

# **Reevaluating the Pension System: The Struggles of Black Widows Following the Civil War c. 1861-1910**

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In 1893 in Carlisle, Pennsylvania, the Black activist Frederick Douglass gave the speech “Self-Made Man,” highlighting the essence of individual success. When Douglass discussed the situations of Black men and women in the country, he entreated society to “‘Give the negro fair play and let him alone.’...It is not fair play to start the negro out in life, from nothing and with nothing, while others start with the advantage of a thousand years behind them.”<sup>1</sup> He advocated for education for his people: a chance for them to start with the same opportunities as white Americans. Douglass’ intuition regarding Black rights came while the country deliberated on the role its new citizens would play. Rather than choosing to empower the Black populace through political and monetary rights, federal and state legislatures limited Black access to government aid and guaranteed few of the rights and protections due them as citizens. The military service of the United States Colored Troops (USCT) provides a clear example of the limited citizenship that African Americans could claim. Even though they fought to preserve the Union of the United States, Black soldiers and their widows were marginalized by white government agencies. That the white population enjoyed educational and racial advantages is apparent in both Black and white people’s interactions with government agencies following the Civil War.

The aftermath of the Civil War in 1865 brought a massive increase in federal aid to American veterans in the form of monetary compensation. Despite the abolition of slavery, the United States government remained an inherently racist system. Founded in 1833, the U.S. Pension Bureau instituted racial bias in its system as it dispensed pensions to newly emancipated

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<sup>1</sup> Frederick Douglass, “Self-Made Men: An Address Delivered in Carlisle, Pennsylvania, in March 1893,” *The Frederick Douglass Papers, Series One: Speeches, Debates, and Interviews, Vol. 5:1881-95*, ed. John W. Blasingame and John R. McKivigan (London: Yale University Press, 1992), 557.

African American soldiers.<sup>2</sup> Many Black veterans struggled to attain the pensions that they qualified for, but the widows of their fallen comrades were at an even greater disadvantage in several regards. Black war widows faced challenges particular to both their race and gender, among which were the lack of critical official documents from former slaveholders, the general illiteracy of both the widows and their communities, and the racist and sexist assumptions of pension special examiners. This combination of factors led the U.S. Government to both passively and overtly discriminate against its own veterans and their bereaved wives for decades after the Civil War.

## Review of Literature

There have been a limited number of studies regarding Black pensions following the Civil War. Donald Shaffer's *Voices of Emancipation: Understanding Slavery, the Civil War, and Reconstruction through the U.S. Pension Bureau Files* is the most comprehensive and widely acclaimed text on the study. Examining many different claimants, his text gives a broad scope that distills pension files down into an easily comprehensible reference to the lives of Black pensioners following the Civil War. His text is mostly primary source excerpts, with brief and individual remarks stringing disparate cases together, rather than a concise argument demonstrating Black disadvantage, however. It only deals extensively with widows in one of its four parts, which seems limiting, as he himself states that widows were the second-largest group of applicants for pension after the soldiers themselves.<sup>3</sup> Larry M. Logue and Peter Blanck's work in their paper "'Benefit of the Doubt': African-American Civil War Veterans and Pensions" disputes a long-held notion that the Pension Bureau was colorblind. They do so using many statistics that paint a clear picture of discrimination, but fail to humanize the sufferers behind the equations. Brandi C. Brimmer's "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy in Mary Lee's North Carolina Neighborhood" presents a sharp criticism of the pension system and specifically its abuses against one particular Black woman. While her study is an interesting case, describing Mary Lee's advocacy for herself against the system, the success with which Mary Lee defends herself is atypical with regards to the general Black populace. Many, if not most Black widows faced outright rejection from the Pension Bureau even under less extreme situations than those described by Brimmer. Her text is more of a curiosity than an honest survey of the realities of life for such widows at the time. The scholarship regarding Black war widows themselves is undeveloped in comparison to the study of Black veteran pensioners, either becoming a small chapter within a larger text, the topic of a

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<sup>2</sup> Claire Prechtel-Klusgens, "Special Examiners: Records of the Bureau of Pensions' Efforts to Combat Waste, Fraud, and Abuse, 1862-1933," *Federal History Journal*, no. 8, 2016, 110, [http://www.shfg.org/resources/Documents/FH%208%20\(2016\)%20Prechtel-Klusgens.pdf](http://www.shfg.org/resources/Documents/FH%208%20(2016)%20Prechtel-Klusgens.pdf), (Accessed 18 October 2020).

<sup>3</sup> Donald Robert Shaffer and Elizabeth Ann Regosin, *Voices of Emancipation: Understanding Slavery, the Civil War, and Reconstruction through the U.S. Pension Bureau Files*, (New York: New York University Press, 2008), 113.

short article, or discarded entirely. This is an unfortunate oversight given the considerably greater lengths such widows underwent in pursuit of their claims. These difficulties can be likened directly to the aftereffects of their bondage and represent evidence of Black disadvantage that persisted even after freedom. Through this text, I intend to distinguish the array of complications suffered by Black women in their interactions with the government in broader terms than Brimmer, encompassing individual stories while drawing a meaningful interpretation overall.

