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York: VIntage Books, 1999), 280-325. For a specific discussion of violence in Louisiana see Scott, *Degrees of Freedom*, 87.

<sup>9</sup> Wang, *The Trial of Democracy*, 250-52; Hirshson, *Farewell to the Bloody Shirt*, 251-2.

is reasonable to suppose that those rights would be accorded to us without any specific statute designating that this should be the case.” Congressman White’s challenge was meant to remind his audience that military service was both a constitutionally guaranteed right and a responsibility accorded to citizens. But it was also a reference to the bitter controversies over voting rights that had occurred during the past decade. As Congressman White saw it, the barriers to black enlistment were both statutory and matters of “custom,” and in words that spanned beyond the confines of the bill in question, he addressed a more general plea “to all American patriots to remove all statutory barriers now prescribed against us.” In a reference to “custom” which could have referred to pre-Civil War notions of black inferiority, racial violence, or the mounting tide of Jim Crow legislation, White attempted to arouse support, which as he might have suspected, never came. “In the absence of any specific provision of statute, the uniform custom of the army has been to bar colored men enlisting in the artillery,” he argued. Reason was not the rule, and without federal action to provide for the enlistment of black men, as White knew all too well, “custom” would win out.<sup>10</sup>

While Congressman White’s speech initially did little more than stir the African-Americans watching the Cuban crisis unfold, black enlistment would eventually come. Nevertheless, the road to military service was not a straight one. On the contrary, it was quite crooked, and marked by political controversy, patronage, and acquiescence to both common belief and scientific knowledge. It was also a testament to the power of local organizers. The Louisiana and Illinois volunteer regiments had two very different trajectories leading up to enlistment. But in both places, many of those who factored centrally in the debates were black Republicans who saw themselves

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<sup>10</sup> *Cleveland Gazette*, “Equal Chance,” March 26, 1898.

as embodying the spirit of true Republicanism. Mainly, individuals were operating in the same time and space, but they were also allies—though from different vantage points—in a common fight for the benefits of citizenship.

The networks that were used to enlist men for military service suggest that wartime mobilization became politicized precisely because it drew on preexisting local networks of African American activism, notably anti-lynching activism. This relationship was crystallized in the months leading up to the war and following the murder of an African American U.S. Postmaster, Frazier Baker, in Lake County, South Carolina by white vigilantes. The internationally known anti-lynching advocate Ida B. Wells-Barnett was at the forefront of the anti-lynching movement at the end of the nineteenth century, and with her objections to the murder of Postmaster Baker, she fueled discussions among African Americans regarding the great irony of serving a country that did not protect its citizens.<sup>11</sup>

Lake City, South Carolina was a majority white city, with fewer than a dozen black residents. Trouble had begun almost immediately for the Bakers, when Frazier Baker, a forty year old “coal black” school teacher and Colored Farmers Alliance man from Florence County, South Carolina, was appointed Postmaster in September of 1897. Local whites had determined to remove him from his post and from the town. On the night of February 21, Baker awoke to find the post office, which doubled as his family’s residence, aflame. By the end of the night, Baker and his two-year old

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<sup>11</sup> Ida B. Wells-Barnett, *Crusade for Justice; the Autobiography of Ida B. Wells* (Chicago: University of Chicago Press, 1970), 239-252. For analyses of Ida B. Wells-Barnett and her activism, see Mia Bay, *To Tell the Truth Freely : The Life of Ida B. Wells*, 1st ed.(New York: Hill and Wang, 2009); and Patricia Ann Schechter, *Ida B. Wells-Barnett and American Reform, 1880-1930* (Chapel Hill: University of North Carolina Press, 2001).

daughter were dead, and his wife and three of the family's six children seriously injured.<sup>12</sup> The debate Barnett prompted with her protests figured into other conversations being held in the press over black men and military service.

Many of those who figured prominently in the debates over enlistment were, like Wells-Barnett, members of the Republican Party. The movement to organize black troops drew on a similar ethos as the ongoing demands for federal intervention in state matters, political patronage, and political recognition. They were all movements to rescue the promises of citizenship provided by the constitution. Coming just in the wake of the Presidential election in November, the War with Spain, as a political agenda item, forced Republicans to remain nominally sensitive to African American claims-making. In this context, black military service became a particularly powerful means to bring honor upon the race in society and to reestablish honor for the race in national politics.

### **Enemies at Home and Abroad**

On February 15, 1898, an American war ship located in Havana Harbor, the *Maine*, exploded. Blame was initially placed on the Spanish who had been engaged in a protracted battle against the insurgent forces of Cuba, its prized colony. The alleged bombing of the *Maine* offered the black men from Louisiana, Texas, Illinois, and the other states where black regiments were eventually organized, the opportunity to bolster their ongoing calls for full citizenship rights. The United States' intervention, occurring

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<sup>12</sup> Terence Finnegan, "Lynching and Political Power in Mississippi and South Carolina," in *Under Sentence of Death: Lynching in the South*, ed. W. Fitzhugh Brundage (Chapel Hill: University of North Carolina Press, 1997), 209. See also George Brown Tindall, *South Carolina Negroes, 1877-1900*, 2<sup>nd</sup> ed. (Baton Rouge: Louisiana State University Press, 1966), 255-56.

when it did in the midst of significant civil rights loses, politicized the issue of military service for African Americans. The predominant civil rights issues—segregation, disfranchisement, and racial violence—and the War with Spain all converged in Washington, D.C., in April of 1898, when a number of influential African American activists began carrying their claims to Capital Hill.

The discussion over whether black Americans should participate in the war overlapped in the same time and space where a fight against racial violence was already in full swing. In April of 1898, Ida B. Wells-Barnett joined a delegation, which included Senator William E. Mason from Illinois, seven congressmen from the Chicago district, and several of the leading citizens of Washington, D.C., including Congressman White, that traveled to the White House.<sup>13</sup> Wells had resided in Chicago since 1894 when she founded an anti-lynching league in the city. After marrying a local attorney, F.L. Barnett, Wells-Barnett assumed the editorship of the couple's paper, the *Conservator*, but maintained her role in the anti-lynching and colored women's club movements. Mason, a Republican, later known for his stand against imperialism in the Philippines, was an advocate for black civil rights and black military service. He also had the backing of the state's branch of the Union League.<sup>14</sup>

As news spread of the murder of Postmaster Frazier B. Baker and his young child by white vigilantes in Lake City, South Carolina, Chicago's black citizens

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<sup>13</sup> Wells-Barnett, *Crusade*, 252. Mason would later lend his name to the famed Mason Bill, a failed measure to provide former slaves with pensions. On Mason and the ex-slave pension movement see Mary Frances Berry, *My Face Is Black Is True: Callie House and the Struggle for Ex-Slave Reparations* (New York: Alfred A. Knopf, 2005), 73-79.

<sup>14</sup> James A. Zimmerman, "Who Were the Anti-Imperialists and the Expansionists of 1898 and 1899? A Chicago Perspective," *The Pacific Historical Review* 46, no. 4 (Nov., 1977); William E. Mason to Secretary of War Alger, Telegram, Chicago, Ill, July 2, 1898, Adjutant General Records, RG 94, Entry 182.

immediately began assembling in protest and signing petitions. Chicago's anti-lynching society raised funds to send Wells-Barnett to Washington, D.C., and at the beginning of April, President McKinley welcomed her, Congressman Mason, and Congressman White to the White House. Wells read a petition that had recently been adopted at a mass meeting of Chicago's black citizens. Written on behalf "of the colored citizens of this country in general and Chicago in particular," the resolution denounced the murder of Postmaster Frazier Baker and his young child, as well as the burning of his home at Lake City, South Carolina.<sup>15</sup>

That the Baker murder and the possible war with Spain were happening concurrently prompted some African American activists to evoke the Baker incident as a means to question their part in the war. While the alleged bombing of the U.S. battleship the *Maine* was the major issue for the national press, stimulating offers of enlistment from throughout the nation, "remember postmaster Baker" was the dominant cry of the black press during the same month. No incident at the time received more attention, and in the early spring of 1898, many skeptics remained primarily focused on this issue.<sup>16</sup>

Baker was a U.S. official, and that gave the opponents of lynching the grounds they needed to make a case for federal intervention in state matters. According to Wells-Barnett, the Postmaster —like an American soldier— "was a federal employee who died at his post of duty in defense of his country's honor, as truly as did ever a soldier on the battlefield." Invoking the looming specter of avenging the *Maine*, Wells-

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<sup>15</sup> Wells-Barnett, *Crusade*, 239-252; *Cleveland Gazette*, April 9, 1898.

<sup>16</sup> *Illinois Record*, Feb 26, 1898. See the *Cleveland Gazette* and *Illinois Record* for entire month of February.



Barnett concluded, “We refuse to believe this country, so powerful to defend its citizens abroad, is unable to protect its citizens at home.”<sup>17</sup>

President McKinley informed Wells-Barnett that he had already sent secret service agents to investigate and of his plans to prosecute the lynchers under federal law. Though Wells stayed on in Washington lobbying for remunerations for the family for another five weeks, her campaign was being overshadowed by the pressing agenda item of the day—the unfolding crisis in Cuba. Congress would pass the official declaration of War in the middle of her visit. By the time she returned to Chicago at the end of April war would be a certainty, and she would find the black community closing ranks around the burgeoning movement for a black regiment for the state. Wells would return home without winning her fight for the Baker family’s compensation, but hoped to take the issue up again the following December. In the meantime, if the number of volunteers met the quota, the state’s Governor, John R. Tanner, was promising to send a black regiment from the state. Viewing the oncoming war as an opportunity to demonstrate the manliness and patriotism of the race, Wells-Barnett and others began redirecting their energy. She traveled from Chicago to Springfield and joined in the movement to organize the Eighth; there she remained until the all-black regiment was mustered into service and departed for Cuba. The justice she had sought regarding lynching was, for the meantime, transformed into a movement for equitable black participation in the armed services.<sup>18</sup>

A flurry of legislation passed through Congress between the time of the Chicagoans arrival in early April and the appearance in Washington of a contingent led

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<sup>17</sup> *Cleveland Gazette*, April 9, 1898.

<sup>18</sup> *Cleveland Gazette*, April 9, 1898; Wells-Barnett, *Crusade*, 252-4.

by one of the most prominent Reconstruction statesmen of the era, P.B.S. Pinchback from Louisiana. The days prior to the formal declaration of hostilities were marked by considerable conflict involving the White House, Congress, and the Cuban separatists. In early 1898, McKinley had launched efforts to negotiate a peace between Spain and Cuba and transfer the island to the United States. By March 27 he had issued an ultimatum to Spain, demanding an armistice in hostilities with the Cubans, and promising to use his power to get the insurgents to accept the plan. His efforts were thwarted when Cuban separatist leaders denounced the cease-fire and ordered insurgent forces to continue operations. When McKinley failed to convince the Cubans, Spain rejected the terms of the agreement. As historian Louis Pérez, Jr. has argued, once Spain refused to transfer sovereignty over Cuba to the United States, and Cubans rejected the continuation of Spanish sovereignty in any form, the Americans faced only two prospects in its policy toward Cuba: independence or intervention. Averse to the idea of independence, McKinley chose intervention.<sup>19</sup>

On April 11, President McKinley sent a message to Congress recommending a “neutral intervention” in Cuba to pacify the island and protect American interests. While making it known that he would veto any legislation providing for the recognition

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<sup>19</sup> On lead-up to war see Louis A. Pérez, *Cuba between Empires, 1878-1902* (Pittsburgh: University of Pittsburgh Press, 1983), 172-78, especially 78 ; Philip Sheldon Foner, *The Spanish-Cuban-American War and the Birth of American Imperialism, 1895-1902* (New York,: Monthly Review Press, 1972), 230-280, especially 250-3.

There is a considerable historiography on the United States, empire, and its involvement in the Cuban-Spanish-American War. See Graham A. Cosmos, *An Army for Empire: The United States Army in the Spanish American War*, 2nd ed. (Shippensburg: White Mane, 1994); David Healy, *U.S. Expansionism: The Imperialist Urge in the 1890s* (Madison: University of Wisconsin Press, 1970); Kristin Hoganson, *Fighting for American Manhood: How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven: Yale University Press, 1998); Walter LaFeber, *The New Empire: An Interpretation of American Expansion, 1860-1898*, 35th anniversary ed. (Ithaca: Cornell University Press, 1998); G. J. A. O'Toole, *The Spanish War, an American Epic--1898*, 1st ed. (New York: Norton, 1984).

of Cuban Independence, the President left unanswered the question of how the United States planned to govern the island after intervening. The open-ended prospects regarding Cuban annexation prompted a response from the fledgling but important beet sugar industry. Precipitated by the decline of Cuban sugar imports since the restart of the war in 1895, beet sugar had only recently begun to flourish in the United States. However, such a young industry would not survive the onslaught of cheap cane sugar following a possible Cuban annexation.<sup>20</sup>

The Congressional response to McKinley's proposal was a compromise between those supporting independence, those against annexation, and those whose sentiments lay with domestic sugar interests. On April 19, 1898, Congress put forth a Joint Resolution, which recognized "that the people of the Island of Cuba are, of right ought to be, free and independent." Though acknowledging Cubans' abstract right to freedom, it failed to recognize the Republic as an independent nation. The fourth clause of the resolution, which is known as the Teller Amendment, was named for Henry M. Teller, a U.S. Senator from the beet sugar producing state of Colorado. Reflecting the growing power of sugar interests, the amendment officially disclaimed "any disposition or intention to exercise sovereignty, jurisdiction, or control over said island [Cuba] except for the pacification thereof..." And though it declared that the United States "asserts its determination, when that [pacification] is accomplished, to leave the government and control of the island to its people," it left undefined the terms under which that process would occur and how it would affect the Cubans.<sup>21</sup>

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<sup>20</sup> Foner, *The Spanish-Cuban-American War*, 1:261-280.

<sup>21</sup> See debate in *Congressional Record* 31 (April 16, 1898): 3988. Also quoted and discussed in Louis A. Pérez, *Cuba between Empires*, 1983), 186; Foner, *The Spanish-Cuban-American War*, 1:269-280; 2:388.

While the official war resolution was merely a formal declaration of a process that had already begun several weeks earlier, on April 23, Congress finally moved forward with its initial goal of declaring war on Spain. The war resolution declared that a state of war had existed between Spain and the United States since April 21. On April 22, the Navy had begun its blockade around Cuban ports, and on April 23 McKinley had made his first call for 125,000 volunteers.<sup>22</sup>

McKinley's official declaration of war had not made it into the weekly papers before letters, telegrams, and offers for service began flooding the office. Dubbed "the committee" by the black press, the group led by P.B.S. Pinchback arrived in Washington at the end of April claiming to represent a constituency of black Americans from across the United States. All of them had begun their careers in the South, but had now moved to the District of Columbia. In addition to Pinchback, the former Reconstruction era Lieutenant Governor of Louisiana, the delegation included Congressman George H. White, Republican member of Congress from North Carolina; Judson Lyons, the register of the treasury; and Henry P. Cheatham, White's brother in law and recorder of deeds in Washington, D.C. Though Pinchback and his contingent were well known political figures, the actual credit for mobilizing black regiments was more properly placed with local grassroots organizers, local communities, and of course, the volunteers themselves. Nevertheless, in their address to the President, the delegation recounted the role black soldiers played in previous wars and ended by

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<sup>22</sup> For a succinct timeline of legislation leading to the formal declaration of war see Willard Gatewood, Jr., *Black Americans and the White Man's Burden, 1898-1903* (Urbana: University of Illinois Press, 1975), 37.

pledging the support of 9,000,000 black men.<sup>23</sup> Though a remarkable gesture of citizenship, it was of course an overstatement; the population of African Americans in United States would not support such a number.<sup>24</sup>

The offering of services by black men was not novel, but had ironically happened much earlier in Louisiana, and even more ironically at the height of the state's disfranchisement activities. Pierre Carmouche, a blacksmith from Donaldsonville, Louisiana, and former Knights of Labor organizer, had offered his services to the Democratic governor of Louisiana, Murphy Foster, as early as February 26, 1898. That month, Carmouche sent letters to both the Secretary of War and the governor of Louisiana offering his services and those of 250 colored men "on short notice, in defense of our country, at home or abroad."<sup>25</sup>

Carmouche's request was peculiar, and reason was definitely against him. In 1890, the state legislature had passed a bill in Louisiana making it a crime for an independent military company to exist without special permission from the Governor. The "Faith Cadets," an independent military company comprised of black men and operating in New Orleans, was hit hard by the legislation. The company had been organized in August of 1887, and on May 30, 1890, participated in the memorial services of the colored Grand Army of the Republic of Mississippi and Louisiana. Right outside of the city at the Chalmette National Cemetery, the company fired the

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<sup>23</sup> *Colored American*, April 20, 1898, *Washington Bee*, April 30, 1898. The men were probably using the number of 9,000,000, which was larger than the number of African American men in the country, to suggest that the entirety of the black population was ready to enlist. See Gatewood Jr., *Black Americans*, 37-38.

<sup>24</sup> For a biography on P.B.S. Pinchback see Eric Foner, *Freedom's Lawmakers: A Directory of Black Officeholders During Reconstruction* (New York: Oxford University Press, 1993), 171.

<sup>25</sup> William Hilary Coston, *The Spanish-American War Volunteer*, 2<sup>nd</sup> ed. (Camp Meade, Middleton, PA: Published by the Author, 1899), 133, 218. For detailed discussion on Carmouche see Scott, *Degrees*, 162.

first volley over the nation's dead. The scene was undoubtedly moving with its hailing of the Union's triumph over the confederacy. It was also undoubtedly an affront to those who held fast to the ideals of the Old South. The move to crush these displays of patriotism and community remembrance was then a deliberate blow to the hopes of African American men and their communities, not only aiming to stamp out any predilections they might have about serving as the occupiers of the defeated South, but also drown out their hopes for full citizenship. Try as they might, the Faith Cadets were never able to secure the proper permit and were forced into hibernation until the outbreak of the War with Spain.<sup>26</sup>

Carmouche's request was even more curious in light of the fact that he was writing to Governor Murphy Foster. Only two weeks prior, the state's disfranchising convention—a body that the Governor was part of—had assembled in New Orleans.<sup>27</sup> In Louisiana, a combination of electoral “reform” and constitutional revisions effectively eliminated black voting in the state between 1896 and 1898. In the elections of 1896, despite considerable race baiting, electoral fraud, and all out violence, Democrats only narrowly managed to defeat Populists and Republicans in the Gubernatorial and Senate races. In February, the voting rolls in the state of Louisiana held 130,000 black voters, nearly 44 percent of the total registered electorate. Though

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<sup>26</sup> Coston, *Spanish-American War Volunteer*, 77. For interesting discussions of military parades and African-American citizenship see Kate Masur, “Reconstructing the Nation's Capital: The Politics of Race and Citizenship in the District of Columbia, 1862-1878 ” (Ph.D. diss., University of Michigan, 2001). On war and public memory see David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge: Harvard University Press, 2001).

<sup>27</sup> For delegates see Louisiana, *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana Held in New Orleans, Tuesday, February 8, 1898, and Calendar* (New Orleans: H.J. Hearsey, 1898).

Democrats held control in both the Senate and House, they worried about the possibilities of a Populist and Republican resurgence that could give McKinley the state in the upcoming November election.<sup>28</sup>

In 1896, the state legislature moved to “reform” election laws by enforcing secret ballots and barring officials from helping illiterate voters, requiring voters to re-register after January 1, 1897, and empowering registrars (the majority of whom were Democrats), to purge the voting lists at will. The names of those purged from the lists were to be published in the local newspaper. Consequently, unless the purged elector filed a charge against the deletion of his name within five days after the publication, he lost the right to vote. The reform package was pushed through the legislature in time for the upcoming elections, and not surprisingly, brought devastating results. By 1897, the number of black voters in the state had fallen by almost 90 percent.<sup>29</sup>

In addition to passing the election laws, the 1896 legislature also passed legislation calling for elections for a state constitutional convention. With only one Populist and one Republican elected to the convention, the Democrats were free to proceed with their explicitly stated agenda of disfranchising “the ignorant, the vicious, and the degraded classes.” The core provision of the new constitution was an educational test designed to exclude 90 percent of voting-age black men. Such a provision could obviously disfranchise both black and white men, and so to mitigate its

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<sup>28</sup> J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 160-65; Scott, *Degrees*, 160; *Cleveland Gazette*, March 12, 1898. The *Gazette*, *Bee*, and *Colored American* all carried editorials on disfranchisement across the South.

<sup>29</sup> Any two representatives of a political party or the election registrars could purge the voting lists, for whatever reasons. Acts of Louisiana, Sec. 76: 214-15 (1896); Kousser, *Shaping of Southern Politics*, 160-65; Scott, *Degrees*, 160 ; William Ivy Hair, *Bourbonism and Agrarian Protest; Louisiana Politics, 1877-1900* (Baton Rouge,: Louisiana State University Press, 1969), 268.

effect on the white electorate, the convention added a “grandfather clause.” Section 5 of article 197 of the new state constitution allowed all qualified men who could testify that they had voted prior to January of 1867 and also their legitimate male heirs to register during the first nine months of 1898. These voters could acquire a permanent right to vote without meeting the literacy and property requirements introduced by the new constitution. Naturalized immigrants could also register to vote without meeting the standard of the grandfather clause. While the other clauses were formally race neutral, the grandfather clause was a blatantly racialized effort to exclude black voters.<sup>30</sup>

The lack of federal recourse against such actions encouraged the 1898 Constitutional Convention’s disregard for possible reprisals. Though equal-rights activists throughout the country were working to challenge the new state constitution by arguing that it violated the Reconstruction amendments, they were not able to accomplish very much. Even though Booker T. Washington, the “wizard of Tuskegee,” wrote to the convention delegates and appealed to them in person, they failed to see his point regarding the efficacy of enforcing only class based limits on the franchise and stopping short of racialized limitations.<sup>31</sup>

While Carmouche’s request would not receive an audience with Governor Foster, it would resonate in Washington, D.C. where the President and his administration were presently entertaining other offers for enlistment and debating the

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<sup>30</sup> See coverage in *New Orleans Daily Picayune*, December 5, 9, 11, 1897. Also quoted in Kousser, *Shaping*, 164. For an in-depth discussion of the full proceedings and the biographies of its participants see Scott, *Degrees*, Chapter 6, especially 163-5. For full proceedings of convention see Louisiana, *Official Proceedings of the Constitutional Convention, 1898*.

<sup>31</sup> John F. Patty to Booker T. Washington, Jesuit Bend, LA, July 4, 1898 and Booker T. Washington to the Louisiana Constitutional Convention, Tuskegee, Alabama, February 19, 1898, in Booker T. Washington, Louis R. Harlan, and Raymond Smock, *The Booker T. Washington Papers* 14 vols. (Urbana: University of Illinois Press, 1972), 4: 381-384. See also Scott, *Degrees*, 163-4.



advisability of arming black troops. Again, on April 21—four days before Congress officially declared war—Carmouche sent a letter to the President offering his own services and that of 250 other colored men.<sup>32</sup> In his own words, he was a politician “who stood with the masses and fought the battles of the ignorant and weak.”<sup>33</sup> Two days later, Edward Barnes, Secretary of the Colored Americans of New Orleans, sent a copy of a resolution tendering their services to the federal government.<sup>34</sup> Shortly thereafter, Sterling Price Brown, a local doctor and member of the Longshoremen’s association, gave up his practice and worked to organize a company of volunteers, which he offered en masse to Governor Foster. Foster, not surprisingly, ignored Brown just as he had ignored Carmouche a few months prior. However, as the process of enlistment unfolded, all of these men, with ties to labor, politics, and civil rights activism, would find themselves bound to each other in the movement for black regiments.<sup>35</sup>

By April 25, Henry Demas of New Orleans, a Reconstruction era statesman, sent a letter to the President, cosigned by several leaders from different constituencies within the city. The letter was co-authored by Ed Barnes, the secretary of the Colored Americans of New Orleans, who had already submitted a petition to the President on the organization’s behalf the day before. Five other men from New Orleans signed,

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<sup>32</sup> President McKinley was notoriously uncomfortable writing letters. His personal secretary, John Porter, wrote the majority of the correspondence in his papers. See Pierre Carmouche from John Porter, April 25, 1898, *William McKinley Papers* (Washington, D.C.: Library of Congress, 1961), microfilm, reel 2. For detailed background on Carmouche, see Scott, *Degrees*, 75.

<sup>33</sup> Pension file of Pierre Carmouche, XC 2444335, SAWC, USNA.

<sup>34</sup> Edward Barnes from John Porter, April 25, 1898, *William McKinley Papers*, microfilm, reel 3.

<sup>35</sup> Coston, *Spanish-American War Volunteer*, 83. On Brown and his activities as a member of the longshoremen’s association, see Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863-1923* (New York: Oxford University Press, 1991), 90.

including Union labor leader Alexander Paul and Black Republican Party leader Walter Cohen.<sup>36</sup> Demas had earned the respect of those in and outside of Louisiana, and even enjoyed admiration among those who maligned the rest of his contemporaries. Though some criticized him as an opportunist, in many circles, he had a record for supporting the working class of black Americans.<sup>37</sup> In many ways, this body of men epitomized the linkages between labor and civil rights activism in New Orleans. When the possibility of war arose, and the question of enlisting black men emerged, the process of organizing black troops from New Orleans drew on a politicized community already involved in race and labor politics.

In 1898, some considered Demas the leading McKinley-man in Louisiana, and it seems that he took the lead in generating support for a regiment of soldiers from New Orleans. Demas had been the “political boss” of Saint John the Baptist Parish for nearly three decades. Born a slave, he had enlisted in the Union army in 1864 and served as a sergeant in the Eightieth United States Colored Infantry. He was educated in the army schools, and for the next three decades remained active in politics, serving in the state House of Representatives, 1870-74 and 1879-80, the Senate, 1876-80 and 1884-92, and serving as a delegate to the 1879 constitutional convention as well.<sup>38</sup>

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<sup>36</sup> *Washington Bee*, April 30, 1898; *Cleveland Gazette*, March 12, 1898; and Henry Demas et. al. to William McKinley, April 25, 1898, *William McKinley Papers*, microfilm, reel 2. For political and labor activities involving Cohen and Paul see Arnesen, *Waterfront Workers*, pgs.101, 112, 151, 186-88, 218-24.

<sup>37</sup> *Washington Bee*, May 14, 1898. In the May 14 issue, the Bee noted that Demas had been a supporter of black labor, detailing how Demas had recently intervened a labor dispute. Demas was also celebrated in the *Cleveland Gazette*, but often maligned in the *Illinois Record*, the “official organ of the Afro American League,” which criticized many black leaders of the previous era, accusing them of growing complacency.

<sup>38</sup> Eric Foner, *Freedom's Lawmakers : A Directory of Black Officeholders During Reconstruction* (New York: Oxford University Press, 1993), 61; Charles Vincent, *Black Legislators in Louisiana During Reconstruction* (Baton Rouge: Louisiana State University Press, 1976), 116-117.

Like other black Republicans in the state, Demas was gradually being excluded from state politics, but he remained an active figure in New Orleans and national politics throughout the 1890's. In the violent political climate of Louisiana society, Demas had also been a direct victim of racial violence. He was a delegate-at-large to the Republican convention of 1896. Moreover, when local black voters gave him the ballot box to protect, local white vigilantes backed by armed Louisiana militia units besieged his house and forced him to surrender it. In the weeks leading up to the official declaration of war, the Senate commerce committee unanimously rejected Demas as the President's appointment for Naval Officer of New Orleans. He had become the object of a bitter fight, which the *Gazette* referred to as an "outgrowth of southern prejudice."<sup>39</sup>

Though according to newspaper accounts Demas had officially been "counted out" of Louisiana politics in the mid 1890's, he amassed a considerable amount of political influence in New Orleans over the course of his career in politics.<sup>40</sup> Politically astute, Demas—in alliance with Paul, Barnes, Cohen, and others—moved to persuade McKinley to enlist black troops. Believing they were well able to convince their men to enlist, Demas wrote, "We expect tomorrow to have the names of 1200 colored men..." In the process, Demas and the others gave McKinley the blueprint for how to proceed with the mustering of a federally organized volunteer regiment. He either knew or guessed that McKinley's first call would not make provision for black troops. By specifying under what conditions the black volunteers expected to be mustered in, they provided one of the earliest arguments regarding black immunity to particular diseases.

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<sup>39</sup> Foner, *Freedom's Lawmakers*, 61 ; *Cleveland Gazette*, March 12, 1898.

<sup>40</sup> *Cleveland Gazette*, March 12, 1898; See also *Cleveland Gazette*, Nov. 13, 1897, Dec. 4, 1897, Dec. 11, 1898.

The letter stated their case plainly: “The colored man from Louisiana is immuned from yellow fever.” They requested that “...Colored men which we offer to you under your call for volunteers” be mustered-in “under that paragraph of the bill referring to special qualifications and from the nation at large.” “Special qualifications,” “nation at large” and “immuned” are the keys to Demas’ argument. The group resorted to medical explanations for black enlistment, predating the “immune act,” which authorized United States organized regiments immuned to yellow fever, by nearly two weeks.<sup>41</sup>

Activists, optimists, but pragmatists nonetheless, the New Orleans contingent never expected McKinley to muster in a regiment with all black officers. Instead, they chose a white New Orleanian, George Lea Febiger, of the Twenty-third United States Infantry, son of a New Orleans Naval officer. The McKinley administration, however, did not intend to let them choose any leaders, black or white.<sup>42</sup> Their request, moreover, was premature; McKinley was still on the fence regarding black volunteer regiments. Careful not to arouse protests from southern segregationists, McKinley avoided the issue of black enlistment under the first call for volunteers by setting a quota for each state and giving preference to existing National Guard Units. However, in 1898, few states possessed either all black or racially integrated militia organizations. In the first call, four states provided for black volunteer units in their quota—

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<sup>41</sup> Henry Demas et. al. to William McKinley April 25, 1898, *William McKinley Papers*, microfilm, reel 2.

<sup>42</sup> Demas, et. al. to McKinley, April 25, 1898, Ibid. Febiger was a popular choice among blacks and whites and seems to have been of considerable prominence in New Orleans. Charles Crane, the Colonel of the Ninth USV, referred to him as “young Febiger.” Crane initially selected him to serve as the 9<sup>th</sup> USV quartermaster. Crane informed Adjutant General Henry C. Corbin that Febiger’s father was “an ex naval officer.” See Colonel Crane to Henry C. Corbin, June 7, 1898, Entry 182, RG 94. He eventually became a Captain after W.A. Dayton resigned Coston, *Spanish-American War Volunteer*, 98. Febiger went on to distinguish himself as a first lieutenant of the Thirty-third Volunteer Infantry forces serving in the Philippines where he was killed. *New York Times*, Oct. 26, 1900.

Massachusetts, Ohio, North Carolina, and Alabama—largely as a result of political pressure by the black electorate.<sup>43</sup> In Alabama, with low numbers of white volunteers and black voters still exercising political leverage, Governor Johnston decided to ignore white popular opinion and arm his black constituents, though under white officers.<sup>44</sup>

While McKinley pondered his next move, African American journalists debated it out in their columns: with such virulent racism at home, should black people enlist in any capacity in what was shaping up to be a war for empire? If so, should they only agree to serve in regiments headed by black officers?<sup>45</sup> With the shadow of Postmaster Baker's murder looming in the background, black Americans continued to question the commitment of the Administration, Congress, and the Republican Party to black civil rights. What could they hope to gain fighting a war abroad when their country would not protect their rights at home?<sup>46</sup> From the increasing focus abroad and the McKinley administration's increasing unwillingness to intervene in what was now a "southern problem," it seemed that the "Negro was out of fashion." The Republican Party—the friend to the Negro— was now making friends with the white southerners.<sup>47</sup>

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<sup>43</sup> Gatewood Jr., *Black Americans*, 66,77. Alabama did not disfranchise its black constituents until 1901. See Kousser, *The Shaping of Southern Politics*, 165-71.

<sup>44</sup> R.L. Bullard, "The Negro Volunteer: Some Characteristics," *Journal of the Military Service Institution of the United States* XXIX (1901).

<sup>45</sup> *The Colored American* carried consistent commentary on the subject throughout. The editorials were numerous; see the earliest examples in the January 14, 1898 issue and another strong example on March 12, 1898. For a full discussion of the rivalries between papers over the subject see also Piero Gleijeses. "African-Americans and the War Against Spain," in *A Question of Manhood: A Reader in U.S. Black Men's History and Masculinity*, edited by Ernestine Jenkins and Darlene Clark Hine (Bloomington: Indiana University Press, 2001).

<sup>46</sup> See *Cleveland Gazette*, February 26, 1898 still carried the Baker story front page despite the explosion of the Maine. See also Gatewood Jr., *Black Americans*, 109.

<sup>47</sup> Sumner, "Conquest," 168. The phrasing is borrowed from "Conquest of War with Spain," an 1899 speech delivered by William Graham Sumner, noted Social Darwinist and American counterpart to the British evolutionary theorist Herbert Spencer.

The debate over military service emerged just as black Americans had already begun to debate their allegiance to McKinley and the Republican Party. Many black Americans realized that the party had chosen to lure white southern voters at the expense of its back electorate. Even in McKinley's home state of Ohio, dissent within the state party ranks was fueling a separatist movement. An editorial in the *Gazette*, which stated, "Afro-Americans of Ohio love their race first and the Republican Party next," also cited "signs of mutiny among colored Republicans of Illinois." The article asked this question: "how long was the Negro voter going to be ignored?"<sup>48</sup> To be sure, African Americans within the state of Illinois were complaining about their political isolation, and even debating the expediency of voting Democratic. But Illinois was a staunchly Republican state, and such murmurings stood little chance in the birthplace of Lincoln.

Instead, black Republicans in Illinois continued to call on McKinley to recognize their part in getting him elected. When B.K. Bruce's position as Register of the Treasury became vacant after his death in March of 1898, black Republicans in the state began an effort to nominate John C. Buckner, an Illinois state legislator and commander of the black state militia unit, the Ninth Battalion. An editorial in the *Illinois Record* reminded its readership that no black leaders from Illinois had been given an appointment, in spite of the "thirty odd thousand negro voters of Illinois" who had "marched to the polls with pride and patriotism and registered their votes" for McKinley.<sup>49</sup>

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<sup>48</sup> *Cleveland Gazette*, Oct. 23, 1897.

<sup>49</sup> *Illinois Record*, March 26, 1898.

Politicians in Ohio and Illinois continued to demonstrate a growing interest in leaving the Republicans, acknowledging that the party was no longer meeting their increasingly progressive agenda for civil rights. Discussing the possibilities of a Negro Protective Party, the *Cleveland Gazette* cited local politicians claiming to have 1/3 of the 40,000 Afro-American voters in the state of Ohio willing to vote the Protective Ticket.<sup>50</sup> Local Ohio Republicans wrote to McKinley and attempted to dispel the idea that the party had any political backing among black voters, but, at least in Ohio, the Protective Party managed to get itself on the ballot by way of petition in 1897.<sup>51</sup> Similarly, the Afro American Protective League of Illinois, formed in 1897, and led by Rev. Jordan Chavis of Quincy, was a response to the perils of an “unequal citizenship” in Illinois and the nation at large. While the League was never a political party, and it endorsed Republican candidates, its agenda was much more radical than that of the Republican Party. Noting the problem of lynching, focusing on unequal education, and endorsing the work of civil rights activists and progressive legislators, the League laid out an agenda for civic, political, and social equality in 1897 that would not even begin to come into fruition for more than sixty years.<sup>52</sup>

These issues were not confined to Ohio and Illinois, and though the cries for separatism were quieted after the war began, they did not dissipate entirely. John P. Green, himself a prominent Ohio Republican, a close ally of Ohio Governor Mark Hanna, and later one of the highest ranking African Americans in the McKinley

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<sup>50</sup> *Cleveland Gazette*, Oct. 16, 1897.

<sup>51</sup> *Cleveland Gazette*, Oct. 9, 1897.

<sup>52</sup> *Illinois Record*, November 27, 1897.

Administration, found himself running interference between the Republican party and its black constituents anxious to have their needs met. John Clark, the President of the Colored Voters League in Pittsburgh, Pennsylvania, contacted Green looking for his support. Green replied and admonished him that it would be in “bad taste” during a time of war to call a separate convention. The League had planned a convention that would “make themselves [colored men] felt and demand full recognition and representation within the Republican Party.” This being an issue of importance to McKinley, Green thought it best to forward his response on to the President, letting him know he was doing his part to stamp out dissent among black Republicans.<sup>53</sup> McKinley was in a precarious predicament. He was attempting to proceed with enlistment, to lure white southerners, and to avoid alienating Black republicans, all at the same time. Resolving the dilemma of how to invade a tropical island during the summer months proffered an awkward but politically expedient opportunity.

The possibility of launching a military campaign in malaria season demanded some show of preparedness. In response, on May 10, 1898, the U.S. Congress passed legislation calling for the enlistment of 10,000 volunteer soldiers who were immune to “diseases incident to tropic climates.”<sup>54</sup> The immune bill authorized McKinley to enlist as many as ten regiments. It also allowed him to court both white and black votes by

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<sup>53</sup> John P. Green to William McKinley, June 20, 1898, *William McKinley Papers; Cleveland Gazette*, Oct. 9, 1897. Green was maligned in black press in general for supporting separate facilities for black Republicans and “stumping the state” to wipe out talks of defection by black Republicans. See also John P. Green, *Fact Stranger Than Fiction: Seventy-Five Years of a Busy Life with Reminiscences of Many Great and Good Men and Women* (Cleveland: Riehl Printing Company, 1920). For discussion of Green’s career in context see Gatewood Jr., *Black Americans*, pages 26, 193, 213, 237, 250.

<sup>54</sup> *Volunteer Army Act of 1898*, Public Law 294, *U.S. Statutes at Large* 30 (May 10, 1898): 405; Mary C. Gillett, *The Army Medical Department, 1865-1917*, Army Historical Series (Washington, D.C: Center of Military History, United States Army, 1995), 129. For coverage of the immune bill in New Orleans papers and a fuller explanation of the nature of the compromise in Louisiana see Scott, *Degrees*, 167.



awarding his political allies valuable officers' commissions in the immune regiments. The McKinley administration decided to reserve four of the federally organized immune regiments for black soldiers, but in a highly controversial step, allowed them to have black officers only through the rank of first Lieutenant.<sup>55</sup>

The decision to enlist larger numbers of African American volunteers as "immunes" was a compromise just awkward enough to satisfy both black activists and southern Redemptionists. President McKinley was unwilling to postpone the invasion of Cuba until the fall when the threat of disease would dwindle. The black regulars of the Ninth and Tenth Cavalry and the Twenty-Fourth and Twenty-Fifth Infantries, nicknamed the buffalo soldiers for their work in the west, were already gathering in Tampa and preparing to deploy to Cuba in June. The regulars, along with Teddy Roosevelt, his "rough riders," and a few state volunteer regiments, formed the invading forces.<sup>56</sup>

The immune bill had initially conceptualized the volunteers as coming from the swampy areas. While this particular reference to immunity referred to an acquired immunity to yellow fever, many others suggested a purported natural immunity possessed by those of African descent. The immune concept incorporated both the ideas that some people of African descent possessed a hereditary immunity to malaria and secondly, that those from yellow fever regions (irrespective of race) could have an acquired immunity to yellow fever.<sup>57</sup> From its conception, the idea of having immune

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<sup>55</sup> "Appts of commissioned officers made by the President in the Regular and Volunteer Army from the following named southern states since April 22, 1898," *William McKinley Papers*, microfilm, reel 1.

<sup>56</sup> Gatewood Jr., *Black Americans*, 57.

<sup>57</sup> There are a number of useful texts that have proved insightful on yellow fever in the war particularly Vincent J. Cirillo, *Bullets and Bacilli : The Spanish-American War and Military Medicine* (New

regiments sparked considerable controversy. Though some members of Congress were initially skeptical and questioned how one could prove immunity, the bill passed. Whether the men were truly immune or not, a strategy to combat malaria had been obtained.<sup>58</sup> The idea of black immunity to yellow fever was in fact centuries old. During the Philadelphia yellow fever epidemic of 1793, the worst outbreak of yellow fever in the United States up until that time, Benjamin Rush, a physician and one of the signers of the Declaration of Independence made similar claims regarding the immunity of Africans to yellow fever.<sup>59</sup> Medical professionals and African Americans hoping to

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Brunswick Rutgers University Press, 2004), 92-97. For a social history yellow fever epidemics in the south see Margaret Humphreys, *Yellow Fever and the South* (New Brunswick: Rutgers University Press, 1992), especially 37. See also Margaret Humphreys, *Malaria : Poverty, Race, and Public Health in the United States* (Baltimore: Johns Hopkins University Press, 2001), 8-29, 43-44.

<sup>58</sup> Gatewood Jr., *Black Americans*, 98. For discussion of debates regarding immunity and enlistment see Fletcher, "The Black Volunteers in the Spanish-American War," 48-49.

Modern science has answered many of the questions regarding immunity that were debated in the antebellum and late-nineteenth century. Some African Americans did possess an inherited resistance to one or another form of malaria via the presence of a gene for the sickle cell trait. For African Americans and Caucasians without natural resistance to a particular type of plasmodium (the organism that causes malaria), it was possible to acquire malarial immunity by suffering repeated exposure from the same plasmodium type over several years. Todd Lee Savitt, "Black Health on the Plantation: Masters, Slaves, and Physicians," in *Sickness and Health in America: Readings in the History of Medicine and Public Health* ed. Judith W. Leavitt and Ronald L. Numbers (Madison: The University of Wisconsin Press, 1997), 32-35. But immunity to malaria was far from absolute. African Americans showed high rates of infection and mortality during and after the war. On race and malarial immunity see Margaret Humphreys, *Malaria : Poverty, Race, and Public Health in the United States* (Baltimore: Johns Hopkins University Press, 2001), 13-20 47-48, 57-64, 68. For theoretical analysis of the uses of immunity and empire see Warwick Anderson, "Immunities of Empire: Race, Disease, and the New Tropical Medicine, 1900-1920," *Bulletin of the History of Medicine* 70, no. 1 (1996):94-118, particularly 62-64; Warwick Anderson, "Disease, Race, and Empire," *Bulletin of the History of Medicine* 70, no. 1 (1996): 62-67, particularly 95-101. The issue was widely debated in the Nineteenth century, see William Sykes, "Negro Immunity from Malaria and Yellow Fever In "Correspondence," *The British Medical Journal* (1905):389-90; Captain Fred Smith, "Malaria: Immunity: Absence of Negro Immunity: Variety," *The British Medical Journal* (Dec. 17, 1898): 7.

<sup>59</sup> I am grateful to Vanessa Northington Gamble for her insights and referring me to Absalom Jones, *A Narrative of the Proceedings of the Black People, During the Late Awful Calamity in Philadelphia, in the Year 1793 :And a Refutation of Some Censures, Thrown Upon Them in Some Late Publications. Philadelphia : Printed for the Authors, by William W. Woodward, at Franklin's Head, No. 41, Chesnut-Street, 1794* (Philadelphia: Printed for the authors, by William W. Woodward, at Franklin's Head, no. 41, Chesnut-Street, 1794). See on this subject Phillip Lapansky, "Abigail a Negress: The Role and Legacy of African Americans in the Yellow Fever Epidemic," in *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, pp. 61-78, and Martin Pernick, "Parties,

achieve citizenship rights had met on common ground at many points throughout the history of the United States, and they would meet again in 1898.<sup>60</sup>

To combat the perils of the Cuban expedition, the War Department recruited nurses, doctors, and laborers from the swampy areas along the Mississippi and Ohio rivers. By July, the medical corps was attempting to fend off the epidemic by setting up several yellow-fever hospitals. The black regulars from the Twenty-fourth infantry volunteered for the onerous duty of staffing the fever hospitals, but as Sternberg noted, they were succumbing to the disease themselves. As the hospital facilities continued to grow in Santiago and Siboney, the need for staff grew as well. Colonel Greenleaf, chief surgeon of the army in the field, requested 500 hospital attendants, 100 nurses immune to yellow fever, and a “large number” of immune doctors.<sup>61</sup>

In July of 1898, the War Department sent Mrs. Namah Curtis, to New Orleans to recruit immune contract nurses. Mrs. Curtis, the wife of A.M. Curtis, chief surgeon of the Freedmen’s hospital, described herself as “color octoroon.” On their form, applicants were asked to declare that they had previously suffered from yellow fever. This pool of applicants included men and women, who, though not professionally trained, were eligible to serve in the fever hospitals in Santiago based on their immunity to the disease. The response was overwhelming. Nurses journeyed from throughout

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Politics, and Pestilence," pp. 119-146, both in *A Melancholy Scene of Devastation: The Public Response to the 1793 Philadelphia Yellow Fever Epidemic*, ed. J. Worth Estes and Billy G. Smith (Canton: Science History Publications, 1997).

<sup>60</sup> My thinking on this subject is greatly influenced by Martin Pernick, "Race, Labor, and Fevers in the Pre-Canal USA: Brief Remarks on Some Unexamined Issues," (Ann Arbor: Clements Library, 2000). See discussion of politics of enlistment in "Fruits of Citizenship," chap. 1.

<sup>61</sup> Gillette, *Army Medical Department*, 153-155.

Louisiana, Mississippi, and South Carolina to enlist. Many of them even claimed to have served as contract nurses in the Civil War.<sup>62</sup>

Referring to African American nurses who served in the hospitals, Colonel Pope, one of the white Colonels serving in Cuba, argued that this “hardy lot of female nurses—I do not mean lady nurses,” proved invaluable. Though Colonel Pope was careful to differentiate that they were females and not ladies, his respect for their work was undeniable. Though male military officers regularly questioned their aptitude and suitability for field service, female nurses earned the respect of those who served with them by the war’s end. In fact, none of these nurses deployed contracted yellow fever.<sup>63</sup> The Adjutant General also authorized hiring laborers and swampers from the South Carolina countryside because of their supposed immunity. Ironically, though slavery had ended three decades earlier, the work registers used to identify the hired laborers still included slots to list their masters’ names.<sup>64</sup>

The issue of immune regiments divided Afro-American newspaper columnists. They debated the issue throughout the spring and into the summer; some mocking the idea while others were endorsing it as proof of superior Afro-American masculinity.<sup>65</sup>

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<sup>62</sup> Testimony of Dr. Anita Newcombe McGee. Report of the Commission Appointed by the President to investigate the conduct of the War Department in the War with Spain, vol. 7, pg. 3168-3171; Reports of Persons and Nurses, Entry 238, RG 92, USNA; Personal Data Cards of Spanish American War Contract Nurses, 1898-1939, Entry 149, RG 112, USNA, Registers of Service of Spanish American War Nurses Entry 148, RG 112, USNA; Ibid.

<sup>63</sup> Gillette, *Army Medical Department*, 153-155, 157.

<sup>64</sup> Interested parties will find the register mixed in among a few receipts and other miscellaneous documents in a small record group comprised of only one file. I am grateful to Trevor Plante of the USNA for showing the registry to me. Records of the Accounting Officers of the Department of Treasury, RG 217, USNA.

<sup>65</sup> Willard Gatewood, Jr. has pointed out the resistance of black Americans to the concept of immunity, but does so by looking primarily at papers from states with African American populations with a

But in spite of the legislation's problematic roots, the immune bill did offer renewed hope for black Americans who wanted to achieve full citizenship rights. By creating federally organized regiments, the bill afforded large numbers of black male civilians the opportunity to enlist in the United States military, successfully circumventing the opposition of southern segregationists and "redemption" governors. Though black editors and "race men" remained torn over the concept of immunity, these debates were not going to be settled on the front pages of black "race papers." The issue was settled when large numbers of African American volunteers flooded the recruitment stations, with or without the consent of black leaders.<sup>66</sup>

Nevertheless, the protests in the black papers did not go unnoticed. Both the designation of immune status, and the restrictions on black officers, aroused such protests among African Americans all over the country, that among other efforts to improve his image, on May 26, McKinley put out another call to the states for an additional 75,000 volunteers two weeks after the passage of the immune bill. Under this call, seven states responded by mustering in black regiments. The most notable

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comparatively better political climate – Washington, D.C., Illinois and North Carolina, and even Alabama. He does, however, point out that James Lewis, a politician and military man from New Orleans, worked to organize immune regiments. Calvin Chase credited James Lewis with coming up with the idea of immune regiments. Gatewood Jr., *Black Americans*, 87-100. However, the New Orleans press dismissed Lewis in general and praised Demas' efforts. Nor was the press uniformly against the effort. *The Washington Bee* reprinted an article from the *New Orleans Times Picayune* entitled "Demas Black Brigade," *Washington Bee*, April 30, 1898.

For a general espousing of the idea that southerners could be immune and the ways in which individuals sought to use it for political purposes see "Immune Soldiers from a Political Point of View," *New Orleans Times Picayune*, August 17, 1898. See also on black immunes and regiments Edward Van Zile Scott, *The Unwept: Black American Soldiers and the Spanish American War* (Montgomery: The Black Belt Press, 1996).

<sup>66</sup> *Cleveland Gazette*, February 26, 1898; See *Illinois Record* and *Cleveland Gazette* between February and March for consistent examples.

regiments among them, the Eighth Illinois and the Twenty-third Kansas, mustered in with an entire roster of black officers through the rank of Captain.<sup>67</sup>

Unlike the immunes, the Illinois and Kansas regiments were mustered in under sympathetic governors and were not subject to any of the impositions regarding color and rank. Still, they would not see active duty until the perils of disease had sufficiently devastated white volunteers.<sup>68</sup> In 1898, African Americans were earning a place in the army because of their purported ability to withstand disease rather than their aptitude for military service. Ironically, the same characteristics that rendered them fit for slavery –physical strength and resilience to disease—now made them suitable to carry out the responsibilities of citizenship.<sup>69</sup>

### **Louisiana and Illinois on the Road to Citizenship**

Despite a lack of federal enforcement for black voting rights, and an administration that had gradually grown less responsive to its black constituents, the time for debate had ended.<sup>70</sup> As the nation prepared for war, the national Republican Party remained largely hesitant to abandon black citizens, who maintained formidable voting capacity throughout the country. This ambivalence created the narrowest of

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<sup>67</sup> Gatewood Jr., *Black Americans*, 92-96.

<sup>68</sup> Mary C. Gillett, *The Army Medical Department*, 159-60.

<sup>69</sup> For similar discussion see, Martin Pernick, "Race, Labor, and Fevers in the Pre-Canal USA: Brief Remarks on Some Unexamined Issues," (Ann Arbor: Clements Library, 2000), provided by author.

<sup>70</sup> See the *Colored American* and the *Washington Bee* for the months of February through September of 1898 for weekly coverage of the issue. McKinley would later use his support of black military service as means to keep black support. *Colored American*, December 31, 1898.

spaces through which local protests against southern disfranchisement and civil rights infractions—that had been occurring increasingly over the decade—might pass.

In Louisiana, the options were quickly narrowing and the call for U.S. organized troops came just as the courts and legislatures were shutting the door on African American claims-making. The *Plessy v. Ferguson* decision in 1896, which upheld racial segregation in public transportation, had marked another loss in the campaign for equal rights.<sup>71</sup> By May of 1898, the state’s constitutional convention had succeeded in emblazoning disfranchisement into the state constitution.<sup>72</sup> With restricted voting rights now a fait accompli, racialized violence reemerged on the New Orleans labor front. Nearly at the same time that Demas and others were writing to McKinley, trouble was again threatening to erupt. The *Bee* reported that a “committee” of “white citizens...including several Republicans who had ridden to prominence and obtained wealth, chiefly by riding on the backs of negroes,...organized a defense Committee on the Forts.” The Citizens’ committee had allegedly been formed for the purposes of ensuring that only white labor was employed. The paper reported that Demas had stepped in and had managed to have 187 men, appointed to jobs.<sup>73</sup>

It is difficult to say how Demas’ work on the labor front affected his recruitment efforts, but that same week, papers identified him addressing a “patriotic gathering” of almost 5,000 attendees. Seemingly seeking to distinguish himself from Pinchback, Lynch, and others, he cajoled, “my purpose is not to pledge any one, but rather I am

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<sup>71</sup>*Plessy v. Ferguson* 163 U.S. 537 (1896).

<sup>72</sup> See closing remarks of E.B. Kruttschnitt, president of the convention, in Louisiana, *Official Proceedings of the Constitutional Convention, 1898*, 379-85. For further discussion of Louisiana politics in the period please see Scott, *Degrees*, 162-6.

<sup>73</sup> *Washington Bee*, May 14, 1898.

here with you to consult your wishes and deliberate with you in reaching conclusions, knowing you as I do that you will signify by your own volition the meet and proper action at this time.” Shortly thereafter, the papers claimed that Demas, not Colonel Charles Crane, the white colonel assigned to muster in the troops, had enrolled 1,500 colored immunes.<sup>74</sup>

New Orleans was one of the most organized union cities in the country. There, union activism was an integral part of the larger world of black social life, and the mustering of a regiment would necessarily have to pull all of the threads that held the New Orleans community together—the union, the fraternal association, the church, and the ward political club.<sup>75</sup> Outside of New Orleans, familial structures, and labor networks, organized by the vestiges of a plantation system of slavery dating back to the antebellum years, dictated the patterns of organization. The men came from Ascension, Assumption, Iberville, Iberia, Saint Mary’s, and even as far as Baton Rouge. Men from Mississippi and Texas also flooded the recruiting stations in New Orleans to muster into service.<sup>76</sup>

Alexander Paul and Walter Cohen, who had co-authored the April 25<sup>th</sup> letter to the president with Henry Demas announcing the black man’s immunity to yellow fever, now allied with George H. Nelson and Sterling Price Brown.<sup>77</sup> Brown, Paul, and Cohen had been active in the New Orleans labor movement for decades. George H. Nelson

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<sup>74</sup> *Washington Bee*, May 15, 1898.

<sup>75</sup> Arnesen, *Waterfront Workers*, 85.

<sup>76</sup> *Muster in Roll*. Regimental Records, 9th Infantry, U.S.V., Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA.

<sup>77</sup> Henry Demas et. al. to William McKinley, April 25, 1898, *William McKinley Papers*, microfilm, reel 2.



was the leader of the Faith Cadets. The Adjutant General, Henry C. Corbin, instructed Crane to meet with this group of men upon his arrival in New Orleans. Crane's charge was to muster in "twelve companies minimum of colored men..., men to be immune under a reasonable use of the term," and he headed to New Orleans alongside Colonel Duncan B. Hood who was charged with doing the same thing for the white men in the state. The War Department believed that Demas, Paul, Cohen, Nelson, and Brown would be vital to his efforts. Corbin, nonetheless, warned Crane, "there are apparently several bodies of colored men at New Orleans waiting acceptance aggregating two or more regiments; the leaders seem to represent factions and should be handled cautiously if at all."<sup>78</sup>

Crane was assigned to muster in the Ninth United States Volunteer Infantry (USV), while Hood was assigned to the Second. Corbin instructed Crane to "consult with governor and leading citizens" to fulfill the command. However, Corbin's reluctance to wrangle with Demas' group was offset by his desire to stymie any further unrest. He urged Crane on, "No time to be lost in completing your regiment having in mind best public interest."<sup>79</sup> To Corbin, the definition of the "public interest" was warding off protests from the local leaders and raising the regiment, while bringing as little attention as possible to the fact that all of the officers would be white. He was supposed to "kindly confer with them [Mr. Cohen, Mr. Paul, and Mr. Nelson] upon lines of equity and good administration." Corbin was "particularly anxious that they

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<sup>78</sup> Henry C. Corbin to Col. Charles J. Crane, June 4, 1898 Entry # 182, RG 94, USNA.

<sup>79</sup> Henry C. Corbin to Col. Charles J. Crane, June 4, 1898 Entry # 182, RG 94, USNA.

shall have every consideration consistent with good administration.”<sup>80</sup> Furthermore, the department decided, “that the field and commissioned staff as well as the captains shall be of the white race; the lieutenants of companies and the enlisted men of the regiment including the non-commissioned staff are to be persons of color.” Corbin continued, “The Secretary desires me to add that in order to avoid comment and to save the Department the annoyance of useless correspondence, this matter be not given publicity either through the press or otherwise, but be permitted to develop itself as the organization proceeds.”<sup>81</sup> Colonel Crane, actually, did not like the idea of having black men rank as high as lieutenant, since if the “lieutenants are to be colored it will be hard to get good men for captains.”<sup>82</sup> However, President McKinley and Secretary of War Alger had already made pledges to the men in New Orleans, and with their promises for officer’s commissions in hand, the volunteers were anxious to have their commitments met.<sup>83</sup>

Mustering in the regiment quickly and quietly proved to be a nearly impossible. Late-nineteenth century New Orleans was a hotbed of political and union activity. Moreover, as historian Eric Arnesen has argued, “The union, the fraternal association, the local church, and the ward political club all drew upon the loyalties of black workers and their families.”<sup>84</sup> Not surprisingly, by the time Crane arrived in New Orleans, he

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<sup>80</sup> Henry C. Corbin to Col. Charles Crane, June 6, 1898, Entry 182, RG 94, USNA.

<sup>81</sup> Henry C. Corbin to Charles J. Crane, May 31, 1898, Entry 182, RG94, USNA

<sup>82</sup> Charles J. Crane to Henry C. Corbin, June 4, 1898, Entry #182, RG94, USNA

<sup>83</sup> McKinley used the appointments particularly in the southern states for political means. See “Appts of commissioned officers made by the President in the Regular and Volunteer Army from the following named southern states since April 22, 1898,” *William McKinley Papers*, microfilm, reel 1.

<sup>84</sup> Arnesen, *Waterfront Workers*, 85.

found established networks of union men, local organizers, and military outfits. According to Crane, “Keating, Brown,— and the colored leader Cohan, Paul and Nelson—form a strong party here whose end is to force on one—or rather the Gov’t—their so called regiment as a whole.”<sup>85</sup>

While it was common for volunteer companies in the nineteenth century to assemble around prior networks, it was the “political” nature of this “faction” which Crane worried would undermine his authority with the men.<sup>86</sup> This “faction” as Corbin referred to them, was actually an assembly of leaders—some of them were union men, all of them were political activists. These men had been working among the New Orleans waterfront workers unions for over a decade. Crane’s angst over the whole matter was transparent. He admitted that he was “compelled to take some of them, in spite of the fact that their belonging to an organization (partly political) will always enable them to give me trouble when I am only doing plain duty.”<sup>87</sup> The “Faith Cadets” were also caught up in the fray. This independent military organization was organized in 1887, and then outlawed by state legislation banning independent military companies in 1890.<sup>88</sup> The other was a group of union men organized by Brown and the others. Crane was in a difficult position.

Corbin specifically ordered Crane to recruit from New Orleans, locking the colonel into a political battle of wills that had been raging over the course of the last

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<sup>85</sup> Charles J. Crane to Henry C. Corbin, June 7, 1898, Entry #182, RG 94, USNA. Keating was likely C.W. Keating a veteran of the Civil War and prominent member of the local colored Grand Army of the Republic. Republican *Courier*, December 2, 1899.

<sup>86</sup> James M. McPherson, *For Cause and Comrades : Why Men Fought in the Civil War* (New York: Oxford University Press, 1997), 54.

<sup>87</sup> Charles J. Crane to Henry C. Corbin, June 7, 1898, Entry #182, RG 94, USNA.

<sup>88</sup> Coston, *Spanish-American War Volunteer*, 77.

decade in New Orleans. The men attempted to force Crane's hand. "Brown" informed him "in diplomatic language that in case I declined to grant what seems proper recognition to them, that I would find after 60 days that my progress would be slow." Crane believed he could "raise a regiment in 30 days outside of Louisiana," and "from the interior of the state," but he was stuck. If he did not use the New Orleans men, he feared they would organize against him. "To accept that organization as formed— blocking out companies away from N.O., would in a measure deliver me over to a close corporation and make my work more difficult if it should happen to displease those men who are already so powerfully politically." Moreover, he wrote to Corbin, "I believe that these men are holding back my confirmation by the Senate...I know that the wires are kept hot by them."<sup>89</sup> The next day Corbin wrote to Demas for help with his compatriots. "Any assembly of protest against the action of the War Department is not advisable and should be discouraged in every way possible as it can only have injurious results."<sup>90</sup>

Despite the calls for intervention, Crane's battle with the local men lasted for another week or more. The men argued that it was their right to tender whole companies, and demanded to be mustered as officers of their own constituents. With the issue still unresolved, the following week, Crane reported that the men were still orchestrating a stand off. If he would not take their organization as a whole, they would continue with what amounted to a work stoppage. Meanwhile, though Colonel Crane

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<sup>89</sup> Charles J. Crane to Henry C. Corbin, June 7, 1898, Entry 182, RG 94, USNA.

<sup>90</sup> Henry C. Corbin to Henry Demas, June 8, 1898, Document file #114616, Records of the Adjutant General's Office, Record Group 94, USNA, also cited in Gatewood Jr., *Black Americans*, 91. The letter went on to define the parameters for immunity somewhat loosely and curiously as "men to be immune under a reasonable use of the term."

was grappling with the men of the Ninth, the colonel of the Second USVI, Duncan Hood, was also organizing in New Orleans but with little problem. This, no doubt, troubled Crane even more. Things only worsened when he learned that Cohen, Paul, and Nelson were on their way to Washington to protest his work.<sup>91</sup>

The Colonel, in turn, attempted to preempt their visit with an explanation of his slow progress. Trying not to make excuses, or perhaps not reveal how difficult Brown and the other men had made things for him in New Orleans, Crane painstakingly attempted to explain why recruitment was proceeding so slowly. “I have the honor to state—in connection with the recruitment of my regiment here—that my work has been retarded somewhat by the so called organization here—at least I have heard repeatedly that such was the case.”<sup>92</sup> After mustering in the Faith Cadets between the 10<sup>th</sup> and 11<sup>th</sup> of June, Crane’s efforts slowed for well over a week, and only began to pick back up again on the 16<sup>th</sup>.<sup>93</sup> That day he had managed to get 200 men “accepted by the surgeon,” but still worried, and pleaded for Corbin to send him Hood’s mustering officer after he finished his work there.<sup>94</sup> His plan was to circumvent the group and get all the men he needed from the interior of the state.<sup>95</sup>

The politically charged mustering in of the Ninth vexed Crane, and in the end, it appears that Brown and the others won. Mustering proceeded rapidly with three additional companies from the New Orleans community—C, D, and E—mustering in

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<sup>91</sup> Charles J. Crane to Henry C. Corbin, June 16, 1898, Entry 182, RG 94, USNA.

<sup>92</sup> Charles J. Crane to Henry C. Corbin, June 16, 1898, Entry 182, RG 94, USNA.

<sup>93</sup> *Muster in Roll*. Regimental Records, 9th Infantry, U.S.V.. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA.

<sup>94</sup> Charles J. Crane Telegram to Henry C. Corbin, June 16, 1898, Entry 182, RG 94, USNA

<sup>95</sup> Charles J. Crane to Henry C. Corbin, June 16, 1898, Entry 182, RG 94, USNA.

with quick succession after June 16. Sterling Price Brown was commissioned as First Lieutenant of Company D, Lafayette Tharp as the Second Lieutenant of Company E, and Henry O. Franklin as the Second Lieutenant of Company C. Moreover, “young Febiger,” the soldier Demas and the others had initially selected as the colonel of the regiment, was appointed to the post of Captain of Company D—Brown’s regiment. Another product of cross-racial support, Armand Romain, a local white Republican sympathetic to black civil rights, was Crane’s choice for field officer. Writing to Corbin, he endorsed “State Senator Romain” as “the best man for the place that I have seen.”<sup>96</sup>

While it is difficult to reestablish the relationship between any of these individuals in precise terms, the evidence suggests that Brown, Tharp, and Franklin, were all at least tangentially related to each other through the New Orleans labor movement. Sterling Price Brown, a local doctor and labor supporter, held the post of first lieutenant. Lafayette Tharp, the second lieutenant of Company E, was president of the Colored Longshoremen’s Alliance, but had also worked with the interracial New Orleans Longshoremen before they split along racial lines.<sup>97</sup> Tharp and Brown had been in the same labor circles for decades. By the time of muster, it was said that ‘by this position of influence he [Tharp] was able to and rendered to ... Col. C.J. Crane invaluable assistance.’ While it is unclear what assistance he offered, Tharp likely used

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<sup>96</sup> Charles J. Crane to Henry C. Corbin, June 7, 1898, Entry 182, RG 94, USNA. For discussion on Romain after war see Scott, *Degrees*, 192-5, 198, 199.

<sup>97</sup> Arnesen, *Waterfront Workers*, 125-151; Coston, *Spanish-American War Volunteer*, 103.

his considerable pull as the President of the Colored Longshoremen's association—an organization of 12,000 men—towards the war effort.<sup>98</sup>

The presence of dockworkers among the soldiers mustered in is also evident. Many of the relationships that began at the docks carried over into the war. Noah Spillers, a Civil War veteran, member of the Grand Army of the Republic, and a prominent local Republican who was, in his own words, “born free, never was a slave,” knew Tharp before the war.<sup>99</sup> Spillers was also a longshoremen who worked with Tharp on the wharves. John Williams, who was eventually mustered into Lieutenant Brown's regiment, was also a screwman, a member of the longshoremen's association, and an acquaintance of Lafayette Tharp.<sup>100</sup>

Brown and Franklin had both been deeply affected by the Thibodaux massacre of 1887. Franklin's father was known to have been one of the wealthiest and most prosperous men in Louisiana at the time. When a “Regulator” movement turned into outright violent suppression in LaFourche Parish, it ended with many black people killed. The Thibodaux massacre was a response to an unprecedented interracial Knights of Labor movement that united large numbers of black and white sugar workers.<sup>101</sup> According to a Knights of Labor supporter, the violence had been aimed at stomping out the Knights and scattering its membership; its goal was “intimidation for political

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<sup>98</sup> Coston, *Spanish-American War Volunteer*, 103.

