Introduction

The scratching of pen against paper signaled something at once mundane and momentous. "What is your name, your age, your residence?" asked Harvey Risk, a representative of the Southern Claims Commission. "My name is Mary Blackburn.... My age is about forty-five years. My residence near Middlebrook," the claimant responded. The commission awarded compensation for property losses during the American Civil War to southerners who could prove they had been loyal citizens. Special Commissioner Risk recorded testimony to be forwarded to his superiors in Washington, for which he earned ten cents per folio. For Risk, the deposition was one among many taken from claimants and witnesses who came before him. For Blackburn, her dealings with the commission marked her recognition as a loyal citizen and her right to claim the Union as her own. Blackburn, a formerly enslaved woman, presented herself before the commission in 1874 requesting $476 for two horses, two cattle, bacon, flour, a saddle, and two bridles appropriated by the Union army in 1864. She had been born into a society that had demeaned her as a chattel, not a person, let alone a loyal citizen. Appearing before the special commissioner and having her perspectives and experiences documented was a small moment, but an important one nonetheless – one that signaled an acknowledgment that she mattered in the affairs of her nation.[1]

The special commissioner offered relatively little in his questions that resonated with Blackburn's perspectives and experiences as an enslaved woman to explain how she belonged in the Union or how the Union belonged to her. Reading through the interrogatories devised by his superiors, the special commissioner asked Blackburn: "Were you in any service, business, or employment, for the confederacy?" No. "Did you ever have charge of any stores, or other property, for the confederacy?" Never. "Did you ever subscribe to any loan of the so-called Confederate States?" Nothing. "Were you at any time a member of any society or organization for equipping volunteers or conscripts?" No.

The special commissioner dutifully recorded a string of negative responses to these and other irrelevant questions originally designed to ascertain whether or not a white man had been a loyal citizen.[2]

Blackburn's presentation of herself as a loyal citizen and her claim of the Union as her own posed a problem. The commissioners imagined loyal citizens as white men who had opposed secessionist politicians at the ballot box and had fought Confederate soldiers on the battlefield. As a former slave and as a woman, Blackburn seemed the antithesis of the loyal citizen. Southern citizenship in the antebellum era had drawn on the logic of mastery. White southern men possessed independence of thought and action made possible through their mastery of themselves and their household dependents. The slave, as subject to the mastery of another, represented the antithesis of the citizen. Women occupied an analogous position in their dependence and their incapacity for self-government.[3] In their postwar dealings with the federal government, how did former slaves, who had possessed no relationship to the state, or women, who accessed the state through their fathers or husbands, prove that they had been loyal citizens?

Blackburn managed to interject her perspectives and experiences as a former slave and a black woman to claim the Union on her own terms. "How many children have you?" the special commissioner inquired to identify heirs eligible for compensation. "I had … three children, named John F. Patrick, Philip Patrick, and George M. Patrick," responded Blackburn in the same manner as numerous white women who had appeared before her, but she continued, "they were sold to a trader and carried off.… My children were quite young when sold." Blackburn offered her interjections, which were totally beside the commissioners' point, because she linked the forcible separation from her children with her loyalties to the Union. "I felt a willingness to help the cause of the Union at all times, because of the manner in which my children were torn from me." She transcended the limitations of the special commissioners' questions and clarified how a former slave and a black woman with no relation to the state could qualify as a loyal citizen.[4] The commissioners ultimately accepted Blackburn as a loyal citizen, but her explanation of her embrace of the Union as a rejection of the oppressions of slavery escaped their notice. They simply recognized her as a loyal citizen with very little commentary. In their report to Congress, they referred to her children, torn from her under slavery, only in noting that there were "no known heirs" interested in the claim.[5] In the gap between Blackburn's claim and the commissioners' decision lay both the promises and problems of postwar southern citizenship.

