CLAIMING UNION WIDOWHOOD

Race, Respectability, and Poverty in the Post-Emancipation South

BRANDI CLAY BRIMMER

CLAIMING UNION WIDOWHOOD

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CLAIMING UNION WIDOWHOOD

Race, Respectability, and Poverty
in the Post-Emancipation South

BRANDI CLAY BRIMMER

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FOR MOM AND DAD

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Cast of Principal Characters

BLACK UNION WIDOWS

Charlotte Banks (freedwoman, washerwoman)
Mary Lee (freedwoman, washerwoman, cook, and farm laborer)
Louisa Powers (freedwoman [?], farm laborer, domestic)
Fanny Whitney (freedwoman, domestic)

WHITE CLAIMS AGENTS

Augustus Sherrill Seymour (attorney, state senator, judge)
Edward W. Carpenter (attorney, journalist, probate judge)
William L. Palmer (U.S. commissioner, mayor, notary public)
Henry Hall (Confederate veteran, bookseller)
Ethelbert Hubbs (veteran, notary public)

BLACK CLAIMS AGENTS

James D. Barfield (grocer, merchant)
Charles Cox (office worker)
Frederick C. Douglass (teacher, minister, justice of the peace)
Phillip Lee (veteran, grocer, merchant, teacher, minister, justice of the peace, community leader)
Andrew J. Marshall (veteran, county coroner, minister)
Emanuel Merrick (grocer)
Alfred Small (veteran, minister)

BLACK PROPRIETORS AND MUNICIPAL LEADERS

James Harrison (justice of the peace)
Julia Jackson (officer, National Ex-Slave Mutual Relief, Bounty and Pension Association)
Robert G. Mosley (grocer, real estate agent, merchant)

Washington Spivey (postmaster, James City)
Merritt Whitely (undertaker)

BLACK ELECTED OFFICIALS

Henry P. Cheatham (Republican, congressman, attorney)
James O'Hara (Republican, congressman, attorney)
George H. White (Republican, congressman, attorney)

WHITE ELECTED OFFICIALS

Charles B. Aycock (Democrat, governor of North Carolina, 1901–5)
Furnifold Simmons (Democrat, U.S. senator, attorney)
Charles Thomas (Democrat, U.S. senator, congressman, attorney)

SPECIAL EXAMINERS FROM WASHINGTON, DC

Emmett D. Gallion (Pennsylvania)
Charles Gilpin (Kentucky)
Thomas Goethe (South Carolina)
W. L. Harris (New York)
C. D. McSorley (New York)
H. P. Maxwell (Tennessee)
William Porter (Massachusetts)
G. H. Ragsdale (?, special agent)
J. O'C. Roberts (Alabama)
I. C. Stockton (Illinois)
Grafton Tyler (West Virginia)

COMMISSIONERS OF THE U.S. PENSION BUREAU, WASHINGTON, DC

John H. Baker (1871–75)
Dr. Henry Van Aernam (1878–82)
J. A. Bentley (1876–1881)
William W. Dudley (1881–84)
John C. Black (1885–89)
Green B. Raum (1889–93)
Julius Lincoln, acting commissioner (1890)
William Lochren (1893–96)
H. Clay Evans (1897–1903)

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Initial funding from the North Caroliniana Society and a kind note from the founding director, H. G. Jones, led me to Frederick C. Douglass's papers at Eastern Carolina University. There I had the good fortune of meeting and learning from Don Lennon, the longtime director of the East Carolina Manuscript Collection. Lennon generously guided me in my early days of research. Once the project picked up steam, Kate Collins helped me navigate the Rubenstein Library and University Archives at Duke. Collins is nothing short of a miracle worker, whose keen knowledge helped me locate a hard-to-find collection of correspondence. Writing about New Bern is one thing; the opportunity to visit is quite another. Both Sharon Bryant (Tryon Palace) and

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Introduction

This book tells the story of how black women asserted their views of citizenship, rights, and worthy widowhood to the U.S. Pension Bureau during the late nineteenth and early twentieth centuries. They qualified for entitlements based on their standing as soldiers' widows, but black women whose husbands had served in the military had to contend constantly with racial prejudice and sexual scrutiny to claim their pensions. As beneficiaries of monies apportioned for the wives, mothers, and children of dead black soldiers, these women laid bare the social and economic concerns of poor and working-class black women, who had historically been excluded from notions of womanly respectability and worthiness. In their struggle to claim Union widowhood, these women negotiated and challenged the intersectional race, class, and gender assumptions that hitherto defined not only the pension system, but also the very boundaries of U.S. citizenship.

Fanny Whitney, a newly freed black woman born in Craven County, North Carolina, around 1828, was one such woman, and the concerns she tenaciously articulated were not merely private matters but public ones to be debated in the pension system and in her community. Fanny Whitney and thousands of other newly freed black women engaged in protracted battles with the U.S. Pension Bureau to claim their benefits and maintain their position on the pension roster; their actions inspired this study of black women's claims for survivors' benefits. It is written from the perspective of newly freed black women and thus depicts how a complex interweaving of family and kin relationships forged over the course of the nineteenth century sustained their struggle for recognition within the pension system, and, by extension, the nation-state.