<sup>99</sup> Pension file of Noah (Harriet) Spillers, XC No.477036, USNA.

<sup>100</sup> Pension file of Lafayette Tharp, XC No. 2483201, USNA.

<sup>101</sup> As Rebecca Scott has pointed out, estimates of the total number of participants and dead were hard to verify since no credible official count was ever made. See Scott, *Degrees*, 85. Eric Arnesen enumerates the union members at 9,000 black and 1,000 white. See Arnesen, *Waterfront Workers, 90-91*; also Coston, *Spanish-American War Volunteer*, 80-81. Also on strike see Jeffrey Gould, “The Strike of 1887: Louisiana Sugar War,” *Southern Exposure* XII, no. 6 (November-December 1984):53

effect.”<sup>102</sup> Franklin’s father fled to New Orleans with 4-year old Henry shortly thereafter.

When the senior Franklin arrived in New Orleans, he might have heard tell, or even attended a community meeting in early December regarding the massacre. Dr. Sterling Brown, a member of the Longshoremen’s Association, attended the mass meeting of 300 black workers to denounce the killing in Thibodaux, and was elected as the secretary. The group denounced the “killing as murder” and... “called upon fellow colored people, by all lawful means, to avenge the killing of the fellow blacks by demanding the trial of those who did the killing.”<sup>103</sup> Even in this new venue, the ties of Union and community worked to unite strangers in a common cause.

Similarly, H. Herman Blunt, First Lieutenant of Company H, had risen to prominence in 1894 for opposing “Separate League Clubs” at the Republican National Convention. Referred to as a “citizen and a race man” by the *Colored American*, Blunt was reportedly chairman of the State Republican League of Louisiana. Blunt was also a member of the national campaign committee of Republican Clubs, a position the *Colored American* was careful to report, that “no other colored man had ever held before.” And in 1896, he traveled to Chicago for the national meeting.<sup>104</sup>

After mustering in the troops in New Orleans, Crane was planning to proceed from New Orleans to Houston and then to Galveston, Texas. He would then go back to Louisiana and travel to Donaldsonville, New Iberia, Alexandria, and Lake Charles

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<sup>102</sup> Arnesen, *Waterfront Workers*, 90-91. Quote in Gould, "The Strike of 1887": 53.

<sup>103</sup> Arnesen, *Waterfront Workers*, 90.

<sup>104</sup> *Colored American*, January 21, 1899. See also Coston, *Spanish American War Volunteer*, 109-110.



parishes.<sup>105</sup> In Houston and Galveston, however, he found that the governor and citizens of the state had already organized their regiments. There, the political climate was somewhat more amenable to the idea of recruiting black volunteer regiments, but only by degrees.

As J. Morgan Kousser has argued, the forces that shaped late-nineteenth century southern politics throughout the South were muted in Texas.<sup>106</sup> In his analysis of voting in Texas, Kousser has argued that in many respects Texas was the least “Southern” of the ex-Confederate states. Unlike the older slave regimes where slavery had been in place for hundreds of years, in Texas, slavery lasted only twenty. Hence, familiar characteristics of a fully entrenched slave society—an aristocratic planter class or a caste-like system of racial organization—had not come to fruition in Texas. Most importantly, Texas society looked quite different from its counterparts after 1865. It had a relatively small proportion of black people, most of whom lived in East Texas.<sup>107</sup>

While racial violence and efforts to restrict the vote occurred, they developed less quickly in Texas than in many of the other southern states, and by 1898, black voters still represented a significant voting population in the state.<sup>108</sup> Texas was one of

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<sup>105</sup> Henry C. Corbin to Charles J. Crane, June 13, 1898, Entry 182, RG 94, USNA.

<sup>106</sup> Kousser, *Shaping*, 197.

<sup>107</sup> In 1880, of the 16 states (plus the District of Columbia) that the census Bureau defined as the South, black people comprised roughly 36 percent of a state's population on average. In Texas, the black population comprised only 24.7 percent of the state population. In 1880, only 14 of Texas' 144 counties had black majorities, and by 1910, the proportion would decrease even further to only 8 of 217. Kousser, *Shaping*, 196. See also Rice, *Negro in Texas*, 3-15.

<sup>108</sup> For a thorough overview of election returns and suffrage restrictions in Texas see Kousser, *Shaping*, 196-209; Lawrence D. Rice, *The Negro in Texas* (Baton Rouge: Louisiana State University Press, 1971). For a more in-depth discussion of populism and black voting, see Lawrence C. Goodwyn, "Populist Dreams and Negro Rights: East Texas as a Case Study," *American Historical Review* 76, no. 5 (Dec., 1971); and Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

the fastest growing states in the union in the post war era, and as formidable numbers of democratic voting immigrants arrived in the state, mostly from the older southern states in the mid-eighties, and then from the Midwest, the political momentum began to shift in favor of the Democrats. The state Republican Party, organized in July of 1867, only maintained control of the state until 1872, largely due to waves of immigration coming after 1871.<sup>109</sup> After 1872, blacks became the numerical majority in the Republican Party and quickly gained control, doing little to help the party's appeal among white voters.<sup>110</sup> About three-fourths of the party was black, and in this political climate, race and politics could quickly conflate.<sup>111</sup>

In an effort to regain control of the state, Republican Party leaders flirted with various strategies—fusing with third parties, running independent candidates, or even abandoning the Republican Party and voting Democratic.<sup>112</sup> But the Democrats never exerted much effort to attract the Negro vote until the 1890's, and even then, the party was more interested in recruiting the black voter as a member than as a leader. Third party movements, however, consistently attracted a larger proportion of the adult males in Texas than in any other southern state, which also made them potentially dangerous voting blocks. Hence, black voters and poor white voters— both of whom regularly elected Republicans—could easily be wooed into coalition with third parties, and it was

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<sup>109</sup> Rice, *Negro in Texas*, 13-14.

<sup>110</sup> *Ibid.*, 34-5.

<sup>111</sup> Kousser, *Shaping*, 203-5.

<sup>112</sup> Rice, *Negro in Texas*, 53.

this coalition that Democrats most readily feared.<sup>113</sup> Republicans posed the most danger to the Democrats when they supported third-party candidates.

As in other southern states, black voters had been thwarted by violence and intimidation, and had been affected by the disarray within the Republican and Populist parties, but in Texas they were still voting, and in sizeable enough numbers to count.<sup>114</sup> Robert Bradley Hawley, a Republican, and the U.S. Representative from Galveston's district was persistent in his recommendation of two black regiments for the volunteer services. Hawley, referred to as the "McKinley Manager in Texas," was a type of machine politician known for handing out political appointments. He also occupied the seemingly peculiar place of being the only Republican Congressman from an otherwise all-Democratic Texas.<sup>115</sup> Indeed, Hawley was both powerful and well connected, and given all of the political movement between parties in Texas, patronage appointments could be a useful means of galvanizing one's constituency. Corbin asked him to designate the points from which "two companies of good and accepted men can be had," and he recommended Galveston, his home district, and Houston.<sup>116</sup>

Crane arrived in Houston, where the "Ferguson Rifles" were waiting to muster in as Company I. There, he did not have any of the problems he had earlier with the

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<sup>113</sup> Rice, *Negro in Texas*, 68-85.

<sup>114</sup> Kousser, *Shaping*, 197-198. On p. 208, Kousser challenges V.O. Key's hypothesis that by the time the poll tax was passed, disfranchisement was already achieved. Rice, *Negro in Texas*, 34-112, 132-138. First, a 1902 constitutional amendment required the payment of poll taxes. This was followed by the Terrell Election law of 1905 which closed all remaining loopholes in the poll tax provision.

<sup>115</sup> Emmet J. Scott Letter to Booker T. Washington, Houston, TX, Sept. 4, 1897, Booker T. Washington, Louis R. Harlan, and Raymond Smock, *The Booker T. Washington Papers*, 14 vols., vol. 4 (Urbana: University of Illinois Press, 1972): 327.

<sup>116</sup> Henry C. Corbin to Charles J. Crane, June 8, 1898, Entry 182, RG 94, USNA. On Galveston politics, Hawley, and responses to lily-white Republicanism see Gregg Andrews, "Black Working-Class Political Activism and Biracial Unionism: Galveston Longshoremen in Jim Crow Texas, 1919-1921," *The Journal of Southern History* LXXIV, no. 3 (August 2008).

men in New Orleans. Hawley specified “the two companies he wanted to be raised.” “Believing it to be the desire of the War Department,” Crane accepted them as a whole. Even the Captains had been “practically chosen” by Hawley.<sup>117</sup> By June 22, Crane finally received the mustering officer he had been seeking, and Mustering Officer Edmunds headed to Galveston and Houston to muster in the two remaining regiments.<sup>118</sup>

Crane seemed to recognize the irony of the brazenly political nature of the so-called “immune” regiments from Texas. Hawley hand selected the Ferguson Rifles, an organization that bore witness to the political history of black Republicanism in the state. The regiment’s namesake was Henry C. Ferguson, a prominent black Republican of black and white ancestry. Henry and his brother Charles were both prominent powers in county politics, and played a large role in the Republican party of the state. Henry, the elder of the two brothers, had been the slave of a planter named Ferguson in Jasper County. Granted his freedom when he was about thirty years old, Henry migrated to Houston where he served for several years on the state police force beginning in 1874.<sup>119</sup>

Ferguson was highly respected by black and white residents of Fort Bend. The respect of his peers would serve him well when a “white man’s party” known as the “Jaybird’s” attempted to force blacks out of power in Fort Bend. After a prominent planter was killed after he had warned “Negro agitators” to “stay from among his plantation Negroes,” the Jaybirds called a meeting at the local courthouse where they

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<sup>117</sup> Charles J. Crane to Henry C. Corbin, June 15, 1898 Entry 182, RG 94, USNA.

<sup>118</sup> Mustering Officer Edmunds to Adjutant General, June 22, 1898, Entry 182, RG 94, USNA.

<sup>119</sup> Rice, *Negro in Texas*, 91-92.

decided to rid the county of black leaders. They demanded that many of the county's black residents, including Henry's brother Charles, leave the county within ten hours of notification. Henry was spared this fate; he had friends among the all white gathering who defended him. But not long after, he sold his plantation and moved to Houston.<sup>120</sup>

This political trajectory sent Ferguson to Houston, where by 1898 he was again an active figure in local politics. That year, the "lily-white" and the black Republican factions of the party attempted to unite. That same year, the state Republican convention witnessed two black contestants for the chairmanship, each representing a faction of the party. Henry Ferguson carried the day over William "Gooseneck Bill" McDonald, also a former slave and the protégé of the longtime leader of the black Republican faction in Texas, Norris Cuney. Ferguson's victory signaled, at least temporarily, a change in the guard. It also signaled a defeat of the "lily-whites" who were drifting back into the party. It is not surprising that the Ferguson rifles chose to name themselves after Henry Ferguson and enlist en masse as Company I. Similarly, the men from Galveston, Company G, were known as the Hawley rifles. As the only Republican Congressman in Texas, Hawley's patronage to the Ferguson Rifles would serve him well in 1900 when the party fragmented again over a seat on the National Committee of the Republican National Convention.<sup>121</sup>

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<sup>120</sup> *Charles M. Ferguson v. J.M. Moore et. al.*, U.S. Circuit Court Records, Case no. 1559, Original Petition. Ferguson's brother was actually forced out and filed suit under the civil rights act against forty-three members of the Jaybird faction seeking redress for their forced expulsion from the county. Ferguson asked for \$58,993.90 actual and exemplary damages. The case was settled out of court for approximately \$14,500 that included \$11,000 cash settlement, court costs, and attorney's fees of about \$3,000. Nearly \$1,000 went to a co-plaintiff who sued Ferguson for a portion. Recounted in Rice, *Negro in Texas*, 122-5.

<sup>121</sup> Coston, *Spanish-American War Volunteer*, 71,107; Rice, *Negro in Texas*, 50-2; *NYT*, June 21, 1900.

The case in the northern state of Illinois was quite different, but followed a similar political arc. The black men of Illinois had neither been disfranchised nor had their militias dismembered. Willard Gatewood has pointed to the following key dynamics in the success of black recruitment there: a strong heritage of black participation in the military, the activity of concerned and influential supporters, and the social and political status of blacks in the state.<sup>122</sup> The strength of the black population in Illinois, while formidable, appears all the more powerful when contrasted with the weakened state of black Republicans elsewhere. In many ways, comparing the relative strength of black Republicans in Illinois and Louisiana is not a fair comparison. Black Republicans in Illinois were in their own quandary over their participation in the Republican Party. In many ways, their clamoring over their relative absence in national level party politics was even more problematic given their relative strength within local politics.

Wartime mobilization in Illinois drew on one of the most politically powerful communities of black citizens in the country. The soldiers and officers of the Eighth, at least in their public pronouncements, embraced the burden that came with being an entirely black regiment with all black officers. The regiment's biographer, Corporal W.T. Goode, touted the physical prowess and superior intelligence of the Illinois infantry. Though he was consciously posing a direct challenge to criticisms already leveled at the regiment, the recruiting officer deployed to Illinois echoed him with similar sentiments.<sup>123</sup> C.C. Ballou, a white officer in charge of mustering the regiment

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<sup>122</sup> Willard B. Gatewood, Jr., "An Experiment in Color: The Eighth Illinois Volunteers, 1898-99," *Journal of Illinois State Historical Society* LXV (Autumn, 1972).

<sup>123</sup> Corporal W.T. Goode, *The "Eighth Illinois"* (Chicago: Blakely Publishing Company, 1899), 5-8.

declared them “vastly superior to any other regiment raised in this State.” Ballou defined superiority in terms of health, however. Sensitive to the relationship between race and health, Ballou justified his assessment of the race as “superior” based on physical prowess and resilience to disease. He noted, “less than one-half of the medicines required for the whites were used by the colored men during the encampment.” His comments embodied two warring ideals that would emerge again as the Eighth lobbied to go to Cuba. While the black members of the Eighth Illinois defined manhood as attainment and sophistication, they found that the War Department defined manhood for black men in racially specific terms.<sup>124</sup>

The Eighth was mustered in primarily from Chicago with a few companies emanating from Springfield and Quincy respectively, both cities in the southwest portion of the state with sizeable black populations. The existing black unit of the state militia, the Ninth Battalion, furnished the core of the regiment. The Ninth Battalion had the rare distinction of becoming one of the few African American battalions in any state militia, but not without a fight. Early in the 1890’s, an economy-minded legislature had dropped the last all-black unit from the militia roster. Led by John C. Buckner, an African American, and the commanding officer, black citizens in Illinois initiated a movement to have them reinstated. In 1894, when Buckner won a seat in the Illinois House of Representatives, he pushed for the passage of a law that provided for an additional battalion of the state militia. As a result, the Ninth battalion became part of the state national guard.<sup>125</sup>

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<sup>124</sup> C.C. Ballou to Adjutant General, Springfield, Ill, August 13, 1898, Entry 182, RG 94.

<sup>125</sup> Gatewood Jr., *Black Americans*, 72-3; Goode, *The "Eighth Illinois,"* 13-28.

By the time of McKinley's second call, Governor John R. Tanner, a Republican, had already promised to enlist a regiment of black troops, starting with the Ninth Battalion. Sensitive to the political implications of going back on his word, he moved promptly to fulfill his earlier promise of black enlistment. Members of T. Thomas Fortune's Afro-American League and the Afro-American Protective League, an organization that had openly endorsed Cuban Independence in a resolution the preceding year, figured prominently among the volunteers. Additionally, William E. Mason, the senator who had accompanied Ida B. Wells-Barnett to her meeting with President McKinley, offered to recruit men from among the Union League. Of the twelve companies that were eventually mustered in, six came from Chicago alone.<sup>126</sup> Nevertheless, meeting the demands of his black constituents was not easy for Governor Tanner, and by the time actual mustering began in July, there was still considerable anxiety among the recruitment staff. The issue of selecting officers for the men was so divisive that Ballou told Corbin he had to work as quickly as possible, before "malcontents" could break up the companies waiting for muster. Now that they had a full regiment, the men from Illinois were negotiating positions for their own leaders, revealing notable tensions among the recruits and their supporters.<sup>127</sup>

With the controversy over furnishing a black regiment settled, the fight for the officers' positions created a considerable amount of tension. In early May, Governor Tanner made the very unpopular move of replacing John Buckner, the local politician

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<sup>126</sup> *Muster in Roll*. Regimental Records, 8th Infantry, Illinois, Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA; Goode, *The "Eighth Illinois"*, 39; *Illinois Record*, Nov. 27, 1897; C.C. Ballou to Adjutant General, Springfield, Ill, August 13, 1898, AGO, RG 94, Entry 182; William E. Mason to Secretary of War Alger, Telegram, Chicago, Ill, July 2, 1898, Adjutant General Records, RG 94, Entry 182.

<sup>127</sup> C.C. Ballou to Henry C. Corbin, Telegram, Springfield, Ill, July 9, 1898, Entry 182, RG 94.



and commander of the Ninth Battalion, with John C. Marshall. Despite initial resistance to Marshall's appointment, echoes of which would endure throughout the war, Tanner won considerable support from the black community when he appointed an entire roster of black officers, naming Marshall as Colonel.<sup>128</sup>

Contests over the position of chaplain triggered controversy as well, also revealing tensions among local activists. The Rev. Jordan Chavis, a member of T. Thomas Fortune's Afro-American League, was accused of engineering a split between the Afro-American Leaguers in Chicago and those in Springfield, and then exploiting the division for his own personal gains. Chavis was also President of the Afro-American Protective League. Not surprisingly, despite his considerable leadership in the community, local black papers also maligned Chavis for what they saw as behind the scenes jockeying for a chaplain position in the war.<sup>129</sup> Nonetheless, Chavis was able to use his political power to assist in mustering in Company I., the company emanating from Quincy, Illinois, and win the position of regimental chaplain for himself.<sup>130</sup>

The creation of the Eighth Illinois was not an unqualified victory for black rights, however. Even in Illinois black men were mustered in under contradictory terms. For nearly a quarter-century before the war, the black men of Illinois maintained military organizations either informally or as part of the state militia. Without question, the organization and deployment of a regiment with an all black roster was a reward for dedicated military service. Ironically, though the Eighth Illinois resisted the concept of

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<sup>128</sup> Gatewood Jr., *Black Americans*, 94-96.

<sup>129</sup> *Cleveland Gazette*, Dec. 4, 1898, Dec. 11, 1898; On Afro-American League and its founding see also Wells-Barnett, *Crusade*, 252.

<sup>130</sup> Goode, *The "Eighth Illinois"*, 82.

black immunity as a justification for black military service, their own deployment was largely a response to pressure by white citizens of Illinois to bring home the First Illinois Volunteer Regiment. Reports that the soldiers of the First Illinois were growing increasingly sick from malaria and yellow fever created a public outcry.<sup>131</sup> In this context, it becomes clear why Ballou was keen to mention the superior immunity of the black soldiers. Given the clamoring of his white constituents, and the backing of the war department, Governor Tanner called a meeting with the officers of the Eighth Illinois, where he reportedly received their “unanimous and enthusiastic” consent to relieve the First Illinois at Santiago.<sup>132</sup>

Back in New Orleans, Duncan Hood was enlisting the white immunes of the Second USVI and was not encountering any of the political turmoil that surrounded the black regiments. Hood’s “immunes” were, generally speaking, a cosmopolitan group of men, many of them immigrant laborers who had moved from Europe to New Orleans to work on the New Orleans waterfront. The Second USVI also included Cuban patriots who joined the fight for *Cuba Libre* from the American side. Hood’s regiment included several Cubans, who traveled from Vera Cruz, Mexico to Mississippi and then to New Orleans where they mustered in. The group included a lawyer and several students.<sup>133</sup>

The revolution that had began in the eastern part of Cuba in 1868 had spilled over the

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<sup>131</sup> See *Chicago Daily Tribune* for the month of August, 1898 especially August 10, 1898.

<sup>132</sup> Governor John R. Tanner to Henry C. Corbin August 4, 1898, Adjutant General Records, Entry 182, RG 94.

<sup>133</sup> *Muster in Roll*. Regimental Records, 2<sup>nd</sup> Infantry, U.S.V.. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA. The muster agent apparently garbled several of the names. If I do not have a corroborating source to verify the name, it is listed with a \*. The following were listed with place of birth and occupation. (1) Jose L. Apeitia, Havana, lawyer; (2) Mario Garcini, Puerto Principe, student; (3) Oliviero Garcini, Puerto Principe, student; (4) Justo Gonzalez, Matanzas, jeweler; (5) Ciro E. de la Guardia, Matanzas, student; (6) Jorge Quiterre, Havana, farmer; (7) Filouveus L. Rodriguez\*, Matanzas, druggist; (8) Suarez y Sauto\*, Matanzas, student; (9) Joaquin Suarez,y Soto Trinidad, Carpenter.

borders of the small island and into North American port cities of the Atlantic World—New York, Tampa, Vera Cruz, and New Orleans.<sup>134</sup> In December of 1897, a crew of thirty Cubans left Vera Cruz, Mexico bound for Western Cuba. When they encountered a Spanish vessel they turned and headed toward Florida. Hitting a sandbar off the coast of the United States, they washed ashore a few days later. There an American vessel eventually rescued the men and transported them to Sheraton, Mississippi. When Estrada Palma received the news of the failed expedition, he wrote to the crew recommending that they relocate to New Orleans.<sup>135</sup> Whether Palma knew it or not, these men were about to be mustered into an all-white infantry unit in Louisiana, and incorporated into the Second USV Infantry. In stark contrast to the interracial alliance that characterized the insurgent forces, Cubans in the United States found themselves separated into segregated black and white regiments.

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<sup>134</sup> As early as the 1820, émigrés began arriving in the port cities, but as Gerald Poyo has argued they were primarily white professionals, merchants, landowners, and students. After 1860, however, he notes an influx of working class émigrés which significantly radicalized émigré communities. Gerald E. Poyo, *"With All, and for the Good of All" : The Emergence of Popular Nationalism in the Cuban Communities of the United States, 1848-1898* (Durham: Duke University Press, 1989), introduction, 16-19. On the spread of Cuban émigrés and the spread of Cuban nationalist ideology abroad, and on José Martí and the work of the Partido Revolucionario Cubano, see Paul Estrade, *José Martí : los fundamentos de la democracia en latinoamérica* (Madrid, Spain: Casa de Velázquez, 2000); Poyo, *"With All, and for the Good of All"* ; Enrique Lopez Mesa, *Algunos aspectos culturales de la comunidad cubana de New York durante el siglo xix* (La Habana, Cuba: Centro de Estudios Martianos, 2002); and a more recent Ph.D. dissertation Dalia Antonia Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question, 1895-1899" (Ph.D diss., University of California, Berkeley, 2007).

<sup>135</sup> Dalia Muller provides a succinct discussion of these events. The account of the Oscar G. recorded in ANC, Donativos, Asociación Nacional de Emigrados Revolucionarios Cubanos, Leg., 587, No. 4, as cited in Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question, 1895-1899," 101-4. Joaquin Suarez y Soto and Justo Gonzalez explain that they arrived in Mississippi and were then transferred into the New Orleans regiment. See Pension file of Joaquin Suarez y Soto, App. No. 1425998, USNA; Pension file of Justo Gonzalez, App. No. 1366491, USNA.

Of the thirty men supposedly aboard the Oscar G only nine enlisted in New Orleans. At least one of the men Muller records as traveling aboard the ship was at least 44 years old at time of enlistment, and the United States may have rejected him based on age. Others could have feasibly been refused for medical reasons. See *Muster in Roll*. Regimental Records, 2<sup>nd</sup> Infantry U.S.V., Records of the Department of War: Office of the Adjutant General, 1898-1899, RG 94, USNA.

The story of how the *Oscar G* set sail for Cuba from Vera Cruz demonstrates the power of the transnational network driving the Revolution in the months leading up to the war. The work of José Martí, the Cuban Junta, and grassroots organizers in the United States, by 1898, there was an organized community of Cuban exiles throughout the world. By 1891, Martí had united Cuban political clubs within the United States into the *Partido Revolucionario Cubano* (PRC). The basic goal of the PRC was to achieve independence by organizing an émigré movement capable of mobilizing a cross section of Cuban society against Spanish rule.<sup>136</sup> After Martí's death in 1895, Tomás Estrada Palma succeeded him as President of the PRC. Realizing that Martí's death had dealt a devastating blow to the Party, Palma moved with haste to galvanize support by reaching out to the Latin American countries.<sup>137</sup>

In December of 1897, the secretary and treasurer of the PRC in New York had traveled from New York City to Mexico for an event hosted by *Bartolomé Masó*, a Cuban Political Club in Vera Cruz. The event had been organized to raise money for the revolution. Towards the end of the evening, the idea of launching an expedition was put on the table. The PRC had up until this point not authorized any filibustering missions from Mexico, but that night thirty young men volunteered to return to the island. Their names were taken and they were told that they would be notified when the

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<sup>136</sup> Poyo, "*With All, and for the Good of All*", 99-111.

<sup>137</sup> Many historians have seen the election of Estrada Palma as a move toward an essentially cautious diplomatic agenda, but note his movement towards incorporating Latin American Countries. Poyo, "*With All, and for the Good of All*", 119. In her assessment of Palma's work among immigrants in Vera Cruz, Muller suggests that Palma may not have been as conservative as previously imagined. Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question", 69.

expedition was ready to disembark. Approximately fifteen days later they were called to the U.S. consulate and listed as crew on the American pail boat *Oscar G*.<sup>138</sup>

From the onset of the war in 1895, Cuba's North American neighbors—the United States and Mexico—had both established non-interventionist stands. The U.S. State Department monitored the activities of Cuban Americans, even prosecuting those accused for lending goods to the insurgents.<sup>139</sup> Even after the U.S. government's formal declaration of war, Mexico remained inactive. The same would not be said for Cubans living within Mexico's borders. By 1897, there were nineteen Cuban Political clubs in Vera Cruz alone.<sup>140</sup> The clubs were the basic unit of the PRC and the best means of connecting émigrés to the revolutionary cause. And, like so many others, the men who ended up aboard the *Oscar G* had joined one of the many Cuban political clubs in Vera Cruz.<sup>141</sup>

Indeed, while the Insurgent Army was fighting on the island, Cuban exiles had enlisted to fight for independence as part of the American forces. Hood's regiment was not the only one that boasted of having Cubans in its ranks. In Alabama, Colonel R.L. Bullard was conducting his own racial experiment with the Third Alabama Volunteer Infantry. With small numbers of white volunteers, the governor of Alabama organized

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<sup>138</sup> Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question, 1895-1899", 101-4.

<sup>139</sup> Philip Sheldon Foner, *The Spanish-Cuban-American War and the Birth of U.S. Imperialism*, 2 vols., vol. 1 (New York: Monthly Review Press, 1972), 178.

<sup>140</sup> On émigré clubs in Vera Cruz, see Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question, 1895-1899", chap. 2.

<sup>141</sup> Next to Tampa, Vera Cruz had the largest population of Cubans living outside of the Island. Muller puts the number of émigrés in Vera Cruz as fluctuating between 2,000 and 3,000; the total number of exiles in the United States was a little over 10,000. Vera Cruz also had the largest number of political clubs in Mexico; Mexico City was a distant second with eight. Muller, "Cuban Émigrés, Mexican Politics and the Cuban Question, 1895-1899", 81. For demographics see pgs. 25,51.

a regiment of black immunes. Though they never saw any active duty, the Alabama regiment is an interesting example of the way those from the Caribbean and Latin America encountered the American system of racial categorization. Bullard argued that the “color of the skin” created “differences so great that they almost require the naturalist and do require the military commander to treat the Negro as a different species.” Blatant in his racism, Bullard argued that “mistakes and failures” would result from applying the same rules and methods to different races without regard to how far they are separated by nature or evolution. Hence, Bullard rejected men he assumed had larger proportions of white ancestry and chose only “true average negroes...Americans from the towns and plantations of Alabama, and Cuban, Jamaican, Mexican, English, and African negroes from the seaport towns of Florida, Alabama, Mississippi, and Louisiana.”<sup>142</sup>

The ideology of liberty and social equality that bound Cubans abroad to the revolution also drew African Americans to the Cubans’ cause of independence. And by the time the Cuban question entered the national consciousness in the 1890’s, African Americans throughout the country had already vetted the question of Cuban independence. At a meeting of the Illinois Afro-American Protective League in November of 1897, the committee on resolutions had met to put the association’s sentiments in writing. The resolution written on behalf of the “Negro...of the state of Illinois” expressed “heartfelt sympathy with the oppressed [Cubans] and tendered their “hearty cooperation and patriotic support” to their own senators and representatives in Congress “fighting for the abrogation of hostilities in the island of Cuba.”<sup>143</sup>

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<sup>142</sup> Bullard, "The Negro Volunteer: Some Characteristics," 29.

Some black Americans had evinced interest in Cuba not only because of the shared history of slavery, but also because of a perceived racial kinship with large proportions of the Cuban population.<sup>144</sup> The *Cleveland Gazette* carried numerous articles identifying similarities between “colored” Cubans and Afro-Americans. In March of 1898, the *Gazette* printed a speech delivered on the Senate floor by Senator Redfield Proctor of Vermont after his recent trip to the island. In his estimation, “the colored people seem to be by nature quite the equal mentally and physically of the race in this country.” The Senator explained that “there is little or no race prejudice, and this has doubtless been greatly to their advantage.” The effect was not only evident in their stature (he described them as the “larger and stronger race of the island”), but also in their ability:

About one-third of the Cuban army are colored, mostly in the infantry as the Calvary furnished their own horses... An American from a southern state, spoke in the highest terms of the conduct of these colored soldiers: that they were good fighters and had more endurance than the whites...<sup>145</sup>

Considerable contact between Cubans and black Americans also created a fair amount of interest. Newspapers continually monitored and published the activities of the insurgent forces, careful to document any contact between the mainland and the island.<sup>146</sup> Black Americans had been traveling and corresponding with members of the

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<sup>143</sup> *Illinois Record*, Nov. 27, 1897.

<sup>144</sup> Gatewood Jr., *Black Americans*, 17.

<sup>145</sup> *Cleveland Gazette*, March 26, 1898. Similar sentiments were expressed in the *Illinois Record* on March 5, 1898. The paper described the Cubans as “largely of the Negro race.”

<sup>146</sup> On January 29, 1898 the *Cleveland Gazette* carried an article from a correspondent in New York citing the arrival of Ricardo Arnauto, former editor of *El Reconcitrado*, a Cuban autonomist party paper published in Havana. Arnauto had reportedly left Havana after General Blanco issued an edict for his arrest charging him with being the principal promoter of a riot in Havana. *Cleveland Gazette*, Jan. 29, 1898.

insurgent forces for years. But no member of the Cuban army generated more interest than General Antonio Maceo. Dr. L.A. Hinds, an African American physician from South Bend Indiana, was reportedly in charge of the field hospital at Felipe. He kept up regular correspondence with the black press regarding the “fearless” general and his “army comprised mainly of colored men.”<sup>147</sup> Similarly, Dr. Allen Wesley, who served as a physician in Cuba with the Eighth Illinois, had reportedly kept in regular communication with Maceo as well.<sup>148</sup>

Black Americans both before and after the war placed Maceo in the canon of great black revolutionaries alongside Frederick Douglas and Toussaint Louverture.<sup>149</sup> In 1896, the *Cleveland Gazette* reported that “Maceo, the Cuban general who has been a terror to the Spanish forces, is a Negro, who has attained marked distinction in the Cuban cause.”<sup>150</sup> Pierre Carmouche, the First Lieutenant from Company L of the Ninth USVI, claimed that *Cuba Libre* and the success of Antonio Maceo were the height of his ambition.<sup>151</sup> Carmouche’s devotion to the cause of Cuba reveals the complex allegiances held by African Americans. Whether or not Carmouche gained this insight before or during his service in Cuba, his self-description suggests the ways soldiers

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<sup>147</sup> See letter from Hinds in *Cleveland Gazette*, March 14, 1896. See also reference in Gatewood, Jr., *Black Americans*, 17.

<sup>148</sup> Gatewood, Jr., *Black Americans*, 17.

<sup>149</sup> See for example chapters on Maceo in the following: Edward A. Johnson, *History of Negro Soldiers in the Spanish-American War, and Other Items of Interest* (Raleigh,: Capital Printing Co., 1899); John William Gibson et al., *Progress of a Race; or, the Remarkable Advancement of the Colored American. From the Bondage of Slavery, Ignorance and Poverty to the Freedom of Citizenship, Intelligence, Affluence, Honor and Trust* (Naperville, Ill.,: J. L. Nichols & Company, 1902).

<sup>150</sup> *Cleveland Gazette*, March 14, 1896.

<sup>151</sup> William Hilary Coston, *The Spanish-American War Volunteer*, Second ed. (Camp Meade, Middleton, PA: Published by the Author, 1899), 33.



appropriated the Cuban rhetoric of liberty for themselves and subverted the U.S. army's expectations.

In the countryside of Louisiana, Carmouche, a local blacksmith with political aspirations, was still waiting. Finally, Colonel Crane sent his men to Donaldsonville to recruit one of the final two companies of the regiment. Carmouche was born in Donaldsonville, Louisiana in 1862. For two months, he claimed that he neglected his blacksmithing business and went about the parishes-- Ascension, St. James, Assumption, and Iberville, Louisiana— “preaching and teaching the colored citizens our duties as defenders of our country.”<sup>152</sup> He drafted letters to President McKinley and Secretary Alger tendering his services and that of “250 colored Americans from this section of the country for the defense of his country at home or abroad.”<sup>153</sup> Though he did not muster the 250 volunteers he estimated, Carmouche managed to organize about ninety men for what became Company L of the Ninth USVI. In Carmouche's account, the War Department promised him that in return he would be the first lieutenant of his company. Carmouche's task was to find a place to accommodate the muster-in and he chose the hall of the local True Friends Benevolent Association.<sup>154</sup>

Indeed, the maneuverings that drew men from the plantation areas in Louisiana into military service stemmed from a web of community, kinship, and individual aspiration. Many soldiers were aligned with George Davis, who enlisted to fulfill a personal desire. Davis, who his mother described as educated, told her not to worry

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<sup>152</sup>Pension file of Pierre Carmouche, XC No. 2444335, USNA.

<sup>153</sup> Coston, *Spanish-American War Volunteer*, 133.

<sup>154</sup>Pierre Carmouche, Letter to Commissioner of Pensions, December 13, 1909 and Oliver S. Duncan, Deposition, April 27, 1910, both in Pension file of Pierre Carmouche, XC No. 2444335, USNA.

about him, because he enlisted in the war to make a man of himself. And though Davis would die in San Luís on September 22, shortly after arriving, he penned a letter home to his mother Virginia, herself a former slave, describing his duties and experience in the Cuban countryside. Davis wrote home to his mother, explaining to her that the “soldier’s life was the best life on earth.”<sup>155</sup> While many men undoubtedly enlisted with the intention of securing honor for the race, or in hopes of taking up the cause of *Cuba Libre*, many, like Davis, were their parents’ sole source of support and took as their primary motivation concern for their families and local communities.

In Georgetown, a local plantation community near Charenton in St. Mary’s parish, a community of sugar cane workers furnished their own recruits for the war. On this Georgetown plantation, several generations of sugar cane workers had worked the same lands since before emancipation. Many of them spoke more Creole and French than English. There, Walter Kinchon, a local Civil War pensioner, encouraged a young man named Thomas Narcisse to enlist. Several members of his community of sugar workers recalled this fact in their depositions, and reminisced over the letters Narcisse sent to his mother. His mother, who was illiterate, apparently took great pride in her son’s enlistment, and so did the other members of the Georgetown community. Several people recounted that she had his letters read aloud for herself and others who could not read.<sup>156</sup>

In New Orleans, kinship and community, rather than obviously political murmurings, drove more than one soldier to enlist. Baptiste Rochon, a private in

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<sup>155</sup> George Davis, Letter to Mother, September 1898, Pension File of George Davis, Original App.No. 1226628, USNA.

<sup>156</sup> Pension File of Thomas Narcisse, Wid. Cert. No. 929140, USNA.

Company H of the Ninth USVI recalled his own enlistment process in similar terms. When his stepfather George Baptiste of New Orleans decided to enlist in the Ninth USV, he simply took Rochon with him.<sup>157</sup> Similarly, while Walter Boswell enlisted in Company M of the Ninth USVI his cousin Webster St. Smith served in Company D.<sup>158</sup> Economic concerns drove many, who, like eighteen-year-old Phillip Boswell, enlisted to earn more steady wages. In fact, a friend of Boswell's father testified that the soldier "really went into the army to support his mother and little brother." According to Arthur Estèves who testified in the case, "they were very poor...and he told me after he enlisted that one thing that encouraged him to enlist was that his mother would get a pension when he died. Estèves had been the President of the Citizens' Committee, a group of Louisiana Creoles led by Rodolphe Desdunes and Louis Martinet, which had worked to bring the case of Homer Plessy before the Supreme Court. And after the war, it was Louis Martinet who wrote the briefs and filed Boswell's mother's pension claim.<sup>159</sup>

Octave Mora, who enlisted as a sergeant in Company M, was also the son-in-law of prominent Creole activist Rodolphe Desdunes. The immediate historical context in which Octave Mora enlisted in the war reveals the dwindling avenues through which

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<sup>157</sup> Deposition, Baptiste Rochon. April 21, 1926, Pension file of George Baptiste, Wid. App. No. 1025907 USNA.

<sup>158</sup> Deposition, Webster St. Smith April 2, 1901, Pension file of Walter Boswell (Malissa), Wid. Cert. No. 497503, USNA.

<sup>159</sup> Pension File of Phillip Boswell, Wid. Cert. No. 497503, USNA. On Estèves and the Citizens' Committee, see Rodolph Lucien Desdunes, *Our People and Our History; a Tribute to the Creole People of Color in Memory of the Great Men They Have Given Us and of the Good Works They Have Accomplished*, trans. Sister Dorothea Olga McCants (Baton Rouge: Louisiana State University Press, 1973), 147-8.

blacks and Creoles were able to wage contests over rights.<sup>160</sup> The courts were no longer a promising avenue for equal rights after the Supreme Court handed down the landmark *Plessy v. Ferguson* decision in 1896. The segregation laws at issue had the practical implication of constraining black citizenship, but also had the social impact of ostracizing black passengers, and aligning blackness with second-class social citizenship.<sup>161</sup>

With his marriage to Coritza Desdunes, Octave Mora became a member of one of the most prominent Creole families in New Orleans. This was an alliance that apparently contributed to his mustering in above the rank of private. Mora was also Creole, but from a different background than his bride. Octave's early history leads us back to the same Charenton plantation where Thomas Narcisse was born. In fact, Octave Mora and Thomas Narcisse were cousins and had grown up in the same Georgetown plantation community near Charenton in St. Mary's parish.<sup>162</sup>

It is unclear, perhaps even impossible to determine, what ultimately motivated Mora to enlist; such things are always multidimensional. Perhaps it was at the behest of his influential father-in-law, Rodolphe Desdunes. Perhaps it was at the prodding of

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<sup>160</sup> On the use of the term "Creole" please see Joseph Tregle, *Louisiana in the Age of Jackson* (Baton Rouge: Louisiana State University Press, 1999), epilogue; Virginia R. Dominguez, *White by Definition : Social Classification in Creole Louisiana* (New Brunswick, N.J.: Rutgers University Press, 1986); Sybil Kein, ed. *Creole : The History and Legacy of Louisiana's Free People of Color* (Baton Rouge: Louisiana State University Press, 2000). Even prior to the Civil War, Creoles steeped claims for rights in the recognition of the role their ancestors played in helping Andrew Jackson fend off a British invasion in 1814. They similarly based their claims to citizenship on their French heritage and on the rights they were promised under the Louisiana Purchase.

<sup>161</sup> The law empowered railroad employees, such as car attendants, with the responsibility of assigning racial classifications. On the Plessy challenge, see Scott, *Degrees*, 91-93; Rebecca J. Scott, "Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge," *Michigan Law Review* 106, no. 5 (2008): 777-804; and Barbara Y. Welke, "When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914," *Law & History Review* 13 (Fall 1995): 261-316.

Walter Kinchon, the Civil War veteran who encouraged Mora's cousin Thomas Narcisse to enlist. Kinchon and other members of the community testified that they saw Octave before his departure. Perhaps it was his own aspirations for life beyond the racially prescriptive boundaries in Louisiana. After the war, Mora left New Orleans, Coritza, and their two children behind, and lived the rest of his life as white. In many ways, his negotiation of racial identity reflected the ebb and flow of hope and denial that accompanied the war effort. When serving in a racially segregated regiment offered opportunity he took it. Like so many others, however, he would find his hope for opportunity denied upon his return.<sup>163</sup>

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In hopes of securing first-class citizenship, African Americans rallied behind the war effort, though often for dissimilar reasons. Many had been following the Cuban War for decades and, when war commenced, self-consciously asserted their desire to support the Cuban insurgents. Others enlisted for less obvious political reasons such as earning steadier wages. The cause of *Cuba Libre* nonetheless drew men and women—Republican, Populist, and other—from the city and country alike. Some like Ida B. Wells-Barnett from Chicago, preferring to focus on domestic issues, joined the war effort reluctantly. Others, like Pierre Carmouche from Donaldsonville, enlisted as soon as possible, later aligning his decision with admiration for Maceo and the success of *Cuba Libre*. Scores of rural laborers traveled from the sugar parishes in Louisiana to the muster stations in New Orleans apparently with the goal of obtaining liberty from the plantation economy, while proving their valor and standing in public culture. Then

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<sup>163</sup> Pension file of Thomas Narcisse, Wid. Cert. No. 929140, USNA. The discussion of Octave's family lineage was found in a "Letter from Harvey E. Meijer of the Choctaw Indian Agency to E.L. Bailey Pension examiner", Dec. 6, 1898 Pension File of Octave Mora.

there were Cubans. Traveling from as far away as Mexico, and shipwrecking off the coast of Florida, they enlisted on the side of the Americans, but fought as citizens of the emerging Republic. The Cuban War for Independence and the ideals of *Cuba Libre* united these disparate figures in what became a fight for liberty abroad and at home.

## CHAPTER II

### EXCHANGES OF EMPIRE: AFRICAN AMERICANS, INSURGENTS, AND THE “NEW BIRTH” OF CUBAN FREEDOM

On May 25, 1898, the steamer *Florida*, which was escorted by the U.S. warship *Osceala*, landed on the north coast of Oriente de Cuba with 500 Springfield rifles, bullets, and 300 recruits for the Ejército Libertador (Cuban Liberation Army). Aboard the ship was Ramón Pagés, a “Spanish” cigar maker who had been residing in New Orleans and who had appeared at an equal rights meeting organized by New Orleans activists Rodolph Desdunes and Louis Martinet. Also aboard the vessel were two Cuban activists of color, Martín Morúa Delgado and Generoso Campos Marquetti, both of whom would play pivotal roles in both the Liberation Army and post-revolutionary politics in Cuba.<sup>1</sup> From the beginning of the final War for Cuban Independence, bands of Cuban exiles from within the United States had been traveling from off the coast of

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<sup>1</sup> For the list of expeditionaries see Miguel Varona Guerrero, *La Guerra de Independencia de Cuba, 1895-1898*, 3 vols. (Havana: Editorial Lex, 1946): 2:1360-61. For discussion of Ramón Pagés, see Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge: Harvard University Press, 2005), 76-77. On the equal rights meeting where Pagés appeared see Louis A. Martinet, ed, *The Violation of a Constitutional Right. Published by Authority of the Citizens' Committee* (New Orleans: The Crusader, 1896). Martín Morúa Delgado, a nationalist writer of color, wrote extensively on Cuban nationalism and the role black insurgents would play in the revolution. See Ada Ferrer, *Insurgent Cuba: Race, Nation, and Revolution, 1868-1898* (Chapel Hill: University of North Carolina Press, 1999), 124, 132-33. On Generoso Campos Marquetti and his leadership within Afro-Cuban and national level politics well into the 1950's see index entry under Generoso Campos Marquetti in Alejandro de la Fuente, *A Nation for All : Race, Inequality, and Politics in Twentieth-Century Cuba* (Chapel Hill:

Florida and delivering goods to the Cuban insurgents.<sup>2</sup> By April of 1898, after the formal declaration of hostilities between Spain and the United States, the trips that Cuban patriots living abroad had been taking clandestinely began occurring in the open, offering émigrés such as Pagés, Morúa, and Campos the opportunity to return to the Revolution.<sup>3</sup>

The U.S. forces and returning émigrés were entering a war that had been raging intermittently in Cuba for thirty years.<sup>4</sup> In the eastern jurisdiction of Manzanillo, Carlos Manuel de Céspedes and his followers had in 1868 declared themselves in revolt against Spanish rule with the *Grito de Yara*.<sup>5</sup> On the morning of October 10, Céspedes,

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University of North Carolina Press, 2001). On exile communities see Poyo, "*With All, and for the Good of All*": *The Emergence of Popular Nationalism in the Cuban Communities of the United States, 1848-1898* (Durham: Duke University Press, 1989).

<sup>2</sup> American forces also attempted filibuster missions. In April, Adjutant General Henry Corbin attempted to establish a policy of cooperation with the Cuban forces. On the 29<sup>th</sup>, Corbin instructed Brigadier General William Shafter, the leader of the expeditionary forces in Cuba, to sail to the island and "penetrate far enough into the interior to form a junction, if practicable with General Gomez's forces. Issue to them all the arms, ammunition, and supplies that may be required, giving them all the aid, support, and succor possible." Corbin made it clear that Shafter's objective was to aid Gomez while not exposing his own men to yellow fever. The plan was eventually abandoned after the War Department gained information regarding a possible attack on one of the U.S. blockades. Alger, R. A. *The Spanish-American War* (New York, London: Harper & Bros., 1901), 45-6.

<sup>3</sup> Scott, *Degrees*, 76-77. Alger recounts a similar expedition occurring at the end of May in his memoir of the war, but claims that the insurgents received 7,500 Springfield rifles, 1,300,000 rounds of .45 caliber ammunition, and 20,000 rations. Alger, *The Spanish-American War*, 43.

<sup>4</sup> For a general history of the war see Varona, *La Guerra de Independencia*; Emilio Roig de Leuchsenring, *La guerra libertadora cubana de los treinta años: 1886-1898* (Havana: Oficina de la Historiador de la Ciudad de la Habana, 1952). For the most recent interpretation see Ada Ferrer, *Insurgent Cuba*; Louis A. Pérez, *Cuba between Empires, 1878-1902* (Pittsburgh: University of Pittsburgh Press, 1983); and Scott, *Degrees*. On the war in Santiago, the location for the expeditionary and occupying armies, see Emilio Bacardí Moreau, *Crónicas de Santiago de Cuba*, 10 vols. (Madrid: Gráf. Breogán, 1972), vols. 1-4; and Olga Portuondo Zúñiga, *Santiago de Cuba y la Guerra Hispano Cubano Norteamericana* (Santiago de Cuba: Editorial Oriente, 1994). See also Emilio Roig de Leuchsenring, *Cuba no debe su independencia a los Estados Unidos* (Havana: Sociedad Cubana de Estudios Históricos e Internacionales, 1950).

<sup>5</sup> On the Ten Years' War in particular see Roig de Leuchsenring, *La guerra libertadora*, 53-71; Ferrer, *Insurgent Cuba*, chaps 1-2; and on slave emancipation therein, see Rebecca J. Scott, *Slave Emancipation in Cuba: The Transition to Free Labor, 1860-1899*, 2nd ed. (Pittsburgh: University of Pittsburgh Press, 2000), chap. 2.



while gathering his slaves on his sugar mill, had addressed them as citizens and invited them to help “conquer liberty and independence for Cuba.”<sup>6</sup> This initial act of emancipation, however, was mainly a symbolic act, and one that was to be followed by considerable hesitation over the issue of emancipation. The uncertainty was largely a result of disparate opinions among the insurrectionists; a shared opposition to Spanish colonialism by no means meant a uniform consensus on the aims of the revolt. Some favored annexation to the United States and others sought full independence. Many were hostile to the institution of slavery, but wished to avoid alienating potential supporters among slaveholders, also hoping to maintain continued agricultural production throughout the war. At the same time, the insurrectionists sought to take a stand on slavery that would promote the revolt and increase its popular and international appeal. They were increasingly aware of the need for North American support, which, following the ratification of the Thirteenth Amendment and the election of Ulysses S. Grant to the American presidency, seemed to be contingent on an abolitionist stance. In April of 1869, representatives from rebel groups within Oriente, Camagüey, Las Villas, and Occidente joined at the Assembly of Guáimaro and wrote a constitution that declared “all inhabitants of the Republic entirely free.”<sup>7</sup>

Watching the situation from the United States, famed abolitionist Frederick Douglass had been waiting for the Cuban insurrectionists to take an official stance on the issue of slavery, noting that “Cuba’s resistance to Spanish domination would long ago have been clothed with the moral support of a free people in the United States had it

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<sup>6</sup> Ferrer, *Insurgent Cuba*, 15. On the events of October 10<sup>th</sup>, see Bacardí, *Crónicas de Santiago*, 4:41-42. Also on Céspedes, see Roig de Leuchsenring, *La guerra libertadora*, 53-58.

<sup>7</sup> Scott, *Slave Emancipation*, 47. On the 1869 constitution in exile communities within the United States see Poyo, *With All, and for the Good of All*, 29-30.

not been for the popular doubt as to the existence of any sound anti-slavery feeling or abolitionist purposes among the revolutionaries.” But his sense that support for the Cuban cause should be sought from the South was particularly emblematic of Douglass’ hatred for slavery and slaveholders, and his sense that anti-slavery sentiments burned fiercest within those who had themselves been enslaved. Douglass, who had assumed the position of elder statesmen at this juncture in his career, urged African Americans within the United States to close ranks with their “brethren toiling under a bondage whose every feature of agony and anguish we understand from experience...”<sup>8</sup> He urged Republican newspapers in the South to publish the 1869 constitution, while he worked tirelessly to raise funds to publish and disseminate copies of it from Washington., D.C.<sup>9</sup>

Douglass also hoped to connect African Americans to the Cuban cause more directly, and he called for the organization of “Cuban Associations among colored people.” The association would operate along the lines of the Cuban political clubs in Florida, New York, and New Orleans. The Cuban Association would have a two-fold purpose. First, it would provide a means by which African Americans might organize “to such an extent as would bring in thousands of dollars to the cause...” And secondly, he contended that, without violating any neutrality laws, “hundreds of colored men might voluntarily surrender the great boon of American citizenship to join their fortunes with those of their suffering brethren in this hour of heroic strife and sorest need.”<sup>10</sup> The

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<sup>8</sup> *New National Era*, February 13, 1873. See Frederick Douglass, *Narrative of the Life of Frederick Douglass* (1845); David W. Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee* (Baton Rouge: Louisiana State University Press, 1989), 80-100,160.

<sup>9</sup> Benjamin Quarles, *Frederick Douglass* (Washington, D.C.: The Associated Publishers, 1948), 285-6.

<sup>10</sup> *New National Era*, February 13, 1873.

Cuban Revolution that had begun in the eastern portion of Cuba in 1868 had reached the communities of African Americans living within the United States.

By the 1880's, the physical personification of the revolution—military heroes Antonio Maceo and Máximo Gómez— had begun traveling extensively in order to mobilize Cuban exiles in New Orleans, New York, Key West, and Mexico. Traveling to New Orleans along with their families in 1884, the Cuban heroes hoped to raise money for a renewed independence struggle. It is not clear whether Maceo crossed paths with New Orleans activists Louis Martinet or Rodolph Desdunes, but both men certainly supported his cause. Their paper, the *Daily Crusader*, proudly chronicled Maceo's earlier exploits in Cuba.<sup>11</sup> Moreover, at least one member of the Cuban émigré community in New Orleans, Ramón Pagés, the “Spanish” cigar maker who would travel back to Cuba in 1898 aboard the *Osceola*, connected the black New Orleans community with the Cuban freedom fighters. In 1896, Pagés was participating in both the equal rights campaign organized by Desdunes and Martinet and the Cuban exile community that Maceo had come to galvanize.<sup>12</sup> Whether radicalized by the community of émigrés, the bonds of equal rights activism, or a separatist all along, Pagés had been participating in transnational networks that, by May of 1898, would carry him back to Cuba and the Revolution. By the time the United States began contemplating intervention in the late 1890's, communities of exiles, émigrés, and African Americans

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<sup>11</sup> On Maceo and Gómez in New Orleans, see Scott, *Degrees*, 76-77. On the New Orleans community see Poyo, *With All, and for the Good of All*, 36-37.

<sup>12</sup> On Pagés, see Scott, *Degrees*, 76-77. See also footnote 1.

had been engaging in a transnational discourse regarding Cuban liberation for almost three decades.<sup>13</sup>

### **The End of the Revolution**

The final War for Independence would bring three decades of intermittent warfare to an end, but the concluding moments were a far cry ideologically from what Céspedes and his compatriots had imagined in 1868.<sup>14</sup> The first of the American expeditionary forces arrived to Cuba in June of 1898. By then, Cuban insurgents were in control of the majority of the island; the last major strongholds occupied by the Spanish were Havana and Santiago, the major urban centers in the western and eastern portions. The United States' assault on Cuba began in the east. Despite the threat of malaria and yellow fever, neither Surgeon General Sternberg, who was an expert on yellow fever, nor General Miles, the commanding General of the Army, had been able to convince President McKinley to postpone the invasion of Cuba until the fall when the threat of disease would dwindle. Leaving Tampa on June 6 were the expeditionary forces of the Fifth Corps: the black regulars of the Ninth and Tenth Cavalry and the Twenty-fourth and Twenty-fifth Infantries, Theodore Roosevelt, his "rough riders," and

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<sup>13</sup> My thinking on transnationalism draws on Louis A Pérez, Jr., review of *Rethinking American History in a Global Age*, by Thomas Bender, ed., *Journal of American History* 89 no. 2 (September 2002): 558-566. Two important collections of essays on the subject are Ann Laura Stoler and Frederick Cooper, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997); Amy Kaplan and David Pease, eds. *Cultures of United States Imperialism* (Durham: Duke University Press, 1993).

<sup>14</sup> For a full treatment of this argument, see Ramón de Armas, *La revolución pospuesta: contenido y alcance de la Revolución Martiana por la independencia* (Havana: Editorial de Ciencias Sociales, 1975). Citing Eric Foner's analysis of Reconstruction in the United States, Ada Ferrer has also termed the end of the revolution a "revolution postponed." For a treatment of the ideological distance between the revolution's beginning and its end with the U.S. occupation see epilogue and prologue in Ferrer, *Insurgent Cuba*, 195-202.

a few other state volunteer regiments.<sup>15</sup> The forces anchored a week later off the coast of Santiago de Cuba and remained there until an advance force of the U.S. Army landed at the small port of Daiquirí.

Initially, the strategy had been for the troops to land near Havana where there was flat terrain and good road, but as plans shifted unexpectedly, the troops were obliged to land at Daiquirí, seventeen miles east of Santiago, where steep cliffs lined the beaches and roads were nonexistent. The high surf made the task of bringing the troops and much needed medical supplies ashore almost impossible. Joining with a force of Cuban revolutionaries under the command of General Calixto García, the ranking commander of Cuban forces in Eastern Cuba, the combined Ejército Libertador, American regulars, and American naval forces nonetheless succeeded in forcing three hundred Spanish troops in the area of Daiquirí to withdraw on June 22.<sup>16</sup>

A force of 375 Cuban patriots and African American regulars from the all black Tenth Calvary, all of them armed, landed near a town called Tayabacoto. The group, under the command of First Lieutenant C.P. Johnson, took quantities of arms, ammunition, commissary, and quartermaster supplies for the insurgents. Met with Spanish gunfire, several Cubans were wounded. After several attempts and under

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<sup>15</sup> Willard B. Gatewood Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975), 57. There are a number of texts chronicling the black regulars including Miles V. Lynk, *The Black Troopers, or the Daring Heroism of the Negro Soldiers in the Spanish-American War*, 2<sup>nd</sup> ed. (New York: AMS Press, 1971); Edward Van Zile Scott, *The Unwept: Black American Soldiers and the Spanish American War* (Montgomery: The Black Belt Press, 1996); T.G. Steward, *The Colored Regulars in the United States Army* (New York: Arno Press, 1969); Frank N. Schubert, *Buffalo Soldiers and the Medal of Honor, 1870-1898* (Wilmington: Scholarly Resources, 1997).

<sup>16</sup> For a discussion of the combined assault of United States and Cuban forces, see Roig de Leuchsenring, *La guerra libertadora*, 327-53.

heavy fire, four of Johnson's men waded into the water, successfully rescuing the six wounded men.<sup>17</sup>

As the expeditionary forces were docking, on June 22, General Demetrio Castillo Duany, commander of the Cuban forces in the area, was leading a reconnaissance mission about four miles from Siboney to the village of Las Guásimas. Castillo was himself a naturalized American citizen and a part of the exile community in New York. He had returned to Cuba during the Revolution, becoming a general in the Ejército Libertador by 1898.<sup>18</sup> The Spanish, learning of the Americans' arrival, had begun to evacuate Daiquirí and retreat towards Siboney. Meanwhile the Cuban insurgents were moving into the area, gaining position with few casualties. As the Americans disembarked, Castillo outlined the Spanish Army's military position to General Joseph Wheeler, a southerner and former general in the Confederate Cavalry. The following morning, a combined force of Cuban soldiers, the "Rough Riders" of the First U.S. Cavalry, and the African American "Buffalo Soldiers" of the Tenth U.S. Cavalry departed on a reconnaissance toward the village. The resulting two hours of fighting ended with the Spanish retreating toward Santiago.<sup>19</sup>

A few days later, the last phase in the Cubans' battle to oust the Spanish from the east of the island began. On July 1, while Brigadier General Henry W. Lawton

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<sup>17</sup> Recounted in Alger, *The Spanish-American War*, 43; See also discussion in Frank N. Schubert, *Black Valor: Buffalo Soldier and the Medal of Honor, 1870-1898* (Wilmington, Del.: Scholarly Resources, 1997), 136-7.

<sup>18</sup> On Castillo in the post-war Republic see Pérez, *Cuba between Empires*, 292. Castillo had amassed considerable personal wealth both in New York and upon his return to Cuba. He owned a school of commerce in New York and possessed controlling interest in the Juraguá iron mines. He was later appointed the civil governor of Oriente province under the civil administration.

<sup>19</sup> Bacardí, *Crónicas de Santiago*, 9:371; Alger, *Spanish American War*, 99-111. While the part played by Cuban soldiers is acknowledged in Alger's account he argues that the Cubans had failed in their effort to gain any position in Daiquirí, and the Spanish had forced them to retreat.

attacked El Caney, and the Rough Riders and Buffalo Soldiers battled on San Juan Hill, Generals Calixto García, Agustín Cebreco, and Jesús Rabí, along with American reinforcements entered the heavily garrisoned city of Santiago to overtake the Spanish. By July 3, active hostilities ceased, the firing resuming briefly on the 10<sup>th</sup> and ending the following day. But the Cuban revolutionaries did not participate in framing the terms of the surrender. The Peace Protocols were officially agreed upon between the Americans and the Spanish on the 17<sup>th</sup> of August. The omission of Cuban leaders established a pattern of cooperation between the United States and Spain wherein the insurgents would remain excluded throughout the American intervention.<sup>20</sup>

When news regarding the combined victory of American and Cuban forces at San Juan Hill and El Caney reached Colonel Charles Crane in New Orleans, he immediately penned a letter to Adjutant General Henry Corbin. Crane, a Mississippian by birth, had been recruited to the Army through the state of Texas and had served as a Captain of the African American Twenty-fourth Infantry. Hearing of the victory against the Spanish, Crane noted the “glorious news of the annihilation of the Spanish fleet” and the “almost certainty of our possessing Santiago today,” but he lamented the loss of his former second lieutenants and other officers of the Twenty-fourth Infantry. He used this reference to the African American regulars to preface his reason for writing to Corbin; he wanted the Adjutant General to send the men of the Ninth to the front lines. His concern was duly for the men of the regiment and for his own promotion. As he informed Corbin, he would like “to have an opportunity to justify the

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<sup>20</sup> See Bacardí, *Crónicas de Santiago*, 9:377-94, 10:7-35, 99-100; Roig de Leuchsenring, *La guerra libertadora cubana*, 327-53; Alger, *Spanish American War*, 123-171, 181-220.

opinion of the President and of yourself in my ability to raise, organize, and discipline a volunteer regiment and then take them into battle.”<sup>21</sup>

Meanwhile, in Cuba, multiple events demonstrated what the Spanish surrender at Santiago would mean for Cuban Independence.<sup>22</sup> It did not bode well for the Cubans’ future when the United States assumed control of key cities and towns within the province and prohibited the soldiers from entering the eastern Capital. Moreover, all residents of Santiago passed directly under the authority and protection of the United States; incumbent civil officials and local constabulary authorities were to be ratified in their positions. To have been prohibited from entering the city for the ceremonies following the final surrender of Santiago, and then to be denied a part in the municipal administration, both offended the insurgents’ pride and negated the very purpose of Cuban arms. And though General García, the commander of the insurgent troops in the East, would later be allowed in the city and given a hero’s welcome in September of 1898, complete with the presence of various dignitaries and the usual pageantry that would have followed a military victory, by then the damage was already done. On July 17, García resigned in protest. Assailing Shafter’s practices in Santiago, he wrote bitterly of the American’s decision to retain in power the “very same Spanish authorities against whom I have struggled these years.” That same day, García forwarded to Máximo Gómez an official protest of American actions and warned the

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<sup>21</sup> Charles Crane to H.C. Corbin, July 4, 1898, New Orleans, Entry 182, RG 94, USNA. For biography of Crane, see *New York Times*, August 18, 1899. The *Times* erroneously notes that Crane was a Captain in the Ninth USV, but all other information is accurate. See also on Crane Gatewood Jr., *Black Americans*, 125-26.

<sup>22</sup> For contemporary accounts of the war around Santiago see Frederick W. Ramsden, "Diary of the British Consul at Santiago During Hostilities," *McClure's Magazine* XI, no. 6 (Oct. 1898):580-91; Ramsden, "Diary of the British Consul at Santiago During Hostilities," *McClure's Magazine* XII, no. 1 (Nov. 1898):62-70.



insurgent forces against relinquishing any authority to the army of intervention. As the General explained, he was no longer disposed towards cooperating with the plans of the American army.<sup>23</sup>

Again, on August 12, 1898, when the United States entered a unilateral peace agreement with Spain, Cuban insurgents were not included in the talks. As the Americans and the Spanish met in Paris, the rebels convened an assembly in the East at Santa Cruz to discuss Cuba's postwar future.<sup>24</sup> Even though peace was formally declared, insurgent armies in Cuba would continue military operations until consulted. Washington appealed unofficially to Estrada Palma, the new leader of the Partido Revolucionario Cubano (PRC). Hinting of its desire to move ahead with the principles of the Joint Resolution, Washington stressed the need to end hostilities as soon as possible. Three days later, Palma accepted the peace protocols.<sup>25</sup> The fight for independence seemed to have gone drastically awry. The United States had made it glaringly evident that it intended for the rebel forces to play a limited role in the political reconstruction of the island.

While the Spanish and U.S. representatives were signing the peace protocols, unrest was erupting in Camp Corbin, Louisiana, when local police killed a soldier of the Ninth USV in downtown New Orleans. The soldier, William Garrett of Company D, was allegedly resisting arrest when he was shot and killed by the civil authorities.<sup>26</sup> A

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<sup>23</sup> García quoted in Pérez, *Cuba between Empires*, 208-10. On his entrance into the city see Bacardí, *Crónicas de Santiago*, 165-66.

<sup>24</sup> Louis A. Pérez, *Essays on Cuban History: Historiography and Research* (Gainesville: University of Florida Press, 1995), 10-12; Pérez, *Cuba between Empires, 1878-1902*, 206-10. Assembly noted in Scott, *Degrees*, 151.

<sup>25</sup> On this transition see Pérez, *Cuba between Empires, 1878-1902*, 210.

member of the First Volunteer Infantry (Texas Immunes) recounted that Garrett ran through the streets “shooting at whoever he saw.”<sup>27</sup> Whether this actually occurred or not, Crane ruled the killing “justifiable and proper.” But the men of the regiment had a different idea and seemed to be set on demonstrating the power of federally armed citizens in the South. “Several hundred of his [the soldier’s] comrades started for the city at 8pm with their rifles drawn.”<sup>28</sup>

Thomas Bazile, a cook in Company H was at camp when Garret was killed. He told Lieutenant Lafayette Tharp “that he was a man and was willing to die that night.” Bazile was actually only seventeen years old and had needed his mother’s permission to enlist in the army. But he incited the men “to join the crowd that was gathering and to go to the city and get the man that had killed their comrade and bring him to camp.” Tharp proved as invaluable to Crane that night as he been during mustering— he somehow managed to contain young Bazile and quell the disturbance.<sup>29</sup> Crane responded by attempting to discharge the “worthless men” for that night’s outbreak, but Adjutant General Corbin rejected his plea for the power to do so. This duty rightfully belonged to the Secretary of War. The men would have to wait until they arrived in Santiago where they would be tried under a court martial.<sup>30</sup>

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<sup>26</sup> See also article on “Riche’s Regiment,” *Times Picayune*, August 18, 1898. Pension file of William Garrett, Father App. No. 715560, USNA. Garret’s father’s application was rejected on the grounds that “soldier had not been killed in line of duty but killed resisting arrest in Louisiana by civil authorities.”

<sup>27</sup> *Times Picayune*, August 18, 1898.

<sup>28</sup> Colonel Crane to Henry C. Corbin, August 12, 1898, Entry #182, RG 94.

<sup>29</sup> Court Martial, U.S. vs. Private Thomas Bazile, San Luís, November 25, 1898, No. 9317, RG 153, USNA.