The Civil War and Reconstruction promised a second founding of the American nation. The war devastated the slave system that constituted the cornerstone of the nascent Confederacy and one of the pillars of the Union. Confederate surrender at Appomattox settled secession but not the war's ideological strife. On

the ruins of a slave society, ex-Confederates and ex-Unionists struggled to lay a postwar foundation for the reunited American nation. Former enemies carried the battles of the war into the postwar years while constructing a new nation and a new people. Reconstruction determined which practices and principles would be buried under the postwar foundation and which would be salvaged as the building blocks of reunion.

The Civil War and Reconstruction especially upended traditions of citizenship. Federal authorities formalized a new entity – the American people – by creating, for the first time, a national citizenship that took precedence over state citizenship. The abolition of slavery through the Thirteenth Amendment in 1865, the establishment of birthright citizenship through the Fourteenth Amendment in 1868, and the introduction of manhood suffrage through the Fifteenth Amendment in 1870 dramatically expanded the confines of American citizenship. At the same time, federal officials imposed disabilities on former Confederates through the Military Reconstruction Acts of 1867 and the Fourteenth Amendment in 1868. *Claiming the Union* moves beyond the principles of citizenship as they were established in laws and amendments to examine the practices of citizenship as they were contested in dealings with the federal government.

Postwar considerations of the residents of the former Confederacy potentially demanded a thorough reconceptualization of citizenship that replaced exclusions by race and gender with inclusions according to loyalty. Former Confederate men, who had been enfranchised by virtue of their race and gender, had used their rights and privileges to tear the Union asunder. Black men and women, who had been considered least qualified to exercise self-government, had contributed to the Union cause in a variety of ways. White women, whose relationship to the state had been mediated through their fathers, husbands, and sons, had been called on to fulfill duties as loyal citizens, sometimes even in opposition to their male relatives. To what extent would the nation continue to adhere to limitations on the basis of race and gender? To what extent would loyalty replace ascriptive exclusions as the qualification for the full rights and privileges of citizenship?

After 1865, the United States was not simply a postbellum or postwar society, as it is often denoted. The reunited nation was a postemancipation society, a term used by scholars when referring to various societies as they shifted to free labor. Postwar reconfigurations of citizenship in the United States played out not only in the aftermath of a divisive civil war but also in the context of abolition.[6] The end of slavery prompted wide-ranging reconsiderations of the boundaries of citizenship: who qualified as good citizens and who did not, and who could be trusted with governance and who could not. Emancipation opened the omission of groups from the full rights and privileges of citizenship to unprecedented contestation. To the extent that racial hierarchies reinforced gender hierarchies, emancipation also raised the possibility of inclusions

by gender. Postwar reconfigurations of citizenship, however, continued to be yoked by the logic of mastery, even amid abolition. Racial and gender hierarchy remained embedded in the foundation of the reunited nation.

After the war, former enemies debated the traits and qualities that comprised good citizenship and secured access to its rights and privileges, including suffrage, officeholding, jury service, rations, land restoration, pensions, and property claims. Loyalty emerged as a rival to white masculinity as the preeminent characteristic of good citizenship. On one end of the spectrum, Republicans, especially Radicals, emphasized wartime loyalty, condemning former Confederates as traitors and former Unionists as patriots. On the other end, Democrats and Conservatives promoted postwar loyalty, celebrating former Confederates as newly re-devoted citizens. Over the course of Reconstruction, former Confederates and their Democratic allies successfully decoupled postwar citizenship from wartime loyalty to secure the restoration of most rights and privileges. They succeeded not because they completely detached loyalty from citizenship, but because they successfully defined loyalty in the past tense. The extension of pardon, amnesty, and prosecutorial forbearance to alleged traitors signaled an official policy of forgetting.