## Historical Background

Following the Civil War, more disabled veterans remained to be cared for than ever before owing to advances in medicine technology.<sup>4</sup> Many of these veterans, while still alive, were unable to support themselves. The government endeavored to remedy this urgent issue through four critical expansions of pension law between 1862 and 1890 that increased veteran aid. In 1862, Congress decreed that any service member proven to have been injured in the line of duty would receive a pension proportionate to his rank, and that, in the event of death, his widow or underage child would receive the pension.<sup>5</sup> This clause covered widows until their remarriage, and children until they came of age, as well as dependent elderly mothers of the soldiers. The Forty-Second Congress in 1873 passed an act allowing soldiers to consolidate the injuries inflicted on them during their service in their applications. The resulting sum of their disabilities would provide them with larger pensions. This act also increased the pension granted to war widows and their children.<sup>6</sup> The 1879 Arrears Act retroactively paid out pensions to approved applicants from the time of disability as a lump sum, an attractive nest egg that encouraged a surge in applications.<sup>7</sup> The Fifty-First Congress in 1890 removed wartime causality, so that any veteran could receive a pension provided he gave sufficient evidence of disability.<sup>8</sup> This meant that aging veterans could receive pensions for the wear and tear of old age alone. It is critical to understand when these acts happened, because they contextualize when and

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<sup>4</sup> Interview over Zoom conference with Professor Timothy Haggerty, 1 October 2020.

<sup>5</sup> United States Congress, “Chap. 166—An Act to Grant Pensions,” *Thirty-Seventh Congress*, Session II, 1862, 567, <https://www.loc.gov/law/help/statutes-at-large/37th-congress/session-2/c37s2ch166.pdf> (Accessed 11 October 2020).

<sup>6</sup> United States Congress, “Chap. 234—An Act to Revise, Consolidate, and Amend the Laws relating to Pensions,” *Forty-Second Congress*, Session III, 1873, 568-570, <https://www.loc.gov/law/help/statutes-at-large/42nd-congress/session-3/c42s3ch234.pdf> (Accessed 11 October 2020).

<sup>7</sup> United States Congress, “Chap. 23—An act to provide that all pensions on account of death...shall commence from the date of death or discharge from the service of the United States for the payment of arrears of pensions.” *Forty-Fifth Congress*, Session III, 1879, 265, <https://www.loc.gov/law/help/statutes-at-large/45th-congress/session-3/c45s3ch23.pdf> (Accessed 11 October 2020).

<sup>8</sup> United States Congress, “Chap. 634—An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents.” *Fifty-First Congress*, Session I, 1890, <https://www.loc.gov/law/help/statutes-at-large/51st-congress/session-1/c51s1ch634.pdf> (Accessed 17 September 2020).

how the pension documents examined here were filed, and why the government might have been inclined to be so generous.

An early historian of the pension system, Donald L. McMurry, contended that among the forces responsible for the development of the pension system were “the soldier vote,” “the soldier press,” and “the pension politicians.”<sup>9</sup> Politicians, many of them Civil War veterans themselves, would promote the pension system to gain the soldier vote that formed a significant portion of the voting populace. The subset of soldiers examined here, the South Carolina USCT, suffered this kind of political mistreatment, which hardly gave politicians hoping to win extra votes the ammunition to fight for their rights, and even less so for their widows, given that no women had the right to vote at that time.

### **Dearth of Official Documentation**

The first barrier confronting Black war widows who hoped to win their husbands pensions was often set in place while they were still in bondage. Their owners prior to freedom did not see the humanity of their slaves and did not bother documenting their life events. Because of this, it was very difficult for Black applicants to supply the requisite paperwork to file for their pensions. Recorded Black marriages almost invariably took place following the emancipation of the participants and not before. All such certificates mentioned herein follow that timeline. Any widow had a higher bar of entry than an applicant soldier, because she was required to prove not only the condition of her husband that led to his death, but also her birth, marriage, and any eligible children she had by her husband. In contrast, a wounded soldier would primarily be expected to supply evidence to his disabled condition, which was much easier to confirm while he was still living. While white women had to supply the same supplementary paperwork that was required for Black women, their circumstances were more often documented. Even if they did not possess the paperwork themselves, white marriages were often a matter of “public record,” as their pension files claim, meaning that the states or counties they resided in kept files pertaining to their situations.<sup>10</sup>

Shaffer notes that almost half of the African American pension files feature Special Examinations, instituted when the commissioners of the bureau felt a particular case lacked information essential to the claim. In comparison, only a quarter of the files from white Southern Unionists underwent the same scrutiny.<sup>11</sup> Often, in cases where white women’s relationships were not documented, they were not subjected to the same rigorous burden of proof that Black women experienced. In the case of one white North Carolina widow, Mary A. Middleton, her file

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<sup>9</sup> Donald L. McMurry, “The Political Significance of the Pension Question, 1885-1897,” *The Mississippi Valley Historical Review*, 9, no. 1 (1 June 1922), 20.

<sup>10</sup> Brief describing the claim for widow’s pension of Jane C. Brantley, wife of John Moore Brantley, United States Pension Bureau, “John Moore Brantley – No. 126. 513,” *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: The National Archives (TNA), 1866), 3, <https://www.fold3.com/image/287578291> (Accessed 11 December 2020).

<sup>11</sup> Shaffer and Regosin, *Voices of Emancipation*, 15.

is scarcely a dozen pages long, and includes only one affidavit with two of her friends testifying to her marriage, but no marriage certificate. In comparison, the Black widow Phoebe Frazier's case featured five affidavits and two certificates confirming the widow's marriages, while spanning over 100 pages of documentation.<sup>12</sup> Another white NC widow, Martha A. Stubbs' marriage was never recorded, and her officiant had since passed on. Yet, her claim was approved with the affidavits of her marital witnesses being relegated to a mere footnote, rather than the fully fleshed-out pieces of documentation that decorate Black claims.<sup>13</sup> While these are only two cases, the trend of sparse white applications which avoid the intrusive examination featured in complete Black claims seems consistent with the aggregate of data I have reviewed in pursuit of my argument.