<sup>30</sup> Colonel Crane to Henry C. Corbin, August 12, 1898, Entry #182, RG 94; Adjutant General Henry Corbin to Col Charles Crane, August 13, 1898, Entry #182, RG 94, USNA

Three nights prior to Thomas Bazile's arrest, First Lieutenant Johnson had "incited mutiny, resisted arrest, and threatened to kill various officers," provoking an "arrest by civil authorities." As Crane relayed the incident, Johnson was intoxicated and "incited disorder and mutiny by his speeches, making it necessary to remove him from camp." In the process, Johnson drew a knife on Major Duncan Harrison, and was "carried to jail in the city." Not only was he violent, but also, as Crane later learned, Johnson was "a man with an alias." As such, the Colonel concluded that Johnson was "a dangerous man in a colored regiment."<sup>31</sup>

As the lieutenant waited in jail, Thomas Bazile was preparing to make his stand. Johnson's full speech is not recorded, but the sequence of events leading up to the killing of William Garrett suggest that Johnson's "speech" was not merely the ranting of a drunken soldier. Both Johnson's refusal to obey orders and willingness to threaten and assault superior officers demonstrated a proclivity towards assertions of manhood at the expense of military discipline. In this light, the fact that Thomas Bazile showed the same tendency only a few nights later appears less of a coincidence. Johnson's vocal protests and rebuff to white male authority set the stage for Bazile's later actions. Crane made this clear when he wrote that Johnson was a danger to a colored regiment.<sup>32</sup> Crane deemed the events of both August 8<sup>th</sup> and 12<sup>th</sup> "incipient mutiny"; these two men had sparked unrest and, in Johnson's case, violently refused to heed the commands of their

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<sup>31</sup> Johnson's full name is not listed in the record and it has not been possible to ascertain his exact identity from the Muster-in roll. Charles Crane to Adjutant General, August 14, 1898, Camp Corbin, LA, Ninth USV, Regimental Letters Sent, RG 94, USNA.

<sup>32</sup> Charles Crane to Adjutant General, August 14, 1898, Camp Corbin, LA, Ninth USV, Regimental Letters Sent, RG 94, USNA. Crane was particularly anxious to get rid of Johnson who he gave the option to resign. Brazil was not given the option of resigning; he would have to wait until a court martial hearing was scheduled in Santiago.

superior officers. Crane's discussion of the events those nights is both a telling and ominous suggestion of what such stands for racial manhood could bring. He concluded his letter with an explanation of his quick decision to offer Johnson the opportunity to resign: "If Lieutenant Johnson had been in camp, it would have been worse."<sup>33</sup>

The situations that occurred between the 8<sup>th</sup> and the 12<sup>th</sup> of August, 1898, were actually the result of long festering tensions within the regiment. As early as July, Crane had worried that camping close to home would endanger the discipline of the men.<sup>34</sup> And by August, internal turmoil was evident within the officers' ranks. In Company G, two white captains had already proven to Crane that they were "utterly incompetent," with the former particularly given to drinking. The Colonel had been forced to turn the regiment over to one of the black first lieutenants. This gesture was a telling indication of Crane's need to assuage the brewing tensions between unskilled white officers and black volunteers. Crane subsequently recommended Edward Markley, "a TEXAN and son of MAJOR MARKLEY," from the Buffalo soldiers. Markley was the son of Crane's former superior—the senior Markley had recently fought on San Juan Hill. By replacing the captains with men of his choosing—men experienced in commanding black soldiers without provoking mutiny—Crane had hoped to smooth over the tensions.<sup>35</sup>

The fragile discipline that plagued the regiment in New Orleans would follow them to Cuba. Between August and October, three first lieutenants resigned from the

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<sup>33</sup> Charles Crane to Henry Corbin, August 12, 1898, New Orleans, Entry 182, RG 94, USNA.

<sup>34</sup> Charles Crane to H.C. Corbin, July 4, 1898, New Orleans, Entry 182, RG 94, USNA.

<sup>35</sup> See Biography of Charles Crane in *NYT*, August 18, 1899; Charles Crane to H.C. Corbin, July 4, 1898, New Orleans, Entry 182, RG 94, USNA.

regiment. Captain W. Prague Coleman was the superior officer to at least one of the soldiers. Coleman, a southerner known to have a stern affinity for racial deference, was the type of Captain the black press and the other regiments would later complain about.<sup>36</sup> As W.T. Goode, the biographer of the Eighth Illinois characterized the situation, “before they [the Ninth] were on the island two months, they had nine commissioned officers resign.” “The cause,” he concluded, “brutal treatment—prejudicial and domineering—from their superior and selfish southern white officers.”<sup>37</sup>

The Eighth Illinois also had its share of tension in the days leading up to departure. On August 8, 1898, as the regiment prepared to board a train bound for New York, one of its captains, George V. Lane, led two companies of men in open revolt. Companies L and M had not been paid for their time in training and refused to board the train until they had received their wages. This early argument over the soldiers’ rights and federal responsibility featured a politically active Illinois regiment. Though military authorities finally convinced Lane to curtail his protests, the conflict ended with one of the regiment’s captains’ being court martialed.<sup>38</sup> As they made their way to New York, crowds of black citizens greeted the soldiers along the route in Illinois, but

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<sup>36</sup> Before the regiment left Louisiana in August, First Lieutenant Frank Patrick had already resigned. By October, his replacement First Lieutenant Charles W. Filmore would also resign. That same October, First Lieutenant Robert G. Woods tendered his resignation. See notations for Company’s D, F, L on muster-out roll in William Hilary Coston, *The Spanish-American War Volunteer*, 2<sup>nd</sup> ed. (Camp Meade, Middleton, PA: Published by the Author, 1899), 98, 118, 148; Order to Captain R.M. Nolan, November 29, 1898, Regimental Letters Sent, RG 94. On Coleman specifically see Scott, *Degrees*, 168.

<sup>37</sup> Corporal W.T. Goode, *The "Eighth Illinois"* (Chicago: Blakely Publishing Company, 1899), 173; *Colored American*, November 12, 1898.

<sup>38</sup> Lane was in his third term as county commissioner in Springfield prior to enlistment. The two companies in question were the only ones who were not paid. Once the Court Martial was sitting in Cuba, they eventually found Lane guilty of violating military discipline. However, President William McKinley later exonerated him on the grounds that a captain had the right to look out for his men. Corporal W.T. Goode, *The "Eighth Illinois"*, 105.

as the train line curved into the South the situation changed quite dramatically. In Baltimore, several officers were refused service and thrown out of a restaurant, and in Martinsburg, West Virginia, a laborer at a local brewery hurled insults at their departing train, exclaiming that “All Niggers ought to go to Cuba where they’d get killed.” With this grim beginning to their service, the Illinois regiment left New York for Cuba.<sup>39</sup>

The scene in New Orleans was similarly salutary and dour. On August 17, 1898, black New Orleanians were “lining the streets, standing on freight cars” and even “resting in trees, anticipating the send off of the Ninth USV.”<sup>40</sup> Many of the spectators in the crowd were the wives, mothers, sisters, daughters, and friends of the soldiers. Women like Jennie Taylor, the neighbor of Benjamin Benoit, lined the wharf the morning that the *Berlin* departed for Cuba. Taylor recalled that she “was on the levee the morning the boat took them away, and I shook hands with Benjamin Benoit that day and said good bye, and I called his wife Louisa to him and he shook hands with her and embraced her and the baby boy and said he was sorry to leave her and the baby.”<sup>41</sup>

As the *Times Picayune* reported it, a grand farewell for the Ninth had actually occurred the night before in neighboring St. Bernard parish. Those from Bernard had returned home to bid farewell to their families and friends who were giving a reception in their honor. The following morning, the troops were to depart from the levee at Lafayette Avenue, their send off beginning with a worship service around nine a.m. As the paper reported it, the sounds of revival meetings and shouting could be heard

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<sup>39</sup> Goode, *The "Eighth Illinois"*, 108-17; *Illinois Record*, August 13, 1898.

<sup>40</sup> *New Orleans Times Picayune*, August 17, 1898.

<sup>41</sup> Deposition of Jennie Taylor, Feb. 1 1921, Pension file of Benjamin (Louisa) Benoit, Wid. App. No. 1127495, USNA.

resounding from within Camp Corbin throughout the day. From there the soldiers marched down Esplanade to Lafayette Avenue amidst the jubilant cheers of spectators and the sound of the regimental band, and then proceeded to board a thoroughly segregated ship.<sup>42</sup>

The well wishes and good tidings aside, the politics of racial segregation and the violence that occurred while the troops were waiting in camp had repercussions for the voyage to Cuba. Even before the *Berlin* departed Crane was concerned; an already overcrowded ship had arrived with the white soldiers of the First Volunteers, the Texas Immunes, already aboard. Crane felt that he could not load his men “for several reasons, the strongest being difference in color and lack of accommodation for two regiments.”<sup>43</sup> While the Ninth USV had aroused protests from local citizens, the Texas Volunteers had also been accused of demonstrating a “want of discipline.” In a controversial decision that sparked outcries from the supporters of the Texas regiment, the War Department decided that the Ninth USV would board the *Berlin* and set sail for Cuba and the First Volunteers would return home.<sup>44</sup> Corbin then instructed Crane to “see that the *Berlin* is thoroughly policed and put in condition before your men embark.”<sup>45</sup> And so, the segregated *Berlin* set sail for Cuba where a war for independence that was intricately connected to calls for social equality had already concluded.

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<sup>42</sup> *New Orleans Times Picayune*, August 17, 1898.

<sup>43</sup> Charles Crane to Adjutant General, August 15, 1898, New Orleans, Entry 182, RG 94, USNA.

<sup>44</sup> *New Orleans Times Picayune*, August 18, 1898.

<sup>45</sup> Adjutant General to Charles Crane, August 16, 1898, Entry 182, RG 94.

## SANTIAGO

The remains of El Morro castle sat at the mouth of Santiago Bay, small houses dotting the lush green hills. In August, in the aftermath of the summer's hostilities, the evidence of Cuba's new status—no longer Spanish but not yet independent— set above them and to the North of the castle. There an American flag waved atop a high pole. At the mouth of the bay, Cubans had watched cautiously as the forty-two merchant ships loaded with U.S. soldiers and supplies arrived for the invasion, and now they watched again as the procession of ships sailed into conquered Santiago Bay during the third week of August.<sup>46</sup>

As the volunteers arrived in August, no one quite knew what to make of them or the coming occupation. The fragile alliance between the American expeditionary forces and the Ejército Libertador had been undone by the increasingly evident conflict of disparate goals. Many of those who had arrived with the Americans in June had demonstrated that they were not sympathetic to the Cuban cause, often speaking of the Cuban insurgents and peasants with open contempt.<sup>47</sup> Moreover, American soldiers had already triggered several incidents in local bars in Cuba.<sup>48</sup> As the army of occupation

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<sup>46</sup> Description of Santiago Bay in Goode, *The "Eighth Illinois"*, 142. On entrance of the expeditionary ships see Bacardí Moreau, *Crónicas de Santiago*, 10: 371.

<sup>47</sup> References within the American press based on letters from soldiers are numerous. See, Pérez, *Cuba between Empires, 1878-1902*, 199-210. Several memoirs from the period provide apt examples see Herbert H. Sargent, *The Campaign of Santiago de Cuba*, 3 vols. (Chicago: A.C. McClurg and Company, 1907); John H. Parker, *History of the Gatling Gun Detachment, Fifth Army Corps, at Santiago, with a Few Unvarnished Truths Concerning That Expedition* (Kansas City: Hudson Kimberly Publishing Company, 1898); Stephen Bonsal, *The Fight for Santiago* (New York: Doubleday & McClure Company, 1899); Fitzhugh Lee, ed. *Cuba's Struggle against Spain* (New York: The American Historical Press, 1899).

Some accounts, while not speaking disparagingly, make but fleeting references to the Cuban participation in the entire campaign. See Alger, *The Spanish-American War*, especially 122-31.

<sup>48</sup> Bacardí, *Crónicas de Santiago*, 134.



arrived in Santiago Bay, a number of soldiers perpetrated “scandalous” overtures on those who lived near the dock. The *Times of Cuba*, a Spanish-language newspaper in Santiago published by an American southerner, printed an article regarding American soldiers who, on the night of August 12, went about knocking on doors looking for Cuban “señoritas,” which was to say, the men had gone looking for prostitutes and outraged the local women by their presumption. As the paper reported it, residents living near the port were forced to remain awake the remainder of the night sitting in candlelight in fear of “assault.”<sup>49</sup>

Several of the volunteer regiments were to be garrisoned a few miles away near San Luís, and incidents like these repeated themselves in the early days of the occupation. Within days of the first incident, residents near Santiago witnessed a second public spectacle. As the troops unloaded their supplies at the wharf on August 20, a drunken private, Thomas Gagan of the Second USV, attempted to force his way into the home of a Cuban family who lived nearby. As the charges by the court martial stated, his actions were “to the annoyance of the occupants...the disgrace of the uniform he wore...and to the discredit of the service of the United States Army.”<sup>50</sup> Not everyone welcomed the arrival of the Americans, and these unceremonious arrivals undoubtedly did not sit well with those living in the vicinity. The ships’ entrance into

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<sup>49</sup> Quoted in Bacardí, *Crónicas de Santiago*, 147.

<sup>50</sup> Court Martial of U.S. vs Thomas Gagan, Santiago, Nov. 12, 1898, RG 153, Box 81, Entry 17, No. 7841, USNA.

the bay only added to the uncertainty in Santiago prompted by the previous week's resignation of General García.<sup>51</sup>

Many Cubans' concerns over the presence of American soldiers extended to both black and white Americans.<sup>52</sup> Late in 1898, the patriot newspaper *El Povenir* printed an article that would sum up these sentiments in its record of a meeting held in Santiago. The participants were alarmed at the attempts of a black minister from Kansas to settle a colony of African Americans near the city. At issue was their mounting concern with perceived differences between Americans and Cubans and the growing problem of United States imperialism on the island. "After all of our sacrifices to recover our freedom and independence, we cannot consent to the invasion of our land by that colony of Negro Yankees, whose ferocious attempts are well known by everyone."<sup>53</sup> Hence, while men like First Lieutenant Pierre Carmouche of the Ninth USV had claimed that assisting Antonio Maceo and the success of Cuba Libre had been the height of his ambition, the military rank he held compromised his aspirations.<sup>54</sup> As part of a foreign army sent to pacify post-colonial Cuba, he became both an occupier and emissary of United States empire. This reality was not lost on Cuban residents. Hence the moment of encounter between African American troops and Cuban residents

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<sup>51</sup>Court Martial of U.S. vs Thomas Gagan, Santiago, Nov. 12, 1898, RG 153, Box 81, Entry 17, No. 7841, USNA.

<sup>52</sup> On the undoing of the "fragile alliance see Pérez, *Essays on Cuban History: Historiography and Research*, 9-11; Pérez, *Cuba between Empires, 1878-1902*.

<sup>53</sup> "Despues de tantos sacrificios para recobrar la libertad y la independencia no podemos consentir que sea invadido nuestro territorio por esa colonia de negros yankis, cuyos intentos de ferocidad son bien conocidos por todo el mundo." From *El Porvenir* quoted in *El Correo Espanol* [Mexico] December 6, 1898. I am grateful to Dalia Muller for sharing the text of the article from the Mexican *El Correo*. For a discussion of the black emigration movement to Cuba in the United States led by W.L. Grant of Kansas see Gatewood, Jr., *Black Americans*, 170.

<sup>54</sup> Coston, *The Spanish-American War Volunteer*, 133-5.

often became a highly charged reckoning of long held perceptions and newly created fears.

Carrying the Eighth Illinois, the *Yale* also arrived the third week of August. Aboard the ship was H.C.C Astwood, a former consul to the Dominican Republic, Superintendent of Missions of the African Methodist Episcopal Church, and editor of the *Defender* in Philadelphia, Pennsylvania. Astwood, who spoke fluent Spanish, held a commission from McKinley and the War Department to carry forth the mission work of the A.M.E. church in Santiago, which he promptly began to do. But his work extended beyond proselytizing; his goal was to establish the first Protestant church in Santiago.<sup>55</sup> The men disembarked and made camp near San Juan Hill. In the days following, the soldiers marched the six miles to the city of Santiago. Two companies of the Eighth along with Dr. J.W. Curtis of the Provident Medical Hospital were sent to garrison the old Spanish town of Palma Soriano, about eighteen miles from San Lu s.<sup>56</sup> That same day, Dr. Allen Wesley boarded the train to San Lu s where he was placed in charge of the post Hospital.<sup>57</sup>

The Ninth USV arrived a few days later. Private Arthur Smith of the regiment described the trip to his mother in a letter written during his first week in Santiago.

My dear mother I will take the pleasure of writing you all a few lines concerning my health and my trip from Orleans to Cuba. We left Orleans on the 17 and arrive in Cuba on the 28. We was on the water so long— days and night and for

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<sup>55</sup> Goode, *The "Eighth Illinois"*, 145; Gatewood, Jr., *Black Americans*, 163; for broader contextualization of African American missions in the era, see Lawrence S. Little, *Disciples of Liberty : The African Methodist Episcopal Church in the Age of Imperialism, 1884-1916*, 1st ed. (Knoxville: University of Tennessee Press, 2000).

<sup>56</sup> Goode, *The "Eighth Illinois"*, 70, 81.

<sup>57</sup> Goode, *The "Eighth Illinois"*, 74.

days without seen land—I thought we would never see land again but we all arrive in Cuba safe.<sup>58</sup>

Smith then encouraged his mother not to worry, “because I am all right and I wouldn’t give a thousand dollars for what I have learnt and see since I left home...” He continued, “mother I have long time heard of a battle field but now I see one for myself and it is a great site. You no Cuba has nothing but mountains and hills and every where we go it is nothing but men and you ought to see those great forts and battle ships that is here.” He concluded his letter in words that expressed a sense shared by many others. “Now you must give my love to all the parish and let me no bout you all...” As Smith’s letter home demonstrates, military service was a source of pride not only for the soldier, but also for entire communities of those left behind.<sup>59</sup>

Commissioned to pacify the countryside, the black men of the Eighth Illinois and the Ninth USV were at the center of a larger conflict for survival and direction in the new Cuban Republic. It was not clear to anyone—neither the occupiers nor the occupied—whether the socially radical legacy of the revolution was what the men of the U.S. forces were there to uphold. Even as the United States stepped in to restore peace, ostensibly as a neutral occupier the American military leadership had their own vision of what a new Cuba should look like. This process was directed by John R. Brooke, the Military Governor of Cuba, and General Leonard Wood, who would later replace Brooke after completing his commission as commander of the District of

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<sup>58</sup> Arthur Smith to Mother, August 26, 1898, Pension file of Arthur Smith, Wid. Cert. No. 576282, USNA.

<sup>59</sup> Arthur Smith to Mother, August 26, 1898, Pension file of Arthur Smith, Wid. Cert. No. 576282, USNA.

Santiago. Disarming the insurgents was a part of that process. The protection of United States interests and property rights were of paramount importance, and U.S. authorities hoped that the “better class of Cubans” would play a leadership role in shaping the new republic.<sup>60</sup>

The countryside of Oriente remained largely under insurgent control from the start of the war. At the war’s end, the Americans had marched into the major cities of Havana and Santiago, and control of the island was officially transferred from the Spanish to the Americans, but significant portions of the Cuban countryside remained under the authority of the Liberation Army.<sup>61</sup> The August protocols had divided the urban centers between the Spanish and the Americans, leaving the vast majority of the 50,000 Cuban officers and men encamped in the countryside. Accustomed to living off of the land, depending on supplies from abroad, and exacting levies from merchants and landowners, the economically devastated army of liberation was relegated to fending for themselves in the countryside. The East had traditionally been a stronghold of insurgent support, and veterans and peasants from other parts of the island increasingly settled in Oriente on its uncultivated and abandoned lands. As growing numbers of former soldiers moved from the western to the eastern end of the island, the area around Santiago became a particular point of concern for the U.S. military leadership.<sup>62</sup>

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<sup>60</sup> Ferrer, *Insurgent Cuba*, 187-92.

<sup>61</sup> See Roig de Leuchsenring for a discussion of the final War for Independence prior to the U.S. intervention. He argued that the Cuban insurgents had successfully executed the war campaign by the time of the intervention, challenging the idea that the Cuban insurgents owed their victory to the United States. On the campaign between 1895-1898, see Roig de Leuchsenring, *La guerra libertadora*, 291-353. See also Roig de Leuchsenring, *Cuba no debe su independencia a los Estados Unidos*.

<sup>62</sup> Pérez, *Essays on Cuban History: Historiography and Research*, 14.

The army of occupation was deployed to the countryside to counter the power of the Cuban insurgency and restore order. Deployed to the countryside in the East, the men of the Ninth USV and Eighth Illinois were charged with the task of policing an area that had been largely supportive of the rebel cause since the Ten Years' War.<sup>63</sup> United States military officials were focused on having the Cuban insurgents surrender their arms—some of which had been their personal property to begin with—and attempting to funnel some of the former soldiers into the Rural Guard, a rural police force along the guidelines of the old Spanish Civil Guard. Meanwhile, occupation troops were policing and curtailing activity on the ground. The disbanding of the Cuban Army was not simply a question of military strategy for the United States, and its importance exceeded the long-term social implications for the new republic. Disbanding the army would address the question of who was going to rule Cuba.<sup>64</sup> As General William Shafter, commander of the U.S. forces, stressed to Washington, a “dual government can't exist here; we have got to have full sway of the Cubans.”<sup>65</sup>

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<sup>63</sup> On the deployment of troops, see Gatewood, Jr., *Black Americans*, 123. Also deployed to the area around San Luis were the Twenty-third Kansas, the other African American regiment with all black officers, and the Second USV Infantry. Members of the Eighth Illinois were also deployed to Palma Soriano.

<sup>64</sup> See on this process Louis A. Pérez, *Lords of the Mountain : Social Banditry and Peasant Protest in Cuba, 1878-1918* (Pittsburgh, PA: University of Pittsburgh Press, 1989), 64; De la Fuente, *A Nation for All*, 23.

<sup>65</sup> Shafter quoted in Pérez, *Essays on Cuban History: Historiography and Research*, 11. On the political, cultural, and social importance of directing the public memory of the war under U.S. rule, see Marial Iglesias Utset, "Topos y tropos del 98: la inscripción simbólica de los cambios en los espacios de lo cotidiano en Cuba 1898-1902 " in *Historia y memoria : sociedad, cultura y vida cotidiana en Cuba, 1878-1917*, eds. Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello; University of Michigan. Program in Latin American and Caribbean Studies (Havana and Ann Arbor: Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello and Programa de Estudios de América Latina y el Caribe, Instituto Internacional, Universidad de Michigan, 2003), 213-49.

The men of the Ninth USV and the Eighth Illinois were also charged with the task of disarming those who the U.S. military officials referred to as “bandits.” But describing as “bandits” those who stole cacao, coffee, and sugar does little to explain the historical and political significance of “banditry” in Oriente.<sup>66</sup> The term in and of itself is somewhat misleading. As Ada Ferrer has pointed out, the Spanish had long used the term to describe and discredit nationalist insurgents; and nationalists themselves had even used it to impugn the motives of some of their own as dissention mounted among the leadership towards the war’s end.<sup>67</sup> When the Americans discussed supposed banditry, they lumped career bandits together with members of the insurgent troops who were forced into pillaging by the exigency of war. The U.S. military officials had ordered the insurgents to stop foraging for food and return to their lands, disrupting a strategy that had been their means of subsistence throughout the war, and overlooking the fact that many of them owned no property from the start. There were also career bandits, thieves who had eluded Spanish authority for decades. Many of these individuals who were targeted by the occupation forces had long established their power in Oriente. But increasingly isolated from leadership within the insurgency, they returned east. Finally, there were also mere vigilantes—despised by the insurgents as well as the Spanish—who had taken advantage of the war to wreck havoc across the countryside.<sup>68</sup>

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<sup>66</sup> See Ferrer, *Insurgent Cuba*, 48, 179; Ada Ferrer, "Rustic Men, Civilized Nation: Race, Culture, and Contention on the Eve of Cuban Independence," *Hispanic American Historical Review* 78 (1998):663-86; Pérez, *Lords of the Mountain*. For an account of the work of the black regiments as bandit chasers see Coston, *The Spanish-American War Volunteer*.

<sup>67</sup> Ferrer, *Insurgent Cuba*, 179. See her discussion of Quintín Bandera and José Maceo.

<sup>68</sup> For an interpretation of the label of banditry throughout 1890’s see Ferrer, *Insurgent Cuba*, 108-11.

The arrival of the Americans also coincided with a transition within the insurgent ranks. The War for Independence had facilitated a number of cross-racial coalitions that also crossed social lines. The Revolution had begun in the East, where the effects of economic crisis and the political quest for independence resonated more loudly with planters than it did in the West where prosperity rested on sugar and slavery. In eastern Cuba, which had smaller numbers of slaves and did not rely heavily on sugar or slavery, planters were willing to risk the social upheaval an armed independence movement might bring. Leaders of the first War for Independence—Antonio Maceo, Agustín Cebreco, José Maceo, and others— had managed to forge a coalition between planters, liberated slaves, and peasants. By the time the war had run its course, the insurgents had built a coalition throughout the island that crossed all social classes.<sup>69</sup> And some of those who participated in banditry had also become soldiers in the Cuban Army. In the words of Máximo Gómez, “The Liberation Army” had, “in the beginning, gathered all who offered their services, even the bandits.”<sup>70</sup>

The Liberation Army was undergoing a transition that overlapped with the arrival of the Americans. There was a growing understanding within the army that the men who were in power during this transition would play a large role in shaping the new Republic. As Ferrer has argued, as peace threatened to turn military officers into political leaders, “merit and worthiness came to be associated less with military achievement than with other, less tangible qualities: refinement, education, comportment, civilization—qualities, phrases, and concepts that...carried with them all

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<sup>69</sup> Pérez, *Cuba between Empires, 1878-1902*, 127.

<sup>70</sup> Gómez quoted in Ferrer, *Insurgent Cuba*, 179.



kinds of assumptions about race, class, and gender.” There were men who fought in war, and there were men who led in peace. And peace seemed to require that some men be left behind.<sup>71</sup> The military occupation was hastening an already unraveling coalition of insurgent forces.

As the planter class and other members of the merchant and elite classes attempted to recover from economic ruin, stabilizing the countryside became a priority.<sup>72</sup> In Oriente, some planters saw the arrival of U.S. forces as an opportunity to finally assert control over those who had ruled the countryside before and during the wars.<sup>73</sup> This was the political, social, and economic situation into which African American soldiers entered in 1898. As Cuban landholders attempted to resume agricultural production, members of the Revolutionary leadership attempted to prove their capacity for independence, and African Americans attempted to demonstrate their worthiness for citizenship in the United States, the problem of maintaining peace and order in the countryside became a battle over disorder and its meaning.

### **Policing San Luís**

Eventually, some of the regiments from the Eighth Illinois, Second USV, and Ninth USV would set up camp in the countryside surrounding San Luís, while others would police other areas in the region. Residing at the Norma Plantation a few miles

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<sup>71</sup> Ferrer, *Insurgent Cuba*, 178-180; Ferrer, "Rustic Men."

<sup>72</sup> De la Fuente, *A Nation for All*, chap. 1; Fernando Martínez Heredia, "Nationalism, Racism, and Classes in the Revolution of 1895 and the Cuban First Republic," *Cuban Studies* 33 (2002):95-123.

<sup>73</sup> Scott, *Degrees*. For discussion of land claims in the sugar regions see Rebecca J. Scott and Michael Zeuske, "Property in Writing, Property on the Ground: Pigs, Horses, Land, and Citizenship in the Aftermath of Slavery in Cuba 1880-1909," *Comparative Studies in Society and History* 44, no. 4 (Oct. 2002): 669-699.

outside of San Luís, the Ninth USV encountered a pattern of internal migration that had been increasingly manifest in the East. Throughout Oriente, former Cuban rebels and peasants had sought to take possession of unused farmland.<sup>74</sup> Oriente was distinct from the western portion of the island; in contrast to the West with its well-developed sugar industry, the East, where coffee and some sugar was produced, contained extensive land not under export-crop cultivation. In the West, sugar production dominated. In Oriente, sugar mills coexisted alongside coffee and cacao plantations, vegetable farms, cattle ranches, and mines. The result was greater opportunity for small subsistence farming. Afro-Cubans migrated, hoping to take advantage of the abandoned and unused lands, and by 1899, though few were landowners who possessed official bills of sale, they were represented in larger numbers than they were anywhere else on the island.<sup>75</sup>

The internal migration only further complicated an already complex system of property ownership. In Oriente, it had become increasingly difficult to know who actually owned what for a number of reasons, and official ownership of property was not always the most important criteria in establishing individual claims to land. Many of the public records regarding material goods had been ruined during the war. The real estate records that were not destroyed were in the custody of local registry offices, the contents of which were included in the archival materials that evacuating Spanish authorities returned to Spain. To make matters worse, the Spanish had left behind a partially implemented strategy—transferring property from a system of collective to

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<sup>74</sup> On this pattern in the east see Pérez, *Lords of the Mountain*, chap. 4.

<sup>75</sup> On this subject see Pérez, *Lords of the Mountain*, 78-83; Fe Iglesias, "Algunos Aspectos de la distribución de la tierra en 1899," *Santiago* 40 (Dec. 1980):119-78. On the transformation from coffee production to the gradual increase in sugar production in Oriente during the 19<sup>th</sup> century see Robert Hoernel, "Sugar and Social Change in Oriente, Cuba, 1898-1946," *Journal of Latin American Studies* 8, no. 2 (Nov. 1976):219-20; See tables in Scott, *Slave Emancipation*, 257, 260.

individual ownership—that had produced overlapping claims to lands during the colonial period.<sup>76</sup>

The Law of the Indies had divided lands into two types: those granted to individuals (*mercedes*) and those retained in possession of the crown (*realengos*). *Mercedes* were granted to an individual with stipulations, namely that the land must be in use and that certain annual fees be paid to the municipality. *Realengos*, those lands that were not granted to individuals, remained in the possession of the crown. Colonial law further stipulated that the lands granted by the crown were to be passed down to the heirs of the grantees as *haciendas comuneras*—undivided lands held by multiple owners who functioned as tenants in common. To complicate matters, *realengos* were often of irregular shape and lay between parcels of granted land. Few went to the trouble of petitioning for use, simply taking possession of land and developing a prescriptive right to them over time.<sup>77</sup> Over the years, heirs of grantees and other owners came to own *pesos de posesión*, fractional portions of the undivided and unsurveyed *haciendas comuneras*.<sup>78</sup>

In the 1860's and 1870's, during and after the Ten Years' War, some former slaves had already begun to take possession of small tracts on the edges of plantations

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<sup>76</sup> Pérez, *Lords of the Mountain*, 78-83.

<sup>77</sup> On colonial land ownership see Duvon Corbitt, "Mercedes and Realengos," *Hispanic American Historical Review* XIX (1939):265-69; Hoernel, "Sugar and Social Change":223. Also on systems of land ownership under Spanish colonialism, see Richard Lee Turits, *Foundations of Despotism : Peasants, the Trujillo Regime, and Modernity in Dominican History* (Stanford: Stanford University Press, 2003), chapter 1.

<sup>78</sup> Scott and Zeuske, "Property in Writing": 686; Corbitt, "Mercedes and Realengos": 277; Hoernel, "Sugar and Social Change": 222-5.

and in nearby mountains.<sup>79</sup> The Spanish Civil Code introduced in 1889 and applied to Cuba in 1890 held that rights of *dominio* (dominion) could be extinguished over time through *prescripción* (prescription), at which point a squatter who could prove lengthy possession would acquire a recognizable claim. While not necessarily activating rights to *prescripción*, more and more individuals who had been unpropertied before the war moved to take possession of abandoned lands, some reaching “customary” agreements with those in the surrounding area to demonstrate ownership.<sup>80</sup>

Claiming the right to these properties, survivors of the war continued moving onto lands and asserting rights for *posesión* in 1898. In the coming months, Wood and others would begin to work towards reforming the colonial system, subdividing lands into single owner properties, and making them available for purchase. The passage of Civil Order No. 62 in 1899 would provide the legal basis to overturn traditional forms of tenure and tenancy in the East. Promulgated for the purpose of cleaning up the confusion over titles, it facilitated the consolidation of smaller properties, clearing the way for land concentration. The 90,960 plantations and farms in Cuba before the war diminished to 60,710 after 1899.<sup>81</sup> But in the meantime, individuals like Emilio Beltrán, who had moved onto the Norma Plantation in Santiago, would successfully petition the local military authorities to recognize their rights to official possession of abandoned estates. While the record has heretofore proven silent on the process by

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<sup>79</sup> Scott and Zeuske, "Property in Writing": 682.

<sup>80</sup> Scott and Zeuske, "Property in Writing": 676-7, 680.

<sup>81</sup> On movement by veterans onto abandoned lands see Pérez, *Lords of the Mountain*, chap. 4; Scott, *Degrees*, 175-86, and Scott and Zeuske, "Property in Writing": 686-70. On Civil Order no. 62, see Pérez, *Cuba between Empires*, 359.

which Beltrán was able to claim the property, by November of 1898, he managed to become the recognized owner of a sugarhouse in San Luís.<sup>82</sup>

At the edge of the Norma plantation sat the old sugarhouse.<sup>83</sup> By October, relations between the officers of the Ninth USV and two local men living on the estate had grown tense. According to C.D. Wood, one of the regiment's captains, two men had "been selling edibles from a stand, which they established just at the terminus of this camp, and directly opposite our lower hospital, situated in the large abandoned sugar house on the road leading from this camp to San Luís." The two individuals in question had contacted the Adjutant General of San Luís, E.P. Ewers, to complain after Wood had confiscated their goods. Wood claimed that on October 8<sup>th</sup> at about 10 A.M., he "found that the two individuals had evacuated their old establishment and moved their stand over to and under cover of the old sugarhouse. Virtually our hospital quarters." He "witnessed their sale of liquor to several"... "men of the 9<sup>th</sup>, 8<sup>th</sup>, and 23<sup>rd</sup>." He then seized their goods. Emilio Beltrán had protested Wood's seizure, taking his claim to the Adjutant General's office. C.D. Wood argued his actions were justified; he contended that Colonel Charles Crane, Adjutant Leonard Wood, and various officers, including himself, had repeatedly warned them.<sup>84</sup>

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<sup>82</sup> On Emilio Beltran see C.D. Wood to Assistant Adjutant General of Brigade, San Luis, Cuba, October 8, 1898, Ninth USV, Regimental Letters Sent, RG 94, USNA; and Court Martial of U.S. vs John Williams, Santiago, May 20, 1899, RG 153, Box 81, Entry 17, No. 11256, USNA, hereafter referred to as U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>83</sup> On the process of land possession see Scott, *Degrees*, 179-86. and Scott and Zeuske, "Property in Writing, Property on the Ground."

<sup>84</sup> C.D. Wood to Assistant Adjutant General of Brigade, San Luis, Cuba, October 8, 1898, Ninth USV, Regimental Letters Sent, RG 94, USNA.

Emilio Beltrán had been employed on a farm in the area. And within the coming month, as the lands surrounding it filled with increasing numbers of homes and “shacks” inhabited by local Cubans, the local commanders in San Luís officially recognized him as the owner of the property. Over time, he had developed a mutual understanding with the officers and men of the Ninth. Though the location of the sugarhouse was by all accounts within the boundaries of the Ninth’s campgrounds, the sugarhouse itself came to be considered his property.<sup>85</sup> But because the estate remained within the confines of their camp, the Ninth remained responsible for policing it and posted a sentinel at the door. There were also several other buildings on the estate including the Quartermaster’s office and the hospital, all of which were used with the owner’s (Beltrán’s) permission. Local people came and went at Beltrán’s discretion, but the Ninth were ultimately held responsible for any disturbances that might occur.<sup>86</sup> It was this set of circumstances that contributed to an outbreak of violence that occurred at the sugarhouse in November.

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<sup>85</sup> Enrique Roman stated that he was a mechanic and he and Beltran were both “employees on the same farm.” Testimony of Enrique Roman, U.S. vs. John Williams, May 20, 1899, No. 11256. A record of sale does not appear in the file and has heretofore proved elusive. Correspondence between the officers in question and the court martial of John Williams has provided the most insight on Beltrán. By November of 1898 the military authorities refer to him as the owner of said property and afford him all the privileges of ownership as if a title to the property had been produced. For discussions of property ownership and the transfer of property to former veterans see Scott and Zeuske, “Property in Writing”; Pérez, *Lords of the Mountain*, chap. 4. On Wood and property rights see also James H. Hitchman, *Leonard Wood and Cuban Independence: 1898-1902* (Holland: Martinus Nijhoff, 1971), 34, 60-61.

<sup>86</sup> See Testimony of E.P. Ewers, March 2, 1899, Court Martial of U.S. vs. John Williams, May 20, 1899, No. 11256.



SCENE OF FATAL ENCOUNTER BETWEEN UNKNOWN PERSONS  
AND CUBAN RURAL POLICE—Casualties, six.

**Figure 1** The Sugarhouse on the Norma Plantation that became the location of the shooting on November 14, 1898. Pictured in Coston, *Spanish American War Volunteer*, 192.

### **The Shootout at the Sugarhouse**

For the Ninth USV stationed in San Luís on the Norma Plantation, the edge of the Plantation grounds were a hub of activity for the soldiers. The regimental hospital sat near the border of the plantation and across from it sat the old sugarhouse that was now recognized as the property of Emilio Beltrán (figure 1). However Beltrán came to be “known” as the owner, by November of 1898, the soldiers were given the duty of policing the territory including the building that was alternately referred to as the old sugarhouse, a restaurant, and a cantina. These conflicts over property rights and ownership became important when a conflict emerged between the visitors to the sugarhouse and the men of the Ninth USV on the 14<sup>th</sup> of November, 1898.

Late in the afternoon on November 14<sup>th</sup>, a Cuban man emerged from the sugarhouse carrying a machete in one hand, a knife in the other, and “being followed by a rock” someone had thrown. By the end of the night one child had been shot by a stray bullet and several men were dead: Emilio Beltrán and his son; Lieutenant Rafael Ferrer and another member of the rural guard; and Private Willie Clark, of the Ninth USV.<sup>87</sup> But beyond these basic details, the precise circumstances surrounding the events leading up to the actual shooting are a muddle of contentious stories. Was the man running from members of the Ninth USV? Were they attacking him, or, as one account declared, had he attacked them for stealing a pig from him? Those who could provide the most insight—Beltrán, Ferrer, and Clark—were also the ones that died, leaving the details of the events to be told by one or two eyewitnesses, excavated through testimony, and recounted in civilian newspapers.

With varying interpretations of the incident emerging in military correspondence and newspapers, both those that were published in the United States and those published in Cuba, the exact details of the occurrence laid shrouded in controversy until the official court martial convened in 1899. Though others were killed, the two men accused of Beltrán’s murder were the only ones brought to trial. After General Wood called for an investigation, offering a \$1,000 reward to anyone with information in the killing, John Williams, a private in the Ninth USV, was tried for the murder of Emilio Beltrán. The court martial would later acquit Williams, concluding that their accusers

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<sup>87</sup> See especially Testimony of J.D. Tobin, March 2, 1899, in Court Martial of U.S. vs. John Williams, May 20, 1899, No. 11256; Coston, *Spanish American War Volunteer*, 69.



(also enlisted privates in the Ninth USV) had falsely implicated him and a second defendant set to appear later, John Montana.<sup>88</sup>

However, these contentious stories reveal that much more was at stake than simply seeking justice for those killed in the melee. The subtext of the debates revolved around notions of civility, restraint, and self-discipline. But who was at fault for the mysterious shooting that occurred on the 14<sup>th</sup>? Answering this question had implications for all parties involved— Cubans, African Americans, and members of United States’ military government in Cuba—all of whom were attempting to establish their ability to govern themselves and others through their actions in Oriente.

### **Testimonies of November 14<sup>th</sup>**

#### *A man “being followed by a rock”*

First Lieutenant Tobin of the Second USV was down at the sugarhouse when he saw the man carrying a machete in one hand, a knife in the other, and “being followed by a rock.”<sup>89</sup> Why the man was running in the first place is unclear and his identity remains unidentified. A member of the Ninth USV informed Tobin that the mysterious man was running because he had threatened one of the U.S. volunteers. Within moments of noticing the unidentified running man and the soldiers in pursuit, Tobin spotted Rafael Ferrer, who was accompanied by fifteen to twenty rural police. The

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<sup>88</sup> This history can be reconstructed based on Court Martial of U.S. vs. John Williams, May 20, 1899, No. 11256; Coston, *Spanish American War Volunteer*, 69.

<sup>89</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

man, who was now exiting the building, ran directly towards Ferrer, a Spaniard who led the rural guard.<sup>90</sup>

### *Rafael Ferrer*

Though the precise date of his appointment is unclear, the news that Colonel Wood had appointed Ferrer to the post of lieutenant in the Rural Guard had only reached the military officials in San Luís that morning. Rafael Ferrer was a deserter from the Spanish Army. Colonel Wood had envisioned the Rural Guard as a means to engender confidence in the Cuban people; but if that was truly his aim, Ferrer was an odd choice. It appears that Ferrer joined the insurgency late in the war.<sup>91</sup> Duncan B. Harrison described Ferrer as “a Spaniard, an ex-officer in the Guard Civil, a deserter from the Spanish Army.”<sup>92</sup> In his testimony, Assistant Adjutant General E.P. Ewers described the members of the Rural Guard as “dark, part Negroes and part Cuban.” This was a key point that the defense would highlight in their case.<sup>93</sup> Ten days before, Ferrer and his men had also set up camp at the Santa Ursula plantation, east of the city of Santiago. Almost immediately the owner expressed outrage at what he saw as their

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<sup>90</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>91</sup> On the formation of the rural guard, see Pérez, *Lords of the Mountain*, 118-25. See also reference to Ferrer and Rural Guard in Scott, *Degrees*, 175-77. Bacardí also notes the formation of the Rural Guard and Ferrer’s appointment, see Bacardí, *Crónicas de Santiago*, 10:183, 187.

<sup>92</sup> Duncan Harrison recorded in Testimony of J.D. Tobias, March 3, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256. Rebecca Scott has also noted that Ferrer was an incredibly unlikely choice. She concludes based on his birthplace, late recruitment date, and lack of formal rebel commission, that Ferrer was a deserter from the Spanish Army, a point corroborated by those who participated in the battle. See Scott, *Degrees*, 175.

<sup>93</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

taking his property and Ferrer's abuse of his employees.<sup>94</sup>

That morning, when Ewers met Ferrer and saw his order signed by General Wood, he had not bothered to ask where the Rural Guard was heading. As Ewers later learned, Ferrer and his men were to remain at the Rousseau plantation, but that was not what happened.<sup>95</sup> The news of Ferrer's appointment had barely reached those in the higher echelons of the local military government, much less the rank and file, but Ferrer and his men had taken to the countryside to patrol the area around the Ninth USV and their campground.<sup>96</sup>

*J.D. Tobin*

Lieutenant Tobin may not have been the ideal person to adjudicate a dispute about procedure and authority. In February of the coming year, Tobin would reportedly threaten to arrest a member of the Eighth Illinois. Burdened with packages, the man had failed to salute him. Tobin stopped the man, declaring: "G—D---you, why do you not salute me, sir? I have a good notion of putting you under arrest. You fellows of the Eighth are a little too d—d important anyway." Tobin brought this same disdain to his discussion of Ferrer's "appointment." When asked to describe the contents of Ferrer's commission, he drew sharp distinction between it and his own commission to the office of lieutenant. He stated, "I won't put the word commissioned, but [he] was authorized."<sup>97</sup>

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<sup>94</sup> Scott, *Degrees*, 175.

<sup>95</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>96</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

*I am the Police*

According to Tobin, when he saw the Rural Police approaching, they were “running and loading their pieces as they came...” In his testimony, Tobin recounted how the mysterious man, still carrying his machete and knife, ran up to members of the black regiment, and while “grabbing” them, pointed them out to Ferrer.<sup>98</sup> Ferrer then walked over to Tobin and handed him a piece of paper. The paper “proved to be a commission signed by General Wood.”<sup>99</sup>

After reading the paperwork, Tobin attempted to broker an arrangement with Ferrer. “I told him to take his men back away from there and that I would take the soldiers to camp under arrest until my investigation was made.” Asserting his authority, Ferrer replied, “no, me police.” Tobin claimed he then realized that “there was going to be trouble...” As he described it, “The police were standing with their carbines in their hands, hammers pulled back.” Tobin then ordered the “rurales” to unload their weapons, but Ferrer gave them “some command in Spanish, which I did not understand,” and they proceeded to reload again.<sup>100</sup> The men of the Ninth and Second USV were instantly locked in a confrontation with the Rural Guard regarding overlapping authority in the countryside, and as everyone involved was legitimately aware, there was the absolute potential for violent armed conflict to result.

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<sup>97</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256. Description of Tobin’s actions in Goode, *The "Eighth Illinois"*, 169. Goode unfortunately confused the Ninth USV with the Second USV; throughout the text he claims that Tobin was a first lieutenant in the Ninth.

<sup>98</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>99</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>100</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

Five minutes later, Tobin heard shots coming from the rear of the sugarhouse. He then saw “the rural police taking their guns from their shoulders and the soldiers running in the direction of the building.” Next he viewed “a rural police take deliberate aim apparently at me.” “At the crack of the gun I saw a soldier [Private Willie Clark of the Ninth USV] who was in direct line between me and the police fall.”<sup>101</sup>

### *Reinforcements*

The morning of the shootout, John Williams had gone into San Luís. Enrique Roman, a local Cuban resident and a friend of Emilio Beltrán, saw Williams on the road on his way back to camp. Roman, who had worked with Beltrán on the same farm, testified that he had walked with Williams until they reached the sugarhouse. As Williams approached the sugarhouse, noticing the activity, the private hastened back to camp.<sup>102</sup> On his way, he crossed paths with Major Duncan B. Harrison, who had been notified of the unrest and was making his way to the sugarhouse. Harrison ordered Williams to “fall in” with his company. According to their testimonies in the court martial record, both Harrison and Williams noticed Willie Clark laying on the ground dying, Harrison then heard several volleys fired in the direction of the sugarhouse. After which, he saw Tobin run past the building, yelling, “they are killing the 9th men. Fall in!”<sup>103</sup>

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<sup>101</sup> Testimony of J.D. Tobin, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>102</sup> Testimony of Enrique Roman and Miss Carmen (last name illegible), U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>103</sup> Testimony of Duncan B. Harrison, March 3, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

Captain C.A. Windus, also of the Ninth USV, arrived on the scene along with Harrison. His testimony to the Court Martial regarding the affair is the most detailed interpretation of what happened next. Upon entering the sugarhouse, he found one Cuban man dead and “old man Beltran”... “grasping for health.” As he passed through the house, he found a woman holding a child who had been inadvertently shot with a small caliber bullet. Outside, he found one Cuban dead and another severely wounded.<sup>104</sup> Harrison testified that he and Capt C. A. Windus “went through the houses and shacks calling on the ‘rurales’ to surrender and offering protection.”<sup>105</sup> Windus then arrested “something like 25 people, 19 of whom were rurales.” When asked how he knew that 19 of the men were *rurales*, he replied:

A: Some of them had uniforms on. Some of them had no uniforms but after arrest they were in a room in the house and put them on. They were secreted under a table in the house.”

Q: Is it not natural that the rural police should have been in hiding?

A: Not unless they were doing something wrong.<sup>106</sup>

### *Contending Rural Police*

As the local authority, and an authority imposed by Washington nonetheless, the soldiers were responsible for policing the countryside. They monitored a guardhouse in San Luís, and prior to the creation of the Rural Guard, they were also responsible for transporting prisoners from the guardhouse to the prisoners’ barracks in Santiago.

Tension was, therefore, built into the relationship between the soldiers and the residents.

As a result, some of the exchanges that occurred between some of the residents and the

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<sup>104</sup> Testimony of C.A. Windus., Feb 28, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>105</sup> Testimony of Duncan B. Harrison, March 3, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>106</sup> Testimony of C.A. Windus, Feb 28, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256. Windus was also a member of the court that objected to his testimony. The Judge advocate overruled the motion.

soldiers were not as congenial as those that Emilio Beltrán maintained with the men of the Ninth. The soldiers were, above all, there to serve as representatives of the military government.

When Colonel Wood established the Cuban police force, he created contending sources of authority in the countryside. It was this contentious relationship that manifested itself the afternoon of the shooting. Though Ferrer was purportedly in the employ of the U.S. military, the mysterious man, who ran from the building with the rock following behind him, clearly viewed the *rurales* and the Ninth as antagonistic forces. This was the point that Harrison was trying to make to the court. Harrison had argued that the *rurales* were enemies, not comrades, of the American soldiers; they were clearly intending to “do something wrong” and make a “breach on an American camp.”<sup>107</sup> Harrison’s overall goal was to exonerate the Americans by implicating the Spaniards, making his account a biased one. But his depiction of the antagonistic relationship between members of the Rural Guard and American soldiers was not beyond the scope of reason.

American soldiers had perpetrated their share of thefts. Rufus Selman was brought up on charges of impeding justice when a member of the regiment stole a razor from a local man. Selman refused to expose the thief unless he was paid \$1. For his insubordination, Selman was sentenced to one year at hard labor.<sup>108</sup> Two members of the Eighth Illinois faced much harsher charges; they were accused of stealing a pair of diamond earrings from a local jeweler while their companies were stationed in Palma Soriano. The two men were found guilty and sentenced to forfeiting all pay and being

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<sup>107</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>108</sup> Court Martial of U.S. vs. Rufus Selman, San Luis, October 19, 1898, RG 153, No. 87840.

dishonorably discharge from the U.S. military. One of the men, John Hyde, also earned six months of hard labor in addition to the other sentence.<sup>109</sup> By funneling members of the disbanding insurgent army into the Rural Guard, Wood hoped to avoid the possible tensions that could erupt from having Americans policing Cubans.

But General Wood also claimed that the “the Cuban negro cordially hates the American Negro soldier,” a claim that seems dubious in light of the events surrounding the incident. John Williams, the soldier accused in the shooting, also testified in great detail regarding his close relationship to Beltran and others in his immediate family, a description that was supported by family members and local residents. Williams testified:

He [Beltran] was just the same as my father in the family. When I was not busy at camp I was always at the house. I used to go to camp backwards and forwards for Dr. Dunsch for the family whenever there was anybody sick. I used to be at the stand, Joaquin had most of the time, when he would be selling to the soldiers. I showed him how to change his money.<sup>110</sup>

Enrique Roman, Beltrán’s former co-worker who had walked with John Williams the afternoon of the shootout, testified to this as well. Roman, another resident in the area, and a member of the family, all appeared at the court martial on Williams’ behalf, testifying that the soldier and the older man were “great friends.”<sup>111</sup>

As for Beltran, his political leanings are less clear. He and his son had eased their way onto the otherwise abandoned lands, just as those living in the “shacks” that surrounded the plantation store would later do. Perhaps he was attempting to take full

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<sup>109</sup> Court Martial of U.S. vs. Arthur Thompson, Santiago, March 8, 1899, Box 76, Entry 17, No. 11053; Court Martial of U.S. vs. John Hyde, Santiago, February 25, 1899, Box 40, Entry 17, No. 11046.

<sup>110</sup> Testimony of John Williams, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>111</sup> Testimony of Enrique Roman and Miss Carmen (last name illegible), U.S. vs. John Williams, May 20, 1899, No. 11256.



possession of the land, forcing the new residents to leave. But whether he was killed as a result of prior antagonisms, or simply caught in the crossfire, is uncertain. The Ninth were known for being “good friends” with “old man Beltran and his household,” and no one came forward with any testimony that suggested otherwise.

Though there were some tensions between the Ninth and the local residents, it does not appear that things became violent aside from this incident. A soldier may have indeed stolen a pig; the man who had been running from the house obviously sought to implicate the soldiers for doing something. But it is curious that, at least as it was retold in the witnesses’ testimonies, no one, aside from the Rural Guard, came to his aid. The sympathies of the majority of those present that night seem to have been with the Ninth. And while we do not know their source, the majority of the shots fired that night were directed at the Rural Guard. Whatever tensions might have existed between the residents of the Norma Plantation, between Cubans and the Ninth, or between the Ninth and the Rural Guard, the *rurales* led by the Spaniard Ferrer were the ones who bore the brunt of the violence.<sup>112</sup>

### **Official Reports of the Incident**

The events of that night were immediately shrouded in controversy, only further confounding subsequent attempts to reconstruct it through public statements and newspaper reports.<sup>113</sup> In the wake of the incident, General Wood immediately ordered a

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<sup>112</sup> Court Martial of U.S. vs. John Williams, Santiago, May 20, 1899, Box 81, Entry 17, No. 11256, USNA.

<sup>113</sup> See Goode, *The "Eighth Illinois,"* 204. Goode claims that the shooting started because a soldier refused to pay a Cuban saloon keeper 10 cents for a drink. Gatewood Jr., *Black Americans*, 125-26. In 2005, Rebecca Scott rightly concluded that the records that might clarify the details had heretofore

full investigation and posted a \$1,000 reward for the names of the soldiers responsible for the shooting. He then went on to conclude that the African American volunteers had been at fault, exonerating Ferrer of all responsibility. He argued, the “massing together of three thousand negroes was liable at any time to be followed by outbreaks” such as the one at San Luís.<sup>114</sup> Wood’s public pronouncements were premature. Though the event itself occurred in November, the Court Martial that heard the case of those accused in the affair would not gather until February of 1899. But between the time of the shooting in November and the date on which the court martial convened that next year, newspapers tried the men in the court of public opinion, recounting the details, weighing in on the events, and taking sides with great conviction. These records—the court martial and the newspapers— tell their own stories and provide insight into the political climate surrounding the events.

*The Ninth on Trial: The Court Martial as historical event*

Military courts resemble civilian courts, but there are several notable differences. What would be termed a judge and jury in civilian court has its counterpart in a court composed of officers from various regiments within the area, the president of which is empowered to maintain order as a judge might in a civilian setting. The judge

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proved elusive. Scott, *Degrees*, 175, footnote 63, pg. 317. The reason for the difficulty was that the printed records were silent on the names of the members of the Ninth USV who were involved. The name of Private Montana, who was also charged in the shootout, is the only one that surfaces in the supporting records. He, however, was never tried because the court martial dismissed the witnesses who had implicated Montana and Williams, charging them with perjury. Without names, it is virtually impossible to obtain the court martial unless searched by date of filing. The court martial of John Williams was not conducted until February and not filed until May of 1899, after the volunteers returned. In order to find it, an exhaustive search of all the records, even those unlikely to yield any results, was the only alternative.

<sup>114</sup> Leonard Wood to the Adjutant General, November 18, 1898, #162002, Adjutant General’s Records, USNA. Gatewood Jr., *Black Americans*, 126.

advocate, who functions as a prosecuting attorney, argues on behalf of the military, while the counsel for the defense functions in much the same way as the civilian counterpart. In the case of the court martial hearings that were held in Cuba, they were, on occasion, interracial undertakings, with black and white men serving on equitable terms. In this case, however, all of the men on the court martial were white officers from southern regiments.

Major Duncan B. Harrison of the Ninth USV was assigned as counsel for the defendant, John Williams, who was tried in May of 1899. Private Williams was charged with the murder of Emilio Beltrán. But as the officers sitting on the Court Martial quickly realized, the Cuban residents, the Ninth, the Rural Guard, and General Wood were all on trial. Those who testified on behalf of the regiment attempted to expose the violent terms under which the rural police came to occupy the sugarhouse that afternoon. Duncan B. Harrison, who testified and argued for the defendant, considered the entrance of “armed rural police into the sugar house” ... “a breach on an American camp.”<sup>115</sup> But as E.P. Ewers pointed out, this was largely a moot point if Beltran allowed them entry. Legally the men of the Ninth were only in the sugarhouse because Beltran allowed them to be, and the same could be said for the rural guard.<sup>116</sup> Who was then to blame for the shooting?

As defense counsel, Harrison attempted to depict the shooting as a result of Cuban-Spanish tensions. Harrison argued that Ferrer and the other *rurales* could have easily been killed by insurgent sympathizers who were either in the sugarhouse or

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<sup>115</sup> Questioning of Duncan Harris in Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>116</sup> Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

within the ranks of the Rural Guard itself. Duncan B. Harrison inserted the following description of Ferrer into his response to the Judge Advocate's objections. Recall that Harrison described Ferrer as "a Spaniard, an ex-officer in the Guard Civil, a deserter from the Spanish Army," while Ewers, in his testimony, described some of the rural guard as "dark, part Negroes and part Cuban." Ewers' description is interesting not only for his aligning of full Cuban identity with whiteness. It is also interesting because, as Harrison attempted to establish before the court, Ewers thought that former insurgents—black insurgents—could have killed Ferrer. Harrison argued that Ferrer "and the others killed on Nov. 14 were all Spaniards or Spanish sympathizers" killed by others present. He argued that there was "great personal antagonism to Ferrer and his subordinate officers."<sup>117</sup>

Harrison made a similar claim regarding Beltrán. He also believed that Emilio Beltrán had enemies from among those whose shacks surrounded the store.<sup>118</sup> The cause of the conflict between Beltrán and his neighbors is absent from the record; the Judge Advocate objected to Harrison's line of questioning regarding the Spanish officers and the court sustained it, effectively ending the trail of detail. Next, the court heeded the Judge Advocate's request to remove Duncan Harrison as defense counsel. The Judge Advocate argued that Harrison was attempting to turn the case into a political matter, placing the Ninth USV and the Rural Guard on trial. The court agreed to dismiss Harrison and the remainder of the court's proceedings were conducted with

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<sup>117</sup> Duncan Harrison recorded in Testimony of J.D. Tobias, March 3, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256. Testimony of E.P. Ewers, March 2, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256. See footnote 102.

<sup>118</sup> Duncan Harrison recorded in Testimony of J.D. Tobias, March 3, 1899, U.S. vs. John Williams, May 20, 1899, No. 11256.

Major Armand Romain of the Ninth USV as defense counsel. Romain was a Republican who was also warmly regarded by the men.<sup>119</sup>

In spite of the highly politicized nature of the court proceedings, the court acquitted the two men accused in the shooting. The court threw out the testimonies provided by the two key witnesses for the prosecution, ruling that the men had perjured themselves. Sandy Williams testified that Issac Scannell, one of the accusers, had implicated John Williams simply for the reward money.<sup>120</sup> In fact, Scannell confessed to Eustace J. Sherman that he had not seen the shooting; when he saw the rural police loading their guns, he ran to hide. The other witness in the case simply perjured himself by knowingly corroborating a false testimony.<sup>121</sup>

#### *Savagery in the Public Eye*

The various newspapers that carried articles detailing the day's events reveal yet another perspective on the story. Through their recounting, the papers divulge as much about the political climate as they reveal, or obscure in some cases, about the incident. Take for example, a dispatch from a newspaper in Santiago that was translated and reprinted in the *Chicago Tribune*. The article's title boldly declared "Negro soldiers in rebellion while resisting arrest." As the paper reported it, the situation had started when American soldiers "abused a Cuban workman" and attempted to steal his hog. The article described Ferrer as a "Spaniard, but a Cuban sympathizer" who was known for

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<sup>119</sup> The men of the Ninth warmly regarded Romain, a republican. Attorney Romain would later represent the plaintiff in the voting rights case of *Ryanes v. Gleason*. See Scott, *Degrees*, 196-7.

<sup>120</sup> Testimony of Sandy Williams, U.S. vs. John Williams, May 20, 1899, No. 11256.

<sup>121</sup> Testimony of Eustace J. Sherman, U.S. vs. John Williams, May 20, 1899, No. 11256. Sherman was also a member of the court, which presented a conflict of interest for the prosecution. The prosecution's objection was sustained and Captain Sherman withdrew from the court.

his bravery. Ferrer reportedly attempted to arrest the men, but the two soldiers escaped. Soon after, “Thirty men, wearing the uniform of the United States’ army attacked the house where Lieutenant Ferrer” was, and keeping up the firing, they eventually succeeded in killing him.<sup>122</sup>

The sympathetic reference to Ferrer and the article’s depiction of him as brave and controlled in the face of chaos stood in stark contrast to the writer’s depiction of African American soldiers. Even as Ferrer died, in the paper’s account, he encouraged his men to defend themselves.<sup>123</sup> Conversely, the reference to unruly bodies wearing the American uniform is striking, and the intention clear: It was the Americans and not the Cubans who were perpetrating disorder. The article’s unidentified author claimed that *La Independencia*, a newspaper published in Santiago, had called upon General Wood to remove Ewers from his post in the aftermath of the incident, alluding to his defense of the black soldiers. Calling for the removal of black troops, the article stated, “It is contrary to all justice to send here as an army of occupation the cutthroats and murderers who, ever since they came, have acted worse than the Spaniards ever did.”<sup>124</sup>

Cuban papers that retold the story were often interested in using the evidence of the soldiers’ backwardness and savagery as a means to highlight the nation’s civility and preparedness for independence.<sup>125</sup> Were the black soldiers, as the Havana paper *La*

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<sup>122</sup> *Chicago Tribune*, November 16, 1898; For a similar account see, Bacardí, *Crónicas de Santiago*, 10:187.

<sup>123</sup> *Chicago Tribune*, November 16, 1898.

<sup>124</sup> *La Independencia* quoted in *Chicago Tribune*, November 16, 1898. One issue of *La Independencia* is available on microfilm in the United States. For a discussion of Máximo Gómez and United States policies in the East, see *La Independencia*, February 28, 1899. *La Independencia* printed articles in both Spanish and English.

*Lucha* described the men, “a horde of ferocious savages”? But the paper seems to also have been invested in depicting this as an argument between a Cuban and an African American, aligning both groups with disorder. While the article mentioned the black American soldier and the Cuban resident, the writer omitted the fact that Ferrer was a Spaniard.<sup>126</sup> Likewise, the subtext of savagery would inform discussions over black immigration to Santiago in the coming months. The article that was printed in *El Porvenir* regarding the “colony of Negro Yankees” ran in the month following the shootout. The writers denounced “the invasion of our land” by those “whose ferocious attempts are well known by everyone.”<sup>127</sup>

White supremacist newspapers across the American South focused on the San Luís affair, arguing that the soldiers were devoid of self-discipline and unfit for the duties of military service.<sup>128</sup> In the coming weeks, Wood would respond by attempting to restore the public perception, both in Cuba and in the United States, of his ability to control the black soldiers, claiming that if he had been in San Luís his presence might have prevented the affray. However, this seems somewhat disingenuous given his handling of the matter. While prematurely denouncing the Ninth and exonerating Ferrer, all prior to the court martial, his \$1,000 reward resulted in the trial that ultimately acquitted the regiment and laid blame squarely on his shoulders.<sup>129</sup>

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<sup>125</sup> See Ferrer’s discussion of race, empire, and the politics of civilization after the American intervention, in Ferrer, *Insurgent Cuba*, 187-194.

<sup>126</sup> *La Lucha* quoted in Scott, *Degrees*, 176.

<sup>127</sup> From *El Porvenir* quoted in *El Correo Espanol* [Mexico] December 6, 1898.

<sup>128</sup> Gatewood, Jr., *Black Americans*, 127.

<sup>129</sup> Gatewood, Jr., *Black Americans*, 125-26.

The scene at the sugarhouse that night encapsulated all of challenges that had followed African American soldiers since their enlistment and continued to distress the Cubans as well. In the weeks that followed, the various storytellers attempted to lay blame for the uncivilized disorder anywhere but with themselves. So powerful was the rhetoric, that over a year later, Lafayette Tharp, first lieutenant in the Ninth USV, would describe the shootout at the sugarhouse, as a “the riot with the natives.”<sup>130</sup> While much remains unknown about the incident, what has become increasingly evident is this: The riot at the sugarhouse had turned a battle between men into a battle over the markers of citizenship and worth —civility, self-discipline, restraint.

#### **“Americanizing Palma”: Masculine Narratives of Civility and Occupation<sup>131</sup>**

Wartime narratives could also be used as an instrument to demonstrate manliness and suitability for citizenship.<sup>132</sup> Corporal W.T. Goode’s *The Eighth Illinois* provides a detailed account of the events in and around Santiago, San Lu s, and Palma Soriano. The biographer of the Eighth Illinois was dispatched to Palma Soriano. But in his attempt to support African Americans’ claims to citizenship, Goode’s regimental biography demonstrates the way that some African American soldiers appropriated the imperial mindset for their own benefit. This privileging of African American manhood and prowess is often expressed at the expense of the Cubans he encountered. Despite

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<sup>130</sup> Deposition of Lafayette Tharp, December 5, 1900, Pension File of Sidney Goode, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>131</sup> Goode, “Eighth Illinois”, 245.

<sup>132</sup> For a reading of similar nineteenth century texts see, Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny after Reconstruction* (Chapel Hill: University of North Carolina Press, 2004), chap. 2,4-5; See also Claudia Tate, *Domestic Allegories of Political Desire: The Black Heroine’s Text at the Turn of the Century* (New York: Oxford University Press, 1992).



its problems as an empirical source, Goode's narrative allows us to partially uncover the voices of some Cubans living in Santiago.<sup>133</sup>

As he recounted his travels through Santiago, Goode conveyed a mixture of both disdain and admiration for the Cubans he encountered. Like many of his white counterparts, the Corporal expected to be welcomed by the conquered residents. He unselfconsciously recounted how the men of the regiment "forced ourselves right into their homes, sat down and convinced them by conduct and treatment that they had never received before that we were their benefactors."<sup>134</sup> The Corporal's recollection of one incident between a Cuban insurgent officer and members of the Eighth illuminates the motivating factors behind the residents' purported "lack of gratitude."<sup>135</sup>

As Goode recollected, a group of soldiers from the Eighth Illinois were speaking to a Cuban Captain he referred to as "Captain Cuervas." They were noting "how ungrateful the Cubans were after the hospitality shown them by the soldiers." The back and forth recounted in Goode's biography reveals a great deal about the soldiers' mindset and evidences considerable conflict between American soldiers and local Cubans. The Captain reportedly told the soldiers, "there's many complaints coming from my people of the way some of your men treat them and they are tired of being so mistreated by some of the soldiers." The Illinois soldier's response to the Captain echoes the sentiments expressed in narratives written by a few white Americans

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<sup>133</sup> On reading imperial sources "against the grain," see Lara Putnam, *The Company They Kept: Migrants and the Politics of Gender in Caribbean Costa Rica, 1870-1960* (Chapel Hill: The University of North Carolina Press, 2002), 10. See also Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest* (New York: Routledge, 1995), 309-15.