Black women's petitions for survivors' benefits were a crucial dimension of freedpeople's demands for full citizenship. As the largest group of Union widows in the South, these women asserted their rights and established a direct relationship to the federal government. Throughout the war, the promise of survivors' benefits was an effective incentive for white male enlistment. Black men, by contrast, volunteered to fight for freedom without any promise of survivors' benefits. In 1864, however, Congress extended the federal pension system to the formerly enslaved on a limited basis. Not until 1866 would black survivors file petitions with great frequency.

Extending benefits to the formerly enslaved constituted a powerful commitment at a crucial time in U.S. history. Emboldened by the end of slavery and the ratification of the Thirteenth Amendment, black people flooded public spaces to celebrate the destruction of slavery. When the federal pension system was initially opened to black women, black citizenship remained an open question, and the idea of black women making claims and obtaining government resources represented a threat to the evolving racial and gender order. Petitions for survivors' benefits signaled black women's vision of themselves as worthy citizens before the 1868 enactment of the Fourteenth Amendment.

The expansion of the pension system proved controversial as the years wore on, and its implementation was problematic because only the Bureau of Refugees, Freedmen, and Abandoned Lands, conceived as a temporary agency, distributed aid to blacks at this scale. Established in early March 1865, under the direction of General Oliver Otis Howard, the Freedmen's Bureau assisted ex-slaves in the transition to the free labor system. It was often criticized for undermining the South's social and economic order by supporting freedpeople's rights in disputes with white employers and landlords.[1] The Freedmen's Bureau's belief in the fidelity of the contract was ineffective, as freedpeople preferred systems of work that afforded them control of their families and their own labor. Unlike the Freedmen's Bureau, whose social welfare activities were effectively ended in 1868, the Pension Bureau expanded its commitment to disabled soldiers and their families through the early twentieth century.

Claiming Union Widowhood probes the multidimensional facets of working-class black women's lives through the lens of social and political history. Foundational insights set down in W. E. B. Du Bois's *Black Reconstruction* (1935), Thomas Holt's conceptualization of the problems of freedom, and nearly two decades of scholarship focusing on gender and the long emancipation illustrate freedwomen's central participation, as Leslie Schwalm asserts, "in the interrelated struggles to define freedom and free labor."[2] By centering the experiences of black women and their roles within their households,

historians of gender and emancipation untangle the vital connections between working-class black women's pursuit of family life, personal autonomy, and the evolution of free labor in the post-emancipation South.[3] Freedwomen expanded the consequences of their freedom by laying claim to family life: caring for spouses, children, and extended families in the roles of full-time wife and mother, roles that were denied to them under slavery.

This book is conceptually indebted to Leslie Schwalm's and Noralee Frankel's scholarly analyses of freedwomen's encounters with military administrators and federal agencies during the Civil War and Reconstruction years. Black women's prioritization of their own family needs proved disruptive to the new order northern proponents of free labor had envisioned. Conflicts arose as military administrators and Freedmen's Bureau agents attempted both to dictate what constituted legitimate marital relations and to mediate black women's assertions of free womanhood by compelling them to prioritize wage labor over their own families. Ideas about gender and racial difference, Schwalm explained, informed "the articulation of power, the development of postbellum social and economic policy . . . and the material consequences of such policies."[4] Frankel's analysis of African American intimate relations and gender constructions in Civil War–era Mississippi showed the extent to which blacks continued to embrace prewar community standards and norms, rather than legal institutions, in defining their marital lives. Frankel's intervention is critical to this book's conceptual framing because she, like Schwalm, shows the difficulties freedwomen had expressing the "terms and conditions" of their marital relations in federal agencies and legal institutions. Adherence to alternative notions of marriage and womanhood, Frankel showed, severely limited black women's economic claims in the Freedmen's Bureau and the pension system.[5]

Claiming Union Widowhood outlines the meaning, construction, and contested nature of federal entitlements from the grassroots perspective.[6] It explores and highlights two aspects of black women's pension case files that informed the women's concept of Union widowhood: (1) the conditions and experiences of their lives before, during, and after the war; and (2) the boundaries and norms of Union widowhood that circulated among black people. The claims-making process became a terrain of debate within the black community and between black people and the federal government. Tensions existed between women's desire to live by their own designs, their community's standards, and the Pension Bureau's rules.

Women's claims for survivors' benefits hinged on the bureau's construct of marriage. Bureau administrators required that petitioners reconstruct their

intimate histories leading up to, during, and after the war, as well as their marital relation to the soldier. This application requirement revealed the degree to which black people defined their married and family lives on their own terms and outside legal institutions. Agents of the Pension Bureau scrutinized the private realm of marriage to determine who should have access to the designation of "legal widow." This status was significant within the pension system because it officially legitimated a woman's relation to the soldier on which she based her claim. To maintain this designation, these women would have to abide by the bureau's construct of womanly respectability.