Phoebe Frazier, the widow of Robert Frazier of the South Carolina USCT 34G, is an interesting example of this undocumented phenomenon. Phoebe applied for her pension mostly before the Act of June 27, 1890, which extended pensions to veterans who were disabled by causes unrelated to their service.<sup>14</sup> The Pension Bureau called for more precise information regarding Phoebe's past and potential marriage and cohabitation, the birth and death of her children, and the physical condition of her late husband, as well as the date and immediate cause of his death.<sup>15</sup> Phoebe's own testimony was practically invalid because her reputation was "doubtful," according to the Special Examiner who reviewed her case.<sup>16</sup> Her situation removed her agency, given that her words meant nothing and she had very few documents with which to prove herself. Because of this, her application came to rest primarily on the affidavits of others.

A significant concern that Black widows faced was the legitimacy of their marriages. Plantation marriages rarely included paperwork and were often officiated by members of the Black community or the slave owners themselves, rather than a rightly ordained minister. Most marriages from slavery time were verified through neighbor affidavits, in which friends stated that the couple lived as in marriage and that the community recognized them as such, rather than through any sort of formal certificate. The illegitimacy with which these slave marriages were branded is particularly evident in the case of the soldiers in the South Carolina 34<sup>th</sup> Reg. USCT.

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<sup>12</sup> Comparison of two claims, Affidavit from Lucy and Missouri Cooper in file, United States Pension Bureau, "Hardy Middleton – No. 169.826," *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: TNA, 1869) 7-9, <https://www.fold3.com/image/313914154> (Accessed 7 December 2020); also a reapplication for widow's pension, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, c.1890).

<sup>13</sup> United States Pension Bureau, "William C. Stubbs – No. 133.594," *Case Files of Approved Pension Applications of Widows and Other Dependents of Civil War Veterans, c.1861-1910*, (Washington, D.C.: TNA, 1869), 11, <https://www.fold3.com/image/313211408>, (Accessed 11 December 2020).

<sup>14</sup> The work supplied here is one of duality; as widows can by definition only become such through means of a man, I have elected to address the widows I reference by their first names rather than the names acquired by their deceased husbands in an effort to differentiate the two, but also to allow the women noted here to maintain their personal identities distinct from their men.

<sup>15</sup> Letter to the United States Pension Bureau from Supervising Examiner James H. Clements with regards to Phoebe Frazier's application for widow's pension, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>16</sup> *Ibid.*

Many of the soldiers of the regiment were promptly remarried to the same women they had previously married during enslavement upon their enlistment by the regiment's chaplain, Rev. Moore.<sup>17</sup> Pension officials likely perceived this as a more legitimate ceremony because of the white reverend's officiation. It may have also been an effort on the part of the regiment's officers to protect the marital rights and pension benefits of the families of men under their command, as the Moore ceremonies involved legitimate certificates, some of which are featured in their claims. The Special Examiner, William Harper, inquired after the perceived legality of Phoebe's marriage in the community, to which she replied that it was seen as binding, "until we came here to Beaufort when Robert wanted to join the army: then Col. Montgomery and the chaplain said we should be married again, and we were married under the flag and all the soldiers were present."<sup>18</sup> This evidence suggests that government officials, military and bureaucratic, considered Black marital rights to be inferior or less binding than white marriage ceremonies. Special Examiners likely took the lesser legality of Black marriages to mean that widows maintained correspondingly less legal right to the pensions they sought.

In her article, "Women's Income and Marriage Markets in the United States: Evidence from the Civil War Pension," economics professor Laura Salisbury discusses the financial ramifications of pensions on war widow remarriage. While her text does not deal specifically with Black widows, it can be extrapolated out to develop interesting ideas about the legitimacy of Black marriage. War widows with pensions remarried at a significantly lower rate than widows without, even though the value of a typical pension was a pittance: "less than half the monthly income of a typical farm laborer in 1870."<sup>19</sup> Salisbury contends that this low rate of remarriage stems from the pool of potential suitors having income of less value than the pensions themselves, something especially likely among uneducated and often unskilled former slaves.

The transient nature of Black marriage customs complicates this argument by often making it much more difficult to ascertain who a legitimate widow was in each situation to the satisfaction of the white Victorian standards of the time. Many slaves maintained the "old ways" in their marriages, upholding an informal arrangement that forwent the expense and bureaucratic procedure of a formal marriage.<sup>20</sup> Slave marriages were less structured because of the power dynamics of slavery—the separation of couples through death, sale, or merely the whims of slaveholders were common occurrences. The potential for traumatic separation of families that participants underwent meant that the marriages of slaves were fundamentally different—instead of lifelong vows, participants would often consider their marriages null upon such separation, which likely would have been for life. These differing marital values and beliefs were not universal among the Black community either before or after the war, and some Black couples maintained monogamous and lifelong marriages in the traditional fashion. Nonetheless, the

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<sup>17</sup> Interview titled "Exhibit A, Case of Phoebe Frazer (sic)," from pension application, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>18</sup> Ibid.