<sup>134</sup> Goode, *The "Eighth Illinois"*, 179.

<sup>135</sup> On this subject, see Louis A. Pérez, Jr., "Incurring a Debt of Gratitude: 1898 and The Moral Sources of United States Hegemony in Cuba." *American Historical Review* 104, no. 2 (1999): 356-398.

participating in the campaign. “We told the Captain that the Cubans were not being mistreated, but on the contrary they were protected; they were fed and cared for and they were treated with all the respect that they were capable of receiving.” According to Goode, when questioned later by an American officer, the Cuban Captain denied ever having taken the stand he did.<sup>136</sup>

As an adulatory account of the volunteers’ campaign, Goode’s biography is more concerned with celebrating African American manhood than Cuban independence. Throughout the text he vacillates between a basic respect for the Cubans and a preference for the “better classes” of the Cuban and Spanish elite on the island. Goode similarly wavers between his admiration and aversion for the insurgent rank and file. Goode described the majority of the Cuban population in much the same tone as he describes the men of the Ninth USV; he is both sympathetic and disparaging. For example, he wrote that, “like the North American negro in general, there is more due them than they have received or been given credit for.” But simultaneously, he noted that Cubans were both “obliging and good-natured when not disturbed,” but “on the contrary, if opposed,” had “proclivities” toward “treachery and deceit.”<sup>137</sup> He also recounted the burial of one soldier in a particularly skeptical tone. “They (the Cubans) tried to imitate the Americans and buried him by what they called military honor.”<sup>138</sup>

Despite his treatment of the rank and file, Goode stopped short of writing disapprovingly of the Cuban military leadership. In the book, he devoted an entire section to the Cuban generals. Of General Calixto García, for example, he often wrote

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<sup>136</sup> Goode, *The "Eighth Illinois"*, 203.

<sup>137</sup> Goode, *The "Eighth Illinois"*, 196. See on the Ninth, p. 165-173.

<sup>138</sup> Goode, *The "Eighth Illinois"*, 212.

with marked deference, but he used the General's presence more as a means to buttress the image of the regiment than to laud García for his own accomplishment. He proudly recounted the General's trip to the regimental headquarters at Palma on September 20<sup>th</sup>. Goode claimed that García "was very much impressed with the Eighth Illinois and thought them to be a very sturdy and refined set of men, and a good representation of the American soldiery."<sup>139</sup> Goode carried this theme further. While celebrating the multiracial leadership of Calixto García, Máximo Gómez, and Antonio Maceo, he ignored the interracial nature of the Cuban forces, preferring instead to describe them along the lines of the Eighth Illinois. For Goode, the insurgent forces were an example of racial pride. He wrote, "Let us notice this grand army—white soldiers under white officers and black soldiers under black leadership, all fighting in unison and harmony together. They were not struggling for a white cause or a black supremacy, but for Cuba libre."<sup>140</sup>

Goode and the members of the Eighth Illinois had, from the regiment's inception, grappled with what they saw as their responsibility to the race: "to show their white liberators that they could offer their life blood as willingly as did the soldiers in the Civil War."<sup>141</sup> But oddly enough, even though he was making a claim to equality, this expression of right seemed to be tied to exhibitions of a superior American masculinity that was predicated on Cuban incompetence.

Hilary Coston's biography of the Ninth USV provides an interesting juxtaposition to that of Corporal Goode, demonstrating marked differences in their

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<sup>139</sup> Goode, *The "Eighth Illinois"*, 182.

<sup>140</sup> Goode, *The "Eighth Illinois"*, 35.

<sup>141</sup> Goode, *The "Eighth Illinois"*, 225.

assessment of the occupation. William Hilary Coston was an influential minister in Ohio who rose to the position of chaplain via the support of several prominent Republicans in the state including Charles Dick, Chairman of the Ohio State Republican Committee and Secretary of the Republican National Committee. Coston, who had ironically been working to fill the Chaplain post in the Eighth Illinois filled by Goode, joined the Ninth USV in January of 1899.<sup>142</sup> Though Coston also attempted to assert African American manhood in his biography, he similarly maligned some of the Cuban insurgents for having what he saw as an excessive desire for personal gain. But his argument relied less on proving Cuban backwardness than does Goode's. For example, in response to an American correspondent, Coston defended the Cubans' thirty-year struggle in the following terms:

What they considered cowardly may be owing to the different methods of fighting employed by the two armies. One fact is most prominent: They had practically won their freedom when our rescuing army invaded the then territory of Spain, to secure the Cubans' liberty and their right to pursue happiness. If they are the cowards as our newspaper men represent them, their accomplishments, while at war with their enemies, prove an unsolvable mystery. It is fair to say that no other nation of "cowards" with larger resources and greater aid from sympathizing nations, have ever accomplished what they did.<sup>143</sup>

By contrast, in the *Eighth Illinois*, Goode posited the Americans as the rightful successors of the Spanish. The link between African American fitness for full citizenship and the cause of empire is aptly crystallized by Goode's recounting of an 1898 assembling of the "Mañana Club" at Palma Soriano. Organized by soldiers and

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<sup>142</sup> On Colonel Charles Dick and his rise to power in Ohio politics see *NYT*, October 5, 1898, November 13, 1899. On Coston see *Colored American*, January 21, 1899. See numerous correspondences between Coston and his supporters in RG 94, Correspondence to the Adjutant General's Office (AGO). For example, William Hilary Coston to Adjutant General, November 2, 1898, No. 147912, AGO, USNA; Mark Hanna to Adjutant General, November 12, 1898, No. 155540, AGO, USNA; Adjutant General to W. Hilary Coston, January 18, 1899, No. 1888550, AGO, USNA.

<sup>143</sup> Coston, *Spanish-American War Volunteer*, 173.

officers of the Eighth who were stationed in the area, the club's aim seems to have been to improve social relations between local residents and the American soldiers. As Goode recounted, the club hosted a party at Christmas. The event was reportedly attended by "the best element of the town"—both Cuban and Spanish. As he recalled the situation, "the Cuban and Spanish girls" were "timid" to dance; "They thought us so grand and progressive that we would laugh at their old style of waltzing."<sup>144</sup>

The "grand and progressive" in this case were African Americans; men, who though disempowered at home, saw the Mañnana Club as a means of "Americanizing Palma."<sup>145</sup> Though Goode recounted that the dance was widely celebrated, his reference to the intimidation of Cuban and Spanish women who thought of them as "so grand and progressive" is curious. While noting the ladies' upper class status, Goode read their apprehension as a sign of their own inferiority, a point he made regarding Cubans and Spaniards of all classes throughout the text. For example, Goode was careful to note the civilizing influence the regiment had on peasant women near Santiago Bay. Perhaps unknowingly casting an imperial gaze on the "women and girls" who "would come to the river to wash their clothes," he recounted how after finishing their tasks they would drop off all of their garments except one thin gown and wash them out." Never once does he criticize the men for watching the women going about their daily tasks; instead, he focuses on their ostensible lack of modesty as a sign of their immorality. "Being raised naked from infancy up to ten or twelve years old, they

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<sup>144</sup> The spelling of Mañnana is taken from Goode's discussion of the group. It is unclear whether the members misspelled Mañana. Goode, *The "Eighth Illinois"*, 244-6.

<sup>145</sup> Goode, *The "Eighth Illinois"*, 245.

had no regard for nakedness as far as morality or decency was concerned. But after we were among them a few weeks they grew to be more circumspect and refined.”<sup>146</sup>

Goode’s romanticizing of the regiment’s relationships to local Cubans is ironic considering the number of references within the text to conflicts between the regiment and local residents. Other incidents like the circumstance with Privates Hyde and Thompson, the duo who stole the pair of diamond earrings from a local jeweler, plagued the day-to-day experience of occupation. Goode recounted that on the 26<sup>th</sup> of September a private of the regiment stole a pig from a local Cuban woman. He noted that everyone saw “the Cuban woman running and yelling through Calle Rio.” The “tall black Cuban woman ran up to” the private, “and they had some heated words, when I saw him drop a little pig from under his poncho.”<sup>147</sup>

As celebratory texts, the regimental biographies demonstrate marked differences between the writers’ and their regiments’ relationships to local citizens. While Goode celebrated his acquaintances with the “best” citizens of Cuba and disparaged those in the countryside, Coston recounted with fondness the kindly spirit of the poor. In particular, the latter recalled the sisters, nephews, and nieces of Antonio Maceo who were then living about six miles away from the Ninth’s campground. Of the Maceos he wrote, “While there may be better situated families than this, there are none there or

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<sup>146</sup> Goode, *The "Eighth Illinois"*, 140-1. On African Americans and imperialism see Michele Mitchell, "The Black Man's Burden: African Americans, Imperialism and Notions of Racial Manhood, 1890-1910," *International Review of Social History* (1999):77-99; Mitchell, *Righteous Propagation*, chap. 2. On empire as a civilizing mission see Putnam, *The Company They Kept*; Laura Briggs, *Reproducing Empire: Race, Sex, Science, and U.S. Imperialism in Puerto Rico* (Berkeley: University of California Press, 2002). See also on sexuality and colonialism McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Conquest*. On morality, citizenship, and imperialism, see Eric Tyrone Lowery Love, *Race over Empire: Racism and U.S. Imperialism, 1865-1900* (Chapel Hill: University of North Carolina Press, 2004), chap. 5.

<sup>147</sup> Goode, *The "Eighth Illinois"*, 182.

elsewhere, in which more refinement is manifested and truer devotion shown for Cuba Libre.” The family was in fact destitute, ruined by the war. As Coston conveyed, “it has cost them much—real estate and personal property as well as municipal and government bonds; to them the cost of patriotism has been great.” The sisters were now widowed, their “husbands, several sons, and other relatives now dead.” But yet “they were ever mindful of the fact that we were strangers, and their deeds of a kindly spirit were many.”<sup>148</sup>

The U.S. military occupation was shaping the boundaries of freedom for local Cubans on a national and local level. But on an individual level, their encounter with volunteer soldiers shaped the day-to-day experience of it. As somewhat willing and sometimes unwilling emissaries of empire, soldiers had the power to shape the daily lives of Cuban citizens during the early months of independence. But these encounters were always negotiated, and from the beginning they were fraught with the tensions of empire.<sup>149</sup>

## **El Cobre**

As Lafayette Tharp described the situation in the countryside after the shootout, “the regiment stayed together until about the end of December when the regiment was moved to Camp Achieva [Cheever] and then broken up. The companies were scattered

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<sup>148</sup> Coston, *Spanish-American War Volunteer*, 193. See also letter from members of the Twenty-third Kansas regarding the Maceo’s and a group from the regiment’s sojourn to the house. Willard B. Gatewood Jr., “Smoked Yankees” *And the Struggle for Empire: Letters from Negro Soldiers 1898-1902* (Urbana: University of Illinois Press, 1975), 194-6.

<sup>149</sup> Frederick Cooper and Ann Stoler have developed the concept of the “tensions of empire” in their introduction to a collection of essays by the same name. See Introduction in Ann Laura Stoler and Frederick Cooper, eds., *Tensions of Empire: Colonial Cultures in a Bourgeois World* (Berkeley: University of California Press, 1997).

around in different places after that.”<sup>150</sup> As for the other two black regiments in the area, the Twenty-third Kansas was mustered out in the first part of the year, leaving the Eighth to guard San Luís with the white immunes of the Second USV. The War Department only allowed Wood to spread the companies of the Ninth throughout the east of the island, though he had hoped to separate the companies and disperse them throughout. The “Faith Cadets” of Company A and the men of Company C were sent to El Cobre, a small mining town right outside of Santiago. Like the rest of the East, El Cobre had been virtually destroyed. It seemed that the only thing that had survived was the church holding the statute of the Virgin of Charity.<sup>151</sup>

The men of Companies A and C were officially assigned the duty of policing “bandits” in El Cobre. Isolated from the rebel forces, “bandit” leaders were now being targeted by the U.S. army of occupation for resuming much of their prewar activity. Again the tenuous balance between troops and locals that defined life in Santiago prior to the shootout replicated itself in El Cobre. However, this time black troopers were pitted against an organized body of former insurgents from the start.

About twelve miles outside of the town, a small store sat literally at the cross section of all four roads connecting the major cacao and coffee plantations to the town center. A Cuban man by the name of Jesús Estrada kept the property. Captain Eustace J. Sherman described Estrada as “a colored man” and former “major in the Cuban Army.” Estrada was of particular concern to local planters. On January 3, Companies A and C of the Ninth USV arrived in El Cobre under the command of Captain Eustace

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<sup>150</sup> Deposition of Lafayette Tharp, December 5, 1900, Pension File of Sidney Goode, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>151</sup> See quote from the municipio of El Cobre in Pérez, *Lords of the Mountain*, 88.



Sherman. Learning of the troops' arrival in El Cobre, four planters, welcomed them. Sherman described the contingent as "four of the most prominent coffee and cacao planters in this section"; five days later he accompanied the contingent on a tour of their lands and the area.<sup>152</sup>

What happened next demonstrates the considerable authority enjoyed by the "bandits" who participated in the market for stolen cacao and coffee in El Cobre. Estrada's place at Hongolosongo was a known hangout for suspected bands of cacao and coffee thieves. But Hongolosongo had a historic place in the revolution. After the end of the Ten Years' War, the colonial government, in an effort to minimize the threat of future insurrections, created settlements (*poblados*) of former insurgents, many of them surrendered slave insurgents. *Poblados* such as Hongolosongo became an important center of anti-colonial activity throughout the war's various phases.<sup>153</sup>

When Sherman and the planters arrived at Estrada's store, they motioned toward "nine colored men, two of whom were pointed out to me as the principal cacao thieves." While the Captain was critical of the planters, who he thought were "afraid to prosecute," he was equally powerless to do anything himself. The plan that Sherman developed to contain the situation was aimed less at subduing the Cubans than cutting them off from their point of sale. Sherman's strategy was to place thirty armed men at Hongolosongo, but this alone would not stop the network. All along the six-mile stretch from the plantations to the town center, other stores of a similar nature sat along the

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<sup>152</sup> Ferdinand Durant (of Margarita and Dolerita plantations), Urbano Justy (of Jucan plantation), Antonine Antomarchi, and Ernest Despaignes. Eustace J. Sherman, Report to the Adjutant General, January 16, 1899, Ninth USV, Regimental Letters Sent, RG 94, USNA. Louis Pérez has argued similarly that in the onset of the U.S. occupation, businessmen merchants, land owners and local officials flocked around the occupation in search of salvation from Cuban Independence. Pérez, *Essays on Cuban History: Historiography and Research*, 13.

<sup>153</sup> Ferrer, *Insurgent Cuba*, 73.

main road leading to the town. Sherman suggested that devising a plan to target those stores in addition to Hongolosongo might help eliminate the problem. He then deployed First Lieutenant Henry Franklin and his men to the plantation.<sup>154</sup>

Though the troops were never able to arrest the entire group of suspected cacao thieves, by February 5th, Sherman had managed to arrest one Cuban, Domingo Cayami, accused of stealing cacao off of the Santa Clara plantation. Again, the Rural Police, who continued to occupy an undefined space in the military hierarchy, stepped in to transport the prisoner to the Santiago Barracks.<sup>155</sup> If nothing else, the presence of soldiers in El Cobre empowered “several of the most prominent planters.” They petitioned Sherman to authorize a meeting of all of the planters in El Cobre in order to “adopt such measures and make such recommendations as they deem necessary for the protection of their products.”<sup>156</sup>

By the end of the month, things were reportedly quiet in El Cobre. Captain C.D. Wood, who was in charge of the command at Hongolosongo, felt it was time for the detachment to mount and move on to other areas where it was necessary to “suppress disorder or theft.”<sup>157</sup> By April, the major challenge in El Cobre appeared to be bureaucratic conflicts between the locals and the military government. Local business owner Vicente Frances and the municipal judge of El Cobre, J.A. Ramos, arrived at

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<sup>154</sup> Eustace J. Sherman, Report to the Adjutant General, January 16, 1899, 9th USV, Regimental Letters Sent, RG 94, USNA.

<sup>155</sup> Eustace J. Sherman to the Adjutant General, Department of Santiago, February 7, 1899, 9<sup>th</sup> USV, Regimental Letters Sent, RG 94, USNA; Eustace J. Sherman to officer in charge-Santiago Barracks, February 7, 1899, 9<sup>th</sup> USV, Regimental Letters Sent, RG 94, USNA.

<sup>156</sup> Eustace J. Sherman, Report to the Adjutant General, January 18, 1899, Ninth USV, Regimental Letters Sent, RG 94, USNA.

<sup>157</sup> C.D. Wood to the Adjutant General, Department of Santiago, February n.d. 1899, Ninth USV, Regimental Letters Sent, RG 94, USNA.

camp to request payment for items several of the soldiers had purchased on credit. Frances could not read or write and brought the judge, who was likely a holdover from the Spanish era, to translate the conversation from Spanish to English. Those like Ramos who could translate from Spanish to English enjoyed a privileged place in the provisional government. They occupied an in between status as emissaries between the occupiers and the occupied. Interpreting the law to peasants and the illiterate, these men represented what Wood hoped was going to be the new leadership in the Republic.<sup>158</sup>

By February, the rural guard assumed responsibility for policing Santiago, and by March the African American volunteers were preparing to withdraw.<sup>159</sup> That same month, a member of the Eighth Illinois was reportedly shot by a member of the Rural Guard during a quarrel in Santiago. Corporal George Beard recounted the event and wrote bitterly of having to do the work of “cleaning up for these Cubans.”<sup>160</sup>

Meanwhile, Governor Wood was preparing for the municipal elections of 1900. Wood hoped the “best men” would win, and he had exerted considerable effort to make sure they did. But these moments of conflict and cooperation in the countryside had left their marks on Cubans in Santiago. As the situation at the sugarhouse foreshadowed,

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<sup>158</sup> Eustace J. Sherman to the Adjutant General, Department of Santiago, April 5, 1899, Ninth USV, Regimental Letters Sent, RG 94, USNA. Octave B. Mora, son in law of Rodolph Desdunes, was one of the soldiers of interest on the list of persons owing Frances. The identity of the municipal judge is not mentioned. These appointments were often given to Spaniards and incumbent officials. See Pérez, *Essays on Cuban History: Historiography and Research*, 13. Returning expatriates from the U.S. who were fluent in both English and Spanish and could translate. See Tasker, H Bliss, “Annual Report of the Collector of Customs for Cuba. Fiscal year ending June 30, 1899,” August 1, 1899 in John R. Brooke, U.S. Army, Military Governor of Cuba, 1900 (Washington, D.C.: GPO, 1900): 374-5.

<sup>159</sup> Goode, *The "Eighth Illinois"*, 157.

<sup>160</sup> *Illinois Record*, March 11, 1899.

some residents in the East remained particularly resistant to leaders imposed by Wood and to those who had not supported the Ejército Libertador.<sup>161</sup>

Seeing promise in the hope of Cuba Libre, some members of the volunteer regiments chose to remain in Cuba after the war. At least two of the men who washed up off the coast of Florida after their filibuster mission failed to make it to the Revolution remained in Cuba after the war. Joaquin Suárez y Soto went home to Santa Clara and Justo González returned to Havana. Regimental historian W.T. Goode mentioned that several soldiers in the black regiments married Cuban women and remained on the island after being discharged. The regimental record for the Ninth USV supports this as well; some of the men did indeed muster out in Cuba.<sup>162</sup>

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The quest for international prominence by the United States had bound the fight for African American rights and the fight for Cuba Libre in a concurrent struggle. But the fragile encounter between the occupier and the occupied was being shaped in profound ways by the politics of occupation. As the United States assessed the Cubans' worthiness for independence, Cubans and those African Americans deployed to the countryside of eastern Cuba vied to prove their orderliness, level of civility, and capacity for self-government.

The Congressional Joint Resolution passed in April of 1898 had recognized that "the people of Cuba are and of right ought to be free and independent."<sup>163</sup> Its passage

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<sup>161</sup> On the elections of 1900 see Scott, *Degrees*, 187, 201-04.

<sup>162</sup> Goode, *The "Eighth Illinois"*, 200-01, 12-14, 35; *Muster out Roll*. Regimental Records, 9th Infantry, U.S.V., Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA.

<sup>163</sup> *Congressional Record* 31 (April 16, 1898): 3988.

had calmed some of the misgivings held by Cubans about the involvement of the United States. Cuban separatists on the island and the junta abroad had initially viewed the United States' entry into the war as aggression against the revolution. The favorable reception accorded the Congressional Resolution and accompanying Teller amendment had paved the way for an alliance between Cuban and American forces in the early days of the intervention.<sup>164</sup> But this fragile alliance was quickly undone. Between the summer of 1898 and the spring of 1899, African American soldiers were placed at the center of several conflicts between the officials of the military occupation and the Cubans over the future and direction of the new Cuban Republic.

The pursuit for black citizenship rights had given black men and women the opportunity to act on past articulations of support for Cuba Libre. But as soldiers under the command of the American military forces, individuals became agents of the larger goals of the United States in Cuba. Some embraced the rhetoric of imperialism in an effort to buttress their own claims to superior masculinity, others, as unwilling occupiers, attempted to use military service to support the cause of anti-colonialism, developing cross-national bonds with those they were sent to police. There is, thus, no singular conclusion to be reached regarding relations between Cubans and African Americans in the Cuban countryside; these exchanges were negotiated through daily encounters and shifted depending on what was at stake.

One soldier, discussing the prospects for African Americans in Cuba noted that the “right kind of man can make a fortune on this island.” He continued, “The natives

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<sup>164</sup> Pérez, *Essays on Cuban History: Historiography and Research*, 6-9. For a detailed account of collaboration between Cuban and U.S. forces after the Joint Resolution and through the battles at Las Guásimas, El Caney, and San Juan Hill, see Roig de Leuchsenring, *La guerra libertadora*, 327-53.

use the real mahogany wood for kindling fires.” Ignoring the value firewood might have in terms of basic subsistence, and maligning their perceived lack of interest as ignorance, he concluded, “The Cuban don’t know the value of the stuff. A man could make a fortune off that alone.”<sup>165</sup> While many celebrated the cause of Cuban independence and heralded the heroes of Cuba Libre, it seemed that for some of the occupiers, such as Corporal W.T. Goode, proving African American manhood required them to adhere to racist notions of Cuban backwardness, barbarity, and ignorance. Even as African American volunteers sojourned to the home of Antonio Maceo to pay homage to the former revolutionary, and formed alliances with local Cubans, their work in the countryside was a grim reminder that there were limits to the bonds of revolution.

The end of the colonial era ushered in a new phase in the history of Cuba and introduced new sets of political actors. Many of those who had been contending for power for decades were fighting to be included in the political process. But the victories the Ejército Libertador had won in their battle against Spain, and what they saw as a right to power, were being delayed by the entry of the United States. As the American occupation came to a close in eastern Cuba in 1899, insurgents, planters, Spanish sympathizers, and peasants were all vying for position in what would now become the Cuban Republic.

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<sup>165</sup> Goode, *The "Eighth Illinois"*, 239. See similar discussion on 175.

### CHAPTER III

#### WHEN IMMUNITY GOES ABROAD, DISEASE COMES HOME

By the time of their mustering-out in the spring of 1899, the Eighth Illinois and the Ninth USV had been in Cuba for nearly nine months. As a result of a general withdrawal of American forces, the African American volunteers prepared to return to the United States. Departing nearly a month before the immunes, the Eighth docked in Newport News, Virginia on March 16. The men then boarded a train for Chicago and arrived at the Illinois Central depot two days later. The people of Chicago turned out in significant numbers, greeting them with “cheers of enthusiasm, tears of joy, and handshaking.” The Eighth then marched down Michigan Avenue, one of the largest streets in downtown Chicago, all the way to the armory on Washington Avenue where the ladies auxiliary was hosting a reception in their honor.<sup>1</sup>

The Ninth USV returned the following month. On April 26, the Ninth immunes set sail for Camp Meade in Middletown, Pennsylvania. At Camp Meade the scene was different; many of the volunteers were sent to hospitals, treated for illnesses, and placed

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<sup>1</sup> Corporal W.T. Goode, *The "Eighth Illinois"* (Chicago: Blakely Publishing Company, 1899), 291-2; “The 8<sup>th</sup> Illinois and the Illinois Record,” *The Illinois Record*, March 25, 1899.

in quarantine if necessary. The board of surgeons examined the soldiers, gave them their discharge papers, and set them on a train bound for New Orleans on May 25.<sup>2</sup>

The Ninth USV, unlike the Eighth, returned with comparatively large numbers of men suffering from fever. Widespread sickness and disease had ravaged the immunes in Cuba. Thirty-years after the war, an 81-year old Elizabeth Baptiste, widow of George Baptiste from the colored immunes, had someone write a letter for her, and wartime sickness was still vivid in her memory. Unable to offer physical evidence substantial enough to convince the bureau that her husband's death was the result of a disease contracted in service, Baptiste based her case on the "stated fact that about 500 men was sick at one time."<sup>3</sup>

Between the battle at Las Guásimas and the cessation of hostilities, many American soldiers had found tropical diseases a more virulent enemy than the Spanish. The soldiers lacked adequate shelter and clothing, rain fell daily, and the temperatures fluctuated from a scorching 100 plus degrees by day to a chill 60 degrees at dusk. The United States' utter lack of preparedness for ventures into tropical climates accelerated the massive wave of sickness. In 1898, the War Department was nowhere near being prepared for an overseas expedition. Though Congress had officially established a Medical Department that would operate in times of war and peace, the number of

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<sup>2</sup> William Hilary Coston, *The Spanish-American War Volunteer*, 2<sup>nd</sup> ed. (Camp Meade, Middleton, PA: Published by the Author, 1899), 212. As part of the muster-out process all the men were examined before a board of examining surgeons, which determined if the soldier was disabled in any way. They were then given an opportunity to declare any illness they had and allowed to make a claim for disability.

<sup>3</sup> On rates of infection in the Eighth Illinois versus the Ninth USV see also Corporal W.T. Goode, *The "Eighth Illinois"* (Chicago: Blakely Publishing Company, 1899), 77. On the high rate of incidence of malaria and yellow fever among the Ninth USV and African Americans in general, see Vincent J. Cirillo, *Bullets and Bacilli: The Spanish-American War and Military Medicine* (New Brunswick Rutgers University Press, 2004), 92, 97. Elizabeth Baptiste to Department of Interior, Jan 22, 1931, Pension file of George (Elizabeth) Baptiste, Wid. App. No. 1,054,658, USNA.



medical officers was inadequate. Congress' refusal to authorize peacetime stockpiling for possible wartime needs frustrated attempts to provide physicians and hospitals with medicines and equipment once volunteers had been called up.<sup>4</sup> Even leading up to the time of the United States' invasion, legislators had not voted for an increase in the medical budget.<sup>5</sup>

Many returning veterans painted vivid pictures of the conditions in Cuba, recalling in hindsight how diseases had ravaged the troops. For example, Pierre Carmouche, the first lieutenant from Company L of the Ninth USV, gave a compelling portrait of a private's medical situation. He appeared before a notary in 1908 to testify on behalf of Fedia Boone. He recalled that, "Owing to the conditions in Cuba then pervading, few men was free from the ravages of disease."<sup>6</sup> Unsanitary conditions and the challenges associated with soldiering in a tropical climate caused many soldiers to contract a number of diseases. The most debilitating illnesses were those induced by the fevers—malarial, typhoid, bilious, and yellow. Just one year after muster-out, Harriet Hope, mother of George Hope, an African American private in the Ninth USV, testified that her son had come home from Camp Meade, Pennsylvania where he was mustered out, "sick and suffering with fever." The idea that black people possessed immunity to malaria, which had provided the rationale for the enlistment of the majority of black troops, stood in stark contradiction to the number of malaria stricken "immunes"

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<sup>4</sup> Mary C. Gillett, *The Army Medical Department, 1865-1917* (Washington, D.C: Center of Military History, United States Army, 1995), 12,115.

<sup>5</sup> United States, Congress, Senate, *Report of the Dodge Commission to Investigate the Conduct of the War in the Department of the War with Spain*, 1:169; R. A. Alger, *The Spanish-American War* (New York, London: Harper & Bros., 1901), 11-13.

<sup>6</sup> Deposition of Pierre Carmouche, November 19, 1908, Pension file of Fedia Boone, XC No. 24444335, USNA.

among the men returning from war.<sup>7</sup> Indeed, few soldiers, black or white, lasted the duration of the war without contracting the disease.<sup>8</sup>

Scientists had recently begun to isolate the *Anopheles* mosquito as the carrier of malaria, and efforts to contain and limit its effects had been underway in Cuba by the start of hostilities in 1898.<sup>9</sup> But when an outbreak of yellow fever struck the camp it greatly suppressed the total strength of available American troops.<sup>10</sup> Yellow fever, malaria, and also typhoid were all thought of as miasmatic diseases—literally diseases of “bad air.” Fearing that yellow fever could be transmitted through the respiratory system, the customary approach to containment called for the area to be evacuated and “cleansed” by burning the ground. In 1900, Walter Reed would affirm the work of Cuban scientist Carlos Finlay who had begun to identify the role of the mosquito in spreading yellow fever as early as 1881, but unfortunately for those serving in Cuba, the

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<sup>7</sup> Declaration for Original Pension of Father or Mother, May 10, 1900, Pension file of George Hope, App. No. 718686; Coston, *Spanish-American War Volunteer*, 211.

<sup>8</sup> See footnote 58 in Chapter 1. The issue was widely debated in the nineteenth century, see William Sykes, "Negro Immunity from Malaria and Yellow Fever In "Correspondence", " *The British Medical Journal* (1905):389-90; Captain Fred Smith, "Malaria: Immunity: Absence of Negro Immunity: Variety," *The British Medical Journal* (Dec. 17, 1898): 7.

Of the over 1,000 soldiers and officers in the Ninth USV, 73 died of disease. Figure based on *Muster in Roll*. Regimental Records, 9th Infantry, U.S.V. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA; *Muster-Out Roll*. Regimental Records, 9th Infantry, U.S.V. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA; and *Daily Reports*. Regimental Records, 9th Infantry, U.S.V. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA. On the failure of concepts of immunity see Cirillo, *Bullets and Bacilli*, 97; Gillett, *The Army Medical Department*, 229-51.

<sup>9</sup> Cirillo, *Bullets and Bacilli*, 92.

<sup>10</sup> There are a number of useful texts that have proved insightful on yellow fever in the war particularly Cirillo, *Bullets and Bacilli*, 92-97. For general histories of yellow fever epidemics in the South, see the discussion of the Spanish American War in Margaret Humphreys, *Yellow Fever and the South* (New Brunswick: Rutgers University Press, 1992), 37. For a study of the science behind yellow fever see Khaled J. Bloom, *The Mississippi Valley's Great Yellow Fever Epidemic of 1878* (Baton Rouge: Louisiana State University Press, 1993), especially 1-33.

Medical Department would not acknowledge the mosquito's role in creating epidemics until 1902.<sup>11</sup>

Because this had been a war largely fought against disease rather than an armed enemy, many veterans now focused on the disability pension as they returned to civilian life.<sup>12</sup> But in the aftermath of the war, the federal government and soldiers held

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<sup>11</sup> Cuban scientist Carlos Finlay first identified the mosquito as the carrier of yellow fever in 1881, but his theories were widely criticized. When Walter Reed took up the research, he used mosquitoes furnished by Finlay and subsequently gave the Cuban scientist considerable credit for aiding in the discovery. On the eventual acceptance of Finlay's theory see Nancy Stepan, "The Interplay between Socio-Economic Factors and Medical Science: Yellow Fever Research, Cuba and the United States," *Social Studies of Science* 8, no. 4 (1978):397-423; Mariola Espinosa, "The Threat from Havana: Southern Public Health, Yellow Fever, and U.S. Intervention in the Cuban Struggle for Independence, 1878-1898," *Journal of Southern History* 72 (2006):541-68. For biological explanations of yellow fever see Bloom, *The Mississippi Valley's Great Yellow Fever Epidemic of 1878*, 11-33; Gillett, *The Army Medical Department*, 153; Humphreys, *Yellow Fever and the South*, 31-44. See also John Farley, "Parasites and the Germ Theory of Disease," in Charles Rosenberg and Janet Golden, eds., *Framing Disease: Studies in Cultural History* (New Brunswick: Rutgers University Press, 1992), 34-49. Foley argues that the concurrent advancements in the germ theory of transmission might have slowed the ability of medical professionals to accept the notion of parasitology.

<sup>12</sup> On the impact of diseases versus gunshot wounds, see Cirillo, *Bullets and Bacilli*, 31-35. For the historian interested in retracing the day to day to experience of citizenship, volunteers' pension files offer rich examples of the ways in which servicemen and their families attempted to use military service to improve their day to day lives. Significant studies on the development of the U.S. pension system include: Donald L. McMurry, "The Political Significance of the Pension Question, 1885-1897," *The Mississippi Valley Historical Review* 9, no. 1 (1922):19-36; Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge: Belknap Press of Harvard University Press, 1992); Theda Skocpol, "America's First Social Security System: The Expansion of Benefits for Civil War Veterans," *Political Science Quarterly* 108, no. 1 (Spring 1993):85-116; Amy Holmes, "'Such Is the Price We Pay': American Widows and the Civil War Pension System," in *Toward a Social History of the American Civil War: Exploratory Essays*, ed. Maris Vinovskis (New York: Cambridge University Press, 1990); and Maris Vinovskis, "Have Social Historians Lost the Civil War? Some Preliminary Demographic Speculations," *The Journal of American History* 76, no. 1 (Jun. 1989):34-58. On women, gender, and the pension, see Megan J. McClintock, "Binding up the Nation's Wounds: Nationalism, Civil War Pensions, and American Families, 1861-1890" (Ph.D. diss., Rutgers University, 1994). On disability, free labor, and insurance law, see John Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law* (Cambridge: Harvard University Press, 2004); Linda Gordon, "Social Insurance and Public Assistance: The Influence of Gender in Welfare Thought in the United States, 1890-1935," *The American Historical Review* 97, no. 1 (February 1992):19-54. Walter Hinkel has also argued that pensions conveyed social citizenship to its recipients. For an analysis of the WWI pension system, see K. Walter Hinkel, "War, Region, and Social Welfare: Federal Aid to Servicemen's Dependents, 1917-1921," *The Journal of American History* 87, no. 4 (2001):1362-5.

For African Americans and the Civil War pension, see Donald R. Shaffer, *After the Glory: The Struggle of Black Civil War Veterans* (Lawrence: University Press of Kansas, 2004). Several historians who have worked on the black experience have made considerable use of pension files without using them systematically. For the Revolutionary era see James Oliver Horton, "Freedom's Yoke: Gender Conventions among Antebellum Free Blacks," *Feminist Studies* 12, no. 1 (1986): 51-76, particularly 61.

significantly different conceptions of who was culpable for disease and who was worthy of federal support. As a result, the issues of culpability and worthiness fashioned the core of what was ultimately a conflict over federal responsibility to the sick and disabled.

Three major issues defined the terms of the conflict between the federal government and Cuban-Spanish-American War veterans: 1) the question of worthiness in nineteenth century society, 2) the paradoxical roots of pension disability law, and 3) the public discourse regarding black health, the poor, and disease. These issues shaped the adjudication of pension claims as much—if not more—than the sickness from which the returning veterans claimed to suffer.

Defining “worth” under nineteenth century law requires both a consideration of the roots of pension law and a look at nineteenth century America. In many ways the long-nineteenth century of United States history is notable for the dominant society’s mistrust of the poor and dependent.<sup>13</sup> Early pension legislation dating back to before the American Revolution established a rubric for judging worthiness. Pensions were not for everyone; only those who had sacrificed life or limb and could no longer provide

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For Louisiana during the Civil War era examples are found in James Hollandsworth, *The Black Military Experience During the Civil War* (Baton Rouge: Louisiana University Press, 1995), 113-14. From the Spanish American War era see examples in Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge: Belknap Press Harvard University, 2005), 198, 267.

<sup>13</sup> Edmund S. Morgan, "Slavery and Freedom: The American Paradox," *The Journal of American History* 59, no. 1 (1972):5-29; Kathleen Brown, *Good Wives, Nasty Wenches, and Anxious Patriarchs: Gender, Race and Power in Colonial Virginia* (Chapel Hill: University of North Carolina Press, 1996), 137-86; David Rosner, "Health Care for The "Truly Needy:" Nineteenth Century Origins of the Concept," *Milbank Memorial Fund Quarterly. Health and Society* 60, no. 3 (1982):355-85; Gordon, "Social Insurance and Public Assistance: The Influence of Gender in Welfare Thought in the United States, 1890-1935," *AHR*: 19-54. In a parallel study to the American example, John Eyler demonstrates the way English Victorians perceived the difference between destitution caused by sickness and by character flaws. John M. Eyler, "The Sick Poor and the State: Arthur Newsholme on Poverty, Disease, and Responsibility" in Charles Rosenberg and Janet Golden, eds., *Framing Disease: Studies in Cultural History* (New Brunswick: Rutgers University Press, 1992), 276-96, particularly 79.

for their families were worthy.<sup>14</sup> But demonstrating worthiness required that a pensioner did not desire to be dependent. Veterans were expected to embody a paradox. “Manly” pensioners were to be disabled but not dependent, incapacitated but not indolent.<sup>15</sup>

The expenses associated with providing Civil War disability pensions prompted the federal government to pension only those who could connect disability directly back to service. This standard became particularly problematic for African Americans who, at the end of the nineteenth century, were increasingly the subject of public fear and scrutiny from the scientific community.<sup>16</sup> Abraham Lincoln’s Civil War pension legislation (1862) was at the center of the conflict. The 1862 law was the basis for what became the most far-reaching patronage program prior to the New Deal. Anyone seeking a pension from subsequent wars would file under its provisions. The veteran or his family was required under the 1862 law to prove that the soldier’s disability or death was the result of war related injuries and that there was a ratable (quantifiable) degree of disability emanating from it. If approved, the pension program provided monthly pay to men totally disabled or to widows of those killed. But meeting the standard of having

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<sup>14</sup> William Henry Glasson, *History of Military Pension Legislation in the United States* (New York: Columbia University Press, 1900), 10-24.

<sup>15</sup> For a genealogy of the concept of dependency, see Nancy Fraser and Linda Gordon, "A Genealogy of 'Dependency': Tracing a Keyword of the U.S. Welfare State" *Signs: Journal of Women in Culture and Society* 19, no. 2 (2004):309-36. On gender and pensioning see McClintock, "Binding up the Nation's Wounds: Nationalism, Civil War Pensions, and American Families, 1861-1890"; Gordon, "Social Insurance and Public Assistance: The Influence of Gender in Welfare Thought in the United States, 1890-1935."

<sup>16</sup> The question is one that is not so different from contemporary debates over who or what is responsible for an individual’s sickness, and therefore who or what is responsible for providing the resulting care. See Sylvia Noble Tesh, *Hidden Arguments : Political Ideology and Disease Prevention Policy* (New Brunswick, N.J.: Rutgers University Press, 1988), Intro.

a ratable degree of disability was not straightforward and required a fair amount of subjective testimony from bureau officials and medical personnel.<sup>17</sup>

William Hilary Coston, regimental chaplain for the Ninth USV, published one of the most cogent arguments on the subject of pensions in 1899. In *The Spanish American War Volunteer*, Coston described the pension this way: "Pension is not a matter of favor or charity; it is a question of *title under the law*, and when title is shown, the pension is due, as a *matter of law*." His argument was that Congress had defined "all that need be considered in seeking the benefits of the law."<sup>18</sup> But military service was not enough to demonstrate title. Inasmuch as receiving a pension required a medical affirmation, the law required a medical diagnosis to support their legal claims. A pension required both a medical and legal verification.

Determining culpability and establishing worth became a major point of contention in pension claims. Contracting disease did not automatically mean that one suffered from its effects to the degree that an individual was unable to work. But many applicants felt that this refusal had left them to pay the costs for military service. Writing to the commissioner of pensions, Marion Jefferson expressed this point powerfully in terms of the losses of motherhood.

Your honor please let me make this statement that when my son went to the army and he was well and sound and he served his time and was discharge from service and come home 17<sup>th</sup> month after he taken down sick on my hand and I

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<sup>17</sup> U.S. Congress, House. *An Act to Grant Pensions*. 37<sup>th</sup> Cong., 2nd Sess., 1862 H.Doc.166. For a historical treatment of pension law see *The Pension Roll as Affected by the War with Spain* (War Department, Office of the Chief of Staff, Army College Division, 1915). On Abraham Lincoln's pension law and the pension rolls see Maris Vinovskis, "Have Social Historians Lost the Civil War?," in *Toward a Social History of the American Civil War: Exploratory Essays*, ed. Maris Vinovskis (New York: Cambridge University Press, 1990). On the ratable standard and special examiners see Glasson, *History of Military Pension Legislation*, 136-38.

<sup>18</sup> Coston, *Spanish-American War Volunteer*, 209.

paid all doctor bill and he died from piles and lung trouble. And the only child I had it is very hard to think I can't get pension after his death.<sup>19</sup>

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While the majority of applicants filed within the first five to ten years of service, some applications were submitted by dependents much later. Hence, the majority of applications submitted were filed between 1899 and 1914. Some others, perhaps not realizing the benefits at stake, not able to pay the expense, or simply not interested in applying, waited longer. By 1920, liberalizing legislation relaxed the standards so an individual no longer had to connect his or her disability to military service.<sup>20</sup> The result was a large influx of applications submitted after 1920; subsequently those claims also had greater rates of success. Many of the cases that began in the pre- 1920 period carried over into the twenties and provide a panoramic view of how race and medicine shaped the adjudication of pension law over time.

Examining the applications of the veterans of the two southern immune regiments, the (colored) Ninth USV and the (white) Second USV, along with the applications from the Eighth Illinois volunteers (colored), allows us to discover how race might or might not have influenced the likelihood of a claimant's success. When comparing the number of applications accepted and rejected for the three regiments, the record revealed no notable difference between them.<sup>21</sup> But quantitative comparisons alone will only tell half the story; volunteers regardless of race found their claims

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<sup>19</sup> Marion Jefferson to Hon. Mr. J.L. Davenport, New Iberia, LA Aug 25, 1912, Pension file of Eras Flood, Wid. App. No. 947,780.

<sup>20</sup> U.S. Congress, House. *An Act to pension sailors and soldiers and sailors from the War with Spain, Philippine Insurrection, and Chinese Boxer rebellion campaign.* 66<sup>th</sup> Cong., 2nd Sess., 1922 H.Doc.256. Nurses were also pensioned.

<sup>21</sup> See Appendix 1 and 2.

overwhelmingly rejected before 1920. A qualitative assessment by contrast reveals the effect of social and political forces on claims making in the nineteenth century.

Physicians' reports and bureau records reveal the influence of racial and gender ideology on soldiers' pension claims. After muster-out, soldiers were referred to local boards of surgeons comprised of local physicians who were charged with ascertaining the causes of the diseases. Their commission was neither to heal, nor to prescribe; their charge was to find blame. In an effort to limit applications, doctors and medical examiners used the tools of science—tools that employed popular theories of racial difference— to determine the causes of diseases. The doctors' words are often written in their own hand, but not always, and many times their questions to patients, each other, and bureau officials, are implicit. But through their dialogue we understand how health, disease, and sickness were defined, not only for black Americans, but also for their white counterparts. Pension applications include thorough medical records that provide a view of the ways that medical science approached African American male bodies. Doctors' records demonstrate how medical ideologies might have shaped medical practices and offer interesting opportunities to grapple with the raced responses of physicians and health professionals to sick patients.

Perhaps even more interesting (and rare) is what the pension files tell us in terms of how black patients approached medical care. Medical records provide a rarely seen opportunity to hear patients' voices. In their pension claims, veterans vehemently contested medical diagnoses at variance with what they believed to be true. Patients were not passive recipients of medical truths. On the contrary, veterans actively offered alternate interpretations of legal criteria and medical diagnoses. Soldiers were



nonetheless and above all patients participating in the hierarchical structure of modern medicine.<sup>22</sup> But even hierarchical structures can be subject to pressure from below. Patients and families argued with doctors, challenged the bureau, and took a role in shaping the way the law and medicine was being applied to their bodies. Applicants were probably more interested in providing for themselves than challenging medical discourses, but they did manage to challenge them nonetheless, whether they won or lost. Individuals attempted to redirect the implications of sickness for their own benefit.<sup>23</sup>

### **Finding the Truly Needy**

When the volunteers returned from Cuba in 1899, they found a political climate that had grown increasingly tired of paupers, public wards, and even veterans.<sup>24</sup>

Progressives, medical professionals, charity workers, and others in the private sector

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<sup>22</sup> Alejandra Bronfman, "A Contingent Liaison? Slavery, Social Sciences and Medicine in the 19th Century" (paper presented at the Statutes, Science, and the Seas: The Law in Slavery and Freedom Conference, University of Michigan-Ann Arbor/University of Windsor, March 16, 2006, cited with permission of author). I am particularly influenced by the following writings on power and authority within medicine: Elizabeth Lunbeck, *The Psychiatric Persuasion: Knowledge, Gender, and Power in Modern America* (Princeton: Princeton University Press, 1994), 1-7, 185-208; Michel Foucault, *The Birth of the Clinic: An Archeology of Medical Perception* (New York: Pantheon Books, 1973), 3-21, 29-30; Charles Rosenberg, "Sexuality, Class and Role in 19<sup>th</sup> Century America," *American Quarterly* 25, no. 2 (May 1973):131-53; and "Introduction," in Rosenberg and Golden, eds., *Framing Disease*, xiii-xxvi.

<sup>23</sup> Susan Smith makes a similar claim looking at black women's health activism in the period. She argues that many African Americans saw their struggle for improved health conditions as a part of a political agenda for black rights. See Susan L. Smith, *Sick and Tired of Being Sick and Tired: Black Women's Health Activism in America, 1890-1950* (Philadelphia: University of Pennsylvania Press, 1995), 1-14.

<sup>24</sup> McMurry, "The Political Significance of the Pension Question, 1885-1897." In the English context, British Victorians also discussed a fear of pauperism. Like his counterparts in the United States, public health official Arthur Newsholme connected pauperism to indigence and not lack, and provides a useful definition of nineteenth century conceptions of the term. He argued that "pauperism was not poverty, but rather poverty relieved at state expense." See, John M. Eyler, "The Sick the Poor and the State: Arthur Newsholme on Poverty, Disease, and Responsibility," in Rosenberg and Golden, eds., *Framing Disease*, 280.

were debating who were the “truly needy,” and “deserving” or “worthy” of public programs. Largely as a result of the work of charitable organizations, those with the power to shape health care in the country—medical professionals, government authorities, and charitable organizations—were working to define exactly who was “worthy” of charity.<sup>25</sup> On a federal level, the Pension Bureau was undergoing a similar transformation. Republicans, after initially supporting pensions for Civil War veterans, had been maligned by Democrats as well as their own constituents for supporting, what many viewed, as the excesses of the federal pension system. Embattled by the public backlash, the bureau had grown less and less sympathetic to the plight of veterans. The disdain for pension applicants was not racially specific either. The War Department and the Pension Bureau were for varying reasons generally unsympathetic to the requests of all Cuban-Spanish- American war veterans— black and white alike.<sup>26</sup>

The Cuban-Spanish- American war veteran was very much caught in the midst of an era of shifting responsibilities towards the poor and the disenfranchised. Social workers and reformers were questioning who was worthy of government support. On the governmental level, federal responsibility toward the veterans was shifting at roughly the same pace as its shifting responsibility toward black voters in the South.<sup>27</sup>

As a result, Cuban-Spanish-American War claims faced a threefold problem.

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<sup>25</sup> Rosner, "Health Care for The "Truly Needy:" Nineteenth Century Origins of the Concept," 355. For an insightful study of the development of pension law in the nineteenth and twentieth century as it relates to transformations in the industrial sector in the private sector see Witt, *The Accidental Republic: Crippled Workingmen, Destitute Widows, and the Remaking of American Law*, 1-42, 71-102. For a discussion of social work, disability insurance law, and the gendered aspects of welfare policy see Gordon, "Social Insurance and Public Assistance." For work on African American conception of health and poverty and the subject see Smith, *Sick and Tired of Being Sick and Tired*.

<sup>26</sup> See discussions of Spanish American War veterans in *The Pension Roll as Affected by the War with Spain*, 1-17.

First, Cuban-Spanish- American War veterans found themselves filing in the shadow of the Civil War and Reconstruction, a shadow that proved almost too large to overcome. From the government's standpoint everything about the 1898 conflict was minuscule in comparison to the Civil War. Forty percent of the federal budget consisted of providing pensions for Civil War veterans and their families by 1893. Moreover, the conflict in Cuba paled in every way possible. Actual armed conflict lasted only about 16 days, and the number of wounded or dead was subsequently minimal. The Civil War became an overshadowing presence, a looming example of manliness, valor, and suffering.<sup>28</sup>

Secondly, unlike the Civil War, the number of killed or wounded had little bearing on the number of applications submitted. The majority of applicants were filing for diseases contracted stateside and not during active duty.<sup>29</sup> In examining a sample of ten volunteer regiments, the War Department found that the number of applications submitted by the seven regiments that remained stateside almost equaled the number

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<sup>27</sup> On federal responsibility toward blacks in the South see Scott, *Degrees*, 160; J. Morgan Kousser, *The Shaping of Southern Politics : Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974), 160-65; Willard B. Gatewood Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975), 3; Stanley P. Hirshson, *Farewell to the Bloody Shirt; Northern Republicans & the Southern Negro, 1877-1893* (Gloucester, Mass.; P. Smith, 1968), 251-2. On political violence and the question of federal intervention, see Steven Hahn, *A Nation under Our Feet : Black Political Struggles in the Rural South, from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003), chap. 6. For a specific discussion of violence in Louisiana, see Scott, *Degrees*, chap. 6.

<sup>28</sup> On percentage of federal budget, see Maris Vinovskis, "Have Social Historians Lost the Civil War? Some Preliminary Demographic Speculations," *The Journal of American History* 76, no. 1 (Jun. 1989):34-58, especially 54. On the subject of growing hostility to pension as pork barrel patronage, see McMurry, "The Political Significance of the Pension Question, 1885-1897," 19, 35-36. Glasson, *History of Military Pension*, 123-90. For calculations of "actual hostilities between land forces, see *The Pension Roll as Affected by the War with Spain*, 6.

<sup>29</sup> On effects of gunshot wounds versus disease, see Cirillo, *Bulletts and Bacilli*, 31-37; and Gillett, *The Army Medical Department*, 149.

submitted by those three regiments that participated in active duty abroad.<sup>30</sup> Hence, the majority of applications were coming from men who saw no active military duty. This made the Pension Bureau particularly skeptical of claims from volunteer regiments in general. Those who did travel to Cuba arrived after the regular troops, for the most part had not participated in active duty, and yet were applying for pensions in what many felt were unduly large percentages.<sup>31</sup>

The War College compared the number of claims granted from the War with Spain to the percentage of claims granted for service in other wars between 1899 and 1905. While only 26.5% of those making claims from the Spanish American War were granted pensions, 91.5% of those who applied for pensions from other wars received them. The difference was certainly striking and proved to them that volunteers from the War with Spain were filing claims for pensions they did not deserve.<sup>32</sup>

The large number of claims produced the third problem—a growing fear of fraud. The current “state of affairs,” according to the War College, was a repercussion of the swarms of pension agents encouraging false claims, the widespread knowledge of the Civil War pension system, and the muster-in process. The War College pointed to the speed with which veterans submitted applications as evidence of the agents’ involvement. The college cited the “swarms of agents” who “lay in wait...at every camp where volunteers were mustered out...and in many cases actually fought with each other for the privilege of handling the application for a pension, which they used

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<sup>30</sup> *The Pension Roll as Affected by the War with Spain*, 13. On stateside illness rates, see Gillett, *The Army Medical Department*, 173-95.

<sup>31</sup> *The Pension Roll as Affected by the War with Spain*, 11.

<sup>32</sup> *The Pension Roll as Affected by the War with Spain*, 11.

every endeavor to persuade each discharged soldier to make.” Pensions were big business by 1899; a successful claim could earn the agent a maximum of \$25. With so much at stake for both the government and soldiers, it is not surprising that the War college would fear the “swarms of pension agents” and attorneys who specialized in adjudicating claims. They could easily be found in virtually any nineteenth century newspaper.<sup>33</sup>

At the center of the discussions regarding fraudulent claims was a growing concern with who was worthy of relief or ultimately culpable for disability under Lincoln’s 1862 pension law.<sup>34</sup> As the bureau began to look closely at whether an applicant had legitimately acquired disease in service and whether they suffered from its effects to the degree that they were unable to work thereafter, the sheer volume of malaria claims and the nature of those claims created its own sort of backlash against them. Everyone contracted malaria in Cuba, making the claims look more frivolous. Outside the town of Santiago, during and after the siege, an estimated 75% or more of the regulars suffered from some form of malaria—a pattern that would repeat itself once the immunes arrived. Although the fever usually lasted only four to six days and they would eventually recover, in the interim, it often left its victims too weak to return to duty. Of course, victims of malaria could have reoccurring episodes of the fever throughout their lives, but it was difficult to define to what extent they would be unable to work.<sup>35</sup>

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<sup>33</sup> *The Pension Roll as Affected by the War with Spain*, 11. On history of pensions during post Civil War era see Glasson, *History of Military Pension Legislation*, 123-90.

<sup>34</sup> U.S. Congress, House. *An Act to Grant Pensions*. 37<sup>th</sup> Cong., 2nd Sess., 1862 H.Doc. 166.

<sup>35</sup> On biology of malaria see Margaret Humphreys, *Malaria : Poverty, Race, and Public Health in the United States* (Baltimore: Johns Hopkins University Press, 2001), 8. On malaria among regulars in

The 1862 law was also product of its history and a reflection of society's growing preoccupation with manhood and disability.<sup>36</sup> Under federal pension law, disability was characterized as an unfortunate occurrence due to military service. For a man to choose to become a dependent ward of the state when he could otherwise work and support himself demonstrated a lack of manliness.<sup>37</sup> Because pensioners were expected to embody the paradox of manly dependence, manliness became both a means to judge an individual and a standard by which to evaluate a claim via pension law. In

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Santiago region see Gillett, *The Army Medical Department*, 150; Cirillo, *Bullets and Bacilli*, 92-97. While few have assessed the number of malaria sufferers among the volunteers, the general consensus is that they proved as susceptible to Cuban fevers as the black regulars.

See also Savitt, "Black Health on the Plantation: Masters, Slaves, and Physicians," particularly 352-55.

<sup>36</sup> A number of historians have discussed the issue of manliness, manhood and masculinity as a phenomenon affecting the white middle classes during the nineteenth century. My thinking on the subject has been shaped by the following: Gail Bederman, *Manliness & Civilization : A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago University of Chicago Press 1995), 10-2; Kristin Hoganson, *Fighting for American Manhood : How Gender Politics Provoked the Spanish-American and Philippine-American Wars* (New Haven Yale University Press 1998), 1-3; and Paul E. Johnson, *A Shopkeeper's Millenium : Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978). On sexuality and manliness, see Rosenberg, "Sexuality, Class and Role in 19th Century America." On African Americans and manliness among the African American middle and aspiring classes, see Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny after Reconstruction* (Chapel Hill: University of North Carolina Press, 2004), note on terminology, and 253, footnote 25. Mitchell argues that the term middle class does not necessarily capture all of the nineteenth century realities facing African Americans, making the term aspiring class a more suitable choice to describe many of the individuals to whom I am referring. See also, Christina Simmons, "African Americans and Sexual Victorianism in the Social Hygiene Movement, 1910-1940," *Journal of the History of Sexuality* 4, no. 1 (July 1993):51-75; Horton, "Freedom's Yoke: Gender Conventions among Antebellum Free Blacks"; Jim Cullen, " 'It's a Man Now!' Gender and African American Men," in *Divided Houses : Gender and the Civil War*, ed. Catherine Clinton and Nina Silber (New York: Oxford University Press, 1992), 76-91; and Martin Summers, *Manliness and Its Discontents: The Black Middle Class and the Transformation of Masculinity, 1900-1930* (Chapel Hill University of North Carolina Press, 2004).

On the evolution of disability law and its relationship to the ideology of "free labor" and independence during the period see John Witt, *The Accidental Republic*, chap. 1; Gordon, "Social Insurance and Public Assistance," especially 27-35.

<sup>37</sup> See McClintock, "Binding up the Nation," 290. Defining the word manliness in historical context is both necessary and illuminating. The Century Dictionary defined being manly as a word "into which have been gathered the highest conceptions of what is noble in man or worthy of his manhood." It meant to possess "the proper characteristics of man; independent in spirit or bearing; strong brave, large-minded, etc." the century dictionary: *An Encyclopedic Lexicon of the English Language* (New York: Century, 1890), s.v. "manly."

the context of the mid-nineteenth century's rising market economy, a manly character was, as Gail Bederman has argued, the "rock on which middle class men could build their fortunes."<sup>38</sup>

William Hilary Coston, the chaplain of the Ninth USV, was keenly in tune with the both the challenges facing pensioners and the obstacles to African-American manhood. In *The Volunteer*, Coston aligned his soldiers with men who had epitomized American patriotism and citizenship; a canon of "our most prominent citizens, as well as many of our bravest leaders of the war, such as Generals Scott, Grant, Sherman, Sheridan, Admirals Farragut and Porter, etc..." Reaching even further back to justify Spanish American War veterans' claims to the pension, he wrote, "we hear nothing nowadays in connection with the Revolutionary war, and many have gained the impression that patriots of those days were a supernatural order of men having no thought or care for pensions." Though he never addressed the issue of fraudulent claims directly, Coston was trying to counteract any suggestion that veterans from the Cuban intervention were weak men whose poverty had driven them to make false applications and defraud the government.<sup>39</sup>

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<sup>38</sup> Bederman, *Manliness and Civilization*, 12. As Gail Bederman has argued, manhood itself is a complex term that has evolved over time. She charts the ways that manhood underwent an ideological remaking, a shift between a Victorian model of manliness to model of masculinity in the twentieth century. Therefore, as she establishes, masculinity and manhood are not interchangeable terms. On the contrary masculinity was only beginning to be widely adopted by the 1890's while manliness was the more popularly used term, 18.

<sup>39</sup> Coston, *Spanish-American War Volunteer*, 209. For similar discourse regarding manliness and citizenship among African Americans after the American Revolution see Horton, "Freedom's Yoke: Gender Conventions among Antebellum Free Blacks," particularly 54-55. On racial manhood and the Spanish American War see Michele Mitchell, "'The Black Man's Burden': African Americans, Imperialism and Notions of Racial Manhood, 1890-1910," *International Review of Social History* (1999):77-99. On African Americans and African American concern for the manliness of the race on a national scale see Mitchell, *Righteous Propagation*, chap. 2.

Many African Americans, Coston among them, had supported the idea that African American enlistment would buttress their claims for citizenship. In the anti-pension climate of the 1890's, Coston rightfully feared that allegations of fraud would detract from the patriotism of the volunteers, endangering African Americans' long-term goals of achieving full citizenship rights, short-term goals of winning the social citizenship conferred by the pension, and the pension's economic benefits.<sup>40</sup> As his argument went, "it is no detraction from one's patriotism to claim and receive what is provided by a grateful country for its defenders. The pension roll is indeed a roll of honor." Given the ideological connections between military service and manhood, applying for the pension also threatened to demonstrate a lack of manliness.<sup>41</sup>

Manliness in the nineteenth century was ultimately tied to respectability and honor, and both ideals filtered into how pension law was both crafted and adjudicated.<sup>42</sup> Together, the three ideals of manliness, respectability, and honor formed the core of pension and disability law.<sup>43</sup> Manliness could be demonstrated in any number of ways,

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<sup>40</sup> On the pension as a marker of social citizenship see Hinkel, "War, Region, and Social Welfare: Federal Aid to Servicemen's Dependents, 1917-1921," especially 1362-6.

<sup>41</sup> Coston, *Spanish-American War Volunteer*, 209.

<sup>42</sup> Though respectability and honor are terms easily found in nineteenth century sources, scholars of colonial Latin America have produced the richest readings of the term across time and space. They have been particularly helpful in learning how to think about how subaltern people may have attempted to use and appropriate honor for themselves. See Introduction and Sandra Lauderdale Graham, "Honor Among Slaves" in Lyman L. Johnson and Sonya Lipsett-Rivera, ed. *The Faces of Honor: Sex, Shame, and Violence in Colonial Latin America* (Albuquerque: University of New Mexico Press, 1998), 1-17, 201-28; Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford: Stanford University Press, 1999); Tamara J. Walker, "Ladies and Gentlemen, Slaves and Citizens: Dressing the Part in Lima, 1723-1845" (Ph.D. diss., University of Michigan-Ann Arbor, 2007). On the nineteenth and twentieth centuries see Eileen J. Suarez-Findlay, *Imposing Decency: The Politics of Sexuality and Race in Puerto Rico, 1870-1920* (Durham: Duke University Press, 1999); Sueann Caulfield, *In Defense of Honor: Sexual Morality, Modernity, and Nation in Early-Twentieth-Century Brazil* (Durham: Duke University Press, 2000).

<sup>43</sup> See Gordon, "Social Insurance and Public Assistance," 27-35; McClintock, "Binding up the Nation," 290. On later manifestation of idea of family support payments grounded in the ideology of this earlier



and showing a lack thereof could cast a broad enough shadow of doubt over an applicant to bring into question other aspects of his character, thereby rendering him unfit for a pension. Manliness in late-nineteenth century vernacular meant to have “honor, high mindedness, and strength” all stemming from the power of self-mastery. A man who possessed the strength to control himself was capable of protecting and directing his subordinates whether it was his wife, children, or employees.<sup>44</sup> So tenuous was the balance between manhood and disability that one had to be careful how to approach even meeting that standard. One could easily err, as did Lewis Hansberry, by being too eager to demonstrate his incapacity.

Lewis Hansberry’s case elucidates this dynamic particularly well. He was one of the soldiers from the Civil War who reenlisted in the Second USV. Hansberry, a white American, had fought in the Civil War as a member of the Chicago Mercantile Battery, a regiment organized by The Mercantile Association, a group of prominent Chicago merchants. The Chicago battery transferred to New Orleans and ended up taking part in the disastrous Red River Campaign in Louisiana. There, the battery was almost wiped out, and almost two dozen of its men ended up in southern prisons. While it is hard to know if Hansberry was one of that number, it appears that he might have been, since he made New Orleans his home from the time he mustered out until he reenlisted.<sup>45</sup>

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period see Hinkel, "War, Region, and Social Welfare: Federal Aid to Servicemen's Dependents, 1917-1921," especially 1362-65.

<sup>44</sup> See Bederman, *Manliness and Civilization*, 12. See also on Republicanism and manhood among African Americans Horton, "Freedom's Yoke: Gender Conventions among Antebellum Free Blacks," particularly 56.

<sup>45</sup> Joshua Bell, Deposition, November 24, 1885, and Joshua Potts to Commissioner of Pensions, July 25, 1903, Pension file of Lewis (Maggie) Hansberry, XC No. 496898, USNA.

When Hansberry submitted a Civil War pension claim for an injury he sustained to his groin at Red River, his case was referred for special examination. The examiner concluded from the evidence that the claim had “some indications of merit,” but, “the claimant’s methods of procuring affidavits from comrades etc. evince a feverish eagerness.” One of his witnesses appeared to the examiner to have “almost no personal knowledge of matters testified to in his affidavit, and which he frankly admits was sent him already filled out according to the examiner.” Hansberry would eventually receive his pension, but it was in spite of all his tactics, which the examiner felt demonstrated, “if I may say it, a want of manliness hardly commendable.”<sup>46</sup> Only time could vindicate Lewis Hansberry’s character. Obviously, if he survived the massacre at Red River, and then returned to reenlist for the war in Cuba he was either intensely patriotic or frighteningly keen on military service. Whatever the case, it is unlikely that Hansberry was so wanting in manliness that he enlisted in the conflict with Spain simply to become a ward of the government—he was, of course, already receiving a pension as a Civil War veteran.

Pension law also required that a soldier prove his disease was not the result of vicious habits.<sup>47</sup> Vicious habits could refer to anything from masturbation to cocaine use, and similarly the term “vicious diseases” could apply to any venereal disease such

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<sup>46</sup> A.H. Sweetser, Letter to John Black, n.d., Pension file of Lewis (Maggie) Hansberry, XC No. 496898, USNA.

<sup>47</sup> Pension file of Frank Hoskins, (8<sup>th</sup> Illinois Volunteers), App. No. 1231741, USNA. For successful claim post 1920 see pension file of John Leahy (2<sup>nd</sup> USV), XC# 947854, USNA. For treatments of “vice” and vicious habits in the historiography, see on homosexuality Bert Hansen, “American Physicians “Discovery” Of Homosexuals, 1880-1900: A New Diagnosis in a Changing Society ” in *Sickness and Health in American: Readings in the History of Medicine and Public Health*, ed. Judith W. Leavitt and Ronald L. Numbers, 3<sup>rd</sup> ed.(Madison: University of Wisconsin Press, 1997), 13-31. On masturbation see Rosenberg, “Sexuality, Class and Role in 19th Century America,” especially 136-38; H. Tristram Engelhardt, “The Disease of Masturbation: Values and the Concept of Disease,” in *Sickness and Health in America: Readings In the History of Medicine and Public Health*, ed. Judith W. Leavitt and Ronald L. Numbers, 2<sup>nd</sup> ed. (Madison: University of Wisconsin Press, 1985), 13-21.

as syphilis or gonorrhea. Vicious habits and diseases were the exact antithesis to the ideals of manliness and self- possession, and the bureau, by authorizing its agents to investigate an applicant, ultimately empowered its representatives to evaluate him by the ideals of middle class manliness.<sup>48</sup> Alternate causation for disease was the most powerful means of discrediting a claim—particularly when the alternate causation was a “vicious habit” or “vicious disease.”