Tera Hunter's landmark study of slave and free black marriages in the United States over the course of the nineteenth century is vital to this work because it fundamentally alters long-standing assumptions about the meaning, definition, and purpose of heterosexual marital relations among African Americans. African Americans viewed marriage as fundamental to their conception of citizenship rights in the United States, but they continued to embrace marital fluidity to mitigate the impact of poverty and deprivation in their transition to free labor. Understanding how marriage operated in the lives of poor and working-class black women is central to interpreting the political meanings of black women's claims for pension.[7]

Black women's battles for pensions constitute an underappreciated dimension of black women's protest politics during the late nineteenth century. At the heart of these struggles lay freedwomen's competing definitions of marriage, worthy womanhood, family, and by extension citizenship. Black women's complex understanding of marriage and Union widowhood is prominent in their petitions for survivors' benefits. Their dreams for the future grew out of the darkest days of slavery, the horrors of family separation and sexual violation. Efforts to realize full freedom for themselves and their children are evident in the case files of petitioners like freedwoman Charlotte Banks, who waged a decades-long—albeit unsuccessful—battle to secure benefits and to have bureau officials recognize her "slave marriage," even after it was documented that she had remarried.

The stories recounted in this book unfold in New Bern, North Carolina, where thousands of black refugees and white military administrators mixed with a preexisting community of politically savvy blacks, many of whom had been enslaved. With the end of federal intervention in the South after 1877, blacks then focused on strengthening the black community to take care of its own interests. Blacks had to because the Democrats who took over North Carolina's state legislature began chipping away at Republican-sponsored initiatives that had, during Reconstruction, protected black rights. Black

citizens thus developed multiprong initiatives to chart the future direction of their communities. Black men pushed back against efforts to limit their power in the electoral arena, securing elected office in their communities and congressional districts.[8]

Throughout this study, I devote considerable attention to theorizing and analyzing what I refer to as the "grassroots pension network." This network grew out of the development and maturation of black institutions and political achievements in the electoral arena during the Reconstruction era. W. E. B. Du Bois credited black leadership with the installation of democratic governments, public schools, and new social legislation, while Eric Foner's seminal study *Reconstruction* unveiled the political significance, consolidation, and expansion of black institution building across the South. "Blacks during Reconstruction," Foner insisted, "laid the foundation for the modern black community, whose roots lay deep in slavery, but whose structures and values reflected the consequences of emancipation."[9] Fanny Whitney, Charlotte Banks, and others in New Bern's black neighborhoods breathed life into the very institutions that empowered black women to challenge racialized gender constructions of Union widowhood, which regularly excluded them from the pension roster.

By placing the social ties and associational life in black neighborhoods at the center of the claims process, *Claiming Union Widowhood* deepens historians' understanding of the relationship between working-class black women and federal authorities in the decades leading up to the twentieth century. Poor black women initiated these petitions with the assistance of their neighbors and members of the grassroots pension network. After Reconstruction, by 1880, black women, with the assistance of professional black men, forged a grassroots regional infrastructure that facilitated black women's claims on the government. The specific and localized protocols and exchanges that occurred within women's homes, places of worship, grocery stores, and banks, as well as on street corners, constituted important aspects of this network. Grassroots in its nature, this network existed apart from the Pension Bureau's formal structure. Building on Anthony Kaye's groundbreaking analysis of neighborhoods and black social ties, this study shows how black working-class women used their own social networks and the grassroots pension apparatuses to sustain their relationship with the federal government over long spans of time.[10]

By placing black female petitioners' battles for survivors' benefits at the center of struggles for citizenship and economic justice, *Claiming Union Widowhood* rescripts late nineteenth-century African American political

history by offering a longer periodization, new definitions of social welfare, and a more capacious definition of political acts. It draws extensively on scholarly work that examines the social and political consciousness of poor black women in the urban South. Incorporating Elsa Barkley Brown's insights about the black public sphere, I argue that the factors leading to black women's years-long battle for survivors' benefits sprung from sources of empowerment cultivated in their households, neighborhoods, and community institutions.[11] Without black women's demonstrated self-assertion and consciousness of themselves as worthy, New Bern's grassroots pension network—which proved to be a valuable income stream for black and white professional men—simply would not have been possible.[12]

In analyzing the political dimensions of New Bern's grassroots pension network, this study builds on Steven Hahn's contention that familial and kin networks formed the basis of black people's political communities in the late nineteenth century. Such communities, Hahn argued, "continually made and remade their politics and political history in complex relation to shifting events; they did not have their history made for them."[13] New Bern's grassroots pension network was not necessarily exceptional. Rather, the community component of this study provides the specific context necessary to understand the nature of poor black women's claims and the contours of the tortuous claims process. Local analysis allows for the study of a tenacious group of people whose ties to old plantations, farm neighborhoods, settlement camps, and new neighborhoods, such as the Fifth Ward and James City, anchored blacks through periods of chaotic upheaval, dislocation, and death. New Bern's postwar neighborhoods, reconstituted after the chaos of war, brought together these old and new social networks. Succinctly stated, black women's battles for survivors' benefits cannot be understood apart from the neighborhoods in which they were rooted or how they lived their lives.[14] Fanny Whitney, Charlotte Banks, and a host of other people who make their appearances in these pages attest to this claim.