<sup>19</sup> Laura Salisbury, "Women's Income and Marriage Markets in the United States: Evidence from the Civil War Pension," *The Journal of Economic History*, 77, no. 1 (March 2017), 3.

<sup>20</sup> Shaffer and Regosin, *Voices of Emancipation*, 148.

marriages and subsequent remarriages that occurred under the slave system often confused white officials, who attempted to classify the Black community's unique system of intimate relationships by their own rules, often to the detriment of Black widows who had little control over their marital situations. It is important to note that this custom is one born of bondage itself, and it is in no way representative of a moral corruption on the part of former slaves, who had grown accustomed to temporary unions in the face of forced separation or premature death. The custom was a holdover from slavery time, and as such was incomprehensible to whites who were foreign to such methods of intervention on the family unit.

One USCT SC 34G soldier, Balaam Burnett, had three wives throughout his life. The second and third wives he "took up with" for a period of time after his first wife had died, until he was forced to marry them by the minister of their church.<sup>21</sup> Balaam married the second wife, left her without the proceedings of divorce, and then proceeded to marry the third. Because of his adherence to former traditions sustaining temporary unions, it was unclear which of his wives was truly deserving of his pension. Balaam's wives contested the widow's pension, each decrying the other in an effort to earn a pension that would have supported them beyond their meager means and those of their potential suitors. As Balaam maintained the informal, if not undocumented order in their relationships, both women were disqualified from pensions. Phoebe Frazier's case faces a relatable marriage complication. After having failed to prove her husband's qualification for pension under the Arrears act of 1879, Phoebe married a Mr. John Jenkins on 20 December 1890.<sup>22</sup> Having learned from her earlier legal difficulties, Phoebe received a church certificate for her second marriage. John Jenkins' marriage to her was ultimately considered null and void, however, as he was already married to another woman, Julia Blue.<sup>23</sup> Upon discovering the illicit nature of their union, Phoebe quit her second marriage and resumed her pension application. It is unclear whether Phoebe was considered eligible for her former husband's pension with her reapplication, given that she had been with another man in what would have been construed as an illicit affair. White widows had comparatively less difficulty in pursuing their claims than many such Black widows, because the social customs they, but more importantly their husbands, aligned with presented marriage as a binding and interminable contract.

## **Literacy of the Individual and the Community**

The lack of education and illiteracy of former slaves also complicated their cases by making it very difficult for them to supply consistent information. The most universal representation of this is apparent at the very beginning of many affidavits that cite the uncertain

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<sup>21</sup> Deposition of Sally Burnett, describing her life and marriages, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1901).

<sup>22</sup> Marriage Certificate of Phoebe Frazier and John Jenkins, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1890).

<sup>23</sup> General Affidavit from Maria Green about illegitimacy of Frazier-Jenkins marriage, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

age of the affiant. One of Balaam Burnett's wives, Sally, noted that "I could not tell my age, but I had 7 children before the war..." meaning that she was likely in or near her twenties before the Civil War.<sup>24</sup> Otherwise she, and many other former slaves, had very little evidence accounting their age. A telling quote that Shaffer pulls from abolitionist Fredrick Douglass reads:

I never met a slave who could tell me how old he was. Few slave mothers know anything of the months of the year, nor the days of the month. They keep no family records, with marriages, births, and deaths. They measure the ages of their children by spring time, winter time, harvest time, planting time, and the like, but these soon become undistinguishable and forgotten. Like other slaves, I cannot tell how old I am. This destitution was among my earliest troubles. I learned that when I grew up, that my master—and this was the case with masters generally, allowed no questions to be put by him, by which a slave might learn his age. Such questions are deemed evidence of his impatience, and even of impudent curiosity.<sup>25</sup>

The inability to pinpoint their age was only the beginning of such difficulties when it came to the lack of Black affiants personal identifying information.

Phoebe Frazier was somewhat vaguely married to Robert "About 3 [sic] years before he went to the war."<sup>26</sup> Her friend, Elsy Jones, testified to the marriage as well, and said that Phoebe and Robert "were married in my father's house before the late war by Rev. William Higgins, at Combahee Beaufort Co. SC."<sup>27</sup> In the transcription of Phoebe's deposition, there are some clear discrepancies with Elsy's statement. Elsy remained far more ambiguous than Phoebe in her description of the date, without including an estimate at all, but she also mentioned a preacher that ran counter to Phoebe's testimony, which stated that she was married by "Old Jimmy Mackey, an old colored preacher; now dead."<sup>28</sup> Several important concepts are apparent in this discrepancy. Firstly, Phoebe had no way to date her marriage, and gave her best guess. Secondly, her friend had an even less clear idea of when she was married, and that at least one of them was incorrect about the officiant of said marriage. Such discrepancies were relatively commonplace: Balaam's wife, Diana, had three different ministers mentioned in her application that may have married them. The discrepancy is nonetheless of critical importance because, in cases where there was no marriage certificate available, pension examiners often required that the officiant produced an affidavit confirming the ceremony. Depending on who is to be believed, the examination could demand an affidavit from the wrong preacher, who would testify that they had not married the Fraziers at all. The last, and most insidious notion attached to this idea is the

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<sup>24</sup> Deposition A from case of Sally Burnett, dated 4 December 1901, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1901).

<sup>25</sup> Frederick Douglass, *My Bondage and My Freedom* (New York: Miller, Orton, and Mulligan, 1855; repr., New York: Dover, 1969), 35, within Shaffer and Regosin, *Voices of Emancipation*, 10.