The War Department’s emphasis on syphilis and venereal disease among the troops is well known to historians of medicine in the post WWI period.<sup>49</sup> However, years before the earliest hint that the bureau was developing an official protocol for reviewing syphilitic applications as it did during WWI, the disease was a valid medical standard for establishing alternate causation for particular ailments. By the post-WWI era, the bureau was avidly requiring that “evidences of the results of vicious habits should be sought in every case and reported on.”<sup>50</sup> In the pre-WWI period, if an examiner could establish that syphilis was present, it raised all sorts of questions about whether or not a claim was valid. Some examiners feared that syphilis might have caused some of the injuries for which a claim was being filed, such as rheumatism. One doctor, for example, linked syphilis to tuberculosis, arguing that they were both diseases

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<sup>48</sup> On moderation and restraint as the cornerstone of sexual health, balance, and gentlemanly virtue in the nineteenth century see Rosenberg, "Sexuality, Class and Role in 19th Century America," 137.

<sup>49</sup> See Allen Brandt, *No Magic Bullet: A Social History of Venereal Disease in the United States since 1880* (New York: Oxford University Press, 1985), 57-121; D. Clayton Brown, "Health of Farm Children in the South, 1900-1950," *Agricultural History* Vol. 53, no. 1, Southern Agriculture Since the Civil War: A Symposium (1979):170-87; Smith, *Sick and Tired of Being Sick and Tired*, 11. By 1920, the federal government had relaxed the pension legislation so that an individual only had to prove disability existed and not that it resulted from war related service.

<sup>50</sup> Commissioner of Pensions, Letter to Dr. V.P. Gaines, March 29, 1911, Pension file of Frank Hunter, App. No. 1424319; However, the bureau did continue to reject all claims that could result from vicious habits or venereal disease.

of “intemperance and immorality.”<sup>51</sup> But above all, because the pension was a symbolic marker of manliness and bravery, having a vicious habit or disease threatened to detract from that. Having syphilis was enough to limit one’s access to the social bond of citizenship.

When filing his claim for a pension, Pierre Carmouche attempted to reject the apparent moral stigma of venereal disease by appealing to the ideals of manliness; he identified himself as a patriot and a patriarch. His case spans twenty-six years and occurred in several different phases. By 1903, Carmouche, the first lieutenant of Company L of the Ninth USV, had left Donaldsonville, Louisiana and relocated to Detroit, Michigan. There, he hired an attorney to appeal a negative ruling against his third application for a pension. The Baton Rouge and New Orleans’ boards of surgeons had examined Carmouche in 1899 and 1902 respectively. During Carmouche’s 1902 examination, the surgeons concluded that there was evidence of vicious habits and a history of several attacks of gonorrhea dating back fifteen years. But seventeen months later the veteran and his family had moved to Detroit, and the Detroit board of surgeons

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<sup>51</sup> J.M. Barrier, "Tuberculosis among Our Negroes in Louisiana," *Transactions of the Louisiana State Medical Society* 23 (1902):130-38, 132-4. For other examples of linkages between syphilis and other diseases in the medical literature see Howard Fox, "A Case of Annular Syphilis in a Negress," *The Journal of the American Medical Association* LX, no. 19 (May 10 1913):1420-21; H.H. Hazen, "Syphilis in the American Negro," *The Journal of the American Medical Association* LXIII, no. 9 (Aug. 8, 1914):463-66; Thomas M. Murrell, "Syphilis and the American Negro: A Medico Sociologic Study," *The Journal of the American Medical Association* LIV, no. 846-49 (Mar. 1910). For a historical treatment of blacks and syphilis, the best source on the subject continues to be James H. Jones, *Bad Blood: The Tuskegee Syphilis Experiment*, New and expanded ed. (New York: Maxwell McMillan International, 1993).

In Eras Flood’s case, syphilis, tuberculosis, and an abscess of liver combined to justify a negative ruling. See Marian Jefferson, Letter to Hon. Mr. J.L. Davenport, New Iberia, LA Aug 25, 1912 and J.L. Davenport, Letter to Marian Jefferson, Oct. 9, 1912, Pension file of Eras Flood, Wid. App. # 947,780, USNA.

John Dorsey told a similar story. The bureau concluded that the rheumatism in the left knee was attributable to venereal disease not military service. Rebecca Dorsey, Appeal, September 13, 1914, Pension file of John Dorsey, Cert. No. 863890, USNA.

could not find any evidence of vicious habits. The bureau, confused by the variance in testimony, ordered him to appear before yet another board of surgeons.<sup>52</sup> Still, the bureau rejected his fourth appeal filed in 1907, on the grounds that the board of examiners in Pontiac, Michigan, could not connect his disability to military service. This time, however, the board did not find any evidence of vicious habits. With only the case of his piles (hemorrhoids) and rheumatism to consider, the Pontiac board agreed with the two Louisiana boards of examiners, ruling that he had contracted the diseases prior to enlistment.<sup>53</sup>

The obstacles to Carmouche's claim reveal a web of political machinations and maneuverings that go beyond the adjudication of a standard claim, running much deeper into the realm of local Louisiana politics. Special examiners were sent to conduct interviews and research the details of an application in cases requiring further investigation. D.K. Fitzhugh, one of the special examiners for the southern district of Louisiana, took special effort to discredit Carmouche's claim.

Without cross-checking the medical record, D.K. Fitzhugh increased the odds of the bureau's rejection by claiming that Carmouche had syphilis. Syphilis was much more likely to be connected with other ailments than gonorrhea. Apparently, Fitzhugh had heard from Mr. Victor Cantrell—Carmouche's sworn enemy—that the veteran had the “vicious disease.”<sup>54</sup>

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<sup>52</sup> Jesse Wilson, Report to Commissioner of Pensions, April 26, 1907, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>53</sup> Jesse Wilson, Report to Commissioner of Pensions on Appeal of Pierre Carmouche, Jun. 24, 1907, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>54</sup> D.K. Fitzhugh, Letter to Commissioner of Pensions, Dec. 31, 1904, Pension File of Pierre Carmouche, XC. No. 24444335, USNA. See earlier discussion in footnote 51 in this chapter regarding connections

In a 1909 appeal letter, Carmouche informed the Commissioner that it had come to his attention that Victor Cantrell was responsible for the allegations of syphilis being made against him. Carmouche began with a question in which he refuted his connection to vicious habits by referencing his virility and public standing:

Does it stand to reason that a man whose habits in life were as “vicious,” whose health was so weakened or undermined physically by such vicious habits, who in other words was a common libertine...could have withstood the ravages of exposure...to be encountered in the deadly climate of Cuba in the capacity of an active soldier?<sup>55</sup>

While avidly refuting that he had syphilis, Carmouche also attempted to mitigate the stigma of carrying a vicious disease by establishing his status as a patriarch and patriot. Carmouche’s letter continued, “it is no secret in Donaldsonville, LA as to Victor Cantrell being my most bitter enemy; I might say, justly, a deadly enemy.” He also included D.K. Fitzhugh on his list of enemies, declaring that this was additional basis for throwing out his 1904 examination. Carmouche reminded the examiner that Fitzhugh had been fired as the district special examiner of pensions in the time since his first filing. He then launched an offensive against Cantrell and Fitzhugh by challenging their manhood and asserting his own. Carmouche admitted that while he was younger, “as all young men, I had my fun with the women,” but as he noted, “in a quiet, nice, and manly way. I made it my business to pay and go. I made my living by honest toil.” Speaking further to the manly ideals of self-restraint and honor, he closed the letter with a counter-charge regarding Cantrell’s character. “While I was earning my bread by the

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between syphilis and other diseases. For Carmouche on Cantrell see Pierre Carmouche, Letter to the Commissioner of Pensions, December 3, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>55</sup> Pierre Carmouche, Letter to the Commissioner of Pensions, December 3, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

sweat of my brow at the anvil, paying my way, in a manly way with the women, Victor C. Cantrell was earning his living on the earnings of prostitutes, ....He was a well known pimp and gambler in the community.”<sup>56</sup>

Carmouche’s case was atypical for the amount of local controversy it involved; the bureau’s rigid approach to “vicious habits” cases usually made them considerably more straightforward to adjudicate. But the cases of white applicants could also pose special problems. Joseph Harlan, for example, was among the first generation of white descendents of former confederates to be eligible to receive pensions.<sup>57</sup> Harlan claimed to suffer from lung trouble and an inflammation of the mucus membrane in his nostril. In a letter to the Adjutant General, Harlan clarified his prior soundness, heredity, and good habits. He wrote, “I made application for pension and made the same because I was a sound and healthy man when I enlisted and I inherited no disease from my parent. My habits have been good.”<sup>58</sup>

When Joseph Harlan applied for a pension in 1901, J.F. Raub, who also served as a medical referee in Carmouche’s 1902 case, placed a note in Harlan’s file instructing all involved to scrutinize the case with “extra care” and describe his condition in detail. The set of questions he posed were simultaneously poignant and telling: “Are any of his disabilities due to or aggravated by vicious habits? Is he well

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<sup>56</sup> Pierre Carmouche, Letter to the Commissioner of Pensions, December 3, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>57</sup> Confederates and their descendents were disqualified from receiving pensions under the 1862 law. Congress reversed the policy in 1898.

<sup>58</sup> Joseph Harlan, Letter to Commissioner of Pensions, n.d. 1901?, Pension file of Joseph Harlan, App. No. 1227324, USNA.

nourished? Is he now suffering from chills and fever?”<sup>59</sup> Joseph Harlan found his claim denied on the basis of his vicious habits. The doctor found Harlan to be “well nourished” and not consumptive, but he noticed that the claimant did have “the appearance of Catarrh” (a chronic inflammation of a mucous membrane affecting the nose and air passages). The doctor concluded that his nostril “might be aggravated by some vicious habit,” and ruled that his claim could not be connected to military service.<sup>60</sup> The bureau denied his claim despite his impassioned pleas as a southerner whose father had “fought against the flag,” but had taught him “to fight for it.”<sup>61</sup>

Similarly, Frank Hoskins, of the African American Eighth Illinois volunteers, was “evidently of irregular habits, addicted to the use of liquor,” and had a “well marked chancre sore on the glans penis.” These details cast enough doubt on his application to prompt the bureau to reject his claim. In 1901, Hoskins claimed he had contracted diseases of eyes, rheumatism, malarial fever, and malarial poisoning during service. The medical examiner could not find proof of the malarial fever and malarial poisoning. However, he could identify Hoskins’ irregular habits, which he noted in his rejection of the claim.<sup>62</sup>

Pierre Carmouche, Joseph Harlan, and Frank Hoskins demonstrate the range of challenges facing soldiers accused of irregular or vicious habits. But their cases also

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<sup>59</sup>J.F. Raub, Memorandum, January 29, 1901, Pension file of Joseph Harlan, App. No. 1227324, USNA. Raub was also medical the referee in Carmouche’s 1902 appeal. See J. F. Raub, Review of Pierre Carmouche’s Appeal, July 28, 1902, Pension file of Pierre Carmouche, XC. No. 24444335, USNA. On the connection between syphilis and other diseases such as TB see footnote 51.

<sup>60</sup> Surgeon’s Certificate, February 6, 1901, Pension File of Joseph Harlan, App. No. 1227324, USNA.

<sup>61</sup> Joseph Harlan, Letter to Commissioner of Pensions, n.d. 1901?, Pension file of Joseph Harlan, App. No. 1227324, USNA.

<sup>62</sup> Surgeon’s Certificate, Nov. 26, 1901, Pension file of Frank Hoskins, App. No. 1231741, USNA. Hoskins filed an Appeal in 1911 that was also rejected.



demonstrate the challenges the bureau was posing to examining physicians. Doctors were not being called upon to cure disease, they were being called to identify its causes. By the time the volunteers mustered out in 1899, the bureau had begun to police the pension more stringently and limit it to the truly “manly” and “worthy.”

### *The Problem of Fevers*

Spanish American war applicants were the recipients of a political backlash not of their own making. Malarial poisoning was rarely—if ever—deemed pensionable by the bureau’s standards; it was too difficult to measure the degree to which an individual remained disabled after “recovering” from an initial bout.<sup>63</sup> Harriet Hope, mother of George Hope, an African American private in the Ninth USV, faced this disappointment shortly after the troops were mustered out. She applied for a pension, claiming that her son had come home from Camp Meade where he was mustered out, “sick and suffering with fever...and continued to suffer worse and worse until the day of his death.”<sup>64</sup>

Though it appeared to Hope that her son had been sick since his mustering out, the bureau claimed that she could not prove that his death had resulted from his military service. The records in Hope’s case are sparse, but it appears that although George died shortly after returning, his malaria had not been recorded at his discharge. Many experienced this disconnect between what they felt and what the bureau saw. Nor was

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<sup>63</sup> This conclusion is reached based on my review of pension applications submitted by the Ninth USV Infantry and a sampling of three companies of soldiers from the Second USV and the Eighth Illinois. I have not been able to locate a case of a soldier who applied for a pension based on malaria and was subsequently pensioned prior to the liberalizing laws later in the century.

<sup>64</sup> Declaration for Original Pension of Father or Mother, May 10, 1900, Pension file of George Hope, App. No. 718686, USNA.

Hope alone in claiming that carrying disease in one's body was enough to justify a pension claim.

William Labrocier served in the same company as Harriet Hope's son George. According to Labrocier's service record and his own testimony, he had been sick from malaria fever for three months while in the service. Labrocier was not well, but he was alive, and in this he fared much better than George Hope. He, at least, was able to provide enough detail to the special examiner to make a strong case for himself. He recalled being treated at the General Hospital at Santiago, Cuba before he was later moved to the Josiah Simpson Hospital at Fortress Monroe. Labrocier was among the fortunate (but small) number of soldiers whose military medical record supported his postwar claims, though even this was not enough to meet the challenge of applying for disability from malaria. The bureau also rejected his claim.<sup>65</sup>

Overall, yellow fever was more deadly than malaria, and if a soldier died in service it was much easier for a dependent to claim a pension. These cases were considered *prima facie*, and the burden of culpability was diminished.<sup>66</sup> Ironically, the immunes, recruited for their ostensible resistance to yellow fever, had proved to be equally susceptible to the diseases. Medical professionals and African Americans hoping to achieve citizenship rights had met on common ground. Arguments such as

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<sup>65</sup> Surgeon's Certificate, April 3, 1912, Pension file of William Labrocier, App. No.1398834, USNA.

<sup>66</sup> There are a number of useful texts that have proved insightful on yellow fever in the war particularly Cirillo, *Bulletts and Bacilli*, 92-97. For general histories of yellow fever epidemics in the South, for a social history, see Margaret Humphreys, *Yellow Fever and the South* (New Brunswick: Rutgers University Press, 1992), especially 37. For a study of the science behind yellow fever see Khaled J. Bloom, *The Mississippi Valley's Great Yellow Fever Epidemic of 1878* (Baton Rouge: Louisiana State University Press, 1993), 1-33.

these worked to bolster eugenic definitions of race and color, arguments made by medical professionals and African Americans alike in 1898.<sup>67</sup>

Despite surviving yellow fever outbreaks in the United States, many immunes—black and white—succumbed to the disease in Cuba. There were limits to an individual's ability to have acquired immunity to yellow fever; immunity was not absolute. Moreover, the Medical Department had yet to acknowledge the role of the mosquito in causing its spread.<sup>68</sup> Fedia Boone was a private in Pierre Carmouche's company, Company L. Whether Boone knew Carmouche before enlistment is not clear—Boone was born in New Orleans and Carmouche was from Donaldsonville. But by the fall of 1898, Carmouche was responsible for Boone's whereabouts as Lieutenant of the regiment. By 1908, both men had left the South and moved North—Boone to Cairo, Illinois, and Carmouche to Detroit, Michigan. When it was time to gather testimony for his application, Boone called on his former lieutenant to support his claim.<sup>69</sup>

As first lieutenant, Carmouche was often called upon to testify to claims for disability pensions. He described himself as an officer who, given his level of responsibility, was intimately aware of the health issues affecting his men. Carmouche

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<sup>67</sup> My thinking on this subject is greatly influenced by Martin Pernick, "Race, Labor, and Fevers in the Pre-Canal USA: Brief Remarks on Some Unexamined Issues," (Ann Arbor: Clements Library, 2000). See discussion of politics of enlistment in "Fruits of Citizenship," chap. 1.

<sup>68</sup> The *Aedes aegypti* mosquito was identified by Carlos Findlay as the carrier of yellow fever. See Bloom, *The Mississippi Valley's Great Yellow Fever Epidemic of 1878*, 11-33; Gillett, *The Army Medical Department*, 153; Humphreys, *Yellow Fever and the South*, 31-44. See John Farley, "Parasites and the Germ Theory of Disease," in Rosenberg and Golden, eds., *Framing Disease*, 34-49. He argues that the concurrent advancements in the germ theory of transmission might have slowed the ability of medical professionals to accept parasitology.

<sup>69</sup> Biographical information on Carmouche and Boone gathered from *Muster-in Roll*. Regimental Records, 9th Infantry, U.S.V. Records of the Department of War: Office of the Adjutant General, 1898-1899, Record Group 94, USNA.

remembered that Fedia Boone had a case of “typhoid or yellow fever” that was later followed by a case of “pneumonia or lung trouble.” The latter did not manifest itself until November of 1898, when, according to Carmouche, several others complained of it. The notary in charge of taking Carmouche’s statement placed the quotation marks around the word “typhoid” and not yellow fever, which is both curious and unclear. Though we do not know the notary’s background, he was writing from Detroit in 1908. He was, perhaps, less familiar with the disease than Carmouche and others who had been exposed to outbreaks. Whatever the case, it was Carmouche who either could not remember which one it was, conflated the two, or thought it was some combination of both.<sup>70</sup>

Carmouche’s conflating of typhoid and yellow fever is interesting because it demonstrates how little was known about yellow fever and typhoid. It also shows how the fear of the unknown could affect a soldier’s care. Yellow fever and typhoid were both thought of as miasmatic diseases—literally diseases of “bad air” – just as malaria had been before the mosquito’s role in transmission was discovered in 1898. At the end of the century, the pathogen that caused typhoid, a disease of the bowels, was finally found to thrive in contaminated substances such as water. But yellow fever’s source remained elusive until 1902 when scientists discovered that it was carried by mosquitoes. Characterized by the yellow tinge it brings to eyes and skin, yellow fever is

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<sup>70</sup> Pierre Carmouche, Affidavit, November 19, 1908, Pension file of Fedia Boone, XC No. 24444335, USNA.

a gruesome disease. Victims produce a horrific “black vomit” as a result of bleeding in the stomach.<sup>71</sup>

Reflecting the discovery of typhoid’s pathogen late in the war, Carmouche saw Boone’s bout with “yellow fever or ‘typhoid’ ” as “owing to water and improper diet, and climate.” He recalled that Boone, “like hundreds of others contracted indigestion.”<sup>72</sup> Whether Carmouche acquired this depiction of both yellow fever and typhoid as diseases with similar roots in the service or elsewhere, he reflected the War Department’s handling of the situation. Fearing that the disease entered the body through the respiratory system, many men, perhaps even Boone, received panic-induced diagnoses and were quarantined in yellow fever wards out of fear, even if they did not have the disease. In general, tuberculosis, malaria, diarrhea, enteritis, meningitis, and pneumonia were all responsible for more deaths than yellow fever, but because its source remained so elusive, it was an outbreak of yellow fever that had the power to induce fear in the camps. As a result, many men found themselves quarantined or relocated to other areas when yellow jack struck camp.<sup>73</sup>

Few soldiers left the war without contracting some form of “fever”—malaria, typhoid, yellow, or bilious—but they and their families had a different sense of who was to blame. The bureau had historically awarded pensions for death or wounds sustained in service, in this instance, however, the bureau found itself bombarded with applications from the same soldiers they had claimed as “immunes.” To a population

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<sup>71</sup> Typhoid was also commonly confused with malaria. On infectious diseases, typhoid theory, and yellow fever see Cirillo, *Bulletts and Bacilli*, 57-90, 9. See also Humphreys, *Malaria*, 44-45.

<sup>72</sup> Pierre Carmouche, Affidavit, November 19, 1908, Pension file of Fedia Boone, XC No. 24444335, USNA.

<sup>73</sup> On handling of yellow fever outbreak in Cuba see Cirillo, *Bulletts and Bacilli*, 92-97, 111-20; Humphreys, *Yellow Fever and the South*, 31-44.

that assumed that the government should protect the bodies of its soldiers, the fact that many returned sick with “fevers” was cause to file a claim against the government.<sup>74</sup>

Soldiers like Hope, Labrocier, and Boone who filed for malaria and yellow fever based disability claims found that their case was a hard one to make. They were also bound up to a significant extent in a larger political controversy regarding manliness, disability, and the pension system. The major obstacle to their cases was the provision in the 1862 law that required illness to result in a ratable degree of disability. Though the law allowed an applicant to submit testimony from co-workers and acquaintances as proof of disability, the ratability standard proved nearly impossible to meet if a soldier did not obtain an official medical rating from the local board of examiners. The gulf between feeling sick and being sick enough to earn a disability pension plagued many soldiers. The issue at hand was not whether one could contract a disease, but rather, whether that disease was sufficiently debilitating.

### **Medicine, Black Patients, and the “Negro Problem”**

John Greer claimed that “lung disease” had partially incapacitated him and made him unable to procure his subsistence since 1899. In 1900, Greer, a private in Company A of the Ninth USV, submitted his first request for a pension, describing his condition in these terms: he testified that he caught a cold from sleeping on the ground, which had settled in his throat and chest, creating asthma. He also alleged that sleeping on the ground had given him rheumatism in his shoulders and back. Greer claimed he had been suffering from “this trouble” (referring to the asthma) since April of 1899, the

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<sup>74</sup> On general outrage and the fever crisis in Cuba and the Dodge Commission report on health problems see Cirillo, *Bulletts and Bacilli*, 91-110.

month prior to his discharge, and from the rheumatism since January of 1900. These ailments, Greer said, made him unable to work more than two weeks since his discharge.<sup>75</sup> “Lung diseases” or “lung trouble” could refer to pneumonia, tuberculosis, or any type of illness of the respiratory system, and was a common ailment among the troops. Lieutenant Carmouche had noted an outbreak of “lung trouble” among the men of the regiment between November of 1898 and January of 1899.<sup>76</sup> More than most, John Greer’s file provides a detailed account of how notions of susceptibility, race, and class could shape a medical and legal diagnosis.

The Pension Bureau found Greer’s statement curious for several reasons. According to a note placed in the applicant’s file by an unidentified pension agent, the soldier had stated at the time of his discharge that he had no disability. Furthermore, he claimed he had been sick in quarters for several days, but there was nothing in his record that referred to lung trouble. The bureau requested that this discrepancy be rectified if the soldier wanted to receive a pension. Even more curious was the fact that the soldier had waited eighteen months from the time of his discharge to seek treatment from Dr. Noble, a local physician and member of the local board of examiners. According to the bureau officer, it was more “probable that this soldier (colored) died of the 'galloping consumption' common to people of his race.”<sup>77</sup>

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<sup>75</sup> John Greer, Declaration for an Original Invalid Pension, November 20, 1900, Pension file of John Greer, Wid. App. No. 740766, USNA. For historical treatment of perceived susceptibility of blacks to tuberculosis see Tera W Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors after the Civil War* (Cambridge: Harvard University Press, 1997), 187-218; David McBride, *From TB to AIDS: Epidemics among Urban Blacks since 1900* (Albany: State University Press, 1991), 9-22.

<sup>76</sup> Pierre Carmouche, Affidavit, November 19, 1908, Pension file of Fedia Boone, XC NO. 24444335, USNA. He recalled in particular that Fedia Boone, “Corporal Williams, Lawson, and some others complained of Pneumonia or lung troubles.” Lawson died from its effects January 17, 1898.

<sup>77</sup> Unidentified memorandum, n.d., Pension File of John Greer, Wid. App. No. 740766, USNA.

In the pre-germ theory era, tuberculosis was often considered a disease that spontaneously erupted as a result of weak constitution or was inherited from parents. Then in 1882 when Robert Koch, a German scientist, discovered that the tubercle bacillus caused the disease, it was re-categorized as infectious. Once airborne, the bacillus could be transmitted from person to person as it was coughed up or spit out. But Koch's theory was not easily accepted, and for the remainder of the nineteenth century the two theories of transmission—one focusing on heredity and constitution and the other on bacilli—were awkwardly wed.<sup>78</sup>

The writings of Dr. J.M. Barrier, a Louisiana physician, are emblematic of the mixed theories regarding bacillary transmission, heredity, and constitutional disposition. The doctor welcomed Koch's theory, but argued that as a practitioner he was rightfully more concerned with predisposing causes such as heredity, idleness, immorality, and overcrowded conditions.<sup>79</sup> Barrier was "not able to say" whether black people possessed a constitutional disposition or if "this susceptibility is due to their environments," but he was convinced that the obstacles of "ignorance and superstition, and poverty" would overwhelm any treatment plan. Partly scientific, partly political, Barrier's comments blamed heredity and idleness rather than socio-economic factors for the "poorly ventilated dives," a common trend in medical, public health, and political circles.<sup>80</sup>

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<sup>78</sup> Hunter, *To 'Joy My Freedom*, 194-95; McBride, *From TB to AIDS*, 11-22. There was also a popularly established link to poverty and hardship as portrayed in *La Bohème* (1896).

<sup>79</sup> Barrier, "Tuberculosis among Our Negroes in Louisiana," 133.

<sup>80</sup> Barrier, "Tuberculosis among Our Negroes in Louisiana," 135. For similar discussion see Theophilus Powell, "The Increase of Insanity and Tuberculosis in the Southern Negro since 1860, and Its Alliance, and Some of the Supposed Causes," *Journal of the American Medical Association* 27 (1896):1185-88;



Dr. William Noble, a member of the federally commissioned board of surgeons, defended John Greer to the bureau. Noble's writings read as if he were consciously participating in the discourse on black people and tuberculosis. The doctor interjected that Greer's tubercular condition could not be blamed on his family. Noble claimed he was convinced that Greer's symptoms were genuine and he was in no condition to work from the first time he saw the soldier in December of 1900. Noble testified that the applicant had acute pulmonary tuberculosis of his left lung, caused "as I should judge by a case of pneumonia then bronchitis the above following." While in the doctor's office, Greer had several hemorrhages from his lungs, and Greer's condition only worsened until finally he had to be confined to bed, dying two days later.<sup>81</sup>

In his affidavit, the doctor accomplished two things. First, he squarely addressed the issue of John and his mother Emily's worthiness for a pension, and second, he intimated the assumed connection between class, character, and health in turn of the century thought. "His father and mother are both living in this city and in good health and a good class of colored people both hard workers." When Dr. Noble testified that John Greer's family was from "the better class of Negroes," he demonstrated that a successful diagnosis and application would draw on both social and political factors.<sup>82</sup>

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L.C. Allen, "The Negro Health Problem," *American Journal of Public Health* 5 (1915):194-203; "The Negro as an Asset and a Liability," *The New Orleans Medical and Surgical Journal* 67, no. 4 (1914): 384-85. For a historical context and review of literature regarding the question of black health in the medical literature during the era see John S. Haller, "The Physician Versus the Negro: Medical and Anthropological Concepts of Race in the Late Nineteenth Century," *Bulletin of the History of Medicine* 44 (1970):154-67.

<sup>81</sup> Dr. William Noble, Physicians Affidavit, May 3, 1901, Pension file of John Greer, Wid. App. No. 740766, USNA.

Greer's case is indicative of several ways that eugenic theories of race were being applied in practice. While the record is silent on the identity of the unidentified agent in Greer's case, the certainty that prompted the examiner to look for galloping consumption echoed a widespread belief in black people's alleged constitutional disposition toward disease. It also demonstrates the growing association between blackness and TB by the early twentieth-century. In this context, these cases became sites of knowledge production, where theories of black susceptibility were being tested using the rubrics established by anthropologists, anthromorphicists, and physicians to judge the vitality of the black race.<sup>83</sup>

The burning question of what would become of the "Negro race" in the post-emancipation era had prompted numerous efforts to collect medical data on freedmen. The Civil War was a watershed for anthropomorphic statistics collections—yielding data sets that included the measurements of chests, lungs, respiration, limbs, and other body parts.<sup>84</sup> The idea that there were physiological differences between black and white patients was a given; scientists had worked to statistically record what they had already observed. Their goal was to create an ideal prototype of each race against

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<sup>82</sup> Eyler also argues that Tuberculosis was commonly associated with the poor in England as well see Eyler, "The Sick the Poor and the State: Arthor Newsholme on Poverly, Disease, and Responsibility," particularly 280.

<sup>83</sup> Anthromorphicists measured body parts attempting to develop statistical norms and averages for races of humans.

<sup>84</sup> Both the Provost Marshal-General's Bureau and the United States Sanitary Commission, a semiofficial organization, became pioneering forces in measuring soldiers during the war. These same statistics informed nearly all nineteenth century institutionalized studies of racial inferiority. By the end of the nineteenth century, scientists had devoted considerable attention to the study of physiological racial difference and had developed statistical norms regarding the measurements of black versus white body parts. See John S. Haller, *Outcasts from Evolution: Scientific Attitudes toward Racial Inferiority, 1850-1900*, 2nd ed. (Carbondale: Southern Illinois University Press, 1995), 20; Benjamin A. Gould, *Investigations in the Military and Anthropological Statistics of American Soldiers* (New York: Published by U.S. Sanitary Commission, by Hurd and Houghton, 1869); Frederick L. Hoffman, "The Race Traits of the American Negro," *Publications of the American Economic Association* 11, no. 1/3 (1896):1-329.

which to judge the individual. Hence, scientists worked to quantify difference in statistical terms in order to determine categorical difference, verify the inferiority of the Negro, and rationalize the politics of disfranchisement and segregation.<sup>85</sup>

In the 1890's medical literature was replete with similar discussions over the physiological differences of the black population and their longevity as a race. In the 1880's, many had predicted that the black population in the South would exponentially increase until it was larger than that of white southerners. When the 1890 census failed to demonstrate the expected returns, it prompted numerous investigations by doctors, insurance companies, and statisticians into the supposedly declining health of the black race. Their studies focused on the "problem" of Negro health in the post-emancipation era.<sup>86</sup>

Perhaps the most widely known supporter of the weak and dying race theory was Frederick K.C. Hoffman. In 1896, Hoffman, a statistician for Prudential Life Insurance Company, conducted a numerical study of vital and social statistics on the black population. His influential 1896 "Race Traits and Tendencies of the American Negro" argued that the African American race would eventually become extinct due to the growing rates of tuberculosis and venereal disease. Based on measurements taken of chest, lungs, and bodily structures, Hoffman concluded that there were drastically

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<sup>85</sup> Haller, *Outcasts from Evolution*, xi-xvi, 19-39; Nancy Leys Stepan and Sander L. Gilman, "Appropriating the Idioms of Science: The Rejection of Scientific Racism," in *The Bounds of Race: Perspectives on Hegemony and Resistance*, ed. Dominick LaCapra (Ithaca: Cornell University Press, 1991), 72-103. Hoffman relies on Gould's "Military Statistics" to create standards for weight, girth of chest, inspiration, and expiration.

<sup>86</sup> By the end of the nineteenth century the "Negro" problem had become thoroughly medicalized. As tuberculosis metamorphosed from a "white folks disease" to a "Negro disease," the "Negro problem" became firmly entrenched in scientific and medical thought. See Hunter, *To 'Joy My Freedom*, 195; McBride, *From TB to AIDS*, 16-22; For broader historiography see Haller, "The Physician Versus the Negro."

different causes of tuberculosis in black and white patients.<sup>87</sup> The bulk of Hoffman's research focused on the relative lung capacities of the races. Based on the weighing and measuring of lungs for blacks versus white patients, he determined that black people possessed smaller lungs on average. The so-called "tropical lung" was his explanation for why black people were disproportionately predisposed to contracting TB.<sup>88</sup> Scientists and doctors practicing this version of racialized medicine did not go uncontested. African American physicians like E. Mayfield Boyle argued there was something wrong if "the mere prevalence of tuberculosis among American Negroes and its lesser

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<sup>87</sup> Hoffman, "The Race Traits of the American Negro," 75, 145-6. For a contextualization on Hoffman see Haller, *Outcasts from Evolution*, 60-68; McBride, *From TB to AIDS*, 16-18.

Hoffman was not alone in advocating the "dying race theory." He, like his contemporaries, pointed to the "stresses of freedom" which included the hardships of military service as a cause of death. J.T. Walton, "The Comparative Mortality of the White and Colored Races in the South," *The Charlotte Medical Journal* (1897):291-94, 202-3. See also Powell, "The Increase of Insanity and Tuberculosis in the Southern Negro since 1860, and Its Alliance, and Some of the Supposed Causes," 1185-88; Allen, "The Negro Health Problem," 194-203; Thos. J. McKie, "A Brief History of Insanity and Tuberculosis in the Southern Negro," *The Journal of the American Medical Association* (1897):537-38; Thomas J. Mays, "Increase of Consumption and Insanity among the Negro Population of the South since the War," *The Boston Medical and Surgical Journal* CXXXVI (Jan.-Jun. 1897):537-40; Thomas Jesse Jones Ph.D., "Tuberculosis among the Negroes," *The American Journal of the Medical Sciences* (1906); Bruce McVey, "Negro Practice," *The New Orleans Medical and Surgical Journal* 20, no. 5 (1882):328-32; and Barrier, "Tuberculosis among Our Negroes in Louisiana," 130-138. There were several debates over exactly how racial categorization and eugenics affected susceptibility. Dr. Barrier argued that the only black people he knew to recover from consumption were "mulattoes." He said, "I have never seen a full blooded Negro survive over twelve months." Barrier, "Tuberculosis among Our Negroes in Louisiana," 133. Dr. Walton, as did Hoffman, believed that those of mixed race were the most inferior in terms of lung capacity. Walton, "The Comparative Mortality of the White and Colored Races in the South," 294.

<sup>87</sup> Hoffman also measured the thorax and measured the capacity of the lungs by measuring rates of inspiration and respiration. He found that for both blacks and whites a diseased lung could be determined by depressed lung capacity, which consequently resulted in faster rates of aspiration and respiration. (Hence, a doctor would know a person who was sick because they were breathing faster). According to Hoffman, what predisposed black people to mortality from TB was the smaller size of the living thorax, the smaller capacity of lungs, and their accelerated respiration. Hoffman, "The Race Traits of the American Negro," 163-67.

<sup>88</sup> E. Mayfield Boyle, "The Negro and Tuberculosis (1912)," in Vanessa Northington Gamble, ed. *Germs Have No Color Line : Blacks and American Medicine, 1900-1940*, Medical Care in the United States (New York: Garland Pub., 1989), 44-5. On responses to the dying race concept see also McBride, *From TB to AIDS*, 22-30; David McBride, "The Henry Phipps Institute, 1903-1937: Pioneering Tuberculosis Work with an Urban Minority," *Bulletin of the History of Medicine* 61 (1987):78-97; and Mitchell, *Righteous Propagation*, chap. 5.

prevalence among American whites need no further explanation than the Negro's body is inferior."<sup>89</sup> Similarly, Atlanta University Professor W.E.B. Du Bois wrote a particularly sharp review of *Race Traits* in which he refuted Hoffman's methods and conclusions. In sum, he argued that Hoffman had relied on sources—namely the eleventh census and the military statistics—that were “of doubtful value, on account of the character of the material, the extent of the field, and the unscientific use of the scientific method.”<sup>90</sup>

By the next decade, Du Bois would mount a far-reaching attack on scientific racism in *The Health and the Physique of the American Negro*, the published findings of the 1906 Atlanta Conference on Black Health.<sup>91</sup> *Health and Physique* presented a systematic refutation of Hoffman's work, arguing for the impact of environmental and social conditions on black health and mortality. Du Bois summarized the findings very simply: “the present differences in mortality seem to be sufficiently explained by conditions of life.” Like many of Du Bois' other writings, both the review of *Race Traits* and *Health and Physique* pointed to the “dogged Anglo Saxon prejudice that had

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<sup>90</sup> As Du Bois pointed out, the data failed to account for differences in local environment, class, sex, and age. Even so, he argued, had Hoffman assessed it more carefully he would have found that it supported different conclusions. Du Bois concluded that Hoffman had allowed himself to be “hurried into conclusions which agree with his general thesis.” W.E.B Du Bois, “Review of *Race Traits and Tendencies of the American Negro* by Frederick K.C. Hoffman,” *Annals of the American Academy of Political and Social Science* 9 (Jan. 1897):127-33.

<sup>91</sup> Du Bois, “Review of *Race Traits and Tendencies of the American Negro* by Frederick K.C. Hoffman,” 129. The proceedings of the conference contained excerpts of essays and speeches from Herbert A. Miller, Franz Boas, and Monroe N. Work. The findings reiterated Du Bois' earlier contention expressed in his review of *Race Traits*, highlighting the irony of asserting and not proving how certain race traits only developed in freedom, and pointing out the drastically different social conditions effecting the lives of black Americans. On the conference see McBride, *From TB to AIDS*, 23.

shut nearly every avenue of advancement in their [the descendents of freedmen's] faces."<sup>92</sup>

William Laborocier's 1912 pension claim is an example of how statistical datum was collected and used. An African American volunteer from the Ninth USV, Labrocier had filed his claim in 1912. The doctor measured his chest at 34 ¼ inches and found that his chest was 35 inches when he inhaled and 33 2/4 inches when he exhaled. The doctor did find that the back of both his lungs "were dull with small moist rales due to cedema." The physician measured Labrocier's lungs to determine their health, tested his breathing, and then ruled that the soldier had "no diseases of the lungs including hydrothorax." The doctor recommended giving him a pension for \$12. But his recommendations were only that, recommendations. The board of examiners, which hardly pensioned anyone for lung troubles, denied the claim. <sup>93</sup>

A number of historians have explored the ways that medical knowledge has framed disease in ways that have profoundly shaped interactions among doctors, patients, and families. Charles Rosenberg and Janet Golden have written that "since antiquity physicians have always found intellectual materials at hand with which to explain phenomena." They argue that in creating an explanatory framework for disease, doctors have had to draw from the intellectual works available in their time and space

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<sup>92</sup> Du Bois, "Review of *Race Traits* by Frederick K.C. Hoffman," 132; W. E. B. Du Bois, *The Health and Physique of the Negro American. Report of a Social Study Made under the Direction of Atlanta University; Together with the Proceedings of the Eleventh Conference for the Study of the Negro Problems, Held at Atlanta University, on May the 29th, 1906*, Atlanta University Publications, No. 11 (Atlanta, Ga.: Atlanta University press, 1906), 110. On Du Bois' responses to Hoffman in particular see Smith, *Sick and Tired*, 8. On responses to Hoffman in addition to Du Bois see Mitchell, *Righteous Propagation*, 81-84, 123. On health and discussions within black community of the environmental causes for black health see Mitchell, previously cited, chap. 5.

<sup>93</sup> Surgeon's Certificate, April 3, 1912, Pension file of William Labrocier, App. No. 1398834. Rales are small clicking, bubbling, or rattling sounds in the lung. They are believed to occur when air opens closed air spaces. Rales can be further described as moist, dry, fine, and coarse.

and then apply them to their approaches to patient care.<sup>94</sup> In the mid-to-late-nineteenth century, anthropometry, or anatomical measurement, became a focal point in the study of humans. Physicians and researchers were actively working to use technology as a means to solve major social problems.<sup>95</sup> But technology was being used in a way that often relied on notions of racial differences, and so, anthropometric measurements were used to interpret what scientists and physicians observed and believed.<sup>96</sup>

The medical referees and the local board of examiners were all doctors empowered by the bureau to make some assessments about the plausibility of a claim and ultimately to explain a medical phenomenon. Doctors measured chests and lungs, weighed men, and checked for venereal disease as a means of interpreting the symptoms they saw. Haphazard notes, like the one included in John Greer's file, and instructions to medical examiners, like those delivered to William Labrocier's physicians, reveal a great deal about how the bureau integrated ideologies regarding black health into its practices.

Nevertheless, African Americans were not simply objects of racialized medicine. Patients and their families interpreted their own illnesses and challenged the

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<sup>94</sup> Rosenberg and Golden, eds., *Framing Disease*, xvii; Keith Wailoo, *Drawing Blood: Technology and Disease Identity in Twentieth Century America* (Baltimore: Johns Hopkins University Press, 1997), 1. On the concept of the "gaze" in medical professionalization, the establishment of a pathology of disease, and a discourse analysis of its effect on patient doctor subjectivity, see Foucault, *The Birth of the Clinic*, 3-21, 29-30.

Medical historian Keith Wailoo argues that by the twentieth century doctors had learned to think and act through their technologies. Technology succeeded in assigning meaning to particular symptoms and bodily features. Less about defining a disease, diagnostic technologies framed and gave a particular coherence to lived experiences and help label a set of symptoms. Keith Wailoo, *Dying in the City of the Blues : Sickle Cell Anemia and the Politics of Race and Health* (University of North Carolina Press 2001), 1-2.

<sup>95</sup> Haller, *Outcasts from Evolution*, 3. Historians have argued that in the twentieth century more than any other physicians pursued a technological understanding of disease.

<sup>96</sup> My thinking on this subject is shaped by Rosenberg and Golden, eds., *Framing Disease*, xvii.

doctors' and bureaus' assumptions regarding worth, susceptibility, and health. Prior soundness was the pivotal criterion on which the bureau evaluated pension claims. As a result, soundness became the linchpin in the arguments African American soldiers and their families used to combat racist assumptions regarding black bodies.<sup>97</sup>

Women in particular used the doctrine of soundness not only to establish culpability, but also to express their sense that they were bearing the cost of military service. Marion Jefferson challenged the allegation that her son was not sound prior to enlistment and established herself as the one who ultimately suffered. She wrote, "when my son went to the army and he was well and sound and he served his time...came home" and was "taken down sick on my hand."<sup>98</sup> Israel Coleman's mother Louisa also alleged that her son had died of lung trouble, expressing nearly identical sentiments. She argued that she had been paying the cost of caring for her oldest son. In 1916, she tellingly had someone fill out the word "Claim against the government" in the open spaces on the form.<sup>99</sup>

Ironically, Mamie Wakefield's knowledge of working with dysentery in the South inadvertently worked against her pension claim. After completing his rotation in Cuba, Mamie's husband, Adolph Wakefield, reenlisted to work in the Quartermaster's

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<sup>97</sup> Sharla Fett defines soundness as it pertained to slave health during the mid-nineteenth century. She argues that soundness in its most basic sense related to the health of the slave, measured in his or her capacity to labor. But the term referred not only to the present health of an individual but their past and future health as well. Not limited to the physical body, the concept of soundness extended to mental and moral dimensions, subsuming character under the rubric of soundness as well. Sharla M. Fett, *Working Cures: Healing, Health, and Power on Southern Slave Plantations* (Chapel Hill: University of North Carolina Press, 2002), 18-21.

<sup>98</sup> Marion Jefferson to Hon. Mr. J.L. Davenport, New Iberia, LA Aug 25, 1912, Pension file of Eras Flood, Widows App No. 947,780, USNA.

<sup>99</sup> Louisa Coleman, Original Pension Application of Louisa, Pension file of Israel Coleman, Wid. App. No. 1314794, USNA. For similar claim in nearly identical language see Mamie Washington, Letter to Commissioner of Pensions, March 3, 1915, Pension file of Robert (Mamie) Washington, App. No. 773446, USNA.



Department in the Philippines. While stationed in Manila he contracted Asiatic cholera and died on July 16, 1902. Since he died while in the service, Wakefield's case would have been fairly clear cut had she not chosen to argue with the bureau in her General Affidavit, raising enough questions in the process to suggest that perhaps his service in the Philippines was not to blame for his death. She pointed out that he had dysentery before; her gripe was that the medical department did not know what they were doing. Her "doctoring" cured him before, and if she had been with him she thought she could have cured him again.<sup>100</sup>

The military medical service was egalitarian in many ways, but it was not isolated from the broader societal influences that shaped American medicine in the period. Interpreting symptoms was never outside of a social context, and consequently medical discourse had the power to shape citizens' claims against the government. Where cases of black southern tuberculosis sufferers were concerned, poor black applicants found their applications summarily denied. The number of white applications assessed was too small to reach even a partially definitive conclusion on this matter from a statistical perspective. However, based on a qualitative assessment, it appears that in most cases the class and family background of an applicant were the most important factors shaping the outcome to an applicant's case. Though tubercular bacilli were no respecter of class, race, or person, the stigma that framed the disease associated it primarily with the lower classes, a fact which appeared to have worked against applicants from both southern regiments.<sup>101</sup>

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<sup>100</sup> Mamie Washington, Letter to Commissioner of Pensions, March 3, 1915, Pension File of Robert (Mamie) Wakefield, Wid. No. 773446, USNA.

The few soldiers who were pensioned for TB from the Ninth USV either were or were perceived to have been from upper class backgrounds. Amos Hinkson, a soldier of West Indian origin, benefitted from his interrogators preconceptions about character, heredity, race, and class. Born in Barbados, Hinkson enlisted as a member of the Ninth USV. He had left the West Indies at the age of twenty-one with a group of friends, arriving in New Orleans in 1891. Hinkson claimed that while in Cuba he had contracted malarial fever, dysentery, and a cold, which subsequently developed into a bronchial cough. From that point forward, he began hemorrhaging from his lungs, which he continued to do after his discharge. Hinkson began corresponding with the bureau within a month of his return, filing his application August 11, 1899.<sup>102</sup>

Hinkson's petition was referred for special examination to "determine the question of prior soundness as to disease of lungs." The examiner wrote, "while he is a colored man, he is the most intelligent and gentlemanly I have ever met outside of a college professor." "By the white people who know the claimant he is regarded as truthful. He gives a frank and straightforward answer as to his business, his whereabouts, and to his physical condition prior to entering the army in 1898." His witnesses were also granted high regard. The examiner noted that, "the character of the witnesses in this man's case is different from that of the average colored claimant."

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<sup>101</sup> Of the tuberculosis cases examined for this study, the bureau rejected the majority of them, denying the applicants' prior soundness or arguing that they had contracted TB after their return. There were not enough applications from the Eighth Illinois to yield a comparative sample. Likewise, there were not enough white southern applicants who applied for TB relative to their percentage in the whole to yield a fully comparative sample. The men of the Ninth had the largest number of TB based applications. Further comparisons will have to be conducted to reach a conclusion regarding this disparity. But of the nearly twenty applications examined for TB sufferers among the Ninth USV, the only two soldiers who were pensioned for TB, Goode and Hinkson, either were or were perceived to have been from upper class backgrounds.

<sup>102</sup> Amos Hinkson, Original Declaration for an Invalid Pension, August 11, 1899, Pension file of Amos Hinkson, Cert. No. 1065590, USNA.

Though Hinkson's doctor had initially been hesitant to get "mixed up with the Negro pensioners," after considerable argument, the examiner managed to induce the doctor to give a statement. The examiner concluded his assessment of the witness in cautiously optimistic terms. "While I understand that a colored person might take advantage of his or her intelligence for bad as well as good, I must rate the witnesses in this case as good."<sup>103</sup>

The examiner took Hinkson's word that his mother and father did not have any disease, proving that his lung trouble was not hereditary. He then concluded on the basis of the testimony—and his own sense of heredity and contagion—that "Amos Hinkson was a stout and healthy man and free from any tendency to disease of lungs prior to entering the army during the Spanish American War."<sup>104</sup> Given his West Indian heritage and the high regard with which he was treated by the examiner, Amos Hinkson received treatment that was more common for community members with considerable standing than for the average black soldier.

Similarly, when a white applicant of particular importance in the community like Captain Sidney Goode of the Ninth USV applied for a pension, every effort was made to give him the benefit of the doubt, in spite of testimony that the claimant looked consumptive prior to enlistment. Captain Sidney Goode's case offers an interesting example of the way race and class could often work in favor of a white applicant.

A respected businessman before the war, Captain Goode was said to be well regarded and highly esteemed in New Orleans. He claimed that while in Cuba he had

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<sup>103</sup> S.S. Galiher, Report to Commissioner of Pensions, Jul. 29, 1903, Pension file of Amos Hinkson, Cert. No. 1065590, USNA.

<sup>104</sup> S.S. Galiher, Report to Commissioner of Pensions, Jul. 29, 1903, Pension file of Amos Hinkson, Cert. No. 1065590, USNA.

contracted TB, malaria, and yellow fever.<sup>105</sup> Goode's physician attributed his illness "entirely to exposure and hardship endured in Cuba during the Spanish American war," and wondered, "if this entitles him to any assistance from the government." If it did, his doctor concluded, "I trust you will see fit to grant what relief the government provides for our brave Heroes, who have sacrificed their lives in the service of our country." The doctor's comments reveal how many individuals still regarded the pension as a citizen's reward for honor and bravery in spite of growing hostility toward it.<sup>106</sup>

From the record it is clear that Goode was severely sick upon mustering-out and died within a short while after his return. Yet despite his quick death, the special examiner was not convinced that Goode had contracted TB in the service. In fact, it was his fellow captain, Captain Eustace Sherman, who raised doubt on this point. He testified that Goode "was always thin and looked as if he suffered from consumption."<sup>107</sup> In all the pension applications alleging lung trouble, the lack of a well-nourished chest was cited as predisposing cause for TB.

E.C. Wiggenhorn, the special examiner assigned in this case, described Captain Sherman as a man of intelligence with first class standing in the community. From Sherman's testimony, Wiggenhorn concluded "that soldier was afflicted with lung trouble before he enlisted." Nevertheless, he recommended the report be referred to the

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<sup>105</sup> Information on Goode from the *Nashville Banner*, Friday Evening, March 23, 1906, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>106</sup> J.W. Madden, Jr. Letter to H. Clay Evans, Dec. 16, 1899, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>107</sup> Eustace J. Sherman, Deposition, Dec 6, 1900, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

chief of the division for consideration.<sup>108</sup> How then do we explain the fact that despite the allegations of his having lung trouble prior to enlistment, his widow, described by the *Nashville Banner* at the time of her death as “a woman of fine attainments” who “belonged to a prominent family,” received the pension in his stead?<sup>109</sup> The answer seems to be that Sidney Goode’s standing in the community and status as a “hero,” or at least as his doctor regarded him, overcame the burden of proving his prior soundness.

The 1920 law provided a general invalid pension to anyone who served ninety days and had a disability, whether or not it resulted from service. In the pre-1920 era, the bureau was asking a different set of questions than it would later. Tuberculosis in the pre-1920 era was an illness that was often tied to the degeneracy of the sufferer whether black or white and was rarely pensionable. By the 1920’s, with culpability no longer an issue, soldiers were receiving pensions for TB more easily. John Leahy, for example, a white soldier from the second USV (white immunes), filed a claim for pulmonary tuberculosis, disease of eyes, and nervousness in 1921—and won.<sup>110</sup>

Beliefs regarding race, class, and disease shaped the way doctors and the medical board interpreted medical data. Their findings—though informed by their

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<sup>108</sup> E.C. Wiggernhorn, Letter to Hon. H. Clay Evans, Dec 6, 1900, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>109</sup> *Nashville Banner*, Friday Evening, March 23, 1906, Pension File of Sidney Goode, Minor App. No. 618350, USNA.

<sup>110</sup> The medical board was instructed to: “Note condition of all structures...Give chest measurements. Are there cough and expectoration? Locate all cavities and areas of dullness. Is there disease active? Has he tuberculosis?” Harris, Memo July 23, 1923, Pension file of John Leahy, Cert. No. 1202.899, USNA.

The doctor from the state board of examiners measured his chest at 36 inches, found that it was 38 inches when he inhaled and 35 when he exhaled fully. Upon inspection he found a “fairly well nourished chest.” But noted “auscultation respiratory sound—bronchial breathing, some bronchitis, coughs, and pulmonary tuberculosis.” The board determined that his inability to labor was due to the TB and granted him a pension of \$18 a month. Certificate of Medical Examination, Dec. 5, 1921, Pension file of John Leahy, Cert. No.1202.899, USNA.

biases—were examples of late-nineteenth century science nonetheless. As historian Martin Pernick has suggested in a study of early twentieth century eugenic theory, scientists were not blind to the fact their distinctions between the fit and unfit incorporated cultural, ethical, political, or aesthetic values, but still denied that such classifications were therefore unscientific or subjective. At best, history now sees nineteenth century physicians and scientists who were writing on black bodies and disease in the post emancipation era as practicing bad science—establishing a conclusion rather than a hypothesis and then building evidence to support it. But they did view themselves as scientific. As Tera Hunter argues, white physicians did not breach or subvert the standards of professional research protocol to write Negrophobic medical theories. The cultural logic that informed their opinions was consistent with acceptable scientific methods and beliefs of the time.<sup>111</sup> It is therefore more fruitful to think about what they might tell us in terms of the origins of modern medicine, rather than deeming them a momentary lapse in the path to progress.

As these cases demonstrate, turn of the century medical thought was at a pivotal point of transition, reflecting a mixture of ideas regarding contagion that blended newer theories of contagion with older ideas regarding heredity. As TB was increasingly being perceived as a black disease, the public discourse depicted it as a disease common to black people, black neighborhoods, and the poor. The debates over tuberculosis among veterans then met at the intersection of three distinct but equally important problems: 1) the mixture between theories of contagion and heredity,

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<sup>111</sup> Martin Pernick, *The Black Stork: Eugenics and The "Death" Of Defective Babies in Motion Pictures since 1915* (New York: Oxford University Press, 1996), 78-79; Hunter, *To 'Joy My Freedom*, 193.

2) the question of emancipation and the survival of the race, and 3) the soundness of black bodies for citizenship.

### **MAKING CLAIM TO THE FRUITS OF SERVICE**

In spite of the disheartening losses black Americans had suffered with the *Plessy v. Ferguson* decision (1896), Hilary Coston was still advocating for the law and the courts as an avenue for rights in *The Spanish American War Volunteer*. Drawing somewhat optimistic analogies between the pension system and federal court systems, he wrote that, “The need for persons who make a specialty of securing to claimants their just dues under the pension laws is as great as is the necessity for persons who make a specialty of securing justice in the courts.”<sup>112</sup> Coston’s suggestion is particularly interesting given that he was writing at a moment when the courts were seemingly opposed to black civil rights.<sup>113</sup> Given the rising tide of Jim Crow and what appeared to be a failed attempt at using black military service to reverse it, the pension gained added value for Coston and others who saw acquiring it as a question of justice.

Charles Dugay’s choice of attorney highlights the weight of Coston’s analogy between the pension and the courts. In August of 1910, when Charles Dugay received a letter from the Commissioner of Pensions informing him that his claim for a pension based on malaria and other diseases was rejected, he, like many other veterans, turned

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<sup>112</sup> Coston, *Spanish-American War Volunteer*, 216.

<sup>113</sup> *Plessy v. Ferguson* 163 U.S. 537 (1896). For treatment of the social and legal context from which the Plessy challenge was brought to the courts see Rebecca J. Scott, "Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge," *Michigan Law Review* 106, no. 5 (2008):777-804; and Barbara Y. Welke, "When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914," *Law & History Review* 13 (Fall 1995):261-316. On despair in its aftermath see Scott, *Degrees*, especially 8, 91,172.

to Louis Martinet. Martinet had served as a notary and attorney for many members of the New Orleans community for many years. Before and after the war, Martinet occasionally helped members of the Ninth USV Infantry get their affairs in order. Charles Dugay left no records explaining why he chose Louis Martinet over the legions of willing pension agents and attorneys who specialized in pension claims. But it was likely that most people in New Orleans would have known that Martinet had once done more than basic legal tasks from his office at 331 Exchange Place.<sup>114</sup>

Louis Martinet had been active in New Orleans politics for decades. Martinet had been a leader in the fight against separate cars in New Orleans. By the 1870's, Martinet had been elected to the Louisiana state senate. Though he and other Republican winners were unseated following the 1874 election, he remained an important and influential figure in the civil rights movement of the era. In 1890, when the Louisiana legislature passed the Separate Car Act requiring railroad companies to provide separate accommodations for black and white passengers, the Citizens' Committee, an organization comprised of New Orleans' Creole activists, began working towards challenging it. Martinet was a leader in the fight. He helped found the *Crusader*—a Republican newspaper dedicated to advancing the cause of the Citizens' Committee.<sup>115</sup>

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<sup>114</sup> See for example of Martinet's work as a notary, the Notarial books of Louis Martinet, New Orleans Notarial Archives Record Center, New Orleans, LA. He took depositions for Pierre Carmouche as well. See Oliver S. Duncan, Deposition, Feb. 23, 1910, Victor Thomas, Deposition, April 30, 1910, and Paul Leford, Deposition, May 2, 1910, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>115</sup> For pivotal documents on the separate care act see Otto Olsen, ed. *The Thin Disguise: Turning Point in Negro History, Plessy V. Ferguson, a Documentary Presentation, 1864-1896* (New York: Humanities Press, 1967). For a fuller discussion on the activism of Louis Martinet see Scott, *Degrees*, 88, 151, 161, 172.



The Committee waged an arduous battle for the next six years, taking the case of *Plessy v. Ferguson* all the way to the Supreme Court. When the Supreme Court ruled against Homer Plessy, they allowed legislation mandating separate accommodations to stand, thus accelerating the trend toward full-scale Jim Crow in law and practice. The New Orleans activists were dealt a devastating blow. The committee disbanded and the *Crusader* closed its doors. Yet Martinet maintained his office at 331 Exchange Place and from there he continued to serve the needs of local citizens. In the absence of judicial or legislative recourse against the increasingly harsh regime of white supremacy, it is not surprising that Martinet would turn his attention to the basic functions of a notary—verifying wills, incorporating fraternal organizations, and so on. And in 1911, when the pension bureau rejected Charles Dugay’s case, Dugay turned to Martinet. Louis Martinet’s legacy in the community or his work with local lodges or veterans may have led Dugay to him in 1911.<sup>116</sup>

The record is silent as to whether it was Dugay or Martinet who recognized that the veteran had little hope of convincing the bureau to approve his claim to a pension for his disease of heart, lungs, and chest, or for his malaria. It was Martinet, however, who made Dugay’s piles the center of his defense. From February to December of 1911, Martinet gathered and interviewed several witnesses to appeal Charles Dugay’s case. In a letter dated December 17<sup>th</sup>, he laid out his position—that Charles Dugay deserved a pension for his piles—in the most elegant of terms.

Dear Sir:

Dugay, claimant, prays for a reopening and rehearing of his above entitled and numbered case, and I heartily join in his prayer, and in support of our petition by leave to file additional and new evidence.<sup>117</sup>

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<sup>116</sup> *Plessy v. Ferguson* 163 U.S. 537 (1896). See Scott, *Degrees*, 88-90, 161.

Describing his case in language that would resonate with the Pension Bureau, Martinet argued that the character and reputation of the claimant and witnesses met the bureau's standards for "truth and veracity," a standard it used on numerous occasions to evaluate the claims of so many others. From there, Martinet went on to indict what he thought was a contradiction in the bureau's policy. He wrote:

It is little conceivable that any surgeon, grave, serious, scientist for men, with a sense of the responsibility resting upon them, of their duty to the country and to the men to be enlisted upon their report, would recommend for enlistment applicants with a disease, which, by its very nature military service must make worse, and perhaps totally disable the soldier and make of him or them a public charge. A man with the piles in times of war, the marches, fatigue, exercise, improper diet, unwholesome food, and impure water, what, after a few weeks or months service—what will be his condition!<sup>118</sup>

A true litigator, Martinet cited on prior precedent. He recalled for the commissioner the case of Walter Fernandez, who had gone insane after serving in the Philippines. Fernandez's claim for a pension was denied because his examining surgeon claimed the soldier was insane prior to enlistment. After his congressman appealed his case, further testimony revealed that the claimant was "perfectly sound" prior to enlistment, thereby proving, in Martinet's opinion, the fallibility of medical testimony. Martinet's goal was to force the bureau either to admit responsibility for aggravating Dugay's condition, or accept the alternate testimonies that he was submitting. An aging Martinet lamented that his eyes no longer allowed him to reread all of the evidence in the Dugay case, but he "remembered well" those who had testified

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<sup>117</sup> Louis Martinet, Letter to Commissioner of Pensions, December 17, 1911, Pension file of Charles Dugay, Dependent Certificate No. 873,776, USNA.

<sup>118</sup> Louis Martinet, Letter to Commissioner of Pensions, December 17, 1911, Pension file of Charles Dugay, Dependent Certificate No. 873,776, USNA.

and trusted that his client deserved to be awarded a special examination in this case.<sup>119</sup> In the end, Martinet and Dugay lost their fight. Dugay lived only seven more years, passing away in 1918, but not of the diseases from which he claimed to suffer in 1910 and 1911. He died of accidental smoke inhalation.<sup>120</sup>

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Although the Cuban Campaign had proven to be a failed attempt at securing the ever-diminishing gains of the Reconstruction era, military service and veterans' pensions continued to offer individuals the hope for rights. Unlike Civil War veterans who found their requests equally and overwhelmingly accepted, the majority of Cuban-Spanish- American war veterans found theirs equally denied. In the end, what made the pension claims of black Spanish-American war veterans different from their white counterparts were not the different outcomes, but the differing barriers they faced throughout their processes, both in participating in the war and in filing their claims.

In effect, the barriers to claiming pensions by black soldiers shared elements of both the disfranchisement laws in the South and the segregation laws of the North. African Americans who participated in military service hoping to achieve the full rights of citizenship would find it increasingly difficult to turn this into a reality after the war. Likewise, the pension was no longer an assumed recourse for military service or

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<sup>119</sup> Louis Martinet, Letter to Commissioner of Pensions, December 17, 1911, Pension file of Charles Dugay, Dependent Certificate No. 873,776, USNA.

<sup>120</sup> Death Certificate of Charles Dugay, August 5, 1918, Louis Martinet to Commissioner of Pensions, December 17, 1911, Pension file of Charles Dugay, Dependent Certificate No. 873,776, USNA.

disability for that matter. As many veterans argued, being denied a pension, in as much as it was tied to manliness and to citizenship, was a denial of these rights as well.

Soldiers' claims to standing under the law required them to navigate the paradox of pension law and to prove that they were incapacitated yet not willingly dependent. For African American volunteers, their relationship to the law may have been informed, as it was for Coston, by the history of emancipation and Reconstruction. As they confronted the pension process, it could as easily evoke the failures that Louis Martinet had confronted in the *Plessy* challenge. Yet as African American soldiers faced challenges from the racism of the day, they drew on the language of patriarchy, regardless of race, arguing that their injuries were an obstacle to providing for their dependents, not as paupers, but as men and as citizens.<sup>121</sup>

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<sup>121</sup> Coston, *Spanish-American War Volunteer*, 209.

## CHAPTER IV

### THE TERMS OF CITIZENSHIP: AFRICAN AMERICAN WOMEN AND CLAIMS-MAKING AFTER THE WAR

Under the 1862 law, widows, mothers, and other dependents were eligible to receive a pension if the soldier's death was a result of war related service. Yet such a widespread public benefit also necessitated a certain amount of control, and in August of 1882, Congress passed a series of acts that would minimize the possibility of fraudulent pension claims. The act against open and notorious adultery was among them, and with its enactment Congress moved to regulate the ranks of female pensioners by tightening restrictions on sexual behavior. The 1882 *Open and Notorious Adultery* statute decreed that any female pensioner found living in "open and notorious adulterous cohabitation" would be immediately dropped from the pension rolls. The original 1862 law required that any woman making a claim should be "without means of support other than her daily labor," and the 1882 law now added, that she should also have a good "reputation" for chastity and morals.<sup>1</sup> Just as manhood and manliness were the core principles of pension law for male pensioners, one's worthiness for

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<sup>1</sup> U.S. Congress, House. *An Act to Grant Pensions*. 37<sup>th</sup> Cong., 2nd Sess., 1862 H.Doc.166.; U.S. Congress, House. *An Act to Amend section forty-seven hundred and two, title fifty seven., Revised Statutes of the States, and for other purposes*. 47<sup>th</sup> Cong., 1<sup>st</sup> Sess., 1882. H.Doc. 438.

federal patronage in the case of a female applicant was tied to her ability to demonstrate a lack of support and propriety.

The use of the term adultery is not self-evident. Conversely, adultery as defined under the statute did not simply refer to infidelity towards a marriage partner, nor did it refer to sexual intercourse. Adultery in this instance referred to any illicit or inappropriate relationship that suggested a level of impropriety or indecency. In its requirement, the law enforced fidelity to the soldier's memory and to the nation through the pension. The 1862 and 1882 laws' adherence to nineteenth century notions of femininity, rather than limiting claims as one might assume, created a vehicle through which claims for rights could be articulated.<sup>2</sup>

The law in various forms—federal and local—could define the experience of citizenship. But law was not simply imposed upon the lives of individuals from the top

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<sup>2</sup> A number of historians, though mainly focusing on the Civil War, have attempted to examine the ways that the Pension bureau attempted to regulate the behavior of pension recipients. On African American pensioners see Noralee Frankel, *Freedom's Women: Black Women and Families in Civil War Era Mississippi* (Bloomington: Indiana University Press, 1999), chap. 4-7 especially. Though focusing mainly on white women's activities, see, on 1882 law, Megan J. McClintock, "Civil War Pensions and the Reconstruction of Union Families," *Journal of American History* 83, no. 2 (1996):456-80. For related discussion on the invasiveness of federal agents into pensioners lives during a later period see K. Walter Hinkel, "War, Region, and Social Welfare: Federal Aid to Servicemen's Dependents, 1917-1921," *The Journal of American History* 87, no. 4 (2001):1362-91.