Black women often hired claims agents to navigate the time-consuming, protracted, and difficult-to-understand claims process. Claims agents, as the Pension Bureau called them, both helped women assemble witnesses, affidavits, and other evidence and corresponded directly with the bureau or acted as go-betweens with the national firms that represented claimants, the largest of which were in Washington, DC. Claims agents were not required to have formal legal training to represent a claimant before the Department of the Interior or one of its bureaus, but they had to be able to read and write and have a basic understanding of the pension laws.

Authenticated by the panoply of institutions rooted at the center of black civil life, a cadre of black professional men who had distinguished themselves as socially responsible leaders would eventually serve as claims agents—oftentimes at the behest of African American war widows. The ambitious black men who assumed these roles were farmers, barbers, teachers, ministers, grocers, and retailers; most combined two or three of these occupations. Some were veterans themselves. Of the sixteen blacks identified as claims agents in this study, more than half had been enslaved.[15] Working on behalf of formerly enslaved women meant providing services that went well beyond filling out paperwork. At times, claims agents took on responsibilities that mirrored those of benevolent societies, providing shelter and financial assistance to disabled veterans and needy widows before their quarterly stipends arrived. These men translated black women's experiences into terms the federal government recognized, a feat that the previous generation of white claims agents had not been able to accomplish.[16] They became the conduit through which black women interacted with the federal government.

Claims agents helped widows use various institutional mechanisms, such as appeals, petitions, and letters, to engage with the federal government for survivors' benefits. They sought to instigate special examinations, draw authorities' attention to a woman's case, or secure a woman's position on the pension roster. The special examination phase of the application process, in which a bureau agent, typically a white man who came from outside the community, scrutinized a woman's life to ascertain whether she met the strict criteria for eligibility, was conducted with much of the formality of a court trial, with claimants speaking for themselves. These examinations opened a discursive space for black women, as well as for their friends, family members, and neighbors, to set forth their own definitions of both Union widowhood and worthiness.

Black women experienced the surveillance of the agents of the Pension Bureau, which at minimum amounted to paternalistic scrutiny. The special examination process, which took place in women's neighborhoods, probably felt overwhelming to most, but it did not prevent the claimants and their witnesses from telling stories that challenged the sensibilities of the examiners. Notably, women spoke of sexual exploitation and abuse when discussing the range of skin colors and hair textures among their children, some of whom white men had fathered. The localized nature of special examinations enabled black women to present themselves as individuals and community members whose understandings of marriage, citizenship, and service to the country others validated.

Union widows occupy a complex place in U.S. history and culture. The meaning of Union widowhood was constructed in congressional debates, in editorials, and, as this book demonstrates, in women's neighborhoods, churches, and households. Family, kinship networks, bonds among neighbors and congregation members, childcare, and the work women performed in support of their ailing loved ones all shaped black women's understanding of themselves as soldiers' wives and Union widows. As a result, their formulation of Union widowhood differed in both content and symbolism from that of the Pension Bureau's.

An ethos of collective autonomy and mutuality proved instrumental to the rebirth of black neighborhoods across the South and guided working-class black women's approach to the pension system. This "collectivist ethos," Thomas Holt has observed, governed social, economic, and political relations within post-emancipation black communities across the South. This ethos further instilled a sense of autonomy and the ability to make life choices about one's personal destiny. The sense of autonomy was not "purely personal"; rather, it embraced "familial and community relationships."[17] Tensions erupted between black Union widows and their neighbors over how they dispensed their resources and lived their lives, revealing anxieties about a group of women who conformed (or not) to behavior patterns the federal government dictated. Moreover, many of New Bern's black residents understood survivors' benefits as an economic resource the community mediated, not the federal government. This understanding of the pension system regularly placed black women at odds with government officials, the black middle class, black veterans, friends, and other Union widows.

THE FEDERAL PENSION SYSTEM AND BLACK WOMEN

The U.S. Bureau of Pensions was initially set up in 1815 as an office under the War Department; Congress created the position of the commissioner of pensions.[18] Sixteen years later, the bureau was moved to the Interior Department, where the secretary could review and undo decisions the commissioner of pensions rendered.[19] The primary responsibility of the commissioner and bureau agents was to determine who was "entitled to receive pensions as provided by existing law."[20] The office expanded during the Civil War, when widows of black Union soldiers were deemed eligible to collect survivors' benefits. Newly freed black women faced enormous challenges petitioning, much less securing, benefits; most notably, they were unable to provide the necessary legal

evidence of their marriages; in fact, the legal institution of marriage was not even available to the enslaved.

Soldiers' widows were eligible to file claims under two basic systems: the general law and the Dependent Pension Law of 1890 (referred to as the service law of 1890). In February 1862, the Republican-dominated Congress passed the first of a series of bills that addressed support for families of the injured and dead. The Act of July 14, 1862, which set up the "general law pension system," provided for disabled veterans, widows, children, and other dependent relatives of soldiers through a legal structure that required proof of legal marriage and evidence of war-related death or disease. Since slave marriages were neither authorized nor effectuated through legal routes, and therefore not "valid," black soldiers' widows were initially excluded from the system.