The federal government could not unilaterally dictate loyal citizenship through law or amendment. Loyal citizenship was continually worked out in numerous exchanges between the people and their government. The people had their own ideas about what made a good citizen and what rights and privileges citizenship conferred. The Southern Claims Commission served as one venue for postwar contestations over loyal citizenship. After nearly a decade of debate, congressmen created the commission in 1871 to award compensation for property appropriated by the Union army to southerners residing in the former Confederate states. Republican congressmen rejected Democratic proposals to open the commission without reference to loyalties, explicitly limiting the claims process to loyal citizens. The characteristics of the loyal citizen became the primary source of contention. The commissioners of southern claims required claimants to prove their wartime loyalty as the prerequisite for the payment of these property claims. During its ten-year operation, the commission acted as the bulwark against the trajectory toward the acceptance of postwar loyalty for access to the rights and privileges of citizenship.

Representatives of the Southern Claims Commission acted as intermediaries between southerners and the federal government over the parameters of loyal citizenship. President U.S. Grant appointed three commissioners – all white northern Republicans – who decided the cases from their offices in Washington, DC. The commissioners required claimants to meet their standards of loyal citizenship to gain compensation for wartime losses.[7] They devised a questionnaire, termed interrogatories in official parlance, to uncover claimants' allegiances during the war. Local commissioners, called special commissioners, were stationed throughout the South and administered the interrogatories

to claimants and their witnesses and then forwarded the transcripts to their superiors in Washington for judgment. If distrustful of a claimant's loyalty, the commissioners ordered an investigation by a roving special agent. Drawing on the evidence collected by their subordinates, the commissioners discussed each case until they reached a unanimous decision that they justified in their summary reports to Congress. At the end of every year, the commissioners submitted the decided claims for approval to the House of Representatives, which rarely overturned a decision.[8]

The records of the commission are filled with competing stories of loyal citizenship. In making sense of the war, participants constructed their perspectives and experiences into stories with beginnings and endings, conflicts and resolutions, and heroes and villains. The commissioners designed their interrogatories to elicit these narratives from claimants and witnesses. Because they responded to the commissioners' questions, southerners did not tell their stories with complete freedom. Because southerners often interjected testimony on additional topics they considered relevant, the commissioners never completely controlled the content and the trajectory of the exchange. Indeed, revisions of the interrogatories in 1872 and 1874 indicate the commissioners' attempts to refine their criteria to accommodate southern conceptions of loyal citizenship. Nevertheless, the commissioners possessed the authority to accept or reject southerners' narratives as official. They created their own narratives, recorded in their reports to Congress, which reconstructed southerners' stories according to a logic that made sense to them, excluding evidence they deemed irrelevant and including evidence they believed relevant. The claimants and commissioners shared joint but unequal authorship of their narratives of war.[9]

Claiming the Union uses the records of the Southern Claims Commission to examine reunion rather than disunion. Most historians employ the sources in accordance with the commissioners' original intentions to explore wartime loyalties.[10] This book places the records in their postwar context to examine postwar contestations over loyal citizenship between southerners and the federal government.[11] Southerners' impulses to petition the commission as loyal citizens emerged from their postwar perspectives, not just their wartime positions. Many southerners who historians would identify as conditional Unionists, neutral persons, disaffected Confederates, reluctant Confederates, and even former Confederates presented claims. These southerners did not meet the commissioners' criteria and do not fit historians' definitions, but they submitted their petitions, supposing they deserved recognition as loyal citizens as well as access to the rights and privileges it bestowed. Some claimants omitted damning facts, stretched the truth, and committed outright perjury in their testimony to win recompense for their property. Other self-professed loyal southerners refused to conciliate the commissioners, often telling the truth even when doing so damaged their prospects for compensation because they believed that they possessed the right to claim membership in the Union on their own terms. These lies or truths, as the case may be, reveal southerners' various understandings

of the requirements for reconciliation with the federal government and their acceptance or rejection of those terms. The commissioners' decisions, then, do not simply reveal southerners as Unionists or Confederates. Instead, a decision of loyalty signaled a consensus, and a decision of disloyalty indicated a disparity between the claimants' and the commissioners' ideas about who qualified as loyal citizens.