Work on the regulation of black women's daily and activities and morality by the Freedmen's bureau have also been helpful. See Tera W Hunter, *To 'Joy My Freedom: Southern Black Women's Lives and Labors after the Civil War* (Cambridge: Harvard University Press, 1997), chap. 2. For a related discussion examining apprenticeship laws see Karin L. Zipf, "Reconstructing 'Free Women:' African American Women, Apprenticeship, and Custody Rights During Reconstruction," *Journal of Women's History* 12, no. 1 (2000):8-31, 7-9 especially. See also on apprenticeship, Rebecca J. Scott, "The Battle over the Child: Child Apprenticeship and the Freedmen's Bureau in North Carolina," *Prologue* 10 (summer 1978):101-13.

For a broader conceptualization of the origins of social policy towards mothers and widows see also the Theda Skocpol, *Protecting soldiers and mothers: The Political Origins of Social Policy in the United States* (Cambridge: Harvard University Press, 1992). See also Kate Masur, *Reconstructing the Nation's Capital: the politics of race and citizenship in the District of Columbia, 1862-1878* (Ph.D. diss., University of Michigan, 2001). Masur argues that one of the major developments of the reconstruction era was the rise of federal patronage programs through the freedmen's bureau, a development that continued well into the 1890's and beyond.

down. On the contrary, an individual might marshal legal principles to broker his or her relationship to the government.<sup>3</sup> Legal statutes, in and of themselves, were intrinsically tied to the social reality out of which they emerged. The same law could take different formulations in the interactions between adjudicates; it could be rechanneled into different language in the pension claims of “common people.” A person might even draw on the social principle of the law, or they might put forth alternate notions of morals as the basis for their claim to the title of pensioner.<sup>4</sup>

Pension law itself provided a “script” through which claims had to be articulated, creating a common vernacular for white and black applicants across classes and geography. With or without formal knowledge of the law, applicants used what I will refer to as “scripts” of language. Female applicants sprinkled their scripts with the

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<sup>3</sup> On “legal history from below” see William E. Forbath, Hendrik Hartog and Martha Minow, “Introduction: Legal Histories from Below,” *Wisconsin Law Review* 759, no. July/August (1985):759-67;

My thinking on the methodology behind conducting legal history that focuses on the claims of freedmen and women’s descendents is shaped by the following: Barbara Y. Welke, “When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914,” *Law & History Review* 13 (Fall 1995):261-316; Rebecca J. Scott, “Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge,” *Michigan Law Review* 106, no. 5 (2008):777-804; and Jones, “Leave of Court: African-American Legal Claims Making in the Era of Dred Scott V. Sandford.,” in *Contested Democracy: Politics, Ideology and Race in American History*, ed. Manisha Sinha and Penny Von Eschen (New York: Columbia University Press, 2007).

<sup>4</sup> Several women’s historians have focused on the way non-elite black women attempted to shape the law during the Reconstruction and post-Reconstruction era by focusing on the family unit. The most extensive use of pension records is found in Frankel, *Freedom's Women*. For examples using court records see Laura Edwards, *Gendered Strife and Confusion: The Political Culture of Reconstruction* (Urbana: University of Illinois Press, 1997, 1997) ; On apprenticeship laws see Zipf, “Reconstructing “Free Women”; and Scott, “The Battle over the Child”. See also Tera W Hunter, *To 'Joy My Freedom*, chap. 2.

On African American’s access to the public sphere of politics, see Elsa Barkley Brown, “Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom,” in *Jumpin' Jim Crow: Southern Politics from Civil War to Civil Rights*, ed. Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon (Princeton: Princeton University Press, 2000), 28-66.

nineteenth century terms of female citizenship: “dependence,” “rights” “morals,” “chastity,” and “reputation.” The applicants repeated the phrases, “No one is bound for my support”, “own no property,” and “have no support other than that which is provided by my own labors,” in some form, throughout nearly all the pension files. Similarly, the law required that both mothers and wives remain widows, a word that often connoted motherliness and celibacy.<sup>5</sup>

There are a number of scenarios under which scripting might occur. An adept pension officer might help obtain favorable adjudication of a claim, or a person familiar enough with the law might write a claim for an applicant. In many more instances, a claimant might write the claim for herself, articulating an understanding of her rights while asserting her right to public standing. For illiterate applicants, informal networks of literacy and communication became most important. Yet in an instance where an applicant was not living up to the standards described under the law, a community network might also convene to express their understanding of what the law required, and protest an individual’s right to a pension.

While the law did authorize the commissioner of pensions to investigate cases as deemed necessary, there appears to have been no official policy on how to decide them. The job of the individual officer was to assess the evidence and then determine whether a particular claim met the standard they thought was contemplated by the law.<sup>6</sup> Societal

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<sup>5</sup> My discussion of scripting is adapted from Kathryn Burns, "Notaries, Truth, and Consequences," *American Historical Review* 110, no. 2 (2005):350-79.

<sup>6</sup> See case of Francis Brown. The pension examiner pens the following phrase: For her part, Brown was “generally regarded as a lewd woman because of her actions, conversation and dress and has so conducted herself while consorting with said Rudisson to lead to no other conclusion than that her relations with him (and others) has been such open and adulterous cohabitation as is contemplated by the



constructs often shaped an officer's application of a legal statute. Accordingly, as officers adjudicated individual claims, they often acknowledged different standards of propriety and morals for the poor and for the propertied classes. Regardless, the language of the pension law convinced female applicants that the federal government was promising to take the place of their husbands, whether as in the case of poorer applicants, to subsidize their labor, or as in the case of the propertied widow, to allow her to maintain her lifestyle without having to leave her home.

Racial as well as class based dynamics also had the power to shape an individual's claim for a pension. Hence, there are moments when the pension claims of white and black pensioners reveal differences that are both obvious and not so obvious. While African Americans and white female pensioners were accepted or denied at the same rate, there is a stark difference in the type of claims submitted and the language used. These differences may have as much to say about the way race shaped the disposition of the individual applicants as it does about the way class defined the types of questions that were asked about character. Perhaps most profound in its influence, the memory of the Civil War and Reconstruction affected their claims immensely. While African Americans often approached the federal government with a sense of entitlement, white southern soldiers and their families approached the federal government cautiously, as one might approach an adversary with whom they had only recently allied themselves. A few others, however, articulated their claims with such

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statute." J. Davenport, Letter to the Secretary of the Interior, January 5, 1912, Pension File of James (Francis) Brown, Wid. Cert. No. 480,917, USNA.

confidence in their own authority as citizens that they could threaten to wield it if not appeased.

The pension documents read like autobiographical narratives, often revealing rich ante-bellum relationships carried over to the new century, networks of kinship, and communities of women cooperating-and sometimes competing- for their own survival. Pension files are repositories of women's voices, narrating their sense of the past, and putting forth their own claims using the terms of their citizenship.

### **Claims-making and the Vernacular of Citizenship**

In 1932, the third year of the Great Depression, Anna Western, widow of Sergeant Alexander (Sandy) Western, claimed that she was destitute. Her husband had died in 1919, and she had filed her first application for a pension on behalf of her dependent children in 1920. Five years later, she would again apply for a widow's pension. Nevertheless, between 1926 and 1932 she still received nothing back from the Bureau. The Bureau claimed that Western had not submitted all the proper documentation. Now, in 1932 she was still without a pension. Unable to read or even write her name, Western had someone else write the following appeal to the Veterans Administration:

I am in receipt of your letter of 7/8/32 and in reply ask you if it is not to much trouble whether you would look in your files of 1926 and 25 and you will find all the information necessary for your decision on this case. I am a widow without means of support or funds and some of the information that I sent you and you have now in your files of 1925 and 26 cost me quite a deal and I am not now financially able to get all that I have already sent you... I am in real need of some financial aid, and I also feel that I am deserving and within your law requirements for this claim and the expediting of this matter will keep me from soliciting aid and I think that as a widow of a Spanish American soldier I shouldn't have to.

Yours, Anna Western<sup>7</sup>

Anna Western's sense of what she should and "shouldn't have to" do reflected her sense of entitlement coming out of the Cuban War.<sup>8</sup> Widows' claims were not for their service, but for the service rendered by another. The goal of soldiers and their dependents in the post-war period shifted from obtaining civic citizenship to drawing on an expansive notion of citizenship rights. Through their writings, women petitioned for citizenship in tones of deference and entitlement and revealed in the process their evolving sense of their relationship to their government. In the years after 1899, the fight for title under the law became even more crucial. While not always explicitly using the language of citizenship, a number of war widows wrote in making claims "against the government."<sup>9</sup>

On May 20, 1916, Louisa Coleman, mother of Israel Coleman, came into the office of Milo B. Stevens and Co., the local "solicitor of patents and claims" with a partially filled-out application for a pension. The pension officer, H.M. Ligon, scribbled the following description on the bottom of the form:

This is an illiterate old woman who has had this filled out by someone out on the street and came to me for authorization. I know her personally, and do not think that she knows just what to do as she has no means to employ an attorney to direct her.<sup>10</sup>

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<sup>7</sup> Anna Western, Letter to Veterans Administration, July 11, 1932, Pension File of Alexander Western, Wid. App. No. 123,808, USNA.

<sup>8</sup> Willard B. Gatewood, Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975): x. See also his collection of primary documents: Willard B. Gatewood, Jr., *"Smoked Yankees" and the Struggle for Empire: Letters from Negro Soldiers 1898-1902* (Urbana: University of Illinois Press, 1975).

<sup>9</sup> Original Pension Application of Louisa Coleman, Pension file of Israel Coleman, Wid. App. No. 1314794, USNA.

<sup>10</sup> Original Pension Application of Louisa Coleman, Pension file of Israel Coleman, Wid. App. No. 1314794, USNA.

Ligon was right in one respect, but he was wrong in another. Coleman did not really need a lawyer to articulate what she saw as a claim “against the government.” Louisa Coleman never did obtain the benefit of a professional lawyer familiar with the proper “script” for a pension. Yet in her reference to being “alone” and a widow, she made use of the same language that one would have used.<sup>11</sup>

No. 77.

**GENERAL AFFIDAVIT** No. 1314794

State of Louisiana SS:  
 County of East Baton Rouge

In the matter of the claim of Israel Coleman the son  
of Louisa Coleman now making affidavit  
(Name of Claimant, the Name and Service of Soldier.)

Personally came before me, a against the government in and for the  
(Justice, Notary, Judge, Clerk, or Deputy Clerk.)

County and State aforesaid what ever is Due my son whose  
(Here write the name of the Affiant, or of each Affiant, together with age and Post Office address.)

Deed 8th of July 1915 Buried on the 9th at Baton Rouge  
 person of lawful age, who, being duly sworn, declare in relation to the aforesaid claim, as follows:

**Figure 2 Affidavit of Louisa Coleman. Pension file of Israel Coleman, Wid. App. No. 1314794, USNA.**

In her general affidavit, she wrote her own wording over the instructions. Where a notary normally would have filled in his name after the words “Personally came before me,” she wrote “against the government.” The form read, “In the matter of

<sup>11</sup> Original Pension Application of Louisa Coleman, Pension file of Israel Coleman, Wid. App. No. 1314794, USNA; Lizzie Thompson, Letter to Department of Veterans Affairs, October 6, 1924. See also Pension file of George (Virginia) Davis, Wid. App. No. 1226628, USNA for similar case from the 9<sup>th</sup> USV.

the claim of Israel Coleman son of Louisa Coleman now making affidavit personally came before me against the government.”<sup>12</sup>

Widows’ pension claims reflect a popular idea emerging during the Civil War; many thought the government would take care of those who served it. When Mittie President filed a claim for her deceased husband Harry President’s pension, she reiterated her one desire: to be paid for her husband’s service. In the early part of 1920, she wrote to the Bureau of Pensions stating, “my husband is dead and I am getting quite old and am unable to work. It is very necessary that I receive checks from your department. Will you please let me know when I may expect settlement.”<sup>13</sup> President’s request articulated her sense that the state should take over in place of her husband. Or, at the very least, it should provide her with a means of support once she was no longer able to labor and provide for her own sustenance.

Even where lawyers did not professionally script a claim and the claimant did not figure the language of the law directly into its text, applicants utilized a popular vernacular to argue that they were “destitute” but “moral.” On November 10, 1919, Mary Gaiton, widow of veteran Louis Gaiton, had someone pen a letter to the War Department for her. Gaiton was a French-speaking Creole, and the remainder of her personal documents and correspondence were written in French. Gaiton “entitled” herself to assistance based on her status as a “blind widow.” She wanted to know, “if the United States Government could do anything in the way of helping, as she herself is

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<sup>12</sup> Original Pension Application of Louisa, Pension file of Israel Coleman, No. 1314794, USNA

<sup>13</sup> Mittie Annie President, Letter to Bureau of Pensions, June 17, 1920, Pension File of Harry (Mittie) President, Widow App No. 1136890, USNA.

helpless and has nothing to live on.”<sup>14</sup> Though Gaiton could not frame her application in the words of the law under which she applied, her words capture its spirit. She was without support and looking for “the government” to “do anything.”

In some cases, knowing the script of destitution was not enough to win a claim. This was the case with Elizabeth Baptiste, mother of veteran George Baptiste. Baptiste initially failed to prove that she was destitute when she began her claim in 1914. She had filed an original widow’s claim under the 1862 General Law. The Bureau rejected her claim because she could not prove that her son died from a war related injury. Baptiste continued to file affidavits. The Crescent City Chapter of the Veterans of Foreign Wars and the United Spanish War Veterans also sent several inquiries to the bureau on her behalf. In her final letter in 1930, she wrote directly to the Commissioner of Pensions, Winfield Scott. “I am 81 years old and am all alone in the world, I have house rent and other expenses to find for myself and am too old to work. Please let me know if I am entitled to my son’s pension.”<sup>15</sup> Again, her efforts proved fruitless, and the Acting Commissioner was unmoved by her request. “Your necessitous circumstances are regretted, but this Bureau is unable to render you any relief since it has been shown that the soldier’s death was not the result of his military service in line of duty.”<sup>16</sup> It was actually her lack of knowledge, not the Acting Commissioner, which cost her the pension in reality. What Baptiste did not know was that the pension law

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<sup>14</sup> Mary Gaiton, Letter to War Department, November 10, 1919, Pension File of Louis Gaiton, Wid. No. 1157354, USNA.

<sup>15</sup> Elizabeth Baptiste, Letter to Winfield Scott, Nov. 12, 1930, Pension File of George (Elizabeth) Baptiste, Wid. No. 1025907,USNA.

<sup>16</sup> E.W. Morgan, Letter to Elizabeth Baptiste, February 12, 1931, Pension File of George (Elizabeth) Baptiste, Wid. No. 1025907,USNA.

had been liberalized, so, by the time of her final letter in 1930, she only needed to prove that the soldier had died, and not necessarily of war related diseases.

Felicia Boswell, the mother of Phillip Boswell, filed a successful claim using the language of dependency and widowhood. Her son Phillip had enlisted to earn more steady wages, and Boswell was attempting to make good on his efforts. With Louis Martinet as her notary, she claimed that her son Phillip had been the only means of support for her and for his two younger brothers.<sup>17</sup> Boswell died in Cuba from Bilious Fever in September or October of 1898, when at least one soldier from the Ninth regiment died daily.<sup>18</sup> Since Bowell died in the service, the bureau rather easily awarded his mother a pension. For Boswell, the pension functioned as a means of petitioning the government for lost wages, both present and future.

### *The Claim to Title under the Law*

In this instance, many southern ex-confederates and African American women found themselves on the same side of the line, putting forth similar claims to a reconstructed citizenship. Daughters and wives of confederate soldiers were also filing for pensions for the first time since the Civil War. By their very nature, what all of these widows' claims have in common is a shared sense of their rights as a result of their relationship to a soldier, even while their particular qualification as mother,

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<sup>17</sup> On Louis Martinet and his activism with the *Plessy V. Ferguson* decision and relationships to other community members see Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge: Harvard University Press, 2005), 151, 172.

<sup>18</sup> One record of death is with: C.J. Crane, Letter to Asst. Adjutant General, Dept. of Santiago. Doc. No. 171, Box 278, Adjutant General's Records, Record Group 98, USNA. List of deaths within the months of the outbreak. Phillip Boswell is listed as Felix.

widow, daughter, or sister of a veteran may have varied. These applicants had a shared and yet individualized sense of what citizenship would hopefully look like after the War in Cuba.

While the language of destitution still filtered into claims for restitution, many widows did not stop at merely asserting that their poverty entitled them to assistance. Many went one-step further, demanding the pension as a right. Some, like Anna Western, argued that as Spanish American War widows there were certain things that they should and should not have to do. Some, like Louisa Coleman, made “affidavits against the government.” And others, like the white property-owning widow of Marion George, could threaten, perhaps based on their social status or even self-perceived prominence, to take matters into her own hands. While the bureau defined a pensionable status as something caused by injury, many veterans and their wives appeared to define it as a result of the service itself.

Mrs. Pearl George, a widow of a white soldier from the Second USV, believed that she was entitled to her husband’s pension, though her status as “destitute” was questionable. The bureau asked her to submit proof that she and her husband had leased out their sizeable 48-acre farm to the bank and divided it into shares. Impatient with having to wait for a reply, and upset over not being able to reach or pay her attorney, she wrote the following lines to the pension bureau arguing for her entitlement based on her husband’s death.

Dear Sir:

After waiting as patiently as I have the past years for my pension what is due me I hereby as a cripple (one leg off) appeal to you again for help I know that justice Is justice and that is why I have tried so hard to get what belong to me by due death of my husband. Now I have waited about five (5) years since I put in



my claims and I want something done immediately or I will take further steps.  
Resp'ct you's Mrs. Marion Pearl George<sup>19</sup>

On occasion, a pensioner might relay her sense of being betrayed by the hope of military service. Marion Jefferson filed for the pension of her son, Eras Flood, in 1910. In the end, the bureau rejected her claim because she could not prove the soldier's "fatal abscess of liver...to have originated in service." Mrs. Jefferson countered, "your honor, let me please make this statement, when my son went into the army he was well and sound and served his time and was discharged from service and came home." She concluded her letter with these words. "As the only child I had it is very hard to think that I cant get a pension after his death."<sup>20</sup>

For some women, the pension was explicitly a matter of citizenship. In an era in which black disfranchisement was nearly complete, many women took advantage of venues that asserted their rights as citizens, perhaps not to their pension, but to their right to be heard. Although Hortensia Baptiste, the nearly blind widow of Joseph Baptiste, did not have a right to vote, she took her claim to her district Congressman after she had failed to receive a pension after eleven years of trying.<sup>21</sup>

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<sup>19</sup> Pearl George, Letter to Commissioner of Pensions, November 22, 1923, Pension file of Marion (Pearl) George, Widows App. No. 965045, USNA.

<sup>20</sup> Marion Jefferson, Letter to Department of Interior, August 25, 1912, Pension File of Eras Flood (Marion Jefferson), Widows App. No. 947,780, USNA.

<sup>21</sup> Hortensia Baptiste, Letter to Commissioner of Pensions, date unknown, Pension file of Joseph (Hortensia) Baptiste, Widows App. No. 9669040, USNA. Baptiste approaching a Congressman for her relief is reminiscent of the activism among elite women that can be instructive in how we read these texts. See for example Ida B. Wells-Barnett, *Crusade for Justice; the Autobiography of Ida B. Wells* (Chicago,: University of Chicago Press, 1970). Her writings echo the sense of a collective world -view Elsa Barkley Brown identified for the Reconstruction era. Elsa Barkley Brown, "Negotiating and Transforming the Public Sphere: African American Political Life in the Transition from Slavery to Freedom," *Public Culture* 7, no. 1 (1994):107-46. See also Martha S. Jones, *All Bound up Together : The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007).

Honorable James O'Connor: Washington D.C.

Dear Sir, Please find out why the settlement of my claim 966,9040 is delayed, I am almost blind, no one is legally bound for my support, I take care of children, whose parents are obliged to work out, sometimes I am paid, again I am swindled, you can understand I have a very hard time, My husband Joseph Baptiste, served in H Co 9th U,S, Volunteers in the War with Spain<sup>22</sup>

Hortensia was by no means the only pensioner to take her claim to a higher authority. Mary Taylor's daughter, Rebecca Williams, was one of the many people during the Depression years who wrote to President Franklin Roosevelt's wife Eleanor. Upon the advice of a veteran, Rebecca Williams penned a letter to Eleanor Roosevelt on her mother's behalf. The familiarity in her tone is striking.

Dear Madame I just received a special letter that my mother Mary Taylor of 2534 Soniat St now at 864 Hickory St is in a dying condition Doctors saying it is from wary over the loss of her home and having to move out of it letter said for me to come out at once as she is getting weaker and weaker."<sup>23</sup>

Claiming to have no time to waste, Williams told Mrs. Roosevelt, "I really want you to advise me at once by mail or telegram as I will try to leave here about Monday or Tuesday the latest."<sup>24</sup> The fact that Rebecca Williams would write to Mrs. Roosevelt is consistent with what historians have argued about the Roosevelt's' popularity among African Americans.<sup>25</sup>

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<sup>22</sup> Hortensia Baptiste, Letter to Commissioner of Pensions, date unknown, Pension file of Joseph (Hortensia) Baptiste, Widows App. No. 9669040, USNA.

<sup>23</sup> Rebecca Williams, Letter to Eleanor Roosevelt, n.d. Pension File of Joseph (Mary) Taylor, Wid. App. No. 694620, USNA.

<sup>24</sup> Rebecca Williams, Letter to Eleanor Roosevelt, n.d. Pension File of Joseph (Mary) Taylor, Wid. App. No. 694620, USNA.

<sup>25</sup> See Joe William Trotter, Jr., "From Raw Deal to a New Deal," in *To Make Our World Anew: A History of African Americans*, ed. Robin D.G. Kelley and Earl Lewis (New York: Oxford University Press, 2000),409-44; Nancy Weiss, *Farewell to the Party of Lincoln: Black Politics in The Age of FDR* (Princeton: Princeton University Press, 1983).

When Mary Taylor passed, her daughter Rebecca wrote again to Mrs. Roosevelt.

A veteran advise me to write you saying that the government will bury all World War veterans mothers and wives. We have no insurance of any kind on her so I would like to know if the government will bear all funeral charges she get \$20 a month is the mother of a world war veteran son of Spanish War named Joseph Taylor so please let me know at once at my address or at 864 Hickory St. NO LA.<sup>26</sup>

Williams concluded,

...of course she is very old as I first said. But I believe if she had staid in her home until she did pass out she would have lasted a little longer. So please let me here from you. And I can get undertaker to send you bill for burial from her daughter Mrs. Rebecca Williams.<sup>27</sup>

This mother's story is of particular importance. Though it is entirely narrated by her daughter Rebecca, we learn that her family had multiple generations of men involved in military service. Her husband Joseph was a Spanish-American War veteran and her son a WWI vet. The idea that the government should provide veterans some sort of relief from the Depression was widespread. Her daughter Rebecca's choice to write Eleanor Roosevelt—because another veteran told her to do so—speaks to this as well.

Rebecca Williams wrote to Mrs. Roosevelt again in December. This time she wrote asking if she would be eligible for her mother's \$20 pension. Though sisters and adult daughters were not eligible under the law, Rebecca Williams' request demonstrates how individuals used the military service of their family members as a

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<sup>26</sup> Rebecca Williams, Letter to Eleanor Roosevelt, November 28, 1934, Pension File of Joseph (Mary) Taylor, Wid. App. No. 694620, USNA.

<sup>27</sup> Rebecca Williams, Letter to Eleanor Roosevelt, November 28, 1934, Pension File of Joseph (Mary) Taylor, Wid. App. No. 694620, USNA.

means to make financial gains. Often those with the thinnest familial ties might attempt to use that relationship to broker their own relationship with the government and to declare their own sense of entitlement as a relative of a serviceman. In her final letter, Rebecca asked for more than just a pension. Addressing Eleanor Roosevelt with great familiarity, she asked for a personal favor of sorts— travel fare and money for burial.<sup>28</sup>

### *Property Owners and Public Charges*

Using the rhetoric of destitution was one thing, but actually being destitute was another. Worthiness for widows rested on two pillars—chastity and destitution. Occasionally the bureau found itself confronted with applications by women who were chaste but not quite destitute. The bureau encountered this problem when Rosa Winbush’s 1914 pension application raised the question. In 1910, the Louisiana State Legislature passed an act to alleviate the burden on the state that persons of “necessitous circumstances” threatened to pose. The law gave the individual the right to sue his or her children or grandchildren for support. According to Section 1 of the Act:

When any person is in necessitous circumstances, that person may have the right to demand from his or her children or grandchildren alimony for support, and proceedings for that purpose may be instituted in any District court and shall be tried summarily. After hearing the parties, if the court finds the plaintiff to be in need and the defendant or defendants able to contribute to the support of the ancestor claiming it, the court shall award such amount as may be deemed proper...<sup>29</sup>

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<sup>28</sup> Rebecca Williams, Letter to Eleanor Roosevelt, December 4, 1934, Pension File of Joseph (Mary) Taylor, Wid. App. No. 694620, USNA.

<sup>29</sup> Acts of Louisiana, 241 (1910) Revised as *Alimony from Children and Grandchildren to Support Parents*, Louisiana Revised Statute, Sec. 13: 4731.

Winbush filed her first claim for a pension in 1900, but was denied because her husband was still living and working. Her husband died in 1905, at which time she received a pension, only to have it reversed in 1914 when the bureau launched an investigation into her husband's earnings. Noting the passage of the Friedrich Act, the special examiner decided to rescind her pension. Eight years later, Winbush called for a redetermination, and as the bureau prepared to review her case again in 1922, the new special examiner assigned to her case raised the following questions surrounding state versus federal law on public charges:

If the mother of a soldier who died in service is in necessitous circumstances, a condition that gives her a pensionable status, is the fact that she may bring suit to compel her children or grandchildren to assist her to the extent of their ability, a bar to granting her a pension?<sup>30</sup>

As examiner Barrett interpreted it, the State of Louisiana's intent was to prevent paupers from becoming a "State or Parish charge." The fundamental question was who the law defined as preeminently responsible for providing for public charges. If the federal government was taking on the role as "provider," and if the state statute provided an alternate "provider," Barrett agreed, an alternate provider should be sought. He then set out to determine if Winbush could sue her children.

It took him only a few days to determine that "like most of the "poorer Negroes," she was, "charitably disposed towards her relatives..."<sup>31</sup> As Barrett eventually learned, Winbush's daughter married but never left home, choosing instead

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<sup>30</sup> C.F. Barrett, Report to Commissioner of Pensions, May 31, 1922, Pension File of James Davis (Rosa Winbush), Wid. Cert. 915036, USNA.

<sup>31</sup> C.F. Barrett, Report to Commissioner of Pensions, May 31, 1922, Pension File of James Davis (Rosa Winbush), Wid. Cert. 915036, USNA.

to move her husband into Winbush's household. The widow Winbush's son-in law and her fourteen-year-old nephew were the main providers in the home, but even their combined income provided very little money. After further investigation, Barrett determined that even if the "Friedrich Law" was relevant, her family was too poor for it to apply. The Friedrich law like other state laws of its kind was not in fact aimed at the poor, but at the rich. The rise in public programs for the poor precipitated a backlash from Progressives who had grown increasingly wary of the rich, fearing that they might be tempted to participate in public programs unworthily.<sup>32</sup> The pension bureau was no different.

The language widows used to describe their destitution varied greatly by class. Some property-owning widows, despite comparatively more comfortable means, were still left in positions after their husbands' deaths that they felt qualified them for a pension. Hence, many applicants both applied for and received pensions for reasons other than destitution. The bureau looked at their character, property values, rental value, insurance, and other means of support. Moreover, female homeowners, while they were asked to attest to the fact that they had not remarried, were not asked to prove that they labored. Instead, they were asked to prove that they were physically unable to do any work other than their household duties. This is a notable difference, and one that reveals how nineteenth century notions of domesticity and respectability were implicitly codified into law through the adjudication process. But it also demonstrates how women

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<sup>32</sup> See David Rosner, "Health Care for The "Truly Needy:" Nineteenth Century Origins of the Concept," *Milbank Memorial Fund Quarterly. Health and Society* 60, no. 3 (1982):355-85. Progressives and public health professionals shifted their thinking around 1910. The growth of public health initiatives coincided with a growing distrust of the rich who might take public funds unworthily.

like Hattie Chavis could actuate the language of domesticity and respectability on their behalf.<sup>33</sup>

Hattie Chavis was the wife of one of the most highly esteemed protestant pastors in Illinois. From his post as Pastor of Eighth Street Church in Quincy, Illinois, Captain Chavis had assisted in organizing Company I of the Eighth Illinois volunteers.<sup>34</sup> For her part, Mrs. Chavis had “no occupation other than attending to my household duties.” Two days before his death, Rev. Chavis had attempted to take out a life insurance policy on his own life, designating his wife Hattie as the beneficiary. Unfortunately, he died during the two days that passed while he waited for his salary from his congregation to come, having not been able to pay the premium necessary for the policy to go into effect. Rev. Chavis, had also been chairman of the State organization of Republican clubs in 1900, which worked to reelect McKinley in the contested election with William Jennings Bryan. Chavis, like many other African Americans of the period, participated in several lodges and benevolent societies. These organizations had historically helped families to bury their members. However, though he had been a member of the Knights of Pythias, the United Brothers of Friendship, and the Odd Fellows, their combined contributions amounted to only three hundred dollars, and were

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<sup>33</sup> For a useful discussion of domesticity and respectability among the black aspiring classes in the 19<sup>th</sup> century see Martha S. Jones, *All Bound up Together : The Woman Question in African American Public Culture, 1830-1900* (Chapel Hill: University of North Carolina Press, 2007), chap. 1. Michele Mitchell, *Righteous Propagation: African Americans and the Politics of Racial Destiny after Reconstruction* (Chapel Hill: University of North Carolina Press, 2004), 130, 41-72. Mitchell has suggested that the term “aspiring classes” captures the nineteenth century realities faced by leading black men and women more accurately than the term middle class. See previous citation in chapter 3 footnote 36.

<sup>34</sup> W.T. Goode, *The “Eighth Illinois,”* (Chicago: Blakely Printing Company, 1899), 82.

not enough to cover the four hundred dollars worth of burial expenses Mrs. Chavis had incurred.<sup>35</sup>

At the time of his death, the couple owned a home valued at \$4,500, still owing \$2,700. They only had two hundred dollars in savings. To make matters worse for the widow Chavis, the market value of her house had apparently declined. They were one of the first four black families to move into their neighborhood. By 1920, at the time of her filing, there were four more black families in the area. She noted the deprecatory effect this was having on her property value.

Q: What is the value of your house, fair cash value?

A: We paid forty-five hundred dollars for it. I don't think I could get five thousand dollars for it if I could get that. Formerly there were not many colored people there, don't think there were more than four colored families in our block, now they are nearly all colored, I think this has depreciated values of real estate in our neighborhood. I really don't think I could get \$5000 for my house. Rev. Roberts owned a stone house of eleven rooms right opposite my house. He sold it this last spring for \$4500, that was just what he paid for it. I think I could get \$4500 for my house, I would hate to have to sell it for less.<sup>36</sup>

Chavis was able to collect \$40 in room and board from her brother and son who lived with her and her two children. Her mother, who had sold her own house in Ohio and moved in with Chavis, had now come to depend on her for support. According to her mother, since her husband's death Chavis,

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<sup>35</sup> *Colored American*, November 24, 1900; Deposition of Hattie Chavis, September 1, 1929, Pension file of Jordan (Hattie) Chavis, Wid. App. No. 1,127,885, USNA.

<sup>36</sup> Deposition of Hattie Chavis, September 1, 1929, Pension file of Jordan (Hattie) Chavis, Wid. App. No. 1,127,885, USNA.



had to struggle to keep the house she has, to keep up the interest. Her means of support have been what she earns by working. She has worked for the opera club and is now working for the Unity Club getting out campaign literature.”<sup>37</sup>

The widow Chavis was only typical because of the terms in which she cast her claim. Economically she was quite different from the average applicant. Overall, the property-owning widows who applied for a pension were few, making up less than 5% of the total number of pension claims studied. The economic profiles of the volunteer soldiers varied in ways that demonstrate the gross class differences between southern and northern applicants. The majority of property owning women were African Americans from Illinois. Despite the fact that the Chavis’ household had the largest reported worth of those households studied, her claim was quite consistent with other applicants. Though the terms under which she applied and received a pension were quite different from those under which working class women from Louisiana achieved success, they all shared an ability to petition the federal government for much needed assistance in times of trouble.

Manliness shaped pension law for male pensioners and the bureau’s definition of “necessitous circumstances” for female applicants. The cases of Caroline Kingston and Lizzie Richardson, two mothers who filed for pensions after the death of their sons, demonstrate just how central notions of manhood were to the process of pension adjudication. Under the 1862 law’s provisions, a woman had to prove that there was “no one bound for her support.” But when a man failed to provide for his family, the bureau might decide to overrule the provision. Caroline Kingston, the mother of twelve

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<sup>37</sup> Susie Magee, Deposition, Sept. 2, 1920, Pension file of Jordan (Hattie) Chavis, Wid. App. No. 1,127,885, USNA.

children, applied for a pension claiming that her son was her sole supporter. Though her husband was alive and able bodied, to quote the investigator, his laziness rendered him “as good as dead.” When Kingston’s husband failed to provide for their family, his son had stepped in. Even to a bureau that was conservatively reviewing every claim, Mrs. Kingston was able to prove that she was deserving, not because she was destitute, but because her husband failed to fulfill his duties as a provider. He was, as the pension examiner deemed him, “a loafer.”<sup>38</sup>

Kingston’s case was not an isolated instance of charity. In a similar case, Lillie Richardson’s son Albert supported her. After his death, the Donaldsonville Relief Association provided her medications. Like Lieutenant Pierre Carmouche, Albert was also a blacksmith from Donaldsonville and perhaps one of the men Carmouche recruited into the regiment during the war. It was not as if Lizzie did not have a husband to do such things, but, as Carmouche testified to the bureau about the elder Richardson, he contributed “nothing to her support,” and nor had “he done so since May 25, 1899.” According to Carmouche, Mr. Richardson was addicted to habits of intemperance and was rather a burden of expense than a support to the claimant.”<sup>39</sup>

### **Legal Networks, Common Literacy, and the Claims of Community**

As one might suspect, sheer illiteracy prevented many people from applying for a pension. Yet community knowledge of legal concepts and of what the law required became a worthy surrogate in the absence of formal legal literacy. These informal

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<sup>38</sup> Pension File of Charles Walker (Caroline) Kingston, Wid. App. No. 728699, USNA.

<sup>39</sup> P.L. Carmouche and James McCrary, Deposition, Jan 6, 1901, Pension File of Albert (Lizzie, Mother) Richardson, USNA, Wid. App. No. 511540, USNA.

networks of information could operate to give an illiterate applicant enough legal literacy to put forth at least a partially successful pension claim. For example, Louisa Coleman, found someone “off the street” to fill out her form. In 1910, H.M. Ligon, a local patent attorney, described her as an “illiterate old woman.” Nevertheless, whoever filled out the application possessed a popular legal literacy. No matter how illiterate, Coleman had someone who was familiar enough with the “Bounty and Back Pay” system to claim whatever was “due” her son.<sup>40</sup>

Even where illiteracy was not a barrier, many women applied after being “informed” of changes in pension law. While the information these networks provided was not always accurate, the speed with which the women responded to changes in the law was dizzying. Caroline Dunbar sent a letter to the bureau regarding the pension act of September 1916 within days of its passage. The bureau received her request a mere twelve days after its enactment. Caroline, the mother of Austin Dunbar applied for a pension, “having been informed by Mrs. Harriet Robertson of the increase of pensions of widows and mothers...” However, her information was slightly inaccurate; the act under which she was applying only increased rates for soldiers not mothers.<sup>41</sup>

Several African American applicants made use of their ties to influential white families, utilizing their intimate role as a family nurse or personal servant to their benefit. As did many others, T.J. Fanning, a prominent member of the Crescent City Chapter of the Locomotive Firemen and Enginemen, wrote to Congressman James

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<sup>40</sup> Lizzie Richardson, Letter to Department of Veterans Affairs, October 6, 1924, Wid. App. No. 511540, USNA. See also Pension file of George (Virginia) Davis, Widow App. No.1226628, USNA for similar case.

<sup>41</sup> Caroline Dunbar, Letter to Pension Bureau, September 12, 1916, Pension file of Austin Dunbar, Wid. App. No. 695,388, USNA.

O'Connor for help with a pension. Fanning was at the very least a well-connected constituent of the Congressman who had been in contact with him at least once before.

Addressing the Congressman as his friend, Fanning penned the following letter:

Dear Sir: The following is information received from Sergeant Harris of regiment in which Alfred Henry Joyce served during Spanish American War his mother is now applying for a pension. This is the case I was asking your aid in helping her get it....I trust you will do all in your power for this old mother she is now about 79 or 80 year and in need of assistance, she is very deserving old negress- as I told you she nursed me and was quite a long time with my mother helping around the house, so anything you may do for her I would be grateful to you and shall esteem it a personal favor. Thanking you and assuring you my everlasting gratitude I remain.  
Your friend, F.J. Fanning, 1543 Chippeira St.<sup>42</sup>

For illiterate applicants, members of their own communities often assisted them the most. A 64 year old Rosa Winbush told D.F. Barrett the special examiner in her case that her neighbor,

Mr. Theodore Miller, has been doing my writing for me. He will not charge me anything, and he has paid the notary fees out of his own pocket. I have not made contract or agreement to pay anybody fee for work done in connection with the prosecution of my pension claim, but I intend to pay Mr. Miller for notary money advanced.<sup>43</sup>

### *Matters of Public Record*

Community and local knowledge could function in various ways for a pension applicant—particularly for those too poor to acquire legal documentation. Magdalena Madaris, the widow of John Madaris of the all white Second USV Infantry, needed to furnish the death certificates of her and her husband's previous spouses. "In all

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<sup>42</sup> T.J. Fanning, Letter to Congressman James O'Conner 1st District, Louisiana, November 16, 1925, Pension file of Alfred Joyce, No. 1174194, USNA. Duncan B. Harris was also a witness in the case.

<sup>43</sup> Rosa Winbush, Claimant's Final Statement, May 14, 1922, Pension File of James Davis (Rosa Winbush), Wid. Cert. 915036, USNA.

probability,” the pension examiner noted, “there is a record that the claimant has not tried to get, thinking it would be cheaper to furnish affidavits to the same effect.”<sup>44</sup> In this sense, class was the key factor shaping public access in this sort of claim. The burden of documenting relationships could work against poor pension applicants who might not have the money to acquire the necessary documents. Hence, for those with the least resources, proving the most basic things could require testimony from an entire community of witnesses.

Millie Lewis, an African American mother, enlisted community recollection to attest that she was the legitimate mother of soldier William Lewis and to establish herself in the process. While she was proving that she was William’s mother, Millie took the opportunity to chart out her own slave wedding in elaborate detail. She married John Lewis “in the dining room of the mansion house.” Lewis, who later became the pensioner's father, belonged to the owner of the adjoining plantation. Millie had married only after her mistress, who would also write a letter of support in the case, had not approved of her first “man.” Nevertheless, “the white folks were all there,” she said, “and the colored people of the plantation were all there” too.<sup>45</sup>

Sometimes community gossip might reveal entire networks of kinship. Such was the case of Mary Moore. The community recollection of her was not at all relevant to her pension case, but they seemingly offered their memories as a means to attest to

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<sup>44</sup> E.H. Wiggernhorn, Letter to Hon. H. Clay Evans Commissioner of Pensions, February 4, 1901, Pension file of John W. (Magdalena) Maderis, Widow No. 727, 832, USNA.

<sup>45</sup> Millie Lewis, Deposition, March 27, 1905, Pension File of William (Millie) Lewis, Wid. No. 716990, USNA.

her worthiness. Time after time, her neighbors mentioned that she was the illegitimate daughter of Jack Moore, a Senator “during Reconstruction days.”<sup>46</sup>

African American applicants were not the only ones who used their depositions to establish their political pedigree. Mary J.C. Higgins was an Irish woman who lived in the “Irish section” of New Orleans, and her application gave a vivid picture of local politics. Mary Horn, Higgins neighbor, described herself as “English,” but noted, “that the neighborhood I have lived in ever since coming to America is an Irish one.” “At least it used to be Irish, but now there are more Italians than Irish, and lots of niggers. The old timers who were there when I first lived in that neighborhood are all dead and gone.” Mary had lived in the neighborhood since 1877, arriving in the United States when she was 21. With an echo of a southerner’s yearning for lost causes and better days, and a nostalgic look backwards from the year 1922, she noted, “It is a changed neighborhood.”<sup>47</sup> It was this community that came before the local special examiner to explain the details leading up to the death of Mary Higgins’ husband Patrick in August of 1902. In its retelling, the story spoke to racial politics and the law in New Orleans. The special examiner had this to say about the matter:

The soldier was a sort of small-bore ward politician and was employed in a gambling house at the time of his death. He got into an altercation on the street with an ex-policeman, said to have Negro blood in his veins.<sup>48</sup>

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<sup>46</sup> Pension file of William (Mary Moore) Thomas, Wid. App No. 1132648.

<sup>47</sup> Deposition of Mary J. Horn, August 3, 1922, Pension file of Patrick (Mary J.C.) Higgins, Wid. App. No. 918286, USNA. Though the author examines history making among elite southern women, my reading of this case has benefitted from W. Fitzhugh Brundage, “White Women and the Politics of Historical Memory in the New South, 1880-1920,” in *Jumpin’ Jim Crow: Southern Politics from Civil War to Civil Rights*, ed. Jane Dailey, Glenda Elizabeth Gilmore, and Bryant Simon (Princeton: Princeton University Press, 2000), 115-39.

<sup>48</sup> C.F. Barrett, Letter to the Commissioner of Pensions, August 15, 1922, Pension file of Patrick Higgins, Wid. App. No. 918286, USNA.

Examiner Barrett's phrasing relegates the accusation almost to the level of rumor. Is the idea that he had "Negro blood in his veins" just community speculation, founded in community memory? Equally peculiar are the details that Mary Higgins recounts with certainty.

Q: Wasn't your husband killed by a policeman?

A: I didn't know he was a policeman. He was a yellow "nigger," and my husband was a politician, and they got into an argument on the street, and both commenced shooting, and both died from their wounds. The nigger died first. I think they had both been drinking. You couldn't bluff my husband.<sup>49</sup>

Mary Higgins' case is an interesting example of collective memory versus individual recollection. Of the multiple ways this scene was recounted for the examiner, the details that Higgins recalls are both consistent with the other depositions and biased towards her particular recall of the moment. She is certain of who died first, but she is not so certain of whether alcohol was involved—two details at variance with the recollection of others. No one else remembered who died first, but everyone knew for sure they were both drunk. The only thing she had to prove in order to receive her pension was that her husband was indeed dead. But how he died was as important to Mary Higgins as the fact that he died at all.

Many female pensioners, black and white, turned to their local veterans' organizations for assistance. W.W. Cummings, a member of the local United Spanish War Veterans and the Deputy Clerk of the New Orleans Parish Civil District Court,

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<sup>49</sup> Deposition of Mary J. C. Higgins, August 15, 1922, Pension file of Patrick Higgins, Wid. App. No. 918286, USNA.

wrote a letter to the Pension Bureau on official court letterhead to support the claim of Mrs. Elizabeth Arena, “an old lady of 76 years of age, mother of Paul Arena, an enlisted man of Co. A 2<sup>nd</sup> US Vol Inf.” Cummings served in the same company with Paul and was personally acquainted with him. His request: “May I kindly ask you give this matter your personal attention in order to avoid all delays so this old lady may enjoy a few of lifes benefits before passing to the great beyond.”<sup>50</sup> In the case of George Baptiste’s mother Elizabeth, after the bureau cancelled her pension under the 1882 law against open and notorious adultery, she turned to the Crescent City Chapter of the Veterans of Foreign Wars and the Spanish American War Veterans.<sup>51</sup>

*The Law against Open and Notorious Adultery and the Public Court of Gender and Morals*

Via the 1882 law against “open and notorious adultery,” the pension became a reward for good citizenship and a good female citizen was defined as uncompromisingly moral. The 1882 pension law determined those women who were worthy of its benefits by requiring proof of morality. All laws subsequent to the act of 1882 made “being a woman of good moral character” a condition for receiving a pension.<sup>52</sup> The 1882 law demonstrates the relationship between service, gender, and morals; it put the private lives of citizens up for public display in their quests for the

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<sup>50</sup> W.W. Cummings, Letter to Washington Gardner, Commissioner of Pensions, December 4, 1922, Pension file of Paul (Elizabeth) Arena, No. 1198060, USNA.

<sup>51</sup> James Murphy, Letter to Edward Morgan, October 22, 1931 and W.W. Cummings, Letter to Commissioner of Pensions, September 30, 1927, Pension file of George (Elizabeth) Baptiste, Wid. No. 1025907, USNA.

<sup>52</sup> See U.S. Congress, House, *An act to amend section forty seven hundred and sixty six, title fifty seven, of the Revised Statutes of the United States*, H. Doc. 469.



pension. Entire communities were brought into the process. Yet on various occasions, women rejected the imposition of these standards of moral chastity, even as they continued to make claims for their pensions. Pensioners' communities could be enlisted, or enlist themselves, both for and against the appellants. These cases reveal the complicated history of gender, morality, and citizenship both in legal and public forums. Ultimately everyone seemed to have agreed that a good citizen was moral, and those who were not did not deserve the badge of honor that was the pension.<sup>53</sup>

When Thomas Williams' wife Josephine applied for a widow's pension, the bureau initiated a thorough investigation into her character. In this instance, she enlisted several soldiers to testify to her morals and fidelity to her husband in death. An elderly Walter Kinchon testified that Josephine was a woman of good morals. Then, as if to legitimate his perspective, Kinchon informed the examiner that he was a Civil War pensioner and that Thomas "used to talk to him about his army life as I had been an old Union soldier."<sup>54</sup> In this case, Kinchon, a Civil War veteran, had encouraged Thomas Narcisse to enlist and then supported his widow's claim for a pension. Still, Josephine Williams also enlisted the help of two Spanish American war veterans, John Boutte and Scott Obee. Both of them had known Williams in the service and could speak to his wife's morals. In fact, the entire community testified to Josephine's good morals. Carrie Champaign, another neighbor, told the examiner, "she belongs to my

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<sup>53</sup> This interrogation of pensioners was more the norm than historians have noticed. On federal intrusion into the private lives of veterans families see Megan J. McClintock, "Civil War Pensions and the Reconstruction of Union Families," *Journal of American History* 83, no. 2 (1996):456-80.

<sup>54</sup> Deposition of Walter Kinchon, January 30, 1923, Pension File of Thomas (Josephine) Williams (alias Narcisse), Wid. Cert. No. 929140..

church...and then too she belongs to my lodge and if she was not a straight woman we would turn her out of our society and our church too.”<sup>55</sup>

The word of another veteran did not always guarantee a successful pension application. In the case of George Baptiste’s mother Elizabeth, she enlisted the help of two veterans’ organizations to save her pension after she was disqualified under the 1882 statute. The Crescent City Chapter of the Veterans of Foreign Wars and the Spanish American War Veterans wrote letters on her behalf, but to no avail.<sup>56</sup>

While male veterans formally joined veterans’ organizations, female pensioners had their own networks of affiliation. Such was the case of Hortensia Baptiste. Louisa Blanchard, herself a pensioner, testified that she had known Hortensia both before and after their husbands went into the service. Blanchard testified to Hortensia’s poverty and good character. Her income was “very poor.” “No she has not had any male friends to visit her since her husband died. She has never gotten into trouble and was never a woman to carouse.”<sup>57</sup>

But on occasion, community involvement could work against a pensioner. In many cases a community, or an individual, might attempt to “police” the pension. In the case of Charles Kingston’s mother Caroline, the local postmaster wrote to the Bureau of Pensions, to report the possibility of fraud. Going so far as to cite the claim

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<sup>55</sup> Carrie Champagne, Deposition, January 29, 1923, Pension File of Thomas Williams (alias Narcisse), Wid. Cert. No. 929140.

<sup>56</sup> James Murphy, Letter to Edward Morgan, October 22, 1931 and W.W. Cummings, Letter to Commissioner of Pensions, September 30, 1927, File of George (Elizabeth) Baptiste, Widow No. 1025907, USNA.

<sup>57</sup> Louisa Blanchard, Deposition, January 24, 1923, Pension File of Joseph (Hortensia) Baptiste, Wid. App. No. 9669040, USNA.

number from the check, he alleged that she was claiming a widow's pension when he knew that she was not dependent on her son for support. In this case, it worked out in her favor. Caroline was married, but her husband was "too lazy" to provide for her and their children. As a result the bureau replied that her case was valid and that he was misinformed.<sup>58</sup> However, others were not so fortunate; such was the case with James Brown's widow, Francis.

*Francis Brown and a Case of "Open and Notorious Adultery"*

The details in this case are too indecent to set forth, it being only necessary to state that the adulterous cohabitation of this pensioner with one Ruddison at Hammond, Louisiana, is fully and conclusively confirmed by the depositions of those who have personal knowledge of her conduct and surroundings. She has lived with Ruddison in a state of adultery for over three years, and her offering in her appeal to show physical incapacity on her part is not worthy of consideration."<sup>59</sup>

Such were the sentiments of the Commissioner of Pensions who was in charge of Francis Brown's case.

Under the 1882 law, adultery was not defined in strict terms, and the expansive definition made community knowledge all the more valuable. While the twenty-nine year old Francis had never been caught in the act of adultery, there was evidence that for three years she had lived with, been alone with, and had been seen in bed with Oliver Rudisson. The Commissioner declared that, Rudisson was a "gambling vagrant

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<sup>58</sup> John B. Sewell, Letter to Commissioner of Pensions, December 15, 1915 and Acting Commissioner of Pensions, Letter to John Sewell, December 29, 1915, Pension File of Charles (Caroline) Kingston, Wid. App. No. 728699, USNA.

<sup>59</sup> "Decision of Commissioner of Pensions Thompson," May 27, 1912, Pension file of James (Francis) Brown, No. 480,917, USNA.

Negro who is said to have lived off the woman's earning as a prostitute." For her part, Brown was "generally regarded as a lewd woman because of her actions, conversation and dress and has so conducted herself while consorting with said Rudisson to lead to no other conclusion than that her relations with him (and others) has been such open and adulterous cohabitation as is contemplated by the statute."<sup>60</sup>

Francis lived in the small sawmill town of Hammond, Louisiana. With only 3,000 residents, it had a drifting mill population. The examiner claimed that the "Negroes engaged on railroad construction make this place a hang out."<sup>61</sup> However, the Bureau was not acting on its own inclination; an anonymous letter had prompted the inquiry.

Dear Sirs. As I am an old soldier myself I was told that Mrs. Frances Brown widow of James Brown who died in Santiago is drawing pension in New Orleans, LA he was a soldier as well as myself and I can't believe she could be drawing a pension she been living here in Hammond 5 years in house with a man name Oliva Rudison I was told this is third man she lived with since death of James Brown she also lives a dissipated life for a living to help support this man she is living with now. I think if she is drawing pension and living the life she is its a disgrace to Government you can easily find her recommendation in Hammond LA and I would tell more but I know you can easy find all about her you want to know in Hammond I was told she draws \$12 a month and goes down every 3 months and get it in New Orleans LA During to my business I will not sign my name. <sup>62</sup>

In calling her "a disgrace to government" the letter writer, referring to himself as a former soldier, acted as an extension of the very government to which he had given

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<sup>60</sup> J. Davenport, Letter to the Secretary of the Interior," January 5, 1912, Pension file of James (Francis) Brown, No. 480,917, USNA.

<sup>61</sup> "Report from M. Whitehead, Special Examiner to Honorable Commissioner of Pensions," September 10, 1911, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

<sup>62</sup> Anonymous, Letter to pension bureau, date unspecified, 1911, Pension File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

service. And his efforts were not in vain. The local pension examiner set out to meet with Francis, determine her local reputation, and uncover the identity of the anonymous author. In the examiner's letter to the Bureau he wrote:

The complaint letter is anonymous, but the expression in it "you can easily get her recommendation" convinced me it was written by a colored person and inspired by some colored soldiers or pensioner. I learned that Elijah Baker, a colored civil war pensioner lived across the street from the pensioner and Oliver Rudisson, and it seems his wife Adeline Baker inspired the letter, and she had it written by a young woman who was temporarily in Hammond who has now left there.<sup>63</sup>

In this instance, it was not only the veteran Elijah Baker who voiced concern about Brown's behavior. Elijah's wife Adeline also regarded Francis Brown as unfit for a pension. In her deposition, Adeline claimed that she heard talk that Francis was a pensioner but had no proof. She also blamed another neighbor for her seemingly nosey disposition. Mrs. Baker claimed that it was another neighbor who wanted her to write and find out if Francis was getting a pension.<sup>64</sup> While the community members might have been familiar enough with her activities not to associate with her and suspect that she was receiving a pension, they would become intimately aware of all of the details of Francis' life as the case got underway.

To protect her pension, and perhaps her reputation, Francis enlisted three strategies: she claimed "womb trouble," challenged the character of her witnesses, and most interestingly, challenged the standard on which the law rested. Brown claimed that as a result of a tumor on her womb, she had "a constant voidance of puss." She

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<sup>63</sup> M. Whitehead, Report to Commissioner of Pensions, Sept. 10, 1911, Pension File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

<sup>64</sup> Adeline Baker, Deposition, August 12, 1912, Pension File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

argued, “I am a physical wreck and a chronic invalid from womb troubles which not only incapacitates me but gives me no desire in that direction.”<sup>65</sup>

In order to prove that she and Oliver Rudisson had reputations for good morals, Francis submitted three signed petitions. Included among the petitions were documents from the local professionals and public officials. Not only did these residents attest to the fact that Brown and Rudisson had never lived together, one petition went so far as to accuse Adeline Baker of being a person of “poor reputation in the community both for peace and quiet and veracity: being a person to excite discord and trouble in the locality wherein she lives.”<sup>66</sup> Given Baker’s unsolicited involvement in the case, these accusations do not seem far-fetched. Rudisson also added that he believed Baker had a personal vendetta against him since he had impregnated her granddaughter and then not married her.

Whether there was any truth to this or not, the examiner determined that the Bakers were property owners and generally respected in their community. The examiner then set out to collect depositions from many of the others whose names appeared on the petitions. It turned out that Brown and Rudisson had forged the thirty-nine signatures and typed names. Moreover, out of all thirty-nine signatures, the few authentic signatories among them had been coerced into signing a blank page. Robert Vernon, one of the signatories, was illiterate, and claimed that he thought he was signing a petition to verify that Francis had lived in his house, but not to testify to her conduct. Solomon C. Randall testified that she was a lewd woman. He claimed that

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<sup>65</sup> Francis Brown, Affidavit. August 12 1912, Pension File of James (Francis) Brown, Wid. No. 480,917, USNA.

<sup>66</sup> Petitions, August 15, 1912, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

William Armstrong got him to sign the petition under the pretense of proving that he had always known her to work. William Armstrong remained a perplexing figure even for the officer who interviewed him. He described him as a white man with family, but of questionable repute and no fixed occupation. “And white men of this strife don’t mix in such affairs unless there is a motive.” What interest Armstrong might have had in the matter, or why he had to resort to trickery is unclear.<sup>67</sup>

Armstrong, by his own admission, certainly did not have a favorable view of Francis, Rudisson, or of black women in general. In his deposition he freely admitted that the petition that was submitted for Rudisson was old and signed by others “before he went down hill.” When the pension examiner asked him if she was a woman of chastity, he replied in terms that were perhaps as characteristic of the nineteenth century as they were repugnant. “Well you know how that is with Negroes they have none at all- no chastity and Frances is like the rest of them. Yes she was a lewd woman you know a dollar will catch any woman-any Negro woman.” But, “what she did was done in her own room.”<sup>68</sup> It is worth noting the conflict resonant in this idea. While this witness considered black female sexuality open to all men, and therefore public, he privatized her use of it by his mention of her having ‘done what she did’ in her own room.

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<sup>67</sup> Solomon C. Randall, Deposition, April, 10 1913, Pension File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

<sup>68</sup> William A. Armstrong, Deposition, April 10, 1913, Pension File of James Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

Of the several strategies Francis Brown used to try to prove her character, her rejection of nineteenth century mores about appropriate behavior is the most interesting. The local sheriff had seen Francis, through a window nonetheless, running her fingers through the hair of a man with his head in her lap. According to the examiner, Brown “could see no harm in being in the bed with a one-eyed Negro whose only name she knows is ‘Shine’ provided it is only done by daylight.” She claimed that “she could not have been running her fingers through the hair of his head...because his hair is too course and thick and kinky. To define exactly what she was doing, the examiner noted that, “City Marshal Meyers tells me Negroes call this ‘honey combing’.”<sup>69</sup>

This case demonstrates the Bureau’s and the community’s attempts to come to terms with who was deserving and undeserving. Perhaps Adeline Baker conveyed the community’s opinion when she stated that Brown was “nothing but a prostitute,” and Ruddison was a man of “no account. As such they were clearly not deserving of a pension, but Brown did not agree. She applied again in 1940 under the name of Francis Brown Holland, but this time for the pension of her new husband, World War I veteran, Willie Holland.”<sup>70</sup>

### *Good Women Behaving Badly*

Laws are not self-enforcing, but aim to persuade those to whom they apply to heed them. In the case of the pension statutes, many widows refused to accept the

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<sup>69</sup> M. Whitehead, Report to Commissioner of Pensions, September 10, 1911, Pension File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.

<sup>70</sup> E.L. Bailey, Letter to Francis Brown Holland, Nov. 29, 1940, File of James (Francis) Brown, Pension file of James (Francis) Brown, Wid. No. 480,917, USNA.



standard of sexual propriety adhered to by the bureau and established an alternate understanding of what their allegiance to the law should entail. Moreover, in their claims, such women manipulated the letter of the law, and marshaled it in their own defense for seemingly “bad behavior.” Perhaps most perplexing is the number of women who were tried under the 1882 law but made no effort to defend their behavior. These women were equally perplexing to the pension examiners who took their testimony.

John Allen’s wife Lillie had been receiving a pension since 1898, but lost it under the Act of 1882 when she admitted to occasionally sleeping with a man named Robert Coil. Like Francis Brown, an anonymous party also brought her behavior to the Pension Bureau’s attention.

Mr. White head commissioner I wish to inform yo of the fact that there us a woman? Pintion and has Ben doing this far-5-years and she is liven in the house with a man that is calls her hasband but she is not married to him But tha is call man and wife and that is Mrs. Lillie Allen and her husband is name Bob coil and tha live 1110 ninth st at tha have ben liven together now for 5 years and she is surporting him af the pintion money she is a big fat yello woman and he is a skinnie man lillie allen and Bob coail 1116 nonth st near magazine st.<sup>71</sup>

With her affair with a frequent roomer exposed by an interested and anonymous party, Lillie Allen found her case brought up for review before the pension board. Lillie and Robert had a mutual arrangement. When he came into town, he stayed at her house at night and they slept together about twice a week. In addition to performing the duties of a husband, Robert agreed to pay her four dollars a week for room and board.<sup>72</sup> Lillie

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<sup>71</sup> Anonymous, Letter to Pension Commissioner White, File of John C. (Lillie) Allen, Wid. App. No. 691051, USNA.

<sup>72</sup> Robert Coil, Deposition, November 2, 1911, Pension file of John C. (Lillie) Allen, Wid. App. No. 691051, USNA.

heard his statement read back to her, and to the pension examiner's surprise, corroborated his testimony.<sup>73</sup> The fact that she openly admitted to having sex with him could suggest that perhaps she was not aware of what was at stake. But while her contention that "no one else knows that we go to bed with each other" is seemingly an admission of guilt, Allen was actually arguing another principle provided by the first section of the law. Allen suggested that it was the open and notoriousness, not the cohabitation, which should be tested under the law. Since Allen's husband was dead, the only test for adultery was her public fidelity to the soldier's memory. In this regard, she suggested they were innocent because there was no public knowledge of her sexual acts, making them neither open nor notorious.

The idea that a widow was cohabitating with another man was only half as disturbing as the thought that she might be supporting him with her pension. That Francis Brown had been consorting with a "gambling vagrant" Negro named Ruddison and supporting him with the soldier's pension outraged examiners. By contrast, Lillie Allen was so successful at defending Robert Coil's character that the pension examiner described him as "above the intelligence of the negroes in general" and a steady worker. Coil was a good man, and their arrangement was both consensual and private. It was the standards of respectability, not the letter of the law, Lillie Allen challenged. Though she failed, she offered a worthy opposition to the underlying presumptions driving the law. Her argument was ultimately that she adhered to public standards of respectability, and on those grounds, should keep her pension.

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<sup>73</sup> Lillie Allen, Deposition, November 2, 1911, Pension file of John C. (Lillie) Allen, Wid. App. No. 691051, USNA.

## **Race, Class, and Sex under the Law**

The 1922 law did for Spanish American war widows what the 1890 act had done for those from the Civil War. It stated that widows could now apply for pensions if the soldier had died, serving ninety days or more. The death did not, however, need to be connected to service related diseases.<sup>74</sup> The 1920 law had increased the minimum and maximum pensions for both invalids and dependents for those whose names were already on the rolls. This law simply required the applicants to verify service—regardless of how long they had served.<sup>75</sup> Because connecting disability to service had been extremely difficult for most applicants to do prior to the 1920's, prior laws had the direct effect of limiting the number of pensioners and dependents able to claim pensions before 1920.

Examining pensions from the Civil War period, Donald Shaffer has compared two regiments and suggests that the pension bureau accepted and rejected white and black regiments at the same rates. This holds true for Spanish American War veterans for the most part. However, when we move beyond a statistical comparison and towards a qualitative assessment it changes the dynamic.<sup>76</sup>

By examining the intersection of nineteenth century ideas about race and gender, and that intersection within the body of laws that comprise the pension legislation of the era, one can determine what issues might have affected the probability of a pension

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<sup>74</sup> U.S. Congress, House. *An Act Granting relief to soldiers and sailors from the War with Spain, Philippine Insurrection, and Chinese Boxer rebellion campaign.* 67<sup>th</sup> Cong., 2nd Sess., 1922 H.Doc.302.

<sup>75</sup> Donald R. Shaffer, *After the Glory : The Struggle of Black Civil War Veterans* (Lawrence: University of Kansas, 2004). See Appendices.

<sup>76</sup> U.S. Congress, House. *An act to amend section forty seven hundred and sixty six, title fifty-seven, of the Revised Statutes of the United States.* H. Doc. 294.

application's success. The key here is the 1882 law against open and notorious adultery. Pension law authorized the Commissioner of Pensions to conduct "special examinations" whenever there was suspicion of a fraudulent case, or whenever the pension applicant did not have official records of birth, marriage, etc.<sup>77</sup> The documents do not allow for an exhaustive numerical comparison of white versus black women who lost their pensions under the 1882 law. However, a qualitative analysis of records from both the second and ninth USV regiments, reveals that far greater numbers of black women were disqualified under the law than their white counterparts.

There are several plausible reasons for the disparity between white and African American pensioners. First, the presumption of black female promiscuity often shaped the determination of the credibility of witnesses and the officers themselves. Secondly, some African American female applicants apparently held to notions of sexual propriety that were in conflict with the 1890 law, a stance that subsequently resulted in their expulsion from the rolls.<sup>78</sup>

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Nineteenth century ideals regarding gender and citizenship converged in pension law to shape the day-to-day lives of Spanish American war widows. On its own, wartime service inspired a rhetoric of citizenship and claims making. But this rhetoric was not constructed in a vacuum. On the contrary, it was a rhetoric grounded in the increasing activism of the Federal Government after the Civil War. Not surprisingly, even as the federal government increasingly took a hand in providing

access to federal patronage for its citizens, law makers developed a habit of instilling in citizens—or policing if necessary—the principle of chastity.

Disentwining military service from citizenship through the denial of pension claims occurred along raced and gendered lines. Extralegal questions, namely the character of one's attorney, or legal questions such as an applicant's poor character, could all count against an applicant. As a result, the majority of those who received pensions did so under the 1920 law. The 1882 open and notorious adultery statute codified the relationship between morals, gender, and citizenship into law. And many women found that their bad behavior would disqualify from receiving the fruit of their husbands' service.

But whether they won or lost their claims, the pension remained a powerful space for the articulation of public rights. The pension functioned as a “graphical” space, shaping the character of claims and channeling the expression of public voice. The pensioners were graphing their requests onto a schematic put forth by the bureau, but they recaptured that space as a place for autobiographical narration, writing their lives and that of their families into the script of the nation. Through the genealogies they constructed, the pensioners painted very vivid genealogical pictures of African American family life. They graphed onto the documents the very genealogies historians of African American history have been trying to reconnect for years. Military service shaped the post war experiences of citizenship for women in profound ways. If nothing else, it provided the most widespread channels for both the expression of public voice and the broadest opportunity for political engagement of the late nineteenth and early twentieth centuries.

## CHAPTER V

### **“PROPERTY BY CITIZENSHIP”: AFRICAN AMERICAN POLITICAL ACTIVISM, KINSHIP, AND COMMUNITY AFTER THE FINAL WAR FOR CUBAN INDEPENDENCE**

The time is near at hand, when the Negro's condition (in this country) will be worse than his days of slavery. When he [the Negro] was a slave his white master was the only person who had the right to whip or kill him...If he committed an offense, petty or criminal, his master saw to it that he be given a fair trial. If found guilty, punishment was inflicted. Otherwise you dare not harm that Negro, he was some white man's property. Today we are the property by citizenship of this great government; tell me, who protects him [the Negro] when charged for real or imaginary offense.

Pierre Carmouche, *Colored American*, September 7, 1900

Raw sugar has more protection today than all the Negroes in the country, and the Republican party is its loyal friend, as well as of every other commodity that there is a dollar in.