Wartime protests from black soldiers' wives and widows and the Confederate massacre of black soldiers at Fort Pillow, Tennessee, in April 1864 prompted lawmakers to address this injustice. Congress revised the pension bill, ostensibly to include the families of all dead black soldiers. To accommodate formerly enslaved women, the Supplemental Act of July 1864 accepted eyewitness testimony, in the form of affidavits, to prove that a couple "habitually" recognized each other as husband and wife for a period of two years. Two years later, in June 1866, lawmakers recognized African American's emancipated status by eliminating references to their formerly enslaved status. All black petitioners for widows' pension could now submit proof of cohabitation without legal documentation, as required for white claimants. Federal lawmakers now recognized "slave marriages" retroactively. Worded in nondiscriminatory terms, the act sought to eliminate the evidentiary obstacles, especially for marriages, that impeded the families of formerly enslaved soldiers from claiming benefits. The law, implemented by the Pension Bureau, qualitatively altered black women's relationship to the federal government, even as it preserved and institutionalized inequality in new ways.

Bureau policy, with its universalizing language of marriage, seemingly embraced all women, but these policies were derived from the standpoint of middle-class whites. In fact, the acts of 1864 and 1866 carried implicit racial and class-based content that became powerful in the identification of beneficiaries. Moreover, at the center of the construction of Union widowhood rested ideas about white feminine virtue. Consequently, definitions of marriage, sexual morality, respectability, and notions of proper family relationships became central points of contention in the dialogue between black women and bureau administrators. Moreover, bureau officials' ideas about racial inferiority and black women's sexuality informed their repetitive

scrutiny of the private lives of claimants. Ultimately, the law of 1882, which used sexual morality as a basis for determining Union widows' eligibility to collect government aid and terminated a widow's pension if she was found to be involved in a sexual relationship with a man, undermined the rules introduced in 1866.

The greatest expansion of the pension system came with the introduction of the service law in 1890. As one historian described it, the law allowed "any veteran who had honorably served ninety days in the military, even if never injured or a noncombatant, [to] apply for a pension, if he could find a physician to affirm his unfitness for manual labor."[21] Under this law, soldiers' widows no longer had to establish a causal connection between their late husband's military service and his death. Widows of veterans who died of old age became eligible for survivors' benefits, provided that they were "dependent on their own labor for support."[22] The service law ostensibly expanded access to pensions to all widows of former soldiers, yet questions of marriage and notions of worthy womanhood still limited black women's ability to obtain recognition as deserving. No matter under which law a woman filed a claim, the bureau's formulation of marriage affected her. As Hunter observed and this study will demonstrate, newly freed black women struggled to configure their marital relations in the discourses of U.S. law and policy.[23]

The federal pension system, which was crafted for male veterans and for women whose husbands had fought for the Union, was not designed for the far different life circumstances of black women, especially the many who had been enslaved. Black women who came forward to stake their claim to survivors' benefits interpreted the definition of marriage, family, and womanhood in radically different terms than how the white men who devised and administered the pension system imagined that Union widows would act. Their life experiences and the arguments that they advanced within the pension system did not conform to the narrow ideological construction of Union widowhood, while their socioeconomic position as working poor led them into living situations that whites regarded as highly problematic. Indeed, gender ideology posed a particular set of problems for black women trying to navigate the pension system.

This book interrogates both the intersections of ideas about racial difference, gender constructs, and class in the making of Union widowhood and the workings of military entitlements. Historian Evelyn Brooks Higginbotham's insistence on theoretical frameworks that analyze how racism structures other social relations and the role of race in determining the meaning of gender undergird the conceptualization of Union widowhood and the "racialized

gender state" detailed in this study.[24] Racism, alongside the need to secure competent representation, medical evidence, and other forms of legal documentation, compromised poor blacks' ability to file a claim, much less secure admittance to the pension roster.[25] Thus, while lawmakers did away with explicit references to racial difference in the Pension Bureau's eligibility rules by June 1866, race and racism remained alive and well in the bureau. Black women's struggle for survivors' benefits, therefore, cannot be fully explained without unveiling the racialized gender imperatives at the center of the pension system's rules concerning so-called "colored claimants."[26]

Studies of women and the welfare state and black feminist insights about how laws and government policies function in black women's lives have led to the development of theoretical constructs that question the ideological boundaries between the public and private realms, underscoring the politicization of black women's encounters with federal agencies. Scholars such as Linda Gordon, Gwendolyn Mink, Alice Kessler-Harris, and Eileen Boris have analyzed social welfare policies and the different racial and gender ideologies underlying such policies.[27] This study excavates ideologies of racial difference from the pension records to highlight how notions of racialized gender inscribed black women's unworthiness in federal agencies.[28] Special examiners projected their ideas about race and gender differences onto the bodies of black female applicants. Examiners effectively, then, institutionalized their biases, categorizing many black women as criminally unworthy; pension officials could then remove black female claimants from the pension roster.