The commissioners initially conceptualized loyal citizenship as implicitly white and masculine. They expected southern claimants to prove that they had possessed Union sympathies – what I term ideological citizenship – and that they had contributed to the Union cause – what I call active citizenship. Their solicitation of Union sympathies focused on political sympathies, specifically those in opposition to secession. Their conceptualization of Union contributions centered on political and military obligations such as voting and soldiering. The commissioners soon recognized that their understanding of loyal citizenship was, in many respects, untenable. They expected white male Unionists as claimants, but they also received thousands of petitions from white women, black men, and black women.

Southern claimants challenged the commissioners' presumption of the loyal citizen as an implicitly white masculine actor. White women, black men, and black women had not been able to meet the commissioners' standards of loyal citizens as voters and soldiers by virtue of their disfranchised position within southern society but nevertheless presented themselves as claimants.[12] Even some white men argued that Confederate persecution had prevented them from fulfilling their obligations to the Union. Some southerners rejected active citizenship, which required the fulfillment of obligations to the Union, and advanced a form of subject citizenship, which renounced obligations to the Union as impossible because of class-, gender-, or race-based oppression.[13]

Prompted by southerners' critiques, the commissioners revised their conceptualization of loyal citizenship in 1872 and 1874 but preserved many of their fundamental assumptions. They compensated for their initial focus on white men by devising a form of particularized citizenship, which acknowledged political obligations as race and gender specific. Recognizing that white women, black men, and black women, by virtue of their subordinate positions within southern society, could not meet the same standards for loyal citizenship as white men, they restructured their interrogatories into sections designated for "male," "female," and "colored" claimants. The commissioners retained their requirement for active citizenship by simply exempting white women, black men, and black women from proving that they had fulfilled various political obligations. In creating particularized citizenship instead of crafting universal citizenship, the commissioners included persecuted and disfranchised citizens without fundamentally rethinking their assumptions. They shifted from an exclusionary conception of citizenship, which favored white masculinity but presumed universality, to a particularized conception of citizenship, which recognized political obligations as race and gender specific.

Their understandings of loyal citizenship retained the assumptions of white male capability and female and black incapability. They accepted subordinated southerners as loyal citizens, primarily on the basis of their inability to perform the full obligations of citizenship – the very characteristics that had previously excluded them.

The process of claiming the Union involved disputes over citizenship, loyalty, and memory. Scholarship on American citizenship, especially the few sweeping histories, focuses on official citizenship, meaning the framework for membership in the nation as dictated by government authorities. Rogers Smith's *Civic Ideals* (1997), the most widely cited work, focuses on elites as they formulated official doctrine in legislation and legal opinion on the federal level. Scholars address the incorporation of blacks and women into citizenship during Reconstruction in the context of constitutional amendments, congressional legislation, and judicial opinion, most frequently the Fourteenth Amendment. These scholars examine the impulse to embrace or reject egalitarianism among congressional framers and constitutional interpreters.[14] Other scholars explore changes in federal policy concerning amnesty and pardon of former Confederates.[15]

The scholarship on official citizenship neglects what I call vernacular citizenship: the parameters for membership in the nation as advanced by recognized or prospective citizens. Smith justifies his focus on officials because "their actions have literally constituted the American civic community," further arguing that "it would be seriously misleading to write as if the views of those who were ineligible to hold political office shaped American citizenship laws as much as the views of those who did possess such prerogatives. Large portions of the population were for long stretches of time literally not seen or heard in the halls of power in America."[16] In debating citizenship during Reconstruction, however, these subordinated groups were seen and heard in the halls of power. Official citizenship in the postwar era did not emerge solely from legislation in statehouses and opinion in courthouses but in interactions at firesides and roadsides. People who did not hold political or judicial office had their own ideas about what constituted good citizenship and what benefits it bestowed. The postwar configuration of official citizenship developed in contestations between officials and the people. Membership in the postwar nation entailed more than an elite-driven restoration or extension of rights and privileges. *Claiming the Union* draws on and contributes to the scholarship on the constructed nature of citizenship by demonstrating the interplay between official and vernacular citizenship.[17]