*Colored American*, July 26, 1902

While the majority of the volunteers were preparing to withdraw from Cuba in April of 1899, Congressman George H. White of North Carolina, the last remaining African American member of Congress, stood on the floor of the U.S. House of Representatives censuring “the War Department for perpetuating an injustice upon the brave colored officers who won lasting honors on the fields of Cuba, and who were promoted and unfairly transferred to the immune companies which were soon to be

disbanded.”<sup>1</sup> Rather than promoting them to officers’ positions within the army, they had been given temporary positions in the volunteer regiments and would now return to the ranks in the regular army. Even the nominal gains African Americans had achieved by securing Negro officers for Negro troops were quickly eroding.

Meanwhile, plans were underway for a Peace Jubilee, which was to be held in Washington, D.C. to celebrate the conclusion of hostilities in Cuba. While all of the white soldiers and Red Cross nurses were participating on the planning committee and program, the volunteer regiments as well as the colored nurses who had served under Mrs. Curtis of the Freedmen’s Hospital had been excluded from the proposed festivities. The *Bee* interpreted the absence of black Americans during the planning and the lack of black volunteers in the proposed activities as a symbolic erasure of the part black citizens had played in the war.<sup>2</sup> Like the insurgent forces in Santiago, and the African American veterans of the Civil War, black soldiers of the Cuban intervention were finding themselves excluded from the pageantry of national memory making.<sup>3</sup> As the editor of the Afro-American newspaper the *Washington Bee* argued, returning soldiers and Afro-Americans alike were not allowed to “feel the throb of national pride unmixed

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<sup>1</sup> *Washington Bee*, April 8, 1899.

<sup>2</sup> *Washington Bee*, April 15, 1899, April 21, 1899.

<sup>3</sup> On pageantry and memory making after the Civil War, see David W. Blight, *Race and Reunion : The Civil War in American Memory* (Cambridge: Harvard University Press, 2001). Kate Masur, "Reconstructing the Nation’s Capital : The Politics of Race and Citizenship in the District of Columbia, 1862-1878 " (Ph.D. diss., University of Michigan 2001), chap. 3. A study of post-war symbolism and the national memory in the Cuban context that addresses similar questions is Marial Iglesias Utset, "Topos y tropos del 98: La inscripción simbólica de los cambios en los espacios de lo cotidiano en Cuba, 1898-1902," in *Historia y memoria : sociedad, cultura y vida cotidiana en Cuba, 1878-1917*, ed. Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello; University of Michigan. Program in Latin American and Caribbean Studies (La Habana: Centro de Investigación y Desarrollo de la Cultura Cubana Juan Marinello and Programa de Estudios de América Latina y el Caribe, Instituto Internacional, Universidad de Michigan, 2003), 213-49.

with prejudice and discrimination which have too often embittered our cup and rendered meaningless pageants and historical farce.”<sup>4</sup>

At a time when African Americans were being forcibly denied constitutional rights and protections, these symbolic exclusions were not unprecedented. The bloody Wilmington race riot of 1898 had undeniably demonstrated the cost of black upward mobility in the South.<sup>5</sup> The Wilmington riot would be followed by three additional violent outbreaks in Akron, New York, and New Orleans in the summer of 1900.<sup>6</sup> A newspaper headline written after Wilmington conveyed the thoughts of many who read it: “FOREIGN WAR MORE MERCIFUL,”... “sixteen dead at Wilmington and seven at Greenwood as a result of the race war.” With an allusion to Lincoln’s famous depiction of the pre-Civil War nation as a house divided, the paper remarked that the “ ‘race war’ ...tells a compelling story of a situation in which a community is divided against itself.” The paper noted, “the Navy lost fewer men in the whole course of the war with Spain. Foreign war is merciful compared with the internecine strife in which enemies lurk around every corner.”<sup>7</sup> By January of 1899, as the *Wilmington Messenger* reported it, nearly “1, 400 colored people have left the city since the riot there.”<sup>8</sup>

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<sup>4</sup> *Washington Bee*, April 15, 1899, April 21, 1899.

<sup>5</sup> Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996), 105-18. Adam Fairclough, *Better Day Coming: Blacks and Equality 1890-1900* (New York: Viking Penguin, 2001), 7-11. For critical commentaries of the Wilmington Massacre see David. S Cecelski and Timothy B. Tyson, eds., *Democracy Betrayed: The Wilmington Race Riot of 1898 and Its Legacy* (Chapel Hill: The University of North Carolina Pres,1998).

<sup>6</sup> For editorial on the New Orleans riot see J.E. Bruce of New York (alias Bruce Grit), “The Eternal Negro” in the *Colored American*, August 4, 1900. William Ivy Hair, *Bourbonism and Agrarian Protest: Louisiana Politics, 1877-1900* (Baton Rouge,: Louisiana State University Press, 1969),chap. 9

<sup>7</sup> *New York Journal* quoted in *Colored American*, November 12, 1898.



Fearful of the dangers awaiting black soldiers returning to the South, some black citizens from New Orleans sent a petition to the War Department requesting that the department transport the regiment to New Orleans by water rather than by rail. The letter affirmed that while their “husbands, fathers, brothers, and sons are loyal to the flag,” and they desired to “have them to live to fight and to die for their country in its hour of peril from its foes,” they solemnly protested against “having their lives spared only that they may become a target and be killed by their own countrymen.”<sup>9</sup>

Though refused, it was not unfounded. Black soldiers had faced angry mobs as they returned home throughout the South.<sup>10</sup> In fact, the soldiers’ first test of their veterans’ status had begun at muster out during a conflict between the black Lieutenants of the Ninth and a white Captain at Camp Meade, Pennsylvania. Colonel Charles Crane wrote to the Chief Mustering Officer declaring that “the language, manner, and bearing of at least one officer engaged in mustering us out of the service (Capt. Miller) as reported to me, compel me to respectfully request that you will please instruct your officers (at least Capt. Miller) so as to prevent these officers from assuming authority which does not belong to them.” Captain Miller had apparently demanded racial deference from men who had no desire to oblige him.<sup>11</sup>

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<sup>8</sup> *Wilmington Messenger* quoted in *Colored American*, January 7, 1899. Gilmore, *Gender and Jim Crow*, 131-3. The reference to Greenwood is with regard to an outbreak of racialized violence in Greenwood, South Carolina. See George Brown Tindall, *South Carolina Negroes, 1877-1900*, 2<sup>nd</sup> ed. (Baton Rouge: Louisiana State University Press, 1966), 257.

<sup>9</sup> Paul Bruce et al., “Letter to the Secretary of War,” May ?, 1899, No. 234974, AGO, USNA.

<sup>10</sup> Willard B. Gatewood, Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975), 150-52.

<sup>11</sup> C.J Crane to J.P. Jocelyn, May 6, 1899, Camp Meade, Entry 182, RG 94, USNA. On Crane’s treatment of black soldiers see William Hilary Coston, *The Spanish-American War Volunteer*, 2<sup>nd</sup> ed. (Camp Meade, Middleton, PA: Published by the Author, 1899), 67. In his history of the regiment, Coston was simultaneously complimentary to Crane, indicting of the era’s racial politic, and hopeful for the future.

The violence, the lack of officers' appointments, and the exclusion of black Americans from the national pageantry surrounding the war were important indicators of the racial politics to which soldiers were returning. Many men of the Ninth USV, aware of the tensions, chose to keep their revolvers in hand rather than place them in their trunks as regimental chaplain W. Hilary Coston admonished them. Coston "advised" the men "of their power to make enemies for themselves by so doing." But the men were not so worried about making new enemies along the train lines in the South; seemingly, the white vigilantes who had attacked trains carrying returning soldiers were problem enough. And they told Coston as much; they informed him that "they were thankful for his advice, but they were now free and could take care of themselves."<sup>12</sup>

African Americans had hoped that sacrificing during their country's "hour of peril" would provide a platform from which their claims to full citizenship rights might be heard. However, coming events would indicate otherwise. Many hoped that African American military service would provide the basis for progress in three main areas: (1) urging the National Republican Party to action on southern disfranchisement, (2) securing permanent officer status for men in the armed service, and (3) provoking a political response to lynching via the conviction of those accused in the killing of Postmaster Frazier Baker in South Carolina.

The first major disappointment occurred when southern courts failed to reach a conviction against eleven of the alleged thirteen lynchers tried for the murder of

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"Colonel Crane has given the Afro-American of the South probably his first lesson of liberty under law, and taught him how to secure in the fullest measure the satisfaction found in the obedience of order."

<sup>12</sup> Coston, *Spanish-American War Volunteer*, 171.

Postmaster Baker. Thirteen of the state's "leading men" had been brought up on charges in 1899. Two men had confessed and implicated the other eleven. But according to the *Colored American*, the Judge's opening comments gave an important cue to the jury regarding his expectation in the case. The Judge thought it was "bad precedent" for the President to send "a Negro to be postmaster at Lake City."<sup>13</sup> And even though two men had turned state's evidence, three of the accused were freed on directed verdicts of acquittal. The jury had been unable to decide on the other five, it being reported that five of the jury members favored a guilty verdict. But still this left no one convicted of the crime against Postmaster Baker, and in April of 1901, when the Federal District Court declined to retry the case, one paper concluded that "the government" seemed "unconcerned, no doubt because Baker and his family were colored people."<sup>14</sup>

The next year, an interracial group of Louisiana activists would make one final attempt to reverse the trend of disfranchisement by bringing the voter registration case of an African American citizen, David Ryanes, before the courts. Serving as Ryanes' counsel was Armand Romain, a local attorney, former state senator, and Major in the Ninth USV. The group would eventually lose their suit in 1904, only shortly after the Supreme Court turned back a similar case, *Giles v. Harris*, which challenged voting restrictions on otherwise qualified black electors in Alabama. But many still stubbornly continued to see themselves as participating in an ongoing struggle whose conclusion had yet to be told.<sup>15</sup> In light of such losses, the record of local and national activists

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<sup>13</sup> *Colored American*, May 6, 1899. See also, Tindall, *South Carolina Negroes*, 256-7.

<sup>14</sup> *Cleveland Gazette*, April 13, 1901. See also, Tindall, *South Carolina Negroes*, 256-7.

who continued to maintain even marginal positions in local, state, and national politics, and who continued to organize and challenge restrictions on citizenship well into the twentieth century becomes an even more important aspect of the study of disfranchisement.

Though the New Orleans Citizens' Committee had disbanded after the Supreme Court ruled against Homer Plessy, its members continued in state, national, and local politics, lending their support to civil rights battles in various arenas. Politicians and activists—some of them veterans— continued to lobby for political positions and power within the Republican Party. Veterans and their families filed pension claims against the government, and in so doing, built upon many of the sustained political networks that had driven the struggle for political rights heretofore. These localized battles— many of them fought over the day-to-day political acts of securing a patronage position, filing a pension claim, or joining a civil rights organization— when taken in tandem contributed to the ongoing work of restoring political, social, and economic freedom to African Americans. For as black Republicans argued, winning the right to these important markers of political influence could translate into broad and enduring manifestations of political power.

While historians of Louisiana activism have in recent years examined constitutional challenges that ran their course through 1904 and labor activism through the 1920's, works within the larger field of southern political history have often focused on the overwhelming strength of the Democratic onslaught, rather than those who

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<sup>15</sup> *State ex. Rel. Ryanes v. Gleason*, Supervisor, 112 La. 612; *Giles v. Harris* 189 U.S. 475 (1903). For an analysis of *Giles v. Harris* and *Ryanes v. Gleason*, see Rebecca J. Scott, *Degrees of Freedom: Louisiana and Cuba after Slavery* (Cambridge: Harvard University Press, 2005), 192-96. Also on Giles, see Richard H. Pildes, "Democracy, Anti-Democracy, and the Canon," *Constitutional Commentary* 17 (2000):295-319.

fought for political survival.<sup>16</sup> This chapter explores the community-building efforts of self-identified politicians and those brought into the political process via military service, whether their own or that of a family member. Likewise, it explores the social, intellectual, and political transformation of these individuals. Networks of politicians, activists, veterans, and common folk overlapped, combined, and occasionally dissolved across the late nineteenth and early twentieth century United States. Pension files, census records, city directories, and newspapers yield qualitative and quantitative data that makes it possible to map out politically charged volunteer communities. Newspapers reveal how local networks connected individuals and communities in Louisiana, Texas, and Illinois to national politics and the political movements of the era. African Americans were being increasingly isolated by violence, disfranchisement, segregation, and political losses as the power of the southern branch of the Republican Party diminished in the post disfranchisement South.

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<sup>16</sup> On Louisiana activists and the courts see Scott, *Degrees*, 189-200. On labor union activism through the 1920's see Eric Arnesen, *Waterfront Workers of New Orleans: Race, Class, and Politics, 1863-1923* (New York: Oxford University Press, 1991). See also a related study on Texas, Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997). While many would agree that disfranchisement was in many respects a *fait accompli* in southern states by the late 1890's, a number of historians, including Scott and Arnesen, have, through local studies, established it as a highly contingent process. Among southern political historians, J. Morgan Kousser has directly challenged V.O. Key's formulation of disfranchisement as a *fait accompli*, arguing disfranchisement was a highly fraught process that was vigorously contested by black activists. J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880-1910* (New Haven: Yale University Press, 1974). V.O. Key, with the assistance of Alexander Heard, *Southern Politics in State and Nation* (New York: A.A. Knopf, 1949). Similarly, William Ivy Hair explored disfranchisement in the context of the Populist and Republican challenges. Hair, *Bourbonism and Agrarian Protest*. A classic work on disfranchisement that examines changing voting restrictions in the context of the populist challenge is C. Vann Woodward, *Origins of the New South, 1877-1913*, 2nd ed. (Baton Rouge: Louisiana State University Press, 1971).

## Connected Activism: Louisiana, Washington D.C., and Illinois

Veterans returning to Illinois made some political gains in the months that followed their return. The Ninth Battalion, which had formed the core of the Eighth Illinois, was not be mustered out, but resumed its place as a part of the National Guard.<sup>17</sup> The Eighth's Colonel, John R. Marshall, returned to Chicago and was appointed Cook County Sherriff, the first African American deputy ever appointed to the post. Similarly, the Democratic politicians in the state appointed Harvey Thompson, adjutant of the regiment, to the position of clerk in the Police Department. While the large number of black Republicans has largely overshadowed the growing influence of the Democrats among black Americans, their presence in this earlier period must be acknowledged and analyzed if we are to understand the support that those such as W.E.B. Du Bois gave to Democratic Presidential Candidate Woodrow Wilson in 1912.<sup>18</sup> Harvey Thompson's influence with the Democrats was exemplary of the growing visibility of black Democratic voices in Chicago and elsewhere. Before the war, many had doubted that any anti-Republican organization would have much sway with black voters in Illinois, but by July of 1899 the state had its own Democratic paper and an increasing number of Democratic clubs. Circumstances were undoubtedly changing.<sup>19</sup>

Julius Taylor had recently relocated his newspaper the *Broad Ax* from Utah to Illinois. His express purpose was to help elect Democratic Presidential candidate

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<sup>17</sup> *Colored American*, May 20, 1899.

<sup>18</sup> For later coverage of African Americans and Wilson in 1912, see examples in *New York Times*, September 1, 1912; *Washington Post*, February 12, 1912.

<sup>19</sup> *Colored American*, April 29, 1899.

William Jennings Bryan in 1900. In the inaugural issue, Taylor declared, “The *Broad Ax* is the only Democratic newspaper in this section of the country, or in this state or city which is published in the interest of the Afro-American race.”<sup>20</sup> Though small in number, black Democrats in the Northern and Border States were of increasing concern to Republicans. Whether theirs was a real threat or not, many African Americans alleged that they were willing to leave the party if it continually failed to serve their needs.

By May of 1899, black politics had splintered along at least three lines. There were members of the “old guard,” men who had been active in the party since Reconstruction, alongside a younger generation of aspiring Republican politicians, and black Democrats, who were becoming increasingly numerous. A movement to revive T. Thomas Fortune’s now defunct Afro-American League brought these divisions into relief and generated new tensions. In September of 1898, T. Thomas Fortune, Ida B. Wells, African Methodist Episcopal Zion Bishop Alexander Walters, and other prominent African Americans convened to form the Afro-American Council. Ostensibly a non-partisan organization, the Council was envisioned as a loosely organized hierarchy of local branches operating in the various states whose representatives convened annually. While the founding of the Niagara Movement (1905) and the National Association for the Advancement of Colored People (1909-1910) have largely eclipsed the earlier activism of the Afro- American Council, it marked the first attempt

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<sup>20</sup> *Broad Ax*, July 29, 1899.

at developing an organized response to civil rights infringements in the Post-Reconstruction era.<sup>21</sup>

At the Council's inaugural meeting in 1898, members of the "Old Guard" like John P. Green of Ohio debated with the more radical members in attendance, reflecting growing tensions between those of varying political persuasions within the African American community as a whole.<sup>22</sup> Again at the 1899 National Council meeting Green attempted to quiet criticisms of President William McKinley by reminding those in attendance that the "Republican Party was the negro ship, all else was the sea."<sup>23</sup>

Not willing to be silenced, another member in attendance, Dr. J.N. Johnson, replied in kind. "Tell Mr. McKinley that if he wants the Negro's vote, he must change his attitude, else the Democratic or any other party will get it."<sup>24</sup> Many black leaders across generations saw McKinley's failure to discuss black civil rights as conciliation toward the white supremacist South and were taking increasingly radical postures against him.<sup>25</sup> But Johnson was also representative of a younger even more radical

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<sup>21</sup> Ida B. Wells-Barnett, *Crusade for Justice; the Autobiography of Ida B. Wells* (Chicago,: University of Chicago Press, 1970), 254-56. Emma Lou Thornborough argued decades ago that the Niagara movement and NAACP have largely overshadowed the work of the Afro-American League. Emma Lou Thornborough, "The Afro-American League, 1887-1908," *The Journal of Southern History* 27, no. 4 (Nov., 1961): 494-512, 501. On the divisions within the Afro-American community and within the Council, see also Michael F. Goldstein, "The Preface to Booker T. Washington: A View from New York City of the Demise of Independent Black Party Politics, 1889-1902," *The Journal of Negro History* 62, no. 1 (1977):81-99. On the Council's work against racial violence, see Shawn Leigh Alexander, "Vengeance without Justice, Injustice without Retribution: The Afro-American Council's Struggle against Racial Violence " *Great Plains Quarterly* 27, no. 2 (2007):117-33.

<sup>22</sup> On conflicts at the inaugural meeting see Goldstein, "Preface to Booker T. Washington," 87-89. On Green's activities prior to the war see *Cleveland Gazette*, Oct. 9, 1897; John P. Green to William McKinley, June 20, 1898, *William McKinley Papers* (Washington, D.C.: Library of Congress, 1961), microfilm, reel 2.

<sup>23</sup> *Washington Bee*, May 13, 1899.

<sup>24</sup> *Washington Bee*, May 13, 1899. See May 20, 1899 issue on the National Negro Protective Association.



generation, one that would remain largely overshadowed by the race leaders of the age, but who were calling for cross-class cooperation nonetheless. Dr. Johnson, both an M.D. and an attorney, announced in June of 1899 his plans for the Working People's Union Aid Society.<sup>26</sup> At a time when members of the black leadership and the black press were drawing distinctions that had the effect of separating the classes, Johnson was arguing for cross-class cooperation. With a program that read like the writings of a populist or a union organizer, Johnson's Aid society focused centrally on the interests of unskilled laborers, and all others—physicians, lawyers, ministers—were merely asked to cooperate in the work.<sup>27</sup> Johnson's movement stood in contrast to other leaders of the day who were reinforcing class distinctions in their public pronouncements and through their political philosophies.

Conventions aimed at disfranchising black voters had been occurring throughout the South since 1890 and they stripped the franchise from black voters under the guise of reform. Literacy requirements in particular were depicted as a way to reform the system and eliminate voter fraud. In spite of its implication for those African Americans who were illiterate—often members of the working classes—the idea of a literacy qualification appealed to several leading men such as Booker T. Washington and Bishop Walters, President of the Afro-American Council. Likewise, progressive thinkers like W.E.B. Du Bois and John Mercer Langston supported qualified suffrage. Washington, Du Bois, and others thought a qualified suffrage might do away with the violence and intimidation that had characterized southern politics since Reconstruction.

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<sup>25</sup> Wells-Barnett, *Crusade*, 257.

<sup>26</sup> *Washington Bee*, June 24, 1899.

<sup>27</sup> *Washington Bee*, June 24, 1899.

They objected primarily to racially discriminatory restrictions and not necessarily those that reflected class bias.<sup>28</sup>

From the start, the shadowy presence of Booker T. Washington and his relatively conservative agenda plagued the Council. Though he was not overtly involved in the Council at its inception, his increasing presence in Council affairs would prove to unravel the fledgling coalition over time.<sup>29</sup> In general, African American activists were becoming increasingly critical of conservative policies and those who endorsed the Republican administration without qualification. The Democratic *Broad Ax* had the most to say about those who maintained their allegiance despite the relatively few positions African Americans held in the Republican administration. The paper harshly criticized Colonel Marshall of the Eighth Illinois for offering to take the regiment to the Philippines.<sup>30</sup> Julius Taylor, the Democratic transplant from Utah, not only opposed Marshall, but he also opposed the war in the Philippines and maligned anyone who supported it.<sup>31</sup> In July, the *Broad Ax* reported, “Col. Marshall is in Washington for the purpose of prevailing upon President McKinley to select competent

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<sup>28</sup> On the disfranchising conventions see Woodward, *Origins of the New South*, chap. 12. On Washington, Du Bois, etc., see James M. McPherson, *The Abolitionist Legacy: From Reconstruction to the Naacp* (Princeton: Princeton University Press, 1975), 301. For another example, see *Omaha Enterprise*, January 12, 1900. The *Omaha Enterprise* worried mainly about the aspiring classes. The paper argued that the laws “either by express provision or in the method of their administration, discriminate against all colored men alike.” On Bishop Walters, President of the Afro-American League, Goldstein, “Preface to Booker T. Washington,” 87-88.

<sup>29</sup> *Washington Bee*, June 3, 1899. The *Bee*, for example, criticized T. Thomas Fortune for his endorsement of the leaders of the “old school” including Booker T. Washington, who the editor referred to as a “national apologist.” For an alternate account that mentions little of the dissent and applauds White, Green, and Pinchback, see the *Colored American*, May 13, 1899. These men had been involved in the Council since its founding. The article discusses Pinchback’s growing criticism of Republican politics.

<sup>30</sup> For a different perspective on Marshall, see also *Colored American*, July, 8, 1899.

<sup>31</sup> The major black papers also questioned the Philippine intervention. *Washington Bee*, April 29, 1899. The *Bee* would eventually come to endorse black enlistment for the sake of black rights. See also, *Colored American*, April 29, 1899.

Negros for higher positions in military service.” But the President was reportedly not in favor of the proposed idea. Referring to Marshall with disparaging epithets, he wrote, “when Major McKinley is re-nominated next year, Col. Marshall and the other bright lights will throw up their hats and yelp and shout for Massa Bill.”<sup>32</sup>

Taylor’s criticism of prominent Republicans in Illinois, Washington, and elsewhere was emblematic of the black Democratic voices that were increasing in volume towards the end of the century. Furthermore, Taylor’s arguments against Philippine annexation demonstrated why so many African Americans, particularly those out west, were finding the Democratic platform so appealing. In a speech delivered before the Colored Democratic League of Cook County, he argued that unlike expansion into the west, expansion into the islands required a conquering of territories and people. Such a policy would not only endanger the Monroe Doctrine but also the rights of people fighting for “liberty and independence.”<sup>33</sup> The *Broad Ax* was particularly willing to point out the hypocrisy of the Republican policy towards the Philippines. “For the past thirty-five years all those who have affiliated with the Grand Old Party...have persistently maintained that the war was waged against the southern people for the express purpose of liberating the slaves. But at the present time the leaders and the rank and file of the Republican Party are branding every person as traitor to his country who is not in favor of enslaving the Phillipinos.”<sup>34</sup>

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<sup>32</sup> *Broad Ax*, July 29, 1899.

<sup>33</sup> *Broad Ax*, September 16, 1899; September 23, 1899. James McPherson has classified anti-imperialism as an outgrowth of the “neo-abolitionist” ethos of the late 19<sup>th</sup> century, see McPherson, *Abolitionist Legacy*, 324-33. On African Americans and anti-imperialism see Willard B. Gatewood Jr., *Black Americans and the White Man's Burden 1898-1903* (Urbana: University of Illinois Press, 1975), 180-221.

<sup>34</sup> *Broad Ax*, July 29, 1899.

This was in many ways a true statement; black Republicans had their own views on why expansion was a beneficial policy. In January, an interracial meeting of black and white Republicans on the Louisiana Central Republican Committee endorsed the Republican policy toward the Philippines, believing the war to be a step forward in “the march of progress and betterment of the human race.” As the committee declared, “it is, therefore, the sense of the Republicans in Louisiana that the policy of the national administration should be endorsed by every loyal and patriotic citizen of the American Union.”<sup>35</sup> But not all black Republicans were in agreement, and some saw foreign expansion as a problem. Men like Rev. H.C.C. Astwood, who had traveled to Cuba with the Eighth Illinois and had since been conducting missionary work in Santiago, were linking the question of African American party allegiance to the issue of Cuban independence. He had declared in February of 1900 that “if the promises of the Nation to Cuba were not kept, and nothing was done by the Administration to aid the Negro in his struggle for manhood,” he would be found supporting William Jennings Bryan “in the fall.”<sup>36</sup>

The editor of the *Broad Ax*, Julius F. Taylor, had reason to be optimistic about luring black voters towards the Democrats in Illinois. Voters in Springfield, a district that had a large contingent of African American voters, had already elected B.F. Caldwell, a Democrat, to the U.S. Congress in 1898. Demonstrating that liberal Democrats could prove to be useful allies for black citizens, Caldwell had thrown his

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<sup>35</sup> *Republican Courier*, January 27, 1900.

<sup>36</sup> *Colored American*, February 17, 1900. See also *Washington Bee*, March 19, 1899.

support behind the state's Civil Rights Bill.<sup>37</sup> Hoping to “put a bug in the ear of each voter between now and the Presidential election,” Taylor was confident that if their message succeeded in converting Republicans, “no power on earth will be able to solidly reunite the Afro-American voters of the state.”<sup>38</sup> Leading up to the election of 1900, his task would be to convince black voters that they were “freemen and not the political slaves of the Republican party, and they are under no obligation, in a broad sense, to the Republican party for the privileges which they now enjoy.”<sup>39</sup>

While the idea of a black Democrat was an anomaly to some, the Republican leadership could not afford to leave the election to chance. Even the staunchest of Republicans were being forced to speak to the issue of disillusionment before black audiences, and at least rhetorically used the prospect of an African American exodus from the Republican Party to pressure the party leadership. In 1899, P.B.S. Pinchback, former Lieutenant Governor of Louisiana and the current chairman of the District of Columbia's local Afro-American Council, discussed “the obliteration of section lines among the whites and the reuniting of the South and the North.” National reunification, he argued, “seems to have closed the ‘bloody chasm’ and pretty nearly shut the colored people up in it.”<sup>40</sup> While African Americans might have been increasingly isolated and turning inward towards self-help in the twentieth century, at this juncture many were still optimistic that they could avoid political segregation. Pinchback pointed to the

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<sup>37</sup> *Broad Ax*, September 16, 1899.

<sup>38</sup> *Broad Ax*, July 29, 1899.

<sup>39</sup> *Broad Ax*, September 23, 1899.

<sup>40</sup> *Colored American*, February 17, 1900.

Germans and Irish as examples, noting the positive effects of “wholesome [political] division among their people.”<sup>41</sup>

Though Pinchback would later declare “he was a Republican and must not be understood as advising his race to vote the Democratic ticket,” he maintained, “unless something was done by the powers, the younger element could not be held in line.” He at least claimed to be doubtful as to what the future might be in a sharply drawn contest.<sup>42</sup> African American Republicans were not only undergoing an ideological shift as the next generation came to the fore; the “old guard” was physically on the decline. After more than thirty years in national and Louisiana politics, Henry Demas, who had helped to organize the Ninth USV, died in May of 1900. His death was followed by more losses and political resignations in the coming year.<sup>43</sup>

As the election of 1900 approached, the problem of maintaining black party line voting continued to plague Republicans. The *Omaha Progressive* carried a notice from its correspondent, the *Washington Bee*, announcing “for the first time in twenty years a colored Republican has been promoted from a clerkship to the position of Assistant Assessor.” Ironically, as the paper noted, “the promotion was made by a Democratic assessor.” The *Progressive* wondered, “What is the matter with the Republican party?”<sup>44</sup> Even the staunchly Republican editor of the *Bee* began to advocate that black voters should look for the party that offers them the most inducements, and if that meant

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<sup>41</sup> *Colored American*, February 17, 1900.

<sup>42</sup> *Colored American*, February 17, 1900.

<sup>43</sup> *Colored American*, May 12, 1900.

<sup>44</sup> *Omaha Progressive*, January 26, 1900.

splitting the vote, then so be it.<sup>45</sup> After local elections were held in Baltimore in May of 1899, the *Bee* reported that the colored people were ignored in the distribution of offices.<sup>46</sup> As a result, leaders of a movement in the city claimed to have 10,000 independent voters who would not be driven by the “party lash.”<sup>47</sup>

By the end of the year, the *Broad Ax* had managed to secure an impressive list of subscribers that included Major Allen Wesley and other officers of the Eighth Illinois. And by 1900, Democratic leaders from Cook County were intent on traveling to Louisiana in March for Mardi Gras, where they planned on “doing a little missionary work for Democracy.”<sup>48</sup> Republicans were conflicted, at least in theory, over the actual benefits of black voters’ uniting behind any one party. The choice seemed to be, as the *Bee* declared, between “the party that is killing him” or remaining “with the party which seems unable to protect him.”<sup>49</sup>

As the Republican National Convention approached, black Republicans began to push for legislation that would force party members in the Administration and Congress to prove their allegiance. In the District of Columbia, efforts were underway to arrange for a uniform effort to secure fair representation at the approaching Republican National Convention to be held in Philadelphia on June 19, 1900.<sup>50</sup> Meanwhile, Pinchback

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<sup>45</sup> *Washington Bee*, April 22, 1899.

<sup>46</sup> *Washington Bee*, May 6, 1899.

<sup>47</sup> *Colored American*, February 17, 1900.

<sup>48</sup> *Broad Ax*, February 24, 1900.

<sup>49</sup> *Washington Bee*, April 1, 1899.

<sup>50</sup> *Colored American*, January 27, 1900. Organized under the auspices of the Lincoln Emancipation League, the organization was attempting to make “all auxiliaries of the National Republican Protective Association members.”

presented a petition to the Party leadership protesting against the decreasing numbers of black southerners present in the national convention.<sup>51</sup>

In February, Congressman George H. White of North Carolina introduced a bill in the House that would make lynching an act of treason against the United States.<sup>52</sup> That same month, Chicago citizens led by local leader Dr. J.H. Magee presented a petition with reportedly 3,200 signatures from citizens of Chicago and various Western states calling for “legislation as will protect colored men from the barbarous practices of lynching and burning colored men.” Senator Shelby Cullom of Illinois presented the petition to the U.S. Senate. The debate that it sparked raised questions over whether the federal government had power to punish crimes in the several states—even crimes over elections. But as several African Americans rationalized, placing the question of “human rights” before the country was the best test of “who our friends are.” “Great good will come out of the agitation,” declared the *Colored American*.<sup>53</sup>

The major agenda items after the war were the same as they had been prior to it—racial violence and disfranchisement. But the two were now being linked in more concrete ways to the soldiers who had served in the recent war. Women’s rights activist Lillian Thomas Fox, writing from Indianapolis, Indiana, made the most cogent analysis of the relationship between the two. She argued that since the war, “he [the colored voter] is firmly conscious that his traditional fealty to this government in its most trying experiences, notably in the late Spanish American War, had established, beyond

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<sup>51</sup> *Colored American*, January 27, 1900.

<sup>52</sup> *Colored American*, February 27, 1900.

<sup>53</sup> For biography on Cullom, see *Colored American*, February 3, 1900. The paper featured an article on Cullom’s work for African American Civil Rights, referring to him as a friend to black Americans. While Cullom advocated for the “intelligent” black voters of the North, he thought southern black voters a different matter. See *New York Times*, November 8, 1909.



peradventure, his right to a significant consideration in the hearts and the patronage of his fellow Americans.” Fox declared that the time for proving themselves had passed. Black Americans would now unroll “the scroll of history written by the white man” and “point to his deeds of valor and of patriotism and demand that he be recognized by a standard of merit prorato with other Americans.”<sup>54</sup>

Meanwhile, African Americans in Louisiana, increasingly isolated by restrictions on the vote initiated by the Democrats, were attempting to use what remained of the Republican Party to advance their standing within the country. Louisiana Democrats had first resorted to violent suppression of black voters and then followed it with statutory limits on the franchise. As a result of the new restrictions on voting passed in 1896, registration figures for the entire state of Louisiana had shown 74,133 white voters and 12,902 colored voters as of January 1898. The Louisiana Democrats then followed the example set by their counterparts in Mississippi (1890) and South Carolina (1895) and moved forward with their agenda to fully disfranchise black voters in the state via a constitutional convention. After the implementation of the new 1898 constitution, the number of white voters increased while the number of colored voters was effectively diminished. As of March 1900 the state’s registration books held 125,437 white voters and just 5,320 colored voters.<sup>55</sup>

But even as African American men across the state were disfranchised, state party leaders remained fiercely loyal to the Republican Party. In November of 1899,

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<sup>54</sup> *Colored American*, February 10, 1900.

<sup>55</sup> Scott, *Degrees*, 190. See also Kousser, *Shaping*, 160-67. See also on disfranchisement conventions in other states Woodward, *Origins of the New South*, chap. 12. Louisiana was followed by North Carolina (1901) by means of an amendment, Alabama (1901), Virginia (1901-2), Georgia by Amendment (1908), and Oklahoma (1910).

black Republicans in the Eighth Ward of New Orleans had formed a Republican Club. Identifying themselves as “voters” at a time when that qualification was becoming increasingly rare, they wrote a letter to the New Orleans *Republican Courier* announcing the presence of their organization. “We, the undersigned voters of the 8<sup>th</sup> ward Parish of Orleans, held a meeting for organizing a Republican club. When the roll was called seventy-two members answered to their names.”<sup>56</sup>

Shortly after the New Year, Republicans in the state of Louisiana split into factions over Louisiana’s seat on the Republican National Committee. One faction endorsed A.T. Wimberley who currently held the seat, and the other endorsed former Governor Henry Clay Warmoth. The first contingent, the “Regular Republicans,” was lead by state Republican National Committee secretary Louis J. Joubert, local attorney J. Madison Vance, and party leader Walter Cohen. The Warmoth contingent was lead by local Republicans A.N. Howell and P.F. Herwig.<sup>57</sup>

At the end of January, the “Regular Republicans,” which included the Wimberley and Cohen forces, met in New Orleans to endorse President William McKinley for a second term. Local businessman Eugene Weems was elected as the candidate for Governor, and A.T. Wimberly was re-elected National Committeeman. As the *New York Times* noted, “the convention was unique in the history of the state.

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<sup>56</sup> New Orleans, *Republican Courier*, December 2, 1899. The following men were listed as officers: N.C. Brunet, president; Daniel Ferguson, vice-president; Oscar Garic, corresponding secretary; Thomas Cummings, treasurer; G.A. Karcher, sergeant at arms; J.A. Ladieu, marshal.

<sup>57</sup> See coverage on the various organizations in New Orleans *Republican Courier*, December 2, 1899, January 27, 1900 and New Orleans *Southern Republican*, September 12, 1899, April 14, 1900. Both are African American newspapers that had relatively short-lived circulation. Unfortunately, few issues remain. Warmoth seems to have been a bit of a political opportunist. On Warmoth’s activities as governor see Lawrence Powell, “Centralization and Its Discontents in Reconstruction Louisiana,” *Studies in American Political Development* 20, no. 2 (Fall 2006):105-31. On Vance and Cohen see Arnesen, *Waterfront Workers*, 218.

The majority of the delegates were white men, and there was a noticeable absence of that wrangling which has characterized Louisiana conventions.”<sup>58</sup> The *Republican Courier* largely affirmed the notable absence of discord, or at least downplayed the dissention that did occur. The paper noted that “a large number of prominent white men from all parts of the state were present who were interested in keeping together the Regular Republican party.” The committee also included a significant number of Louisiana’s prominent men of color. Committee members present at the meeting included former first lieutenant in the Ninth USV Dr. Sterling Price Brown and labor leader Alexander Paul, both of whom had allied with Walter Cohen in orchestrating the protest against Colonel Crane during muster in. Louis J. Joubert, a former member of the Citizens’ Committee, held the position of secretary, Brown was the assistant secretary, and local union attorney J. Madison Vance was the chairman of the committee on resolutions. The committee also included Civil War veteran Colonel James Lewis and a prominent member of the Creole community, Aristide Dejoie.<sup>59</sup>

The gathering, however, was not devoid of tension. Despite efforts to maintain party unity, there was at least one member, Judge A.H. Leonard, who objected to the activities of the convention. A former confederate, Leonard’s concerns thinly concealed the perceived threat of “Negro domination.” The late chairman of the “Regular Republicans,” Thomas Cage, an African American political leader in the state, had died

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<sup>58</sup> *NYT*, February 6, 1900. For a discussion of the political wrangling between black and white delegates at the previous convention, see *NYT*, December 30, 1895.

<sup>59</sup> *Republican Courier*, January 27, 1900. On Joubert and the Citizen’s Committee, see Rodolph Lucien Desdunes, *Our People and Our History; a Tribute to the Creole People of Color in Memory of the Great Men They Have Given Us and of the Good Works They Have Accomplished*, trans. Sister Dorothea Olga McCants (Baton Rouge: Louisiana State University Press, 1973), 141. Vance remained active in union and Republican politics for decades, and continued to be an ally of Walter Cohen for years. For multiple examples of Vance’s work in the union, see index entry in Arnesen, *Waterfront Workers*.

in 1896, vacating his post prematurely. Committee protocol dictated that the committee vice-chairman, Charles W. Boothby, a white Union Veteran born in Maine who had remained in New Orleans after the war, would assume the chairmanship until 1900. Included in the resolutions read that day were protocols for selecting new members. The resolutions called for a subcommittee that would elect members and officers. Many of the men on the committee were politically powerful men of color, and Judge Leonard was convinced they were forming “a combination” with the intent “to form a color line within the ranks of the party.” This, he argued, “was to be deeply deplored” because “no such organization could have a permanent duration.” In fact, there had been speculation after Cage’s death that it was unlikely that a white person would be selected to fill the position, and some thought J. Madison Vance might become the new party leader. A number of prominent men of color in the audience responded to the Judge, including Vance, who endorsed the right of the committee to elect a colored man if they chose.<sup>60</sup>

The committee passed the resolution with only one vote opposed—that of Judge Leonard—who maintained his opposition to the protocols. The resolutions condemned the Democrats for “creating a qualification for voters with the specific and avowed purpose of disfranchising the Republican voters of the state by constitutional enactments.” The majority of the “duly qualified voters and citizens of the state” were “not in any way represented” in the convention. Hence, the Republican committee both repudiated and condemned the “instrument styled Constitution of this state which is the product of said convention.” They then pledged themselves “in committee assembled...to use our utmost endeavors to procure the repeal of the objectionable and

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<sup>60</sup> *Republican Courier*, January 27, 1900. On the question of leadership see obituary on Cage in *Washington Post*, December 1, 1896.

discriminating features of the constitution.” Angered by the formation of the separate Republican State Convention that was going to be held by the anti-Wimberley forces the following week, the resolution condemned the organization. The Republican National Committee had authorized the second convention to elect four at large delegates to the Republican National Convention. Mincing no words, the regular Republicans declared the dissenting Republicans “un-republican and at variance with party precedent,” having for their only objective “the destruction of the regular organization.” Finally, the convention voted to return A.T. Wimberly to the Republican National Committee.<sup>61</sup>

On the 6 of February 1900, the dissenting Republicans met in state convention in Alexandria, Louisiana. Joseph LeBlanc, the editor of the *Southern Republican* who supported the Anti-Wimberley faction, described the gathering in glowing terms. “The convention was a representative body and had among its delegates people from every walk of life. The wealth, the intelligence, and the industrial forces of the state were there.” Harkening back to the cooperation of the Reconstruction era, the paper surmised, “not within the last thirty years has there been such a spectacle. The merchant, the planter, and the laborer were in glorious accord in the desire to rid the state of Fosterism...”<sup>62</sup>

The Warmoth contingent planned on putting forth its own ticket for the upcoming gubernatorial election. C. Taylor Cade of Iberia Parish was nominated for Governor.<sup>63</sup> As the *Southern Republican* reported, “Captain Cade’s associates upon the

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<sup>61</sup> *Republican Courier*, January 27, 1900.

<sup>62</sup> *Southern Republican*, February 8, 1900.

ticket are like him, men of probity and honor. They represent the aims and ends of Louisiana's best citizens."<sup>64</sup> Declaring themselves the official "state Republican committee of Louisiana," the convention's avowed purpose was to iron out differences with the Populists, defeat Governor Murphy Foster and the Democrats in the coming election, and oust Republican National Committeeman, A.T. Wimberly, from his seat. As the *Southern Republican* described the purpose of the meeting: "the essential point is to combine the forces of true Republicans and the earnest and well meaning but heretofore misguided white men of Louisiana." But they also aimed to procure the defeat of A.T. Wimberley, who, the paper described as disgracing "the position of a Republican National Committeeman by his open and notorious deals with the Democratic party."<sup>65</sup>

Given the presence of Democrats and southern Populists (who had also occasionally proven to be more of a foe than a friend to black voters), the editor was obliged to dispel the idea that colored delegates to the convention were treated unfairly as a result.<sup>66</sup> Quite to the contrary, he argued, "the colored delegates were treated courteously. They went there as men and Republicans and were treated as such..." While acknowledging that "there may have been a few prejudiced white men who did not understand or like the new order of things," he argued, "they amounted to naught

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<sup>63</sup> Cade was the Captain of the Iberia Guards. See also "Battling with the Negroes," *NYT*, August 18, 1888.

<sup>64</sup> *Southern Republican*, February 8, 1900.

<sup>65</sup> *Southern Republican*, February 8, 1900.

<sup>66</sup> See Lawrence C. Goodwyn, "Populist Dreams and Negro Rights: East Texas as a Case Study," *American Historical Review* 76, no. 5 (Dec., 1971):1435-56; Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture*.

and the principal of equal rights to all and especial privileges to none was readily recognized.”<sup>67</sup>

Among those who supported the Warmoth faction was Pierre Carmouche, former first lieutenant of Company L in the Ninth USV. Carmouche, a self-identified politician and member of the Donaldsonville Young Men’s Progressive Society, claimed he had convinced his “friends” in Donaldsonville to support Warmoth. And he had written publically to Republican National Committee Chairman Mark Hanna urging him to acknowledge the Warmoth faction at the June convention and to oppose Wimberley, the “lily-whites,” and Walter Cohen, leader of the “black and tans.”<sup>68</sup> Carmouche was not the only one who opposed Cohen; Joseph LeBlanc, editor of the *Southern Republican* also maligned Cohen for supporting Wimberley.<sup>69</sup>

The split between the two factions was emblematic of what black Republican politics in Louisiana would be reduced to post-disfranchisement. Factions were reduced to fighting mainly over seats in the Convention. But as symbols of national recognition, and avenues for the expression of political voice, those seats provided one of the few remaining connections Louisiana Republicans had to national politics. The Republican National Committee had attempted to resolve the issue of delegates in ways amenable to both factions. First, Wimberley was allowed to retain his seat. The Warmoth contingent would meet in committee in March to elect four at large delegates to the Republican National Convention.<sup>70</sup> When they did convene, the delegates elected

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<sup>67</sup> *Southern Republican*, February 8, 1900.

<sup>68</sup> Carmouche’s letter was reprinted in the *Colored American*, September 7, 1900.

<sup>69</sup> *Southern Republican*, February 8, 1900.

former Governor Warmoth and Joseph LeBlanc, the editor of the *Southern Republican*. But for Republicans to split their votes at time when the party was barely maintaining large enough numbers to have an impact on election returns seemed counterintuitive, a point the *Colored American* made while discussing the split in New Orleans. “The Republican party of the state of Louisiana is so small that it cannot be discovered on the map of politics owing to the activity of the old White Liners and Knights of the Golden Fleece and the new Constitution of the state; and yet, the Republicans threaten to run two state tickets. Shade of Solon, ‘where the deuce are we at?’ ”<sup>71</sup> However, these divisions should not be read as petty inner party politics. Rather these divisions were provoked by fierce ideological differences, which drove many to protest the increasing racism within party ranks. As Carmouche argued, he opposed Wimberley in an effort to keep the “color line” out of the party and preserve the ideals of true Republicanism.<sup>72</sup>

In the 1900 Gubernatorial election, the anti-Wimberley forces allied with the Populists to form a Republican fusion ticket. The fusion contingent ran a conservative gold standard Democrat for Governor, Donelson Caffrey. A native of St. Mary’s parish, Caffrey had formerly been an ally of the Citizens’ Committee, and had worked with the New Orleans activists to oppose a law banning interracial marriage. Though he was a Democrat, he was at odds with the Foster administration of the state and agreed to run as the candidate on both the Republican Fusion and the straight Populist

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<sup>70</sup> *Republican Courier*, January 27, 1900.

<sup>71</sup> *Colored American*, March 17, 1900.

<sup>72</sup> *Colored American*, September 7, 1900. Carmouche later reversed his position on Warmoth. In his letter to Hanna he outlined his previous claim and then rescinded his endorsement of the former Governor. He argued that after the election, Warmoth had attempted to exclude colored men from power in their faction of the party.



tickets.<sup>73</sup> The Republican's original choice, C. Taylor Cade, was placed on the fusion ticket as the candidate for Secretary of State. The *Southern Republican* urged "all good citizens irrespective of race or party" to support the ticket. Declaring itself the true Republican Party, the paper contended, "The Republican Party presents to the people its strongest and cleanest men as candidates. They represent the wealth and intelligence as well as the laboring men of Louisiana. The Caffrey ticket is pledged to fair election. Justice and fair play to all irrespective of race." The paper made a particular plea "to every Colored voter to lend his aid, for none have suffered more from Democratic injustice and hatred than our people. The Caffery ticket is the only bonafide Republican ticket in the field and should have our cordial support."<sup>74</sup>

But even as Louisiana activists were working to reduce the power of the Democrats through political means, they had also begun to make strides towards challenging their power in the courts. By February, the Afro-American Council was making preparations to support a voter registration suit in the state. Anthony Leopold Gusman, a white attorney in New Orleans, had taken on the case of an African American man named Samuel Wright who had been sentenced to death for assault with intent to commit rape. Gusman decided to challenge Wright's indictment by denying the legitimacy of the still unratified Louisiana Constitution of 1898; thus, challenging the legitimacy of the Jefferson Parish grand jury that had issued the indictment, arguing that the convening of a twelve member jury violated the prior Louisiana Constitution of 1879 which called for a sixteen-member grand jury. The Circuit Court Judge, however,

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<sup>73</sup> Desdunes wrote warmly of Caffery see Desdunes, *Our People and Our History*, 145-6.

<sup>74</sup> *Southern Republican*, April 14, 1900.

was not convinced and ruled against Gusman, clearing the way for Sam Wright to be executed.<sup>75</sup>

On February 19, Gusman initiated an appeal to the U.S. Supreme Court and the Afro-American Council joined the fight, hopeful that the legality of the Louisiana Constitution would be tested in the Supreme Court. The *Colored American*, which followed the cases closely, thought “the foundation for action in the Supreme Court” ... “so broadly laid that the Court will have to pass upon the merits of the whole Louisiana Constitution of 1898.” This case had national implications. Linking the struggle of Louisiana activists to the national consciousness, the paper concluded, “the outcome of the matter should be of the deepest concern to the colored people of the whole country; for in it is involved their rights as citizens.”<sup>76</sup>

The movement to challenge the constitutionality of the Louisiana constitution was gaining steam in the national press. The Afro-American Council was collecting money for the cause, which it directed its readers to send “at once” to the headquarters.<sup>77</sup> There were by this time a number of local councils—in New Orleans, Chicago, Washington D.C., and New York—loosely organized under the umbrella of the National Afro-American Council. The national body urged all local chapters to tax their membership and encouraged other local organizations to join the effort and fund the work of taking the case of the constitution to the courts.<sup>78</sup>

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<sup>75</sup> Scott, *Degrees*, 190. See Emmett J. Scott to Booker T. Washington, in Louis R. Harlan, et. al., eds. *The Booker T. Washington Papers*, vol. 4 (Urbana: University of Illinois Press, 1975), 65-7.

<sup>76</sup> *Colored American*, February 17, 1900.

<sup>77</sup> *Colored American*, February 17, 1900.

In March, the District of Columbia's local Council endorsed the actions of the National Council and began working to galvanize support to test to the constitutionality of the Louisiana suffrage clause. In attendance at the meeting were T. Thomas Fortune, chairman of the Council's sub-committee on public statements, Congressman George White of North Carolina, Edward E. Cooper, editor of the *Colored American*, and Calvin Chase, editor of the *Bee*. Chase had also been recently elected as one of two district representatives to the Republican National Convention to be held in June. Together, the members raised a significant amount of money for the purpose of bringing the case to the Supreme Court. "Responsible persons in New Orleans" were then "instructed by telegraph to see that the purposes of the conference were carried out at the expense of the conference."<sup>79</sup> The National Council continued to raise money throughout the year, with local women working to raise funds through a series of local fundraisers.<sup>80</sup>

With the blighted future of the southern Republicans unresolved, and the renewed attempts at mounting constitutional challenges on hold, the black press again began to weigh the costs versus the benefits of black northerners voting for Democrats in the November election. The *Colored American* had it right; though black Americans were eking out "positions here and there" they had not managed to secure a national commitment of any sort from the party.<sup>81</sup> But in places like New York and Chicago,

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<sup>78</sup> *Colored American*, January 27, 1900. On the formation of the council and its infrastructure see Thornborough, "The Afro-American League, 1887-1908."

<sup>79</sup> *Colored American*, March 10, 1900.

<sup>79</sup> *Colored American*, March 10, 1900.

<sup>80</sup> *Colored American*, May 19, 1900.

African Americans were scoring notable successes by splitting the vote and moving toward the Democratic Party in increasing numbers. In New York in particular, the United Colored Democracy of the city of New York was allegedly making substantial gains via their alliance with the famed “Tammany Hall” Democrats in the city. The *Colored American* had covered the progress of the organization in May and June, and the *Norfolk Daily Recorder* made the following editorial in response to the reporting: “while colored men of the South have nothing to gain by the formation of such a club, the Colored Democracy of New York is accomplishing great results for themselves and for the race.” The editor concluded, “while the Negroes of the South hate to see our brethren in New York give aid and comfort to the southern Democracy, still we can but commend them for their course, as it shows clearly that they are not in politics for their health any more than are the white men.” “This is practical politics and the only kind that win results.”<sup>82</sup>

But the North was not a beacon of interracial cooperation, and in truth, African American Democrats in New York were only achieving marginal successes in the realm of politics. Social tensions increased as African American migrants moved North in the post 1890 era, causing many to experience outright hostility and even racial violence. A series of ugly riots flared in half a dozen northern cities between 1900 and 1908.<sup>83</sup> Among the most noted were the New York riots, which occurred shortly after the New Orleans outbreak. In the summer of 1900, racial vigilantism in New Orleans ended with

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<sup>81</sup> *Colored American*, February 17, 1900.

<sup>82</sup> *Norfolk Daily Recorder* quoted in *Colored American*, July 7, 1900. On United Colored Democracy, see Ira Katznelson, *Black Men, White Cities: Race, Politics, and Migration in the United States, 1900-30 and Britain, 1948-68* (London and New York: Oxford University Press, 1973), chap. 5

<sup>83</sup> McPherson, *Abolitionist Legacy*, 310; Gilbert Osofsky, *Harlem: The Making of a Ghetto*, 2<sup>nd</sup> ed. (New York: Harper & Row, 1966), 35-52.

the murder of six black citizens in New Orleans.<sup>84</sup> The New Orleans and New York riots prompted a response from “a New Orleans citizen”—Pierre Carmouche. In the aftermath of the riots, Carmouche wrote the Washington, D.C. paper from Donaldsonville, Louisiana warning that the situation for the Negro would only get worse in the South. While simultaneously expressing his disdain for the racism of immigrant workers in the North, these conditions, he argued, had created a set of circumstances that black men could only escape through immigration. He wrote, “is he [the Negro] blind to the facts that the United States, in all of its glory on the outside, is impotent to protect him on the inside.” Carmouche warned his readers that there would soon be a time when “the Negro’s condition (in this country) will be worse than his days of slavery. Present condition so indicates. When he was a slave his white master was the only person who had the right to whip or kill him.” But “today we are the property by citizenship of this great government; tell me, who protects him when charged for real or imaginary offense?” Emigration, according to Carmouche, was a much better alternative to the other option—retaliation. “Emigration will do more good for the Negro than retaliation. Retaliation means the assassination of the innocent.”<sup>85</sup>

Many had already emigrated. Henry O. Franklin, first lieutenant in the Ninth USV, had professed that he was planning on “quitting the South” and seeking a home in

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<sup>84</sup> On New Orleans riots see, Hair, *Bourbonism and Agrarian Protest*, 156-82.

<sup>85</sup> *Colored American*, September 7, 1900. On African American debates over migration to Cuba, see Gatewood, Jr., *Black Americans*, 161-79, 316-19. Carmouche was not the only individual who expressed anti-immigrant sentiment in the effort to secure voting rights for a group of Americans. For example, on Elizabeth Cady Stanton and the women’s movement, see McPherson, *Abolitionist Legacy*, 319-25; Michele Mitchell, “Lower Orders,” Racial Hierarchies, and Rights Rhetoric: Evolutionary Echoes in Elizabeth Cady Stanton’s Thought During the Late 1860’s,” in *Elizabeth Cady Stanton: Feminist as Thinker. A Reader in Documents and Essays*, ed. Ellen Carol DuBois and Richard Cándida Smith (New York: New York University Press, 2007), 128-51.

some of the new possessions of the United States” as soon as he was discharged from service.<sup>86</sup> And in January of 1900, he boarded the steamship the *Whitney* bound for Havana, Cuba.<sup>87</sup> Carmouche had also argued for mass immigration to Cuba. “With [the] present rate of restriction of his rights as a citizen in this country, he [the Negro] should think it best to emigrate, Cuba is a good country.” Carmouche thought it possible that Cuba could protect black citizens. As he argued, “his chances for protection by others powers would be greater. The United States today has no fear of any power teaching her the same lesson which she taught Spain for her brutality to her Negro citizens.”<sup>88</sup> Captain William B. Akers of the Eighth Illinois, the recognized “political leader among the North side colored voters,” was reportedly also one of the men who returned to Santiago, Cuba after the war.<sup>89</sup> As a response to political violence, and a lack of political recourse, emigration could also become a political decision.

While there was much discussion of Cuba as a refuge for African Americans, there were also a number of detractors. Dr. Lyman Beecher Bluitt, formerly of Quincy, Illinois, had been residing in Santiago since his discharge. Bluitt was an assistant surgeon in the United States Army with the Eighth Illinois; he had returned from Santiago in February. The doctor was “exasperated at the glowing pictures of Cuba as an Eden for the Negro painted by American Negroes who have made temporary residence there,” and who, he said, “without exception are disappointed in their

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<sup>86</sup> Coston, *Spanish-American War Volunteer*, 79.

<sup>87</sup> *Republican Courier*, January 27, 1900.

<sup>88</sup> *Colored American*, September 7, 1900.

<sup>89</sup> Corporal W.T. Goode, *The "Eighth Illinois"* (Chicago: Blakely Publishing Company, 1899), 98.

expectations and eager for an opportunity to return to the United States.” Captain John Waller, who had been writing into the states attempting to recruit the best men of the race, was, according to Bluitt, destitute in Santiago. He had used his earnings from his commission as Captain of the Twenty-third Kansas to make “poor investment in Santiago and is now only making a day laborer’s wage.”<sup>90</sup> In fact, Waller ran a regular advertisement under the title “The Gem of the Antilles” declaring that “everybody who wishes to better their condition will find that Cuba offers the best opportunities upon this hemisphere.” He called for anyone who had “not less than \$400 and was interested” to write to him in Santiago. He promised, “sugar offers an opportunity to make \$5000 per annum for eight years, after two years hard labor.”<sup>91</sup>

According to Bluitt, the “drawbacks confronting a colored man in Cuba” were many. Namely, “the clannishness of the Cubans which amounts to a hostility towards Americans and which is no wise modified toward the American Negro.”<sup>92</sup> John R. Lynch, paymaster to the regular troops, was stationed in Santiago as a part of the Army of Pacification. He made a similar assessment but pointed to the Cuban citizens’ desire for “independence...quick,” making it difficult for them to have “good feeling for us.” “The men, he argued, “actually dislike being seen talking to an American for fear that it will hurt them politically.”<sup>93</sup> As Bluitt concluded, “the Afro-American sympathy for the Cubans is greatly misplaced and proven by contact with them to be neither desired

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<sup>90</sup> *Colored American*, February 24, 1900.

<sup>91</sup> *Colored American*, February 24, 1900. See also May 5, 1900 for article by David H. Massey of New York on opportunities in Cuba.

<sup>92</sup> *Colored American*, February 24, 1900.

<sup>93</sup> *Colored American*, January 5, 1901.

nor appreciated.” But the paper’s editor, E.E. Cooper, who was listed as a contact on the advertisement for “the Gem of the Antilles,” seemed hesitant to endorse Bluitt’s opinion.<sup>94</sup>

As Bluitt argued, the result was that African American emigrants would find it particularly difficult to survive in Cuba. In his assessment, “professional, commercial, or technical industries cannot rely upon Cuban patronage or support.” Moreover, the agricultural field is well nigh barred to a man of limited means because of the great expense necessary” to convert the available land mainly in the East “from a dense thicket of wild undergrowth and jungle to conditions susceptible of receiving tobacco or other seed.” This was an accurate assessment, and this factor alone was enough to preclude the majority of individuals from making their way to Cuba. In general, soldiers were afforded a status akin to professional men in the press. The *Colored American* reported the thousands of dollars amassed by soldiers in the service. And Cooper included a disclaimer at the bottom of Bluitt’s article, which was directed at those men the editor thought best suited for the work in Santiago—patrons of the administration and pensioners. But those who had the means to do so were also the most unwilling, being avidly engaged in political struggles at home. <sup>95</sup>

As African Americans approached the election of 1900, the major issue was neither Cuba nor the Philippines, but disfranchisement and racial violence. The New York riots happening when they did—in the middle of the election season—quieted much of the conjecture, at least in the Republican press, over whether black electors

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<sup>94</sup> *Colored American*, February 24, 1900.

<sup>95</sup> *Colored American*, February 24, 1900. On perceived wealth among soldiers and pensioners see *Colored American*, January 12, 1901.



would vote Democratic. Black Democrats were still present within the ranks of the leadership, but the riots had been linked to Democratic policemen, damaging the party's image among potential voters.<sup>96</sup> Nevertheless, black Democrats maintained a noteworthy presence in black political organizations like the Afro-American Council. At the Council's Annual Meeting in the summer of 1900, Bishop Walters was compelled to request that members of Democratic and Republican clubs have equal representation in local organizations.<sup>97</sup> By September, Republicans were closing ranks, forgetting many of their earlier musings about leaving the party and voting for the Democrats, nevertheless the dialogue that had begun over whether it was judicious to remain avowedly aligned with the Republican Party had opened a Pandora's box. And these discussions would continue on even after many African Americans supported the second Democrat to be elected President since the Civil War—Woodrow Wilson—in 1912. Calvin Chase, the editor of the *Bee* was now warning against the trickery of the Democratic machines attempting to lure black voters away from the Republican Party. There was no need to bother, he argued. He claimed, a bit over optimistically, that New York and the Tammany Hall Democrats were the only place that Negro voters had any hope of being treated “like a man and a citizen” by the Democrats.<sup>98</sup>

As it stood, black voters had no feasible alternatives to McKinley and the Republicans in the election of 1900. In the November election, McKinley carried the contest, winning reelection with the “Rough Rider” Theodore Roosevelt as his second

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<sup>96</sup> For an analysis of the riots and election returns see Goldstein, "Preface to Booker T. Washington," 91-99. On black Democrats in New York, see Katznelson, *Black Men, White Cities*, chap. 5.

<sup>97</sup> *Washington Bee*, September 1, 1900.

<sup>98</sup> *Washington Bee*, August 18, 1900.

in command. Republicans celebrated in Illinois. Captain Jordan Chavis of the Eighth Illinois, who had become State Chairman of the Bureau of Republican Clubs, gave a report of the work he had done at the state headquarters for the effort.<sup>99</sup> Ironically, though Colonel John R. Marshall also of the Eighth Illinois had been using military status and his clout as a “strong man with the ‘leaders’ to secure a position as commissioner of Cook County,” he did not make it into the final running.<sup>100</sup> Black Democrats accepted a nominal victory, however, when they defeated the man who ran in his stead. When the black Republican who had run for the seat of county commissioner lost, many blamed it on black Democrats who had no “race pride.”<sup>101</sup>

The state of Louisiana elected William Jennings Bryan for President, but black Republicans could only mourn the outcome as Democrats also swept all of the major state offices. In the gubernatorial campaign, the Democratic candidate, William Heard, won in a decisive victory. The election of 1900 had effectively marked the end the Populists in Louisiana and signaled the conclusion of Republican dominance in the state.<sup>102</sup> But the Republicans had been fiercely divided throughout the gubernatorial race, with the editors of the two local Republican papers, the *Courier* and the *Southern Republican*, taking sides in the process and drawing others into their cause. Whether they remained neutral, allied with past acquaintances, or chose new alliances, those who had been watching from the outside and reading the headlines, became connected.

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<sup>99</sup> *Colored American*, November 24, 1900.

<sup>100</sup> *Colored American*, February 10, 1900.

<sup>101</sup> *Colored American*, November 17, 1900.

<sup>102</sup> Hair, *Bourbonism and Agrarian Protest*, 278.

## Mapping the World of New Orleans Activism

While Louis Martinet had all but disappeared from active public political life after the *Plessy* decision, he remained at the fringes of politics throughout the contests of 1900. The Citizens' Committee had disbanded and the activists had reluctantly shut down their newspaper, the *Crusader*, largely retreating from the world of politics after the verdict.<sup>103</sup> But Martinet had redirected his efforts by supporting the *Southern Republican* and its editor Joseph LeBlanc with his patronage. Martinet had past acquaintances now working with both factions. Joubert from the Citizens' Committee had retained his seat on the State Republican Committee. While Caffrey, a former ally of the Citizens' Committee, had run at the top of the "fusion ticket" supported by the *Southern Republican*. The publication was itself "a paper for the people" and was "dedicated to fighting for the wage earner." As the editor wrote, "Republicanism is essentially the wage-earner's battle." While Martinet's precise connection to the paper is not clear, in 1899, LeBlanc noted his indebtedness to "L.A. Martinet for appreciated favors."<sup>104</sup>

Throughout 1898, 1899, and 1900, as the unfolding drama over the organization of the Ninth USV and the election progressed, Martinet mainly appears in the public record handling legal tasks for members of the community. It is likely that he would have known that Rodolph Desdunes' son in law, Octave Mora, had enlisted. And as the soldiers had prepared to leave for Cuba, he had traveled out to the campgrounds to

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<sup>103</sup> As Desdunes recalled, the *Crusader* closed from lack of support. However, he and Martinet, "thought it more noble and dignified to fight, no matter what, than to show a passive attitude of resignation." Desdunes, *Our People and Our History*, 147.

<sup>104</sup> *Southern Republican*, September 12, 1899.

record a custody document for Lieutenant Lafayette Tharp.<sup>105</sup> Tharp was a leader in the community, had been the president of the Colored Longshoremen's Alliance, and had been instrumental in assembling men for Company E of the Ninth USV.

But even when not actively involved in politics, those like Martinet who had been so central to activism in New Orleans before the war were resources for many others who also sat at the fringes of mainstream politics. When Felicia Boswell's son Philip died in Cuba, and she needed a notary to help her process her pension application, she went to local activists Louis Martinet and Arthur Estèves. While it is not clear how Boswell came to enlist Martinet's services, it is likely that Estèves could have made the recommendation. Boswell had grown up with Estèves' wife. Born in Louisiana to Haitian parents, Estèves, a sail maker and philanthropist, had also been president of the now disbanded Citizens' Committee.<sup>106</sup> As special examiner E.C. Wiggernhorn described him, Estèves was a "person of unusual intelligence and business capacity." According to Estèves, as a skilled tradesman, he was a member of the same society as Walter Boswell, Felicia's deceased husband, who had been a bricklayer prior to his death.<sup>107</sup>

In the absence of judicial or legislative recourse for disfranchisement or for civil rights, it is not surprising that Martinet would turn his attention to the recording of legal claims for men and women often of modest birth. And while individuals left no record of their reasons for turning to the aging Martinet over the scores of willing pension

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<sup>105</sup> Lafayette Tharp, Procuration to Rev. Isaac H. Hall, August 2, 1898, act 14, 1898, vol. 3, Notarial books of Louis A. Martinet, New Orleans Notarial Archive, New Orleans, LA.

<sup>106</sup> On Estèves and the Citizens' Committee see Desdunes, *Our People and Our History*, 147-8.