Claiming Union Widowhood thus charts the surveillance features of the pension apparatus and interrogates the discourses special examiners deployed to justify the policing of black women's bodies. By highlighting black women's contentious relations with special examiners—which involved household visits and intrusive questioning—neighbors, and other claimants, this study invites readers to contemplate the consequences of the expansion of the federal government's surveillance powers in the realm of social welfare.

To recognize a woman as a Union widow, pension authorities had to acknowledge the existence of legitimate marital relations, families, and, by extension, black people's humanity. As the widows of Union soldiers, black women forged a special relationship to the nation-state and took a step toward citizenship for black people.[29] Indeed, the significance of black women's petitions to the Pension Bureau during and immediately following the Civil War cannot be overstated.[30] At the war's end, freedpeople's legal standing remained an open question at the state level, and federal officials had not yet extended civil rights to blacks. Against this backdrop, the possibility

of survivors' benefits and designation "Union widow" meant a great deal. Four years after federal lawmakers crafted a pathway to ensure provision for the dependents of black soldiers, the Fourteenth Amendment recognized all native-born black Americans as U.S. citizens on the same basis as native-born white Americans. The Pension Bureau, then, was a rare legal site where black women could make a claim for equal treatment under the law.[31]

Though impoverished, thousands of black women, like Fanny Whitney, petitioned for survivors' benefits not based on their financial need, but because the men in their lives had earned them based on their military service. Survivors' benefits were entitlements. When black women—especially the formerly enslaved—claimed the same pension benefits as white women, they directly challenged antebellum legal codes and popular constructions of black women as unworthy dependents devoid of virtue.[32] At stake in the battles over Union widowhood was gender ideology, the maintenance of white respectability, and the meaning of citizenship in the wake of black women's freedom. Definitions of marriage, sexual respectability, and domesticity were central to the project. References to nonmonogamous marital forms and hypersexuality helped to maintain lines of racial difference and justify additional layers of scrutiny.[33] The rights talk of ordinary black women, then, attempted to confront and unravel notions about racial inferiority, dependency, and inequality all bound up and deeply ingrained in the bureau's construction of Union widowhood.[34]

Black women laying claim to Union widowhood made the claims process a significant political arena in which poor black women challenged the bureau's use of racialized gendered criteria for determining their benefits.[35] Black women confronted examiners with revelations about their experiences of sexual abuse and rape, domestic violence, abandonment, and social and economic injustice. They also wanted it known that the vulnerability of their marriages resulted from past injustice and continuing racial prejudice, and they defined Union widowhood in their own terms, centering on worthy womanhood, labor, and motherhood. In the midst of war and in the interstitial spaces leading up to Reconstruction, black women cultivated conceptions of worthy widowhood based on the identities they forged, the work they performed inside and outside their households, and the communal virtues, values, and survival mechanisms they carried over from slavery. For these women, Union widowhood was a malleable and an inclusive construct. In their petitions, they confidently based their cases on the benefits promised to their loved ones during the war. In so doing, they articulated a distinctive set of claims that was at odds with the Pension Bureau's construct

of marriage and respectable womanhood. The refusal of many black women to relinquish their diverse family forms and fluid definition of marriage—even after the bureau's policy on cohabitation became more transparent—resulted in a dialogue with the bureau about the meaning of marriage and worthy widowhood that continued into the early twentieth century.

CONCEPTUAL FRAMING AND SOURCES

Claiming Union Widowhood joins a dynamic body of scholarly works that explore the process by which black people "imagined, claimed, and enacted their relationship to law" and governmental institutions in the United States during the nineteenth century.[36] Martha Jones's analysis of former slaves and their descendants in antebellum Baltimore illuminates "how people with limited access to legal authority" won rights and recognition by presenting themselves as rights-bearing people.[37] Free blacks frequently raised their voice in official arenas of redress before and after the Supreme Court's *Dred Scott v. Sandford* decision (1857), which excluded African Americans from the status of "citizen." In the aftermath of the *Dred Scott* decision, Jones notes, free blacks "kept a steady presence in the local courthouse."[38] In Sharon Romeo's study of wartime St. Louis, she examined the process by which African American women removed the bonds of slavery to claim freedom and citizenship rights. Taking seriously the contending meanings of municipal citizenship, state citizenship, and federal citizenship, Romeo showed how black women made claims outside legal frameworks and government agencies. Hannah Rosen's analysis of black women's testimony before the Joint Select Committee on Klan Violence in 1872 revealed how black women produced alternative constructions of citizenship. In these public hearings, black women represented themselves as citizens and characterized their sexual assaults as rape. The act of coming forward and testifying, Rosen contended, challenged whites' authority to represent themselves as all powerful.[39] Jones, Romeo, and Rosen's interventions are critical to this study's interpretation of how black women carved out space for themselves to claim worthy widowhood in the bureau and beyond the authorized application chain.