<sup>26</sup> Deposition from Phoebe Frazier about her circumstances, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

<sup>27</sup> General Affidavit from Elsy Jones confirming Frazier marriage, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1891).

<sup>28</sup> Interview titled "Exhibit A, Case of Phoebe Frazer," 1884.



pension examiner's expression of Phoebe's reputation, which was, as he recorded "doubtful."<sup>29</sup> Elsy's reputation is not listed in the Frazier file, but is listed as "fair" under her own pension claim.<sup>30</sup> It is possible that Elsy was perceived as "one of the better class of negroes," a category distinguished by a Pension Bureau report noted in Larry Logue and Peter Blanck's article, and Phoebe's testimony could be washed away in favor of her or another more reputable neighbor's remembrances regardless of his or her actual knowledge.<sup>31</sup> In truth, all of their testimony was suspect because none of it had been written down and Phoebe's claim is drawn out through multiple decades.

The final divisive trial that Phoebe faced in her quest for her husband's pension was proving the circumstances surrounding his death. There is no official record of Robert Frazier's death or burial, only the conflicting reports of what happened to him as recorded by the interviews of the Pension Bureau. Special Examiners determined that Robert died in a smallpox hospital in Charleston, SC during the week of Christmas in 1872, and yet the varied responses of the affiants leading to this discovery are intriguing because of their lack of consensus.<sup>32</sup> Phoebe's case is indicative of another critical obstacle with regards to Black pension claims, which was personal illiteracy *in combination* with that of the supporting community of the applicants. Special Examiner William Harper's records from 1884 show that half of the respondents indicated that Robert died from complications with a hip or leg wound received during the war. The other half stated that he died of smallpox.<sup>33</sup> Much of Phoebe's personal testimony conveniently plays into her husband's war wounds, which was the only way she could receive a pension before the Act of June 27, 1890. Her case was referred for special examination because much of her testimony did not align with the affidavits of her friends and neighbors.

One of Phoebe's neighbors, Wally Ford, plainly stated that Phoebe herself told him Robert had died of smallpox, and yet in Phoebe's interviews and affidavits, she insisted that he died of the wound in his hip, which he received during service.<sup>34</sup> Phoebe appears to have actually *used* the lack of documentation both existent and presumed for poor newly-freed Blacks in the pursuit of her claim: her husband does not see a doctor because they are too poor, and "there were no records now in existence of the hospitals of [years] '72, '73, + '74; That the small-pox hospital is a temporary affair here and is only open when a contagious disease prevails; further that negroes never would give their real name when they were taken to the smallpox hospital."<sup>35</sup>

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<sup>29</sup> James H. Clements letter with regards to Phoebe Frazier's application, 1884.

<sup>30</sup> Index to Special Examiner's Report, United States Pension Bureau, "Elsy Jones – No. 680.131," (Washington, D.C.: TNA, 1908).

<sup>31</sup> Larry Logue and Peter Blanck "Benefit of the Doubt: African American Civil War Veterans and Pensions," *Journal of Interdisciplinary History*, XXXVIII:3 (Winter 2008), 379.

<sup>32</sup> Letter accompanying the return of papers from Special Examiner Wm. Harper regarding his investigations of the Frazier case, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>33</sup> *Ibid.*

<sup>34</sup> Deposition from Wally Ford on the circumstances of the Frazier marriage and the death of Robert, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1884).

<sup>35</sup> Letter accompanying the return of papers from Special Examiner Wm. Harper regarding his investigations of the Frazier case, 1884.

Phoebe used the record-keeping limitations that usually disadvantaged Blacks to cloak her husband's final illness, and made his case seem more palatable on the surface to the pension laws at the time of her application. Phoebe's lies—and they are undoubtedly lies—are understandable. The system was restrictive at the time of her application, and she was without other means of support. If both the Black community as well as her late husband's employers had played into her suggestions of wartime causality, Phoebe may well have received her pension. While Phoebe's dishonesty is inconvenient in ascertaining the facts of her narrative, they benefit a thorough reading. As the Pension Bureau held doubts about Phoebe's claim, it sent special examiners to record her case in greater detail than many cases which presented fewer issues. The window provided by the files into Phoebe's life and goals is thus wider and more comprehensive than would be otherwise.

The division of the Black community in Phoebe's case bears a likeness to Brimmer's case study regarding Mary Lee of North Carolina. In Mary Lee's case, the claimant argued "These colored people [her neighbors] have it against me that I am getting a pension."<sup>36</sup> Phoebe Frazier was less of an advocate for herself than Mary was, so there is no such statement to confirm their connection. Perhaps the only indication is Phoebe's "doubtful" reputation. It is conceivable that Phoebe's potential gains as a union widow might have similarly complicated her reputation within the Black community and turned them against her. It was not uncommon for members of the community, upon being angered by the claimant, to offer up false or negative testimony in an effort to deny the claimants their pensions. In fact, this situation is illustrated below in the case of Moriah Bartley, where her neighbor Mingo Van Dross accused her of having an illicit affair with him following her husband's decease, which led to the denial of her pension. This indicates a situation where widows' pensions, in lieu of official evidence, were beholden to the whims of their friends and neighbors, even at their malicious worst.