Examinations of loyalty in the South during the Civil War primarily focus on loyalty to the Confederacy rather than the Union. Historians debate the extent to which the Confederacy retained the loyalties of its soldiers and civilians over the course of the war. Some argue that Confederates remained devoted to the Confederacy, only losing the war on the battlefield. Others contend that the Confederacy lost the support of soldiers and civilians and that

these internal divisions contributed to Confederate defeat.[18] Historians increasingly explore not just Confederate but also Union loyalties in the South. These scholars investigate the origins of Unionism and the experiences of Unionists. These studies reveal loyalty to the Union as matters of not only principle but also expediency and circumstance. Southerners supported the Union not just because they believed in Union ideals, but also because they had always been distrusted as northern natives, because they found themselves under Union occupation, or because they anticipated a Union victory. These studies demonstrate that southern Unionists sustained their loyalties through the assistance of familial and communal networks and contributed significant services to the cause despite pervasive Confederate persecution.[19]

Few histories analyze how northerners, southerners, and westerners understood loyalty, and specifically southern loyalty, to the Union in the postwar years. Some local studies and microhistories follow the experiences of southern Unionists into the postwar years to explore continuing divisions within their communities. However, many studies of Civil War loyalties conclude with Appomattox as though that moment ended the story. Loyalty was not just relevant in the war years. Loyalty continued to matter in the postwar years. Congressmen limited the rights and privileges of citizenship according to specific definitions in their efforts to restore or reconstruct the South. For their part, southerners claimed the mantle of loyal citizenship in their attempts to exercise postwar political power.

Scholarship on the memory of the Civil War generally focuses on elites, mostly commemorators and sometimes politicians, who dominated the public discourse. Historians of Civil War memory in the South demonstrate that white southerners in organizations such as the Ladies' Memorial Societies, Southern Historical Society, United Confederate Veterans, and United Daughters of the Confederacy invented a "lost cause" narrative, which insisted that southern men had fought bravely on the battlefield and southern women had sacrificed at home, all in defense of the constitutional principle of state's rights.[20] Historians emphasize that the lost cause interpretation competed with the "union" and "emancipationist" narrative of the war. The union narrative celebrated the repudiation of secession and the preservation of the nation.[21] The emancipationist narrative focused on slavery as the cause of the war and abolition as its most significant legacy.[22] Historians of Civil War memory on the national level argue that white northerners and white southerners settled their differences by accepting a joint "reconciliationist" narrative that focused on the experiences of the war, particularly courage on the battlefield and sacrifice on the home front, rather than the divisive issues such as slavery that led the nation to war.[23] Historians particularly contend that the triumph of the lost cause narrative regionally and the reconciliationist narrative nationally came at the expense of the union and emancipationist narratives.[24] These studies recognize that historical memories morphed in content and form over time and that "official memory" or "collective memory" masked disputes among different groups for control of the dominant discourse.[25]

An examination of the claimants before the Southern Claims Commission shifts attention from devoted memorialists and politicians to reveal perspectives neglected in the historical scholarship. The commissioners and their subordinates recorded thousands of southerners whose voices on disunion and reunion would have otherwise remained silent. Compared to the former Confederates who ordinarily dominated the public discourse, former southern Unionists and disaffected Confederates left relatively few records.[26] This disparity can be attributed to a postwar hierarchy that reserved the public sphere for conservative white southern elites. The commission provided southerners, outside the ranks of commemorators and the halls of government, the opportunity to contest the meaning of the war and the qualifications for loyal citizenship with representatives of the federal government. Altogether, over 20,000 southerners submitted petitions.[27] These southerners did not simply mourn the loss of the Confederacy; they sought to claim the Union as their own.