The scholarship of Megan McClintock and Theda Skocpol, both of whom view the pension system as a social welfare system, laid important groundwork for this study. For Skocpol, the construction of social welfare policies happened from the top down and derived principally from middle-class white women's reform efforts. Importantly, Skocpol charted middle-class women's influence on the development of social policy from outside the

federal system—namely the introduction and implementation of mothers' pensions—but had little to say about the beneficiaries (both black and white) who operated from within. These critical omissions have obscured how poor black women are represented in the larger story of the expansion of the U.S. pension system.[40] McClintock's research convincingly highlighted the linkage between wartime mobilization and "family need" in the expansion of social welfare policy during the Civil War and the following decades.[41]

While the pension system functioned like a social welfare program in many respects, the benefits women claimed were not charitable assistance to the poor. *Claiming Union Widowhood* shows that the benefits were circumscribed by ideas about what types of women did or did not deserve remuneration. This book thus challenges existing interpretations of the origins of social assistance in the modern United States that neglect racial anchoring and centers the experience of poor black women. The Reconstruction era through the early twentieth century constituted a critical period in the full integration of ideologies of racial difference and class-based gender constructions into the Pension Bureau's policies. Moreover, black women's ongoing interaction with the Pension Bureau by way of the special examination process made them central to the larger project of state making during the late nineteenth century.

This study analyzes the repertoire of strategies that black women used to publicize their cases and the traditions and ideas on which they based their claims. To interpret women's petitions and the claim-making process, I employ a framework of politics inspired by political theorist Nancy Fraser and exemplified in the scholarly works of historians such as Linda Gordon and Lisa Levenstein, who reimagine the political nature of negotiations and exchange.[42] According to Fraser, "needs talk appears as a site of struggle where groups with unequal discursive resources compete to establish as hegemonic their respective interpretations of legitimate social needs." "Needs talk" carries a political dimension if it is contested across a spectrum of different discursive arenas and a range of different publics. Authoritative groups articulate needs interpretations that are intended to limit, while oppositional groups assert needs interpretations that are intended "to challenge, displace, or modify dominant ones." By drawing attention to African American widows' negotiations with local pension officials, this study illuminates how and why these women rejected the Pension Bureau's construction of widowhood and dependency.[43]

Black women's struggle to maintain their benefits was just as intense as their battles to gain admission to the pension roster. Scholars generally point out that bureau officials awarded African Americans and their families a small

portion of their pension benefits. Historian Donald Shaffer studied a random sample of the index cards of 545 black Civil War soldiers; of this group, 350 filed application for disability benefits, and 298 women filed petitions for benefits under the names of these same men. Shaffer found that nearly 61 percent of black Union widows "made at least one successful application, while nearly eighty-four percent of the white widows managed to receive benefits after one application."[44] When examined under the lens of the racialized gender state, Shaffer's findings about black women's success rate is somewhat deceptive. Black women rarely collected benefits without disruption and multiple intrusive investigations that resulted in suspensions. For this reason, this study differentiates between petitioning for benefits, securing benefits, and the ability to maintain standing on the pension roster over the course of a lifetime.

Claiming Union Widowhood's purpose is not simply to chart the names of those who successfully garnered survivors' benefits from the government; nor is it the intention of this study to merely point out that newly freed black women made claims on the government.[45] Rather, it interprets poor black women's perspective of social and economic justice and political freedoms through an analysis of their petitions for survivors' benefits. Cheryl Hicks's examination of black women, justice, and reform in New York illuminates the extent to which working-class blacks upheld their own ideas about respectable and moral womanhood in the late nineteenth century.[46] Importantly, Hicks shows how ordinary women used the language of respectability to reconfigure their relationship to the legal arm of the state.[47]

Poor black women produced a model of good womanhood and "rights talk" in the years leading up to the twentieth century that upheld their own version of womanhood and challenged black middle-class notions of respectability, while simultaneously casting themselves as worthy citizens.[48] In their claims, these soldiers' mothers and widows expressed subaltern understandings of worthiness that prioritized personal autonomy and freedom. Their assertions of themselves as respectable women derived from a long history of resistance to the slave system, forced breeding, and rape.

To understand the political appeals of black women within the pension system and how their petitions changed over time, I trace the broad patterns of ideas and conflicts that repeatedly emerge in their case files between 1866 and 1920. Not surprisingly, contestations over the definition and meaning of marriage (before and after the war) and ideas about black female sexuality and worthiness form two of the most prominent themes throughout the years under study. While this research attempts to unearth and draw attention to new political actors, I am keenly aware that the focus on black Union

widows obscures the experiences of other groups of women—namely those who never married and those who never had any desire to enter into heterosexual marital relationships.[49]

Well over 1,500 pension files form the basis of this study.[50] All these women's case files have shaped my general analysis of black women's interactions with the Pension Bureau and my selection of themes. The case files of these women highlight the centrality of issues of marriage, family, and sexual morality to black women's understanding and experience of citizenship and justice. In-depth life histories of four women—Fanny Fonville (Whitney), Charlotte Cartwright (Banks), Louisa Jackson (Powers), and Mary Williams (Lee)—illustrate how black women's ideas, strategies, and life circumstances changed over long stretches of time from the experience of enslavement to one of living in a society based on free labor. The stories of those who never successfully garnered benefits from the bureau are examined as well as case files government officials deemed purely criminal and fraudulent. All these stories deserve deep study and attention. While I draw on pension records to reconstruct and trace the personal stories of a wide array of individuals, I simultaneously use them to reflect on the constructed and contested nature of the application process itself.[51] Though bureau officials regularly rejected women's petitions or suspended them from the pension roster, black women's unrelenting efforts allow for scholars to explore the interiority of their lives and the development of their political consciousness.