Further, the fallacy of memory is clear in Phoebe's claim because of the great timespan over which it persisted. After initially failing to receive her pension, as noted above, Phoebe remarried. However, as her new marriage was invalid, she returned to the pursuit of her original claim in the beginning of the 20<sup>th</sup> century, over thirty years after her husband Robert had died. Robert died on or about the 25 December 1872. The later Declaration for Widow's Pension Phoebe filed in 1908 listed Robert Frazier's death in February 1880.<sup>37</sup> While it is difficult to fault the 74-year-old Phoebe for her discrepancy, it certainly makes clear the issue of illiteracy over time. Had Phoebe been able to keep a diary, or simply read the dates listed in the previous paperwork she had filed for the Bureau, her case would bely a more believable consistency.

Comparatively, white widows, while still being largely illiterate, found themselves in a superior position, as they were backed by a more literate male community which both supported and was supported by the government system that handed out pensions. This difference is

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<sup>36</sup> Brandi C. Brimmer, "Black Women's Politics, Narratives of Sexual Immorality, and Pension Bureaucracy in Mary Lee's North Carolina Neighborhood," *The Journal of Southern History*, Vol. 80, no. 4, 1 (November 2014), 853.

<sup>37</sup> Declaration for widow's pension from Phoebe Frazier, United States Pension Bureau, "Robert Frazier – No. 236.919," (Washington, D.C.: TNA, 1908).

evidenced through the greater amount of signing, rather than mark-making witnesses in the files of white women. The men surrounding them were able to record their critical identifying information in far greater detail than the Black community could hope to do. As a result, white widow's pension claims were inherently less flawed, and thus more likely to find approval from the Pension Bureau.

### **Special Examiner Abuse of Power**

A substantial portion of difficulties confronting Black widows in pursuit of their pension claims came from the abuse of power on the part of government officials working on their claims rather than any personal deficiency of the claimants themselves. This corruption was compounded by their disadvantaged circumstances, having few official documents to evidence themselves with, and being unable to read and thus unable to point out inaccuracies, while still being perpetuated wholly by the unethical behavior of notary publics and special examiners at every turn. In his research, Shafer points to an overarching Victorian sentiment, whereby whites in power, whether slaveowners or officers presiding over USCT units, felt compelled to impart some degree of morality among their slaves, and pension officers likewise felt the same compulsion. Often, "a woman deemed immoral was often also deemed undeserving of a pension."<sup>38</sup> The 7 August 1882 congressional act passed by Congress established sexual immorality as a means of removing or barring Union widows from the pension rolls.<sup>39</sup> Brimmer calls out the lack of standard documentary evidence as the door which allowed officers the leeway to invade upon the private lives of Black widows, "making narratives about criminality, immorality, and cultural difference commonplace in their case files."<sup>40</sup>

Pension special examiners frequently accused Black widows of licentious behavior which disqualified them from aid they desperately needed to survive. Again, Phoebe Frazier's special examination serves as an example that covers the difficulties apparent in Black widows' claims. The dogged questioning Phoebe was subjected to was exhaustive, with Special Examiner Harper relentlessly drilling the same points about her sexuality and marital fidelity, with the seeming intent to trip her up. A few short questions from her interrogation particularly expose the underlying expectations of the pension examiners with regards to former slaves:

Q: Did your Master Wm. Hayward always allow you to live together as man and wife before the war?

A: Yes, sir.

Q: Did you live with no one else but Robert Frazier?

A: No one else. I always lived with him as his wife before he went to the war and ever since he was discharged till he died...

Q: Have you had no other children but these?

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<sup>38</sup> Shaffer and Regosin, *Voices of Emancipation*, 135.

<sup>39</sup> Brandi C. Brimmer, "Black Women's Politics," 830.

<sup>40</sup> *Ibid*, 832.

A: None at all. I never lived with any man but Robert and never let any man breed with me but Robert.<sup>41</sup>

Through his questions, Harper implied the potential for violent separation that the institution of slavery presented with regards to marriage. The approval of the Black community with regards to Robert and Phoebe's marriage would have amounted to little if their owner, Hayward, decided not to "allow" them to live together. Harper's quandary was a tactful way of asking if Phoebe or her husband had ever been sold away from each other, or if they had been made to live and breed with other slaves outside of their marriage, as slaveholders sometimes enforced. However indecorous Harper's questions towards Phoebe might have been in this circumstance, the more problematic aspect is that, had any Black widow answered by explaining that these involuntary events occurred—perhaps that her husband had been sold, and she had been made to live with another man, or that she had been raped while in the confines of slavery—she not only would have had to relive some of the more traumatic experiences of her life, but also would likely have been denied pension under the Act of 7 August 1882.

Phoebe's treatment noted here seems to have been generally in practice for most Black widows who underwent Special Examination. Possibly owing to the to the significantly reduced amount of white widows who experienced such additional questioning as noted in Shaffer, I have had great difficulty in finding a similar level of impropriety directed to white Civil War widows, and am unable to supply a single example to the effect.<sup>42</sup> This discrepancy in the burden of proof required by Black versus white widows belies both the effect of the white gaze, looking down upon and passing judgement on the standards of Black marriage both before, during, and after the war, as well as exposing the pension examiners' personal double standards, evidenced in their unwillingness to violate their Victorian standards within their own culture.

Not a special examiner, but a notary public (a literate clerk who worked locally with pensioners *regardless of race* to properly organize and format their paperwork), C.G. Henderson of Colleton County, SC disrupted the pension process for Black widows in a completely different way: by creating forged affidavits that testified to critical information in the claims he filed. Government investigations from the Law Division of the Pension Bureau in the file of Edward Brown of the SC USCT 34G provide a troubling account of Henderson's blunders. Henderson falsified small details, such as the witnesses present at the marriage and burial of Edward Brown, but also *invented* witnesses who never testified for the pension of Peggy, Edward's wife.