Various configurations of citizenship, loyalty, and memory intertwined to enable southerners to claim different visions of the Union. Some believed that abolition represented the lasting legacy of the Civil War and argued that true freedom, and the prevention of future civil wars, required the exclusion of disloyal southerners from citizenship and the inclusion of loyal southerners. Others reasoned that the suppression of secession and the preservation of the Union mandated the restoration of all rights and privileges of citizenship to former Confederates. An interpretation of the war centered on slavery promised revolutionary change, but an interpretation of the war focused on secession negated the necessity for a reconstruction of the South. Former enemies embraced divergent memories of the war to secure leverage in its aftermath and thereby direct the fate of the reunited nation. Although the fighting on the battlefield had ended, the debate over the legacy of the war continued into the postwar era. As southerners reimagined membership in the national community, they reconceived the Union itself.

Reflecting the state's authority over matters of citizenship, the commissioners' formulation of particularized citizenship frames the organization for this book. The commissioners' interrogatories solicited various facts, but not complete stories. They filled the gaps in the testimony with what they would have considered "common sense" about how certain kinds of people thought and acted. Jews had "endeavored to manage so as to be able to prove their loyalty to whichever was the successful cause."[28] Germans had likewise "conducted themselves as to be able to prove loyalty to either the confederacy or the United States Government."[29] By contrast, Irishmen had taken firm stances because "an Irishman whose heart is in a cause where fighting is going on will have a hand in it, and show his sympathies by the hard blows he deals his adversary."[30] The commissioners considered race and gender differences, especially between whites and blacks and between men and women, most significant in their understandings of loyal citizenship. The bulk of the book is divided into chapters focusing on the commissioners' categories of citizens described

as male, meaning white men; female, encompassing white women; and colored, comprising former slaves, free blacks, and other nonwhites. Gender and race, of course, intersected, but the commissioners imagined male and female citizens as implicitly white and categorized black citizens usually by their race and not their gender. Although the organization of the book adopts the commissioners' framework, the content of the chapters analyze how southerners challenged that framework.[31] Each section of the chapters examines a specific pattern in southerners' claims to loyal citizenship, both accepting and rejecting the commissioners' conceptualizations.

Chapter 1 situates the creation and operation of the Southern Claims Commission within congressional debates over the relationship between citizenship and loyalty. Despite the federal government's move to forgive wartime disloyalty, the commission retained its dedication to wartime loyalty as a prerequisite for the extension of the full rights and privileges of citizenship. As a result, the commission became a flash point for controversies over the role of wartime allegiances in determinations of postwar citizenship.

Chapter 2 examines white southern men's attempts to prove their loyal citizenship. Some convinced the commissioners that they had withstood the terrors of Confederate persecution and had sacrificed for the Union cause. Many other white southern men could not provide evidence that they had fulfilled their political obligations to the Union. Instead, they based their claims to postwar citizenship on their adherence to Union principles. Some former nonslaveholders and slaveholders pledged their devotion to a Union without slavery. Other former slaveholders vowed allegiance to the "Union as it was" or at least to a Union that preserved white supremacy. The commissioners, however, maintained active citizenship and rejected ideological citizenship as criteria for postwar citizenship. Chapter 2 suggests that the commissioners' standards of loyal citizenship eventually encouraged the celebration of devoted voters and soldiers on both sides.

Chapter 3 explores white southern women's attempts to reconcile the commissioners' expectation of national allegiances with the societal presumption of their apolitical and domestic character. Relatively few white southern women could prove to the commissioners' satisfaction that they had fulfilled political obligations to the Union on their own account. Some white southern women argued that their familial duties had preempted any loyalties to the Union or the Confederacy. Others derived their status as loyal citizens through their fathers, husbands, or sons. The commissioners melded white southern women's familial and patriotic duties, often granting them subject citizenship, usually through their male relatives. Chapter 3 demonstrates that postwar official citizenship failed to resolve the paradox of women's citizenship.

Chapters 4 and 5 focus on nonwhite southerners' negotiation of their previous status of subordination with their new status as citizens. Many nonwhite southerners asserted that the conditions of their oppression in southern society had prevented them from fully contributing to the Union cause. Instead,