The events chronicled in this book took shape mostly in and around New Bern, North Carolina. Located in Craven County, at the confluence of the Neuse and Trent Rivers, the town was a significant center for the families of black soldiers. Scholars such as Eric Anderson, Catherine Bisher, Judkin Browning, David Cecelski, Glenda Gilmore, and Joe A. Mobley have written extensively about the social and political lives of blacks living in this region before and after the Civil War.[52] Black working women's struggle for pensions offers new insight into the complexity of New Bern's political landscape.

New Bern's Fifth Ward and the Trent settlement camp, later James City, emerge as distinct sites of political collaboration in the testimonies of black women seeking remuneration based on their husbands' military status. The constant flow of newcomers with an earnest desire to enact freedom on terms that made sense to them enriched New Bern's landscape during the Civil War. Local leaders such as Frederick C. Douglass, a black claims agent, emerged from the ranks of the black refugee population that settled

in New Bern during the wartime years. These newcomers breathed new life into preexisting communal institutions and mobilized resources to establish new institutions. These institutions became increasingly important to the sustenance of the black community's political ambitions and outlets for social interaction.

The grassroots pension network also sheds light on poor black women's interactions with the professional class, namely claims agents. Pension records show how business relationships between working-class black women and black claims agents developed over time. The social status of black claims agents, and the result of their work on behalf of black soldiers' widows, was mediated first and foremost through black institutions and then by the Pension Bureau. This study, thus, complicates how historians conceptualize intercommunal class relations among blacks at the turn of the century. In other words, black middle-class efforts to reform the working classes do not fully represent the complexity of intraracial class interactions during the late nineteenth century.

This book traces patterns of ideas and conflicts that repeatedly emerge in the pension files of black Union widows and pays close attention to discursive processes by which black female claimants were constructed as inferior and, therefore, unworthy of the nation's bounty. The possibility of gaining lifelong economic benefits as soldiers' widows led some to express sentiments that put them in the best possible light to government examiners. Repeated phrases, figures of speech, and reference points in their testimonies suggest that advice on how to testify had spread among prospective claimants and their supporters.[53]

Despite the large number of black women who initiated claims for survivors' benefits in the pension system, the records are extraordinarily uneven. Reconstructing the lives of black Union widows thus presents numerous challenges. Alongside pension records, this study also draws on a multitude of archival sources to reconstruct black women's stories as well as the grassroots pension network. Records of the Freedmen's Bureau, national and local cemetery records, federal census records (including the 1890 veterans' census), newspapers, manuscript papers, tax records, bank records, wills and probate records, business directories, apprenticeship records, marriage certificates, birth certificates, the legal case files of claims agents, and the personal papers of agent Frederick C. Douglass enabled me to piece together key changes in these women's lives before and after they obtained pensions, which facilitated the reconstruction of black neighborhoods.

THE STORY

Claiming Union Widowhood begins by exploring the conditions of daily life for black soldiers' wives and widows by vividly re-creating the process of community formation in Civil War–era eastern North Carolina. Using personal stories, the first chapter charts the community's antebellum economy, demography, polity, and society, especially along the lines of race, gender, and class. Chapter 2 traces the transformations the war brought as wartime emancipation stimulated significant migration and destabilized social relations.

The remainder of the book is organized both thematically and chronologically; it draws extensively on pension case files to describe how poor black women actively engaged the federal government over the issue of survivors' benefits, thereby advancing their vision of citizenship and justice. Black women's testimonies in the pension case files offer insight into how working-class black women affirmed their identities foremost as human beings and as Union widows. Their sense of themselves as worthy stemmed from their desire to re-create their lives in freedom on their own terms.

Chapter 3 charts black women's petitions for pensions within overlapping and intersecting federal and state policies, alongside the social and economic realities of their lives in the postwar era. This chapter draws heavily on the experiences of women who filed claims shortly after the act of 1866, and it follows a host of northern-born white men, entrepreneurs, and military administrators who went into pension work, along with some of the first bureau examiners who conducted investigations in New Bern.

Chapter 4 reconstructs the pension application process in eastern North Carolina. By tracing women's activities through the case files over time and researching their past and later lives, I reveal how women built a pension network through their relationships to one another and through their actions on one another's behalf in the application and examination process. This chapter foregrounds the life experiences of black soldiers' wives and widows and interrogates the concepts of marriage, family, and womanhood that ultimately informed their interpretation of the meaning of widowhood. It then turns to the pension network, centered in New Bern, and the professional men and black women associated with it, who effectively addressed the concerns of women in responding to the demands of the government.

Chapter 5 examines black women's interactions with special examiners by returning to the case files of Louisa Powers and Mary Lee, among others. Analyzing these women's relationship to the Pension Bureau on the grassroots level builds on and revises the history of black women's struggle