A witness able to sign was of greater value in filing pension claims than one who could only mark an "X," and the collection of local files suggests that most applicants were in connection with their Black neighbors who were able to sign their names, if not necessarily write. Thus, the names of these witnesses reoccur in many files. Likely, a clerk of the Southern Division of the Pension Bureau that was familiar with the handwriting of the affiants in question discovered the deception in Peggy's case because of the obvious discrepancies apparent in commonly recorded signatures. Rather than draw from the identities of the fully illiterate

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<sup>41</sup> Interview titled "Exhibit A, Case of Phoebe Frazer," 1884.

<sup>42</sup> Shaffer and Regosin, *Voices of Emancipation*, 3.

community to provide a name to attach to his manufactured testimony, Henderson used the names of men who could sign, and instead signed their names by mark. A quote from one of these witnesses, a fellow pensioner, Friday Hamilton's testimony regarding the matter is rather telling: "Neither Col. Henderson or C.H. Farmer ever asked me anything about Edw. Brown or Peggy Brown. I always sign my name. I never signed by mark".<sup>43</sup>

The Pension Bureau sent special examiners, not to examine the claimant of the Brown case, but rather Henderson himself. Generously described as simple laziness in the Law Division's correspondence, Henderson's motives were at best unclear in this case. The reputation of Henderson and those in his employ is conveyed through such descriptors as "not popular," dishonest, insincere, "drunkard," and "ignorant," indicating that the errors Henderson propagated were likely the consequences of incompetency rather than maliciousness.<sup>44</sup> Regardless of reason, Peggy's case was distended by his work, and she needed to redo all the affidavits and depositions she had submitted for her claim. She also offered testimony alongside her affiants with regards to the federal prosecution of Henderson. Henderson's misdeeds were not restricted merely to the Brown claim—the Special Examiner R.K. Doe who pursued the above concerns recommended that "the papers be referred to the Chief of Law Division for his consideration in connection with other cases against C.G. Henderson of Walterboro, SC."<sup>45</sup>

At least one other widow of the soldiers in the SC USCT 34G suffered similar complications. Sally Burnett's case also showcased Henderson's dishonesty. The same tricks featured in the Brown claim are in evidence, but possess a more sinister quality. He forged the Widow's Declaration of Pension, writing that Sally was married to her husband Balaam in 1865, rather than in May of 1877, which is a massive discrepancy.<sup>46</sup> He did this so that his client's claim would supersede that of the soldier's second wife, Diana Burnett, who married him shortly after the war. They separated without divorce before the marriage of Sally and Balaam, which would have made Diana the rightful claimant. The success of his clients' cases likely had implications on Henderson's future finances, as notary publics were often paid from the pensions earned, which likely encouraged his manipulation of the facts.

The ignorance of the freed population in legal matters compounded the issue of forgery. As part of his testimony in the Burnett dispute, Sally's nephew, Daniel Mack, admitted that "I can write my name, but I suppose that if anyone would ask me to touch the pen to a mark, that I would do so."<sup>47</sup> Legally speaking, a person who is able to sign his name would never make a mark in its place. Daniel's testimony is problematic because a corrupt special examiner or notary

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<sup>43</sup> Deposition from Friday Hamilton with regards to the use of his name in Henderson forgery, United States Pension Bureau, "Edward Brown – No. 734.680," (Washington, D.C.: TNA, 1901).

<sup>44</sup> Letter from Special Examiner R.K. Doe to the Honorable Commissioner of Pensions with a summary of the reputations of the actors in the Brown claim, United States Pension Bureau, "Edward Brown – No. 734.680," (Washington, D.C.: TNA, 1902).

<sup>45</sup> Ibid.

<sup>46</sup> Letter from the Pension Bureau to the Secretary of the Interior with regards to the various complications in the Burnett claim, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1902).

<sup>47</sup> Deposition with from Daniel Mack with regards to the forgery in the Burnett claim, United States Pension Bureau, "Balaam Burnett – No. 589.978," (Washington, D.C.: TNA, 1902).

public could argue for such an error on the part of a witness, through which they could have sidestepped culpability while opening doors to further forgery. Such testimony also reinforced the stereotype of Black political impotency for literate people working on the behalf of Black applicants and potentially promoted the disrespectful treatment of their clients. Fortunately for many beleaguered heroines, letters between the various divisions of the Pension Bureau indicate that Henderson was brought up on criminal charges for his pension fraud by 1902.<sup>48</sup>

Whether because of a deep-seated belief in the immorality of Black widows or because of an economically practical attitude, another special examiner, Read Hanna, bullied female pensioners into confessing adulterous affairs in which they never partook. Moriah Bartley, the widow of Anthony Bartley of the SC USCT 34G, was approximately 65 years old at the time she allegedly testified to having sexual intercourse with a Mingo Vandross. They “would go out in the woods for this purpose,” for a liaison that seems far too sordid and adventurous for an elderly woman.<sup>49</sup> The adulterous act she attested to violated the Act of 7 August 1882, and as a result Moriah her pension. Tecumseh, her son, as well as several of her neighbors submitted affidavits to the Pension Bureau contesting this notorious intercourse of which Hanna accused Moriah. It is admittedly possible, given the variance in Cumsey’s signatures in each document above mentioned, that Moriah’s “confession” is an instance of forgery on the part of Hanna, much like that of Henderson in the Brown case, although Hanna’s crime seems to have gone unnoticed by the Pension Bureau. This is an indicator that the formerly mentioned issue of forgery may have been somewhat wider spread than initially apparent.