<sup>107</sup> E.C. Wiggernhorn, Report to Commissioner of Pensions, May 28, 1900 and Arthur Estèves, Deposition, May 25, 1900, Pension file of Philip (Felicia) Boswell, Wid. App. No. 689100, USNA.

agents and attorneys who specialized in pension claims, most people of color in New Orleans would have known that Martinet had once done more. But from his office in downtown New Orleans, he now focused on doing the work of a notary and attorney—giving legal recognition to various claims for standing under the law.<sup>108</sup>

As Kathryn Burns has demonstrated in her discussion of notaries in colonial Peru, the notarial archive is useful precisely because the notary recorded people's daily business. Hence, notaries often connect entire networks of individuals who walked into their offices and procured their services for their daily affairs.<sup>109</sup> While Martinet was not legally obligated to record the various depositions he notarized for pension applications, the corresponding documents housed with the pension files in the United States Archives reveal communities of individuals locked in conflicts that carried over from 1896.

Boswell found her claim thwarted after a “disreputable looking white man...” discouraged one of her witnesses, Joseph Desbordes, from testifying. She had sent Desbordes to Louis Martinet to testify on her behalf. Perhaps the “white man” was an employer or even a friend who, for whatever reason, did not want Desbordes to get mixed up in the affair. This is safely left to conjecture. What is evident is Desbordes had initially testified before Louis Martinet, but when questioned by the pension officer, “denied emphatically that he had made an affidavit in the claim.” According to the examiner, he refused to give his deposition and was “encouraged in his refusal” by the

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<sup>108</sup> See discussion of Martinet in Rebecca J. Scott, “Public Rights, Social Equality, and the Conceptual Roots of the Plessy Challenge,” *Michigan Law Review* 106, no. 5 (2008): 777-804.

<sup>109</sup> Kathryn Burns, “Notaries, Truth, and Consequences,” *American Historical Review* 110, no. 2 (2005):350-79.

“disreputable looking white man who was doing some writing for him.” Much of Desbordes fear seemed to center around Martinet. After initially claiming that he did not know Felicia or Joseph Boswell, he later admitted he had known them for several years, but refused to admit he had ever spoken with Martinet.<sup>110</sup>

While it has proven difficult to piece together the background of those employed as pension examiners, their reports often provide sharp insights into community politics. As was the case with Francis Brown tried under the 1882 Adultery Statute, an examiner was often forced to make character assessments—particularly where open yet not easily discernible relationships between whites and blacks were concerned. While we do not know exactly how acquainted special examiner E.C. Wiggernhorn had been with the deponents, he was able to conclude that Desbordes probably made the affidavit, “but for fear of getting into trouble did not care to have anything more to do with the case.”<sup>111</sup> Knowingly or not, by seeking help from men who had recently been involved in a historic fight, Boswell provoked the ire of Martinet and Esteves’ enemies.

Martinet continued to verify wills, record property transfers, and formalize familial agreements through the 1910’s. His transcriptions of pension hearings and other recordings of public acts provide an opportunity to excavate the voice of a man who remained largely silent in the public record after the *Plessy* verdict. Boswell’s application provides a window into Martinet; her thoughts are conveyed using his words as he elegantly transformed her claim into scripted form. In Boswell’s case, Martinet

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<sup>110</sup> E.C. Wiggernhorn to Commissioner of Pensions, May 28, 1900, Pension file of Philip (Felicia) Boswell, Wid. App. No. 689100, USNA.

<sup>111</sup> E.C. Wiggernhorn to Commissioner of Pensions, May 28, 1900, Pension file of Philip (Felicia) Boswell, Wid. App. No. 689100, USNA.

wrote her deposition for her; she signed it with her mark. At times, it is not clear whose point Martinet was making as he vacillates between her voice and his. For example, at moments he may introduce a statement with a phrase such as “claimant is of the opinion,” and other times he will simply explain it himself. This point is demonstrated by Martinet’s crafting of the following argument regarding Boswell’s inability to ride the street. At this point, her voice is only heard through his own. “Owing to her physical condition she is unable to ride in street cars and is compelled to walk.”<sup>112</sup>

While Boswell cited her physical incapacity for labor in order to stake her claim to her son’s pension, it appears that Martinet was alluding to the broader circumstances that would make it difficult for elderly working class women to ride the streetcars in 1900. While we do not know Boswell’s physical condition or Martinet’s precise reasoning behind the reference, we do know that Louisiana would not pass statutes officially enforcing racial segregation on public streetcars until 1902. Yet why she was “compelled to walk” remains the veiled contention within the letter. Whatever factors prohibited Boswell’s ability to find a seat on the streetcar, Martinet linked her inability to labor to the problems with public transportation. As Kathryn Burns argues in her study of notaries in colonial Peru, the notary had a powerful position relative to the shaping of the written word. In New Orleans, several hundred years removed from the archives of Peru, the notary’s power to shape public truth was still evident as he took part in shaping the character of claims made.

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<sup>112</sup> Deposition of Felicia Boswell, May 28, 1900, Pension file of Philip (Felicia) Boswell, Wid. App. No. 689100, USNA. On street car segregation in New Orleans see August Meier and Elliot Rudwick, "The Boycott Movement against Jim Crow Streetcars in the South, 1900-1906," *The Journal of American History* 55, no. 4 (Mar. 1969):756-75.

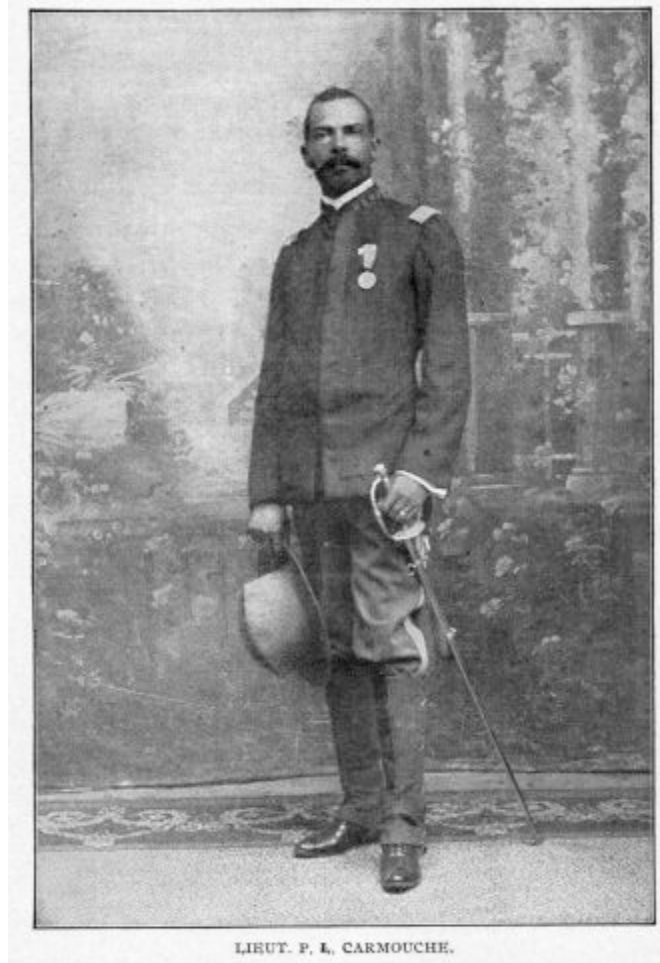
Felicia Boswell was not the only one who went to Louis Martinet, several others, including Pierre Carmouche, contacted him to have documents notarized. As Martinet's notarial record proves, the networks that drew men and women to the war were equally evident as they made various types of claims against the government in its aftermath.

Pierre Carmouche's pension claim came to be infused with the politics of the era. He had returned to Donaldsonville "as a successful soldier." But as he saw it, many of those who had supported his blacksmithing and horseshoeing business prior to the war had "tried to starve me out of business" afterwards. Rather than his "patriotism, intrepidity, and love of country and flag being a benefit," "it was a detriment." He argued that "it simply aroused bitter prejudices against me ...the order of things changed, my business was so poor, I could not properly care for myself and family"<sup>113</sup> Pierre Carmouche's recounting of his experience in Donaldsonville reinforces a fact made clear in Wilmington—there was a price to pay for upward mobility. Carmouche's own ambitions in the political realm, as well as his desire for recognition in national and local circles, contributed to the backlash against him.

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<sup>113</sup> Pierre Carmouche, Letter to Commissioner of Pensions, December 13, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.





**Figure 3 Photograph, Pierre L. Carmouche, in J.J. Pipkin, *The Story of a Rising Race* (St Louis: N.D. Thompson, 1902), 56.**

Though this photograph of Pierre Carmouche is not dated, it was published alongside the lieutenant's biography in J.J. Pipkin's 1902 *The Story of a Rising Race*. Carmouche posed for a similar portrait shortly after his return. A sketch of Carmouche was also published in the *Colored American* in September 1900. It is unclear whether Carmouche commissioned these images to be made, or if they were produced by the sources in which they were published. Nevertheless, in both, Carmouche showcased his military uniform in a manner befitting his aspirations for public standing. With his militaristic dress and sword in hand, he visually portrayed the same manliness and bravery he attempted to convey through his letters and other displays of manly valor.

Carmouche had begun working for a position in national politics almost immediately upon his return, even traveling to Washington, D.C. in pursuit of a collectorship.<sup>114</sup> Patronage appointments were an extremely important means of maintaining party unity and loyalty among the black and white members of the rank and file. Hence, as individuals like Carmouche vied for government posts, they were competing with local men—including white men—for patronage positions. Those who became pension bureau special examiners or members of local medical boards, for example, were appointed to these posts via political patrons. Many had no desire to compete with colored men in such a way as to place them in positions of equity. Hence, as veterans returned and took their claims before the local pension bureau, they encountered men who had been their political rivals in other arenas, men who had been vying against them for political standing within the city. It became common for pre and post war animosities to work their way into the pages of depositions filed on a claimant's behalf.<sup>115</sup> If achieved, Carmouche's aspirations would raise his standing in public culture; hence, as others learned of his ambition, that knowledge was enough to invoke the disdain of many of his former clients and others in the community.

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<sup>114</sup> Carmouche began a regular correspondence with the *Colored American* in July of 1899. See feature photo of Carmouche in *Colored American*, July 1, 1899. In September of 1900, the newspaper printed one of several letters he wrote regarding the legality of suffrage restrictions. *Colored American*, September 7, 1900. See footnote on Carmouche in Louis Harlan and Raymond Smock, eds. *The Booker T. Washington Papers*, vol. 12 (Urbana: University of Illinois Press, 1982), 64. The correspondence was at least partially prompted by the fact that Carmouche's nephew was a student at Tuskegee. See also Scott Simmons, Deposition, September 10, 1904, Pension file of Pierre Carmouche, XC. No. 24444335, USNA. Simmons had moved to New Orleans by 1901 and claims to have only seen Carmouche who was passing his home on his way to see President McKinley during his visit to New Orleans. As Simmons indicated, it was commonly known around town that Carmouche had traveled to D.C. to apply for a collectorship.

<sup>115</sup> The *Booker T. Washington Papers* contain letters regarding black appointments. See for example, Charles William Anderson to Emmett Jay Scott, February 3, 1906 in Louis R. Harlan and Raymond W. Smock, eds. and Geraldine McTigue, asst. ed., *Booker T. Washington Papers*, vol. 8 (Urbana: University of Illinois Press, 1979), 516.

When Carmouche attempted to file a claim for a pension, the examiner assigned to the eastern district of Louisiana, D.K. Fitzhugh, conducted the investigation. Fitzhugh's discussion of Carmouche's political aspirations read like the recollections of a southern demagogue questioning "why Negroes kept on trying to rise above their station in life."<sup>116</sup> Such sentiments were commonplace in the post-Reconstruction South. The governor of Georgia, for example, had blamed black troops for inspiring haughtiness in the state's black residents. In response to the killing of eight prisoners by 150 fully armed men in 1899, the governor had been quoted in the *Bee* as saying that the colored soldiers who went to Cuba had "sown the seeds of discord" and "encouraged lawlessness" in the state.<sup>117</sup> Fitzhugh claimed that Carmouche had a good business before he went to the war, but after his return from the army he "alienated many friends among both white and colored by his haughty and obnoxious ways."

His best patrons were among the white people and the better element of white professional men—such as doctors and lawyers—and they would have all stuck to him—notwithstanding his arrogance—had he stayed in Donaldsonville and followed his trade—as they paid no attention to his foolish political aspirations—(as they termed it)—but he undoubtedly created some enmities and jealousies among members of his own race by his haughty bearing towards them and he alienated some of his poor white friends in the same way.<sup>118</sup>

Despite his thinly veiled attempt to attribute his disparaging references towards Carmouche to local residents, Fitzhugh appears to have taken Carmouche's aspirations as a personal affront. As the examiner informed the commissioner, Carmouche's life's

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<sup>116</sup> For a discussion on this dynamic see Hair, *Bourbonism and Agrarian Protest*, chap. 8, 170.

<sup>117</sup> *Washington Bee*, March 19, 1899.

<sup>118</sup> D.K. Fitzhugh, Letter to Commissioner of Pensions, Dec. 31, 1904, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

goal “seemed to be to occupy some high official position...there was no appointive position under the government that seemed beyond his ambition.”<sup>119</sup>

Carmouche interpreted Fitzhugh’s antagonism and that of his “most bitter enemy” Victor Cantrell as the direct result of his political aspirations. In Carmouche’s account, he and Cantrell had been bitter rivals over position and influence in their benevolent association, and it was this antagonism that was driving Cantrell’s damaging testimony before the bureau. Carmouche claimed that Cantrell had led an “opposition”... “and did much to discourage colored men from joining my company.”<sup>120</sup>

Carmouche was only one of several local leaders who found that political affiliations could turn the pensioning process into a complex battle. Lieutenant Lafayette Tharp of the Ninth USV had been a longshoremen before the war and was former President of the Colored Longshoremen’s Association. When Tharp returned, he applied for a pension, but the examiner was so avid about denying Tharp’s claim that he brazenly sent a memo to another bureau officer recommending extralegal measures as grounds for rejection. He agreed that Tharp did not have rheumatism prior to enlistment, but chose to disregard the opinion of the military surgeon who had seen Tharp in Cuba, and who had vouched that he had contracted rheumatism while serving. He admitted, “while it is better to reject legally when we can, the ground for it here is not good.” Satisfied that he would have to ignore the doctor’s findings in order to rule against Tharp’s claim, C.C. Hickox moved forward with recommending that the

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<sup>119</sup> D.K. Fitzhugh, Letter to Commissioner of Pensions, Dec. 31, 1904, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>120</sup> Pierre Carmouche, Letter to Commissioner of Pensions, December 13, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

pension bureau rule that Tharp had rheumatism prior to enlisting in spite of the evidence submitted in Tharp's favor.<sup>121</sup> In mounting his appeal, Tharp pulled on many of the same organizational affiliations that he had used to gather volunteers for the Ninth USV. He wrote into the bureau on the official letterhead of the Colored Moral, Industrial, and Progressive Benevolent Union of Young Colored Men, which carried in its crest the organizational motto "In Union is Strength." He also called on Lieutenant Sterling Price Brown who had served as a physician for the longshoremen before the war. According to Tharp, Brown refused to support a second claim on moral grounds. Brown became "angered" when his first claim was rejected by the old board and refused to "make another affidavit or have anything to do with the case" as a result.<sup>122</sup>

Pension claims like those of Boswell, Carmouche, and Tharp were a part of a discourse of claims making shared with other types of civil rights activism during the period, including the quest for military positions, patronage, and the vote. Pensions were recognizable markers of citizenship that many hoped to see improve their individual and collective statuses. The debates, conflicts, and efforts at cooperation revealed through the process of acquiring them are thus also a window into community politics.

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<sup>121</sup> C. Hickox, RR, Inner Pension Bureau Communication to Mr. McCauley, March 9, 1903, Pension file of Lafayette Tharp, C 2483201, USNA.

<sup>122</sup> Lafayette Tharp, Affidavit, May 31, 1907, Pension file of Lafayette Tharp, C 2483201, USNA. See bio on Brown in Coston, *Spanish-American War Volunteer*, 83.

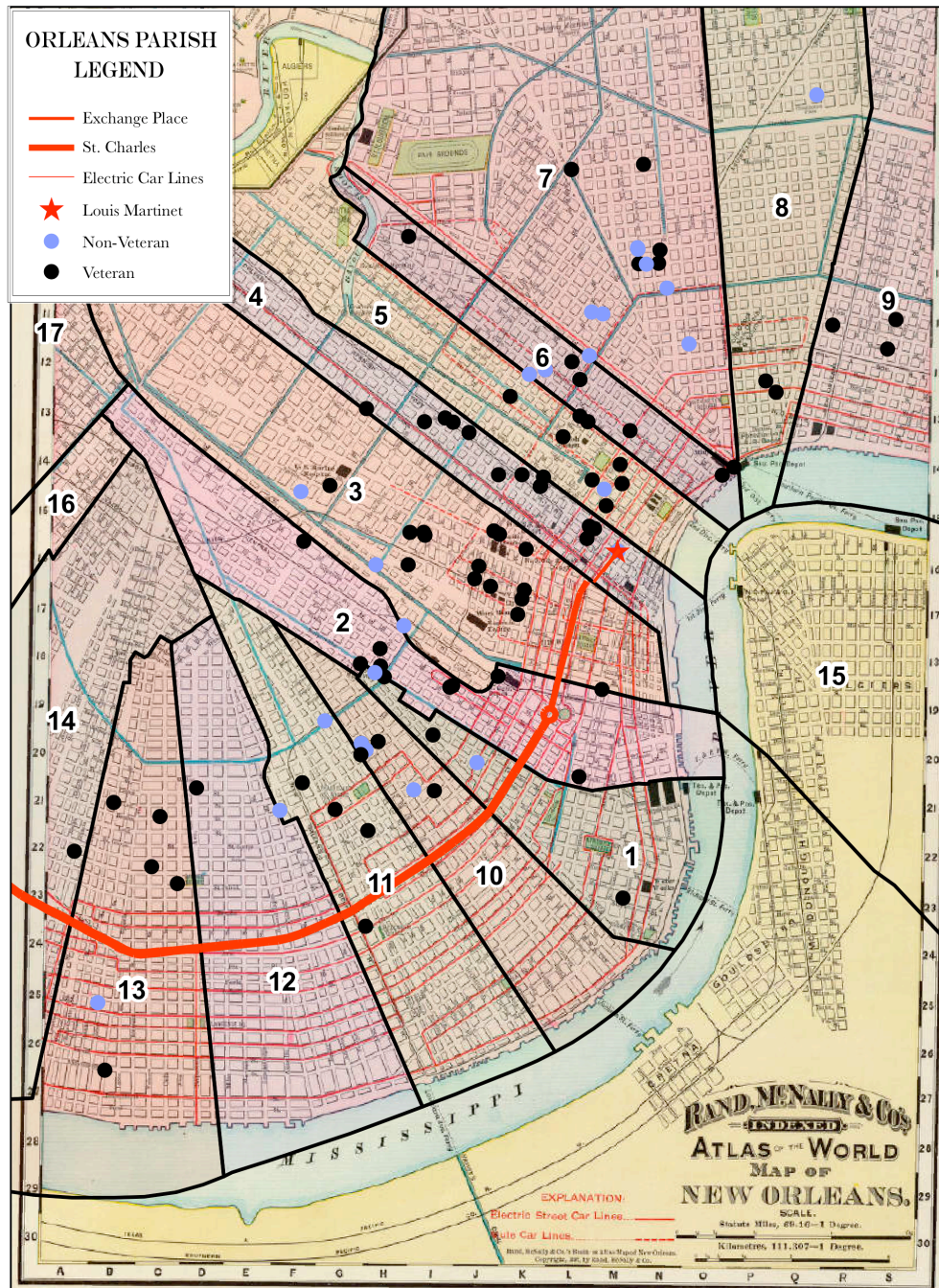


Figure 4. Map of New Orleans pensioners and supporters. This map provides a pictorial view of those who either applied for pensions or supported the claims of others. The numbers identify the wards. The addresses represented here were taken from letters and pension applications. They were then verified against the New Orleans City Directory. Base map is a reproduction of *New Orleans*, Rand McNally and Company, 1897, David Rumsey Map Collection, 2005, <<http://www.davidrumsey.com/detail?id=1-1-20773-560054&name=New+Orleans.>> (17 August, 2009).

As the map in Figure 4 demonstrates, there was a patterned distribution of persons who submitted or supported claims to pensions in New Orleans. Claims for pensions in New Orleans emerged out of local communities, reflecting the daily interactions associated with everyday political activity within communities of citizens. Those who were applying for pensions often engaged in local politics, fought for other forms of recognition, and passed each other on the streets of their shared neighborhoods. By the 1900's, Constitutional challenges, applying for pensions, and securing patronage appointments drew on many of the same networks, linking disparate figures of varying backgrounds, often unknowingly, in a common network of activism.

### **A “Phoenix Like” Race**

In 1901, the *Cleveland Gazette* lamented the lack of black officers in the same context as it discussed disfranchisement. In an article titled “What we have in the Army,” the paper called disfranchisement in North Carolina, South Carolina, Louisiana, Mississippi, and Maryland “political theft,” declaring that the South must be forced to “right about” and “repeal those laws instituted in robbery and in open rebellion against our free constitution.”<sup>123</sup> There were only two African American captains in the regulars— John R. Lynch, a Reconstruction era statesman and current Assistant Paymaster, and Charles Young, a West Point graduate. The majority of federal positions held by African Americans were mainly as postmasters and postmistresses.<sup>124</sup>

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<sup>123</sup> *Cleveland Gazette*, April 13, 1901.

<sup>124</sup> *Colored American*, February 2, 1901. For example, in 1901, J. Madison Vance, local union attorney and political ally of black Republican party leader Walter Cohen, had managed to win the appointment of Ferdinand B. Erhardt to the position of postmaster for New Orleans. Erhardt had also participated in the Regular Republican convention in 1900.

When George H. White of North Carolina, the last remaining African American in Congress, announced that he would not run for re-election, his departure truly signaled the end of Reconstruction era politics. In his farewell to Congress, White pleaded “ for the life, the liberty, the future happiness and manhood suffrage for one-eighth of the entire population of the United States.” He concluded:

This Mr. Chairman is perhaps the Negro’s temporary farewell to the American Congress; but let me say Phoenix like, he will rise up some day and come again. These parting words are in behalf of an outraged heart, broken, bruised, and bleeding, but God fearing, people, faithful, industrious, loyal people—rising people full of potential force.<sup>125</sup>

With some of the suffrage test cases still making their way through the courts, African Americans began forging alliances that crossed party lines and spanned from North to South. The *Colored American*, which was usually supportive of the work of the Afro-American Council, worked to arouse national interest and drum up financial support to test the “validity of the constitutions of southern states which aim to nullify the Fourteenth and Fifteenth Amendments to the Federal Constitution.”<sup>126</sup>

Simultaneously, Louisiana passed the Separate Street Car bill, extending the Jim Crow law from the railroad to the streetcars. Louisiana activists, like others in various states of the old Confederacy, stubbornly refused to accept additional impositions despite the decision in *Plessy*. By November, citizens were refusing to ride the streetcars, utilizing the method of direct action Civil Rights workers would employ many years later.<sup>127</sup>

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<sup>125</sup> *Colored American*, February 9, 1901.

<sup>126</sup> *Colored American*, February 8, 1902; *Cleveland Gazette*, March 2, 1902.

<sup>127</sup> *Colored American*, June 21, 1902. Meier and Rudwick argue that protests continued through 1906. For broader context of the protests throughout the south and a systematic review of southern newspapers see August Meier and Elliot Rudwick, "The Boycott Movement Against Jim Crow Streetcars in the South, 1900-1906."



Then on July 10, 1901, David J. Ryanes, a former slave born in Tennessee and long registered voter in New Orleans, presented himself to the supervisor of registration for the parish of Orleans, Jeremiah Gleason. Gleason blocked Ryanes from registering, invoking Article 197 of the 1898 constitution, which permitted registration only by those who could meet property or educational requirements, and those who had entered their names on the permanent registration books in 1898.<sup>128</sup> Armand Romain, Major of the Ninth USV Infantry, served as Ryanes' attorney. The recently retired George H. White from North Carolina was also among the men the Afro-American Council employed to work with Romain. For its part, the Council claimed to have raised \$2,000 towards the effort and declared boldly in 1902, "the suffrage question was still up for consideration." John H. Hannon, Recorder of Deeds in Halifax County, North Carolina, was the treasurer of the Special Committee charged with the work of carrying the case to the Supreme Court. He was also the current chairman of the Republican executive committee of Halifax County.<sup>129</sup>

The coalition between the Afro-American Council and the Louisiana activists brought two different modes of political organization into alliance. The Council had excluded white members since its founding, while politics in Louisiana—whether Republican Party politics or labor organizing—required inter-racial cooperation. Though not naming Romain directly, Charles Douglass, a member of the National Afro-American Council, openly criticized the organization's choice of white lawyers, arguing that "in the face of the fact that we have put forward for places on the federal bench lawyers of learning and experience, of our own race, yet when we have a cause to bring

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<sup>128</sup> Scott, *Degrees*, 192.

<sup>129</sup> *Colored American*, April 26, 1902.

before our courts, we gather up our thousands of dollars and dump them into the lap of some white lawyer of only local repute, thereby at the very outset acknowledging our lack of confidence in the ability of those we press upon the President for Judicial appointments.”<sup>130</sup> But the case was already well underway and Romain was retained without further question.

Ryanes, represented by his attorney, filed suit against Supervisor Gleason in the Civil District Court of the parish of Orleans. The District Judge dismissed the case on August 19, 1901, on the grounds of no cause of action.<sup>131</sup> Meanwhile, as the lawyers in Ryanes’ case prepared to file their appeal, tactical battles over the position of naval officer for the city were dividing black Republicans. To this end, a committee of eleven had formed to weigh the claims of all aspirants.<sup>132</sup> Pierre Carmouche wrote to Booker T. Washington, securing his endorsement for naval officer of the Port of New Orleans and a letter of introduction to the President.<sup>133</sup> To the dismay of all parties involved, the post was given to a white southerner. The loss of the post was a bane to the hopes of black Americans, and as one newspaper reported, it was “the loss of a lucrative and responsible post that has been held by the race for more than a quarter of a century.” The question of appointments should not be overlooked as if they were merely petty patronage. They were extremely important symbolic gestures of respect within the

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<sup>130</sup> *Colored American*, June 21, 1902.

<sup>131</sup> Scott, *Degrees*, 192.

<sup>132</sup> *Colored American*, April 26, 1902.

<sup>133</sup> See note on Carmouche in Harlan, ed. *Booker T. Washington Papers*, 12:64.

party.<sup>134</sup> The following sentiment resonated with many African Americans after the loss: “it is not encouraging to see our political resources slip away from us.”<sup>135</sup>

By 1902, the Afro-American Council was also in crisis; it was quickly losing support among its members. Internal disputes over Booker T. Washington, who had been quietly working behind the scenes to assert control within the organization, plagued the Council.<sup>136</sup> The timing could not have been worse; there were concurrent voting rights challenges afoot in Louisiana, Alabama, Virginia, and North Carolina that year. In July, the Louisiana voting rights case of *Ryanes v. Gleason* was being appealed in the District Court, and the Supreme Court was waiting to hear the Alabama voting rights case of *Giles v. Harris* later in the year. Meanwhile, leaders from the Afro-American Council were galvanizing support for the challenges.<sup>137</sup>

In Louisiana, Armand Romain, David Ryanes’ attorney, faced a particularly difficult set of challenges in the Louisiana District Court. Romain’s strategy was to challenge the suffrage restrictions by convincing Judge St. Paul who presided over the case that they violated the Fourteenth and Fifteenth amendments. But the specific restrictions in Article 197 of the new constitution—the property requirement, literacy requirement, and the grandfather clause—did not, on face, abridge an individual’s right to vote based on race. However, as Romain argued, whether or not each restriction had the effect of eliminating colored voters, when taken as a whole, the entire clause had just that result. But St. Paul, who had coincidentally attended the state’s constitutional

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<sup>134</sup> *Cleveland Gazette*, February 15, 1902.

<sup>135</sup> *Colored American*, April 26, 1902; *Colored American*, August 2, 1902; See *Cleveland Gazette*, February 8, 1902 on federal failures toward Afro-American veterans.

<sup>136</sup> *Colored American*, July 19, 1902; August 2, 1902.

<sup>137</sup> *Colored American*, August 9, 1902; *Colored American*, November 22, 1902.

convention where the provisions were drafted, refused to read Article 197 as a whole, choosing instead to interpret each provision independently. In order to prove their case, Romain would need to point to one specific provision that violated a person's Fifteenth Amendment right, which is to say, a provision that abridged the right of an individual "on account of race, color, or previous condition of servitude." This, the court argued, he could not do, and therefore ruled against David Ryanes' lawsuit.<sup>138</sup>

As Armand Romain prepared to take Ryanes' appeal before the Louisiana Supreme Court, the federal Supreme Court was hearing the Alabama voting rights case of *Giles v. Harris*. Jackson Giles, a black man who worked in the federal courthouse in Montgomery, Alabama, had sought through the federal courts to be reinstated on the electoral rolls after being excluded under the new 1901 Alabama Constitution. In April of 1903, the U.S. Supreme Court ruled against Giles, declaring his case to be an inappropriate attempt to "enforce political rights," as opposed to constitutionally protected civil rights. In March of 1904, the Supreme Court also ruled against Giles' second case in which he attempted to sue the registrar for damages.<sup>139</sup>

Within days of the second ruling, Romain presented the case of David Ryanes to the Louisiana Supreme Court. Again, the judge in the case had been a member of the state disfranchising convention. This time, the defense team assembled for Supervisor Gleason had the added benefit of the recent ruling in the Giles cases; they could argue

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<sup>138</sup> Scott, *Degrees*, 194. For delegates see Louisiana, *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana Held in New Orleans, Tuesday, February 8, 1898, and Calendar* (New Orleans: H.J. Hearsey, 1898).

<sup>139</sup> *Giles v. Harris* 189 U.S. 475 (1903). Scott, *Degrees*, 195; and Pildes, "Democracy, Anti-Democracy, and the Canon." The second Alabama case making its way through the courts was *Giles v. Teasley* in which Giles attempted to win a case for damages against the registrar. The new case was argued in January of 1904. *Giles v. Teasley* 193 U.S. 146 (1904). For public opinion on the decision, see *Cleveland Gazette*, February 27, 1904, July 30, 1904.

that the United States Supreme Court had now walked away from the Fifteenth Amendment. Defense counsel assured the court that each of the qualifications for voters could, in principle, exclude not only black but also white men. The Judge professed to be convinced of their race-neutrality and rejected David Ryanes' appeal. The activists were out of options. There was no reason to appeal to the Supreme Court; the high Court had already made it perfectly clear through the Giles verdicts that it would not render a judgment against the state constitutions.<sup>140</sup>

Having reached the end of the judicial challenges, the Afro-American Council began to regroup and the Louisiana Activists turned their attention to other endeavors. In the summer of 1904, Republicans were again preparing for the upcoming election. The divisions that had plagued the 1900 election were replaced with new political alignments. Beginning in February, the local Equal Rights League in cooperation with the black Central Labor Union launched a series of mass meetings against the Louisiana "Lily-Whites' " efforts to send an all white delegation to the Republican National Convention to be held in Chicago that year.<sup>141</sup> Armand Romain, furthering his record of interracial cooperation, traveled with a contingent from New Orleans to the White House to meet with President Roosevelt regarding the matter. Also a part of the group was P.F. Herwig who had been a member of the dissenting Republican coalition in 1900. Herwig had now rejoined the Regular Republicans. The men informed Roosevelt that there were two factions in the state, the "Lily-Whites" and themselves, the "Regular" Republicans. As the *Cleveland Gazette* reported, the contingent "bitterly resented the attitude of the 'Lily Whites' in refusing to take part in any movement for

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<sup>140</sup> Scott, *Degrees*, 196. *State ex rel. Ryanes v. Gleason*, Supervisor, 112 La. 612.

<sup>141</sup> Arnesen, *Waterfront Workers*, 186.

Republican unanimity if the Afro-American was to have a conspicuous part in the proceedings.”<sup>142</sup>

Then in July, Walter Cohen and J. Madison Vance took the fight against the “Lily-Whites” before the Republican National Committee. Cohen, backed by a coalition of local Republicans, union leaders, and national committeemen, managed to win the seat on the national committee, though a contending faction subsequently challenged the ruling. During the challenge, as a surprised *Cleveland Gazette* reported it, Cohen sat silently and failed to defend himself against the assault. The contest over the seat was momentarily reopened, prompting the editor to chide Cohen for not taking the opportunity to crush the “Lily-Whites.” But Cohen was, in many respects, as outspoken as he could afford to be given the ever-present danger of political violence. In the end, Cohen would retain his seat and the “black and tan” coalition won the fight in 1904. However, in 1908, the white Republicans at last achieved the party’s official recognition as the legitimate Republican organization in the state.<sup>143</sup>

Though the disfranchising statutes and the “Lily-White” forces shut out younger aspirants to political power, those who had amassed considerable influence could not be completely excluded. Cohen who had been in power for decades remained an active figure well into the 1920’s, helping to found the Louisiana branch of the National Association for the Advancement of Colored People in 1914. Others also maintained prominent positions elsewhere in the South. In Texas, Henry Ferguson, who had assisted in organizing a company for the Ninth USV known as the “Ferguson rifles,”

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<sup>142</sup> *Cleveland Gazette*, August 27, 1904.

<sup>143</sup> *Cleveland Gazette*, July 2, 1904. On Cohen and Republicans see Arnesen, *Waterfront Workers*, chap 5,6.

was still politically powerful even in a state that had largely elected Democratic candidates since well before the war. Colonel James Hill, a Civil War veteran and prominent Republican in Mississippi, continued in politics into the twentieth century.<sup>144</sup>

Therefore given the political climate, it became more not less significant that Civil and Spanish American War veteran Noah Spillers of the Ninth USV was elected to the First District Convention of Louisiana Republicans in 1904.<sup>145</sup> Each district was responsible for choosing one member of the Electoral College and selecting two delegates and two alternates to attend the Republican National Convention. Spillers proudly sent in his official letter of invitation from the Republican State Central Committee to the Pension Bureau during his 1909 application. Spillers also attached letters from Senator Mark Hanna, Chairman of the Republican National Committee, and affixed a newspaper article on himself onto the letter. Though the clipping is undated, the contents suggest it was from the 1896 election season in which President McKinley was elected President. The unidentified source of the article noted, “Colonel Noah Spillers leaves for Jackson, Miss on Saturday. The Colonel will canvas Mississippi in the interest of Governor McKinley for President and his friend.” The clipping lauded Spillers as “one of the old timers” who knew “every inch of Mississippi, and has never failed in politics in that state. Friend Jas. Hill can compliment himself on having such a shrewd lieutenant.”<sup>146</sup>

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<sup>144</sup> On founding of NAACP in Louisiana see Adam Fairclough, *Race and Democracy: The Civil Rights Struggle in Louisiana, 1915-1972* (Athens: University of Georgia Press, 1995). On Cohen in the 1920's see his correspondence in the *Booker T. Washington Papers* indexed under Walter Cohen. *Colored American*, June 21, 1902; *Colored American*, September 27, 1902.

<sup>145</sup> *Cleveland Gazette*, September 5, 1903.

<sup>146</sup> W.J. Brophy to Noah Spillers, May 6, 1904, and Mark Hanna to Noah Spillers, November 24, 1903 in Pension file of Noah (Harriet) Spillers, Cert. No. 477036.

Even as historians have noted the ability of the Democrats to overwhelm Republican activists in the South, the fact that Black Republicans like Cohen, Vance, and Spillers remained active in party affairs, and maintained alliances with white activists like Romain through the next two decades is itself an important victory, perhaps as important a feat, if not more so, than doing so during Reconstruction before violent repression reached its peak. The *Cleveland Gazette* expressed the sentiments of many others when Harry S. Cummings, an African American attorney from Maryland, was chosen to second Theodore Roosevelt's nomination to the presidency in 1904. "A Harry Cummings was needed," the paper declared. "Upon the rostrum he stood as a living protest against the attempt to engraft into this government the guilty fantasy of a proud and cruel oligarchy. Every utterance of the orator was in repudiation of the wicked theory that the anarchist shall hold sway on American soil."<sup>147</sup>

### **Migratory Politics**

While most black Americans were almost entirely excluded from party politics in the South, those in the North retained nominal strength, which increased as more and more southerners migrated out of the region.<sup>148</sup> While their strength in the electorate would swell considerably after 1910, black citizens in Illinois had already made modest gains. They had one elected official in the state legislature, a Chicago attorney, and they

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<sup>147</sup> *Cleveland Gazette*, July 9, 1904.

<sup>148</sup> *Cleveland Gazette*, July 2, 1904. Union activity and politics continued well beyond the 1910's, see Arnesen, *Waterfront Workers*, chap. 5 and 6. On the increasing power of black voters in Chicago post the migration see Harold Foote Gosnell, *Negro Politicians; the Rise of Negro Politics in Chicago* (Chicago: University of Chicago Press, 1935).



had successfully repelled attempts to segregate schools in the city.<sup>149</sup> When vigilantes attacked black homes in Springfield, Illinois in 1908 and claimed the lives of three African Americans, it sparked a response from Illinois State Congressman Edward Green who supported and managed to prompt passage of an anti-lynching bill. The bill provided that any Sheriff who permitted a prisoner to be taken from him and lynched would be removed from office.<sup>150</sup>

Ida B. Wells-Barnett later recounted that “three negroes were lynched under the shadow of Abraham Lincoln’s tomb” during the three-day riot. In fact, two black people were lynched, six shot dead, and scores injured within a short distance of the monument. In her biography, which spans through the time of her untimely death in 1931, she lamented the absence of a national organization to protest the 1908 lynching. Wells-Barnett had the benefit of hindsight—she mourned the demise of the Afro-American council and heralded the arrival of the National Association for the Advancement of Colored People (NAACP), which was founded between 1909 and 1910.<sup>151</sup>

The riots that occurred in Springfield were also the impetus for the NAACP’s birth. William English Walling, with the help of Mary White Ovington and Oswald Garrison Villard (grandson of radical abolitionist William Lloyd Garrison), invited a number of prominent Americans to attend a National Conference on the Negro in 1909. In attendance were many of the same leaders who had been shaping black politics for

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<sup>149</sup> *Cleveland Gazette*, January 23, 1904; *Cleveland Gazette*, May 7, 1904; Gosnell, *Negro Politicians; the Rise of Negro Politics in Chicago*, chap. 1; Fairclough, *Better Day Coming*, chap. 4.

<sup>150</sup> Illinois citizens had been pushing for anti-lynching legislation for many years. See coverage in *Cleveland Gazette*, March 1, 1905.

<sup>151</sup> On Springfield and Green see Wells-Barnett, *Crusade*, 299-309; Fairclough, *Better Day Coming*.

the past decade— Bishop Walters of the Afro-American Council, Ida B. Wells-Barnett, and W.E.B. Du Bois.<sup>152</sup>

Lieutenant Pierre Carmouche had been a part of the relatively small stream of migrants, who prior to the Great Migration, had been relocating to the northern states searching for the promise of racial equality. After the election of 1900, having failed to obtain the naval officer post, Carmouche found himself increasingly disenchanted with his exclusion from politics. In the midst of the suffrage cases, he had become “disgusted, left the community,” and moved to Michigan in 1902.<sup>153</sup> In a letter written to the Commissioner of Pensions, D.K. Fitzhugh, the local pension examiner, mocked Carmouche’s “failure to accomplish his desires by obtaining an easy berth.” In bitter words he conveyed his opinion to the Commissioner.

He [Carmouche] had decided that he who had risen from the rank of a blacksmith to a first lieutenant in the army could not afford to retrace his steps and become a farrier again in the town of his birth amidst the imaginary jeers of his former associates. Such is the history of the “rise and fall” of this patriotic self-sacrificing military genius.”<sup>154</sup>

Many years later, Carmouche would write to Booker T. Washington, expressing his satisfaction with the relative lack of racial discrimination in the North. Defending his decision to leave the South, while simultaneously lamenting the fact that he had not left the country entirely, he wrote, “in leaving the South, I did not do so in order to *desert* our people—the colored people—but I wanted to get away from a condition existing there, which, in my judgment is *far worse* than death to me and to our people.”

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<sup>152</sup> Fairclough, *Better Day Coming*, 67-9.

<sup>153</sup> Pierre Carmouche, Letter to Commissioner of Pensions, December 13, 1909, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>154</sup> D.K. Fitzhugh, Letter to Commissioner of Pensions, Dec. 31, 1904, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

Carmouche, who had in times passed celebrated Antonio Maceo, the fallen hero of the Cuban Revolution, now looked to the “history of Toussaint Louverture of San Domingo or Muratte and Robespierre of France for an answer to the ‘Negro’ question in America.” In Carmouche’s words, “I made the mistake of my life in not going to France when I left that ‘cursed South land’ instead of coming to Michigan as I did.”<sup>155</sup> He would not have been alone, as members of the Dugas family of New Orleans had also moved to Paris.<sup>156</sup>

In general, most veterans first moved from the countryside into New Orleans, obtaining new addresses in the city. James R. Long was an acquaintance of Carmouche and a resident of the adjoining parish of Assumption. Prior to enlistment, he had been the constable in Assumption. After mustering out, he too returned to the countryside but soon left for New Orleans in 1901.<sup>157</sup> Following the war, other veterans and widows would relocate much farther, venturing off to Philadelphia, Chicago, Kentucky, New York, and Kansas. While it is difficult to know exactly why individuals left, many people were undoubtedly of the same mind as Congressman George H. White who moved to New Jersey after his retirement from Congress, declaring, “I cannot live in North Carolina and be a man.”<sup>158</sup>

Many veterans left the South realizing that a racially segregated regiment had failed to secure expected gains. By 1901, Octave Mora, Rodolph Desdunes’ son in law,

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<sup>155</sup> Pierre Carmouche to Booker T. Washington, Harlan and Smock, eds. *Booker T. Washington Papers*, 12: 61-2.

<sup>156</sup> Benjamin Dugas, Deposition, Pension file of Joseph (Amy) Dugas, Wid. Cert. No. 928370.

<sup>157</sup> James R. Long, Deposition, November 1, 1904, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

<sup>158</sup> White quoted in Gilmore, *Gender and Jim Crow*, 131.

had left New Orleans after divorcing his wife Coritza. A few days after New Years 1936, Coritza wrote a letter to the pension bureau alleging that Octave had denied her two children, Octave and Daniel, their due benefits as his sons. Given the rather cryptic content of the letter, and the limited potential for claiming any kind of pension, it is unclear on what grounds Coritza was staking her claim. Coritza had divorced Octave in 1901 and her children were now of age. But perhaps she wanted to reveal what she knew about the pensioner and his new wife.<sup>159</sup>

Whatever the case, in trying to verify whether Coritza or his new wife, Edna, was Octave's legal spouse, a common procedure in cases where there were multiple claims, the Veterans Administration stumbled upon a problem:

The certificate of marriage between the veteran and the above mentioned Juanita Turnbull at Oakland California, in 1928, recites that both parties are white. Such description of the veteran is at variance with other data in file... The death certificate of the veteran recites that he was colored. Reports of physical examinations in file contain varying descriptions of the complexion of the veteran, viz., light, dark, brown, Creole and mulatto. The question of whether the marriage of 1928 was valid therefore depends on whether Mrs. Mora is white or colored. If she is a colored woman, then under the [California] statutes the marriage is valid, but she should be required to explain why she and the veteran stated that they were of the white race.<sup>160</sup>

To prove the case for her racial identity and her marital status, Edna enlisted the help of her deceased husband's former manager aboard the Southern Pacific railroad. When Edna contacted her husband's boss to verify the validity of their marriage, she opened a window through which we can learn more about the public perception of their

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<sup>159</sup> Coritza Mora to Commissioner of Pensions, January 4, 1936, Pension File of Octave (Edna) Mora, XC No. 2,388,111, USNA.

<sup>160</sup> James T. Brady, Report to Major Clark, June 4, 1938, Pension File of Octave (Edna) Mora, XC No. 2,388,111, USNA.

whiteness and the involvement of community members in documenting it. The 1896 *Plessy v. Ferguson* decision allowed legally mandated segregation on public transportation under the doctrine of “equal but separate.” Yet in order to be segregated, an individual whose racial classification might not be obvious would have to be identified. As the defacto extension of the southern legal system in the Moras’ case, the dining car manager sanctioned their marriage by validating the public presumption of its legality. Though they were not married officially until 1928, Octave and Edna had cohabited and been recognized as man and wife aboard the train lines since 1915.<sup>161</sup>

In California and in Illinois, the Moras developed numerous affiliations—religious and social—based on the presumption of their whiteness. Most significant was their membership in the all white local Spanish-American war veterans’ lodge. Edna was a member of the wives’ auxiliary, and it was this very group that helped her to file for a pension. The members rallied to her defense, contacting the bureau on her behalf. Apparently, the Moras had either failed to tell them to what regiment Octave belonged, or concealed from them that he had fought in the Ninth USV Infantry and was not one of its few white officers.

As this case demonstrates, the set of legal codes that we refer to as “Jim Crow” laws were anything but uniform, either in conception or in application. Turn of the century battles over citizenship were increasingly being fought over access to public, material, and social space. Jim Crow law created racially determined realms of access that worked to limit citizenship according to race. And race in turn had the material benefit of providing access, and in this case, access to employment and social networks.

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<sup>161</sup> H.A. Butler, Letter, March 2, 1938, Pension File of Octave (Edna) Mora, XC No. 2,388,111, USNA.

Individuals often met these limitations with resistance, and because law relied on people for its enforcement, it was constantly being negotiated, botched, transversed, and bypassed. If a community presumed race rather than proved it, a person could live as white as long as the community's members were either equally convinced or equally unsure. In the end, however, it was their community's presumption of their shared racial identity that made the Moras' evasion possible. The material and social benefits one could finagle from such fissures gave race an identifiable value. Members of their community based their presumption on the presumption of others. Not only could someone cross the color line, but also in some cases, mutual ignorance allowed individual passage. The case of Edna and Octave demonstrates the porousness of Jim Crow as this family attempted to circumvent the boundaries of racial segregation.

“To determine whether she was white or colored,” the pension examiner visited Edna four different times. While the examiner largely relays these encounters in his writings, Edna's efforts to evade the inquisitive eye of the pension examiner speak for her. She simply never showed up. Edna was able to “write in” her racial identity through correspondence, which the examiner incorporated into his report. In the examiner's description of the letter he claimed, “she insists that both she and the veteran were white...that her parents were Jewish and French and she looks like she had Jewish blood in her.” Edna then went on to give her description. “Her hair is black, her eyes brown and she has an olive complexion.” Perhaps taking a preventive measure in case they ever made face-to-face contact, she was careful to explain that “at this time [she] has quite heavy dark patches under her eyes, but she claims she is not well.”<sup>162</sup>

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<sup>162</sup>James T. Brady, Report to Major Clark, June 4, 1938, Pension File of Octave (Edna) Mora, XC No. 2,388,111, USNA.

The strategies employed by Edna Mora to evade the racial inquisitions of her examiner are similar to the strategies uncovered by historians of “passing” and those who study “passing narratives.” Losing one’s identification papers to incidental fire or accident, or simply refusing to remember proved to be two of the common strategies used by those who chose to elude racial identification. But I have consciously chosen to avoid the use of the term because it obscures the historical facts. First, it lifts language from the archaic vernacular of southern officials and newspaper reporters whose fears of miscegenation often led them to write of the hundreds of quadroons, mulattos and the like who passed or “became” white every year.<sup>163</sup> Second, it ignores the history of black Louisianans, many of whom, given their cultural heritage as Creoles, viewed themselves as outside of the black-white Anglo racial binary. Hence, cases like those of the Moras might be more aptly termed an exercise of racial choice, and not of passing.<sup>164</sup> Yet for a Creole family of color heavily invested in their cultural heritage, it

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<sup>163</sup> John W. Blassingame, *Black New Orleans 1860-1880* (Chicago: University of Chicago Press, 1973), 201. Blassingame for example, takes the word of southern officials at face value. He writes: “Louisiana officials reported that hundreds of mulattoes recorded themselves as “white” in the 1875 state census. In all probability, from 100 to 500 Negroes became “white” every year from 1875 to the 1890.”

<sup>164</sup> W.E.B. Du Bois in his review of Nella Larsen’s *Passing* (1927) defined what others have termed passing as “a person’s right to conceal the fact that he had a grandparent of Negro descent.” I have taken this as a point of departure for my own analysis of racial choice. W.E.B. Dubois, review of *Passing*, by Nella Larsen, *Crisis*, July 1929 in David Levering Lewis, ed. *W.E.B. Du Bois: A Reader* (New York: Henry Holt, 1929), 521. On the question of “passing” in Louisiana see Anthony G. Barthelemy, “Light, Bright, Damn near White: Race, the Politics of Genealogy, and the Strange Case of Susie Guillory,” in *Creole: The History and Legacy of Louisiana’s Free People of Color*, ed. Sybil Kein (Baton Rouge: Louisiana State University Press, 2000). For discussions of race and the use of the term Creole, see Joseph Tregle, *Louisiana in the Age of Jackson* (Baton Rouge: Louisiana State University Press, 1999), epilogue; Virginia R. Dominguez, *White by Definition : Social Classification in Creole Louisiana* (New Brunswick, N.J.: Rutgers University Press, 1986); Sybil Kein, ed. *Creole : The History and Legacy of Louisiana’s Free People of Color* (Baton Rouge: Louisiana State University Press, 2000). For a discussion of Larsen see a recent biography George Hutchinson, *In Search of Nella Larsen : A Biography of the Color Line* (Cambridge: Harvard University Press, 2006). On the historical construction of race in the United States, see Barbara J. Fields, “Slavery, Race, and Ideology in the United States of America,” *New Left Review* May/June (1990): 95-118. Barbara J. Fields, “Ideology and Race In American History,” in *Region, Race and Reconstruction: Essays in Honor of C. Vann Woodward*, eds. J. Morgan Kousser and James M. McPherson (New York: Oxford, 1982): 143-178.

is not absurd to think that they would view Octave Mora's choice as an act of betrayal. Perhaps considering his former son-in-law, in his book *Our People and Our History* (1911) Rodolphe Desdunes lamented over those Creoles of his own class who had left the community to enjoy the privileges of whiteness. "Some Creoles in our own day have fallen to such a point of moral weakness that they have disowned and neglected not only their fellow blacks, but even their own kin."<sup>165</sup>

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Through the first decade of the twentieth century, African Americans continued to press the boundaries of segregation in organized and non-organized movements against the racially restrictive citizenships of the day. The story that began with Sergeant Octave Mora's enlistment in 1898 would not see its end until 1944. Since skin color was not a barrier, the Moras consciously chose to adopt whatever racial identity to which they believed they were entitled. The first supposition we must debunk, however, is that which the Pension Bureau espoused—that they should have viewed themselves as either black or white, and consequently articulated their racial identity based on this racial binary. While the pension officer was demanding that Edna prove her entitlement to the pension by either admitting her blackness or proving her whiteness through official means, she refused.

The irony of the ultimatum that Edna faced is startling. Choosing a black and not a white identity was the most valuable strategy for the moment—at least economically. Sergeant Mora had been receiving a monthly pension of sixty dollars. Claiming blackness could have ensured a steady income, but to do so would have cost her social status and perhaps self-perception. Whatever their heritage, Octave and Edna

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<sup>165</sup> Desdunes, *Our People and Our History*, 18.



had socially constructed their *public* whiteness in their public life in a way that was separate from the issue of their descent. Her choice was not a difficult one, particularly if she was refusing a racial identity she had never accepted as her own. In the end, her decision not to pursue her pension past 1944 spoke volumes.

African Americans continued to evade a racialized citizenship in varying ways. Politicized by their service in Cuba, many veterans continued to petition the federal government for pensions as a citizen's right well into the twentieth century. In 1913, Pierre Carmouche wrote to President Woodrow Wilson, appealing to him personally for a pension in the name of "Humanity and Patriotism."<sup>166</sup> Over a twenty-one year period, Carmouche would write to five sitting American Presidents and file six pension requests, the first of which he filed in September of 1899, four months after he mustered out of service. He would, like many other soldiers, finally be approved for a pension after the liberalizing law of 1920. But this story has a bitter end. When his first pension check arrived, it was immediately returned. The envelope was marked return to sender; the pensioner had died three days before its arrival.

The thousands of pensioners who submitted pension applications or wrote letters to sitting American Presidents from William McKinley to Franklin D. Roosevelt, those who organized Republican or Democratic clubs well into the twentieth century, and those like Louis Martinet who gained an opportunity to exercise his own voice as he elegantly transformed the claims of others into scripted form, demonstrate the networks that drew men and women to the war in 1898 and shaped their ambitions in its aftermath. In many instances, entire communities were filled with veterans, and the

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<sup>166</sup> Pierre Carmouche, Letter to President Wilson, May 9, 1913, Pension file of Pierre Carmouche, XC. No. 24444335, USNA.

same communities worked to support the claims of its members. These networks—based on political, social, and labor organizations—became political via their associations. Whether politician or citizen, as men and women submitted claims against the government they cast themselves as entitled to the fruits of service and of citizenship.

Despite the wins and losses in the 1890's and early twentieth century, African Americans continued in their struggles against racialized notions of citizenship. In the 1900's, the courts were closed off, the Afro-American Council had finally collapsed in 1906, and new organizations like the NAACP were born in 1909. Seemingly undaunted by its earlier efforts to secure action via the courts, the Council had made one final push to fight voter restrictions in 1906. But crippled by its inability to sustain successful organizations in the southern states, the leadership had little hope of mounting such an offensive.<sup>167</sup>

But with World War I on the horizon, a familiar refrain was again in the air, and new African American leaders like W.E.B. Du Bois of the NAACP and old leaders like Walter Cohen of Louisiana again encouraged black Americans to close ranks and rally around the war effort. When the government announced that a battalion of one hundred black longshoremen from New Orleans would be among the first companies in the American Expeditionary Forces to arrive in France, black labor leaders again rallied for black enlistment. In October of 1917, black draftees assigned to stevedoring regiments, led by a contingent of African American Spanish American War veterans, marched

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<sup>167</sup> *NYT*, October 10, 1906; *Baltimore Afro American*, October 13, 1906. Also on the Council's work towards its end and the influence of Booker T. Washington, see Thornborough, "The Afro-American League, 1887-1908," 501-12; McPherson, *Abolitionist Legacy*, 316-17; Wells-Barnett, *Crusade*, 321-29; *Washington Post*, October 12, 1906; and Goldstein, "Preface to Booker T. Washington," 90. On the rise of the NAACP see Adam Fairclough, *Race and Democracy*; McPherson, *Abolitionist Legacy*, chap. 20.

from their union hall to the New Orleans terminal station where an estimated 20,000 black supporters waited to send them off.<sup>168</sup> Later that winter, Du Bois, the editor of the *Crisis* magazine, the official organ of the NAACP, encouraged black Americans to “close ranks”; the time had finally come, he thought, when “we may expect to see the walls of prejudice gradually crumble before the onslaught of common sense and racial progress.”<sup>169</sup> And so, as African American political consciousness evolved again under the tutelage of new leadership in a new day, the struggle for racial equality continued.

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<sup>168</sup> On Cohen, Vance, and WWI see Arnesen, *Waterfront Workers*, 218; *Times Picayune*, October 8, 1917.

<sup>169</sup> *Crisis* 15 (December 1917), 78; “Close ranks,” *Crisis* 16 (July 1918), 111. On Du Bois and WWI see Fairclough, *Better Day Coming*, chap. 5. On post-WWI political views, see David Levering Lewis, *W.E.B. Du Bois: Biography of a Race: 1868-1919*, 1st ed. (New York: H. Holt, 1993), chap. 1.

## CONCLUSION

In 1899, William Graham Sumner, one of the most noted intellectuals of his day, delivered a speech to Yale University's Phi Beta Kappa Society. Sumner boldly declared that the "Negro was out of fashion."<sup>1</sup> Though African Americans had viewed the United States' intervention into Spain's war with its colonies as a political opportunity, Sumner warned that given the failure of the past thirty years to assure Negro suffrage, and the current preoccupation with the War with Spain, no further attempt to obtain these rights would emanate from the federal government.<sup>2</sup> Sumner was pessimistic about the possibility of restoring African American suffrage rights for a number of reasons. The day of the activist Republicans in Congress had passed, and protecting black voting rights was now, in his words, a "political impossibility." He argued that the "complexity of our system of State and Federal government," and the contradictions imbedded in the constitution itself, precluded the prospect. And as Sumner reminded his audience, the ballot had not magically resolved the problems of the pre-Civil War era, and the attack on Postmaster Baker in South Carolina had proven

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<sup>1</sup> William Graham Sumner, *The Conquest of the United States by Spain : A Lecture before the Phi Beta Kappa Society of Yale University, January 16, 1899* (Boston: D. Estes & Company, 1899). On Sumner, see Richard Hofstadter, "William Graham Sumner, Social Darwinist," *The New England Quarterly* 14, no. 3 (1941):457-77.

<sup>2</sup> William Graham Sumner, "Conquest of the United States by Spain," in *The Conquest of the United States by Spain and Other Essays*, ed. Murray Polner, reprint (Chicago: Regnery, 1965), 170.

that the federal government would not assure “life, liberty, and the pursuit of happiness to Negroes inside of the United States.”<sup>3</sup>

In the printed form of the speech, “The Conquest of the U.S. by Spain,” published in the *Yale Law Review* in January of 1899, Sumner extended his analysis to the issue of imperialism. He turned on its head the idea that the United States could in any way extend equal rights to “Kanakas, Malays, and Tagals.” As Sumner saw it, the immortal line in the Declaration of Independence that established “all men are created equal” had been elevated “into an absolute doctrine,” but made null by its lack of effect. It had become part of the “theory of our social and political fabric”; whether or not it remained true in deed. And this delinquency had, over time, become of lessening consequence to those who espoused it as an absolute truth. As a “domestic dogma,” he posited, “it has always stood in glaring contradiction to the facts about Indians and Negroes and to our legislation about Chinamen.” This contradiction between form and rhetoric provided the basis for Sumner’s critique of American intentions abroad. “Because the doctrine that all men are created equal has come to stand as one of the corner-stones of the temple of justice and truth,” he argued, “it was set up as a bar to just this notion.” The United States and its citizens, he concluded, had become convinced “that we are so much better than others, that it is liberty for them to be governed by us.”<sup>4</sup>

In 1898, the quest for black citizenship rights placed black men and women at the center of this contradictory impulse. Though they attempted to give others a new birth of freedom like their own, as the bastions of United States imperialism, and as the

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<sup>3</sup> Sumner, *The Conquest of the United States by Spain*, 170.

<sup>4</sup> Sumner, *The Conquest of the United States by Spain*, 150.

harbingers of its ideals, their military rank inherently contradicted their goals. But while some African Americans enlisted to fight a war for empire in 1898, the contradictions of attempting to prove their allegiance to an emerging imperial power compromised their aims. Once drawn into military service, those who served in Cuba found themselves trapped by the conflicts of contending aspirations. African Americans, Cubans, and the United States government had drastically different visions of what the United States' intervention in the Cuban War for Independence would mean. Though many black Americans had enlisted as a means to buttress their calls for full citizenship rights in the United States, they found themselves at the center of a conflict over leadership and reconstruction in Cuba. Commissioned to restore order and discipline on the island, the black men of the Eighth Illinois and the Ninth USV were at the center of a larger conflict between Cuba and the United States.

But as they vied to establish racial manhood at home, African Americans, though victims of inequality within the United States, were not completely adverse to the concept of imperialism abroad. In the effort to assert claims to citizenship at home, they had occasionally adopted the imperialistic ethos without pretense. At a meeting of the Louisiana State Republican Convention in 1900, the members unequivocally endorsed the idea of conquering the Philippines. In their view, the "expansion of the beneficent government of the United States over these islands of the sea means the enlargement of civilization and the firm establishment of the very highest ideals of enlightened Christianity." As they resolutely declared, "it is, therefore, the sense of the

Republicans in Louisiana that the policy of the national administration should be endorsed by every loyal and patriotic citizen of the American Union.”<sup>5</sup>

Hence, black Americans’ efforts to reverse the trend of disfranchisement, establish racial manhood, and prove their worthiness for citizenship were often tied to Cuban aspirations for liberty and freedom in contradictory ways. Though many lauded the Cuban Army for its bravery and cross-racial cooperation, others adopted an imperial gaze, attempting to make the Cuban cause subservient to their own. Ultimately, however, as did the members of the Cuban Army, African Americans would find their ambitions overshadowed by those of the United States government. While party leaders in the North and the South were “crossing the bloody chasm” in the United States, the Americans and the Spanish were doing the same over Cuba, the Philippines, and Puerto Rico.

As soldiers returned to the United States, they found a politics of race even more constraining than when they had left. And as they would soon learn, military service had only brought minimal progress toward their stated aims. The passage of anti-lynching legislation, black officers in the armed services, and federal action on disfranchisement were still very far in the future. But far from being the end to an era of political activism, the soldiers’ service and the subsequent agitation over the question of disfranchisement marked a turning point in the longer history of activism over these ideals. African Americans used military service in the War with Spain to fight for constitutionally guaranteed rights to which they were already legally entitled. Viewed in this light, it becomes evident how the political discourses that emerged in the context

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<sup>5</sup> New Orleans *Republican Courier*, January 27, 1900.

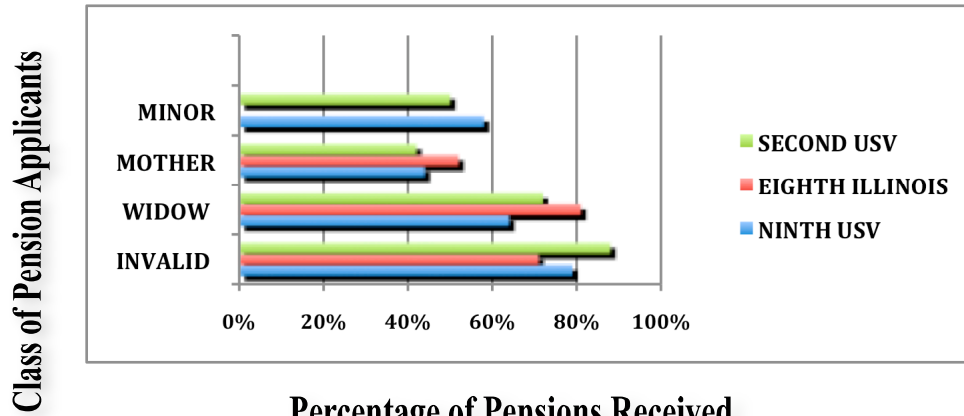
of the war fueled African American political activism leading up to the Civil Rights movement.

Soldiers, their families, and their communities were radicalized, if not by their time in Cuba, at the very least, by the experience of wartime service itself. At a moment when disfranchisement and Jim Crow were isolating black Americans from the public sphere, military service connected individuals directly to the federal government, and via the pension, provided a vehicle for the expression of public voice. The discourse for claims making they produced in the process—one that was tied to military service, the constitutionally guaranteed rights of citizenship, the responsibilities of government to its female citizens, and racial manhood—would be taken up by the next generation of activists carrying forth the Abolitionist torch into the era of Civil Rights.



## **APPENDICES**

**APPENDIX 1**  
**Percentage of Applicants Receiving Pensions By Category**

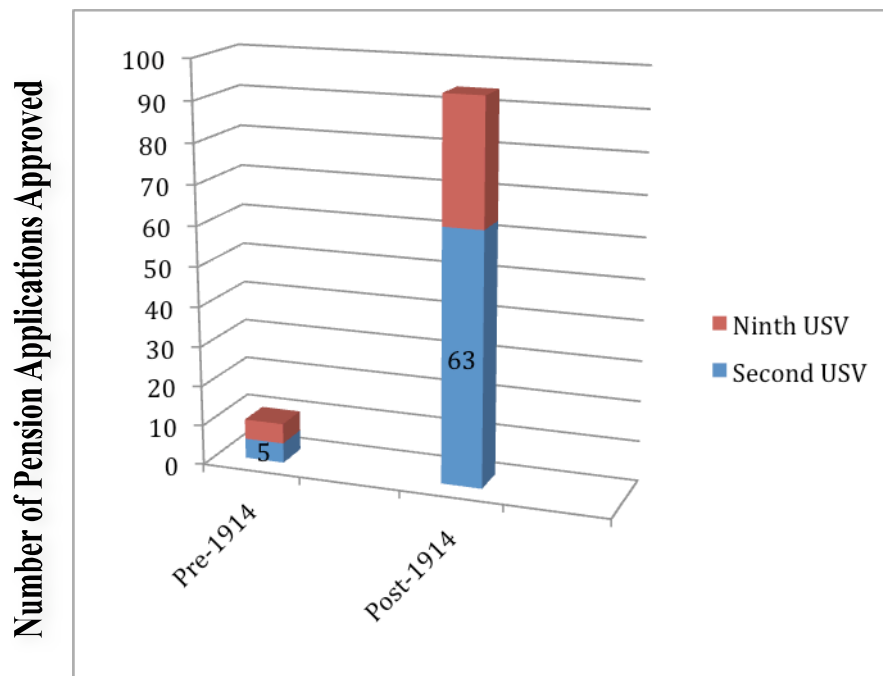


**Percentage of Pensions Received**

Number of applicants who received pensions out of those who applied from the Ninth USV (colored), Eighth Illinois (colored), and Second USV (white). The majority of these applications were approved after the 1920 law was passed. See Appendix 2. SOURCE: Records of the Bureau of Pensions and the Pension Service, 1898-1941, Spanish American War Collection, USNA.

## APPENDIX 2

### NUMBER OF SUCCESSFUL APPLICATIONS PRE AND POST 1914



Number of applications accepted and rejected for two sample companies from the Ninth USV and the Second USV before and after 1914. The number of applications submitted slowly increased between 1914 and 1917 as the United States prepared to enter WWI. They then spiked after laws for Spanish American War Veterans were liberalized in 1920. SOURCE: Records of the Bureau of Pensions and the Pension Service, 1898-1941, Spanish American War Collection, USNA.

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