According to “Cumsey” (his name is variously spelled throughout the file), Hanna threatened his mother, who said he would send Moriah to the penitentiary if she did not confess to the licentious actions that he already had proof for.<sup>50</sup> He also stated that his mother “is not the only widow Pensioner he [Hanna] has bull-dozed, threatened and scared into making confessions, but [I] am informed he does it wherever he goes.”<sup>51</sup> It seems that Hanna had a distaste for widow pensioners, although Tecumseh does not elaborate on whether these incidents were among all female pensioners, or only Black widows like Moriah. Hanna may have had a financial motive for his actions. In addition to his threats, he was trying to fool Moriah into confession by implying that her words would not impact her financial situation, saying “Look here. You may as well say yes, because I have the evidence that you do, and there is no harm in

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<sup>48</sup> Letter from the Pension Bureau to the Chief of the Southeastern Division with regards to the various complications in the Burnett claim, United States Pension Bureau, “Balaam Burnett – No. 589.978,” (Washington, D.C.: TNA, 1902).

<sup>49</sup> Alleged deposition from Moriah Bartley taken down by Special Examiner Read Hanna, United States Pension Bureau, “Anthony Bartley – No. 470.738,” (Washington, D.C.: TNA, 1901).

<sup>50</sup> Affidavit from Moriah Bartley’s son, Tecumseh, defending his mother from the charges of “...open and notorious adulterous cohabitation,” Interview from United States Pension Bureau, “Anthony Bartley – No. 470.738,” (TNA, Washington, D.C., 1901).

<sup>51</sup> Ibid.

it if you do live with a man, that will keep you from drawing your pension.”<sup>52</sup> This was obviously untrue, given the extensive issues Black widows experienced with the 1882 Act. Hanna seems to have malicious intent, perhaps imagining that the Black widows he interviewed were morally unworthy of their pensions. Unfortunately, there is no existent catalog sorting cases by the involvement of particular special examiners, so it is difficult to ascertain the truth of Cumsey’s accusations towards Hanna, which would be useful in establishing his intent. However, even if it was believable that Hanna had reasonable evidence to suggest the illicit affairs of the middle-aged Moriah, his comportment—lying to and threatening a claimant—was unbecoming of an agent of the law. Brimmer notes a similar treatment in her case study of Mary Lee. Special Examiner Emmitt D. Gallion came to Lee’s door and publicly interrogated her, asking “I want to know how long your Husband been Dead that you had Child and Buried him.”<sup>53</sup> Gallion took this child, given to Mary as a foster child, as evidence that she had engaged in an illicit affair following her husband’s decease. Brimmer’s case study is perpetrated by a different examiner in a different state, suggesting that such accusatory treatment of Black widows was a widespread issue.

I would like to conclude this section about the intent of pension officials by noting specifically that their racial interpretations of the cases they managed were multifaceted. Some of the responses, like Hanna in the Burnett claim, can hardly be interpreted in a way other than malicious but more often small unnoticed abuses put female pensioners at risk as well. Pension examiners were not just trying to hurt Black people who applied for pensions. Many biased white reviewers truly believed that these applicants were capable of depravity and their discovery of it rested as a moral obligation the Pension Examiners undertook. Misguided as they generally were, it is important to note the complexity of viewpoints that went into the racial interactions of the pension system.

## Conclusion

The modern impact of the pension system on Black communities is derived largely from what it *did not* do for them. Provided that African Americans were held to the same standards as whites, pensions could have served as an equalizer, as a means to “Give the negro fair play,” as Douglass described, and provide a means of building a better future for Black recipients in post-slavery America. Instead of being given such opportunity, however, Black widows struggled under the weight of their race and gender more than their white peers in pursuit of their pensions. The lack of official documentation and discrimination on the part of the Pension Bureau’s special examiners put Black widows in a more challenging position when they submitted their claims.

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<sup>52</sup> Affidavit from Moriah Bartley’s son, Tecumseh, defending his mother from the charges of “...open and notorious adulterous cohabitation,” Interview from United States Pension Bureau, “Anthony Bartley – No. 470.738,” (TNA, Washington, D.C., 1901).

<sup>53</sup> Excerpt from the legal case file of Frederick C. Douglass (Mary Lee’s Attorney), filed in Mary Lee’s defense, within Brandi C. Brimmer, “Black Women’s Politics,” 827.

The disadvantage of personal illiteracy was to some extent shared by both parties, but the challenge with regards to the white widows was somewhat mitigated because of the literate community supporting them and the more sympathetic attitude of the examiners towards them. The conferring of pensions is ultimately an indicator of the prejudicial impact of educational and racial disparity in American political life. These two disadvantages remained distinct difficulties pensioners contended with, while also exacerbating the injustices on Black widows by pension officials themselves, who took advantage of their lack of records and personal illiteracy. The inconsiderate behavior Black widows experienced was indicative of the unchanged racist nature of American society post-Emancipation. Black soldiers and their widows sacrificed more for the United States than the country was willing to acknowledge, and the inequity in pension approval provides a clear metric for this disparity between whites and Blacks as perpetuated by the government itself.



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