Contrabands and Freedmen's Cemetery Memorial

Design Competition 2008

This summary of primary sources pertaining to the cemetery documents that individuals during and after the Civil War referred to this place as both a burial ground for contrabands and for freedmen. While all people categorized as "contrabands" by government officials, newspapers, and individuals would eventually be described as "freedmen" by the U. S. government, not all freedmen were contraband.

The U.S. government used the term "contrabands" to deal with a legal and military problem at the beginning of the Civil War. When enslaved peoples started escaping from their owners by fleeing into Union-held places, such as Fort Monroe, Virginia, U.S. law required that they be returned under the conditions of the Fugitive Slave Act of 1850. However, Union officers thought it short-sighted to help the Confederacy by returning individuals who could aid secessionists. The concept of contraband of war—property taken during war from the enemy--became a useful method of categorizing slaves who escaped or were taken behind Union lines. In this manner, escaped slaves did not have to be legally returned. Those who had fled to Union-occupied lands escaped their owners, but were not legally free. Over time, with the Emancipation Proclamation and Thirteenth Amendment, there was a legal basis for the free status of those who escaped during the war, as well as those who eventually became free as the Union forces advanced through the South and the war ended.

The Bureau of Refugees, Freedmen, and Abandoned Lands (1865-1872) was established by the federal government to give assistance to nearly four million former slaves. The term "freedmen" gained broader acceptance after this bureau was created, but was a common term from the time of the Emancipation Proclamation in 1863 among the advocates for African Americans, both black and white. The references cited here demonstrate that the terms contraband(s) and freedmen were used by the same individual in different writings. The African American soldiers at L'Ouverture Hospital protested burials at the "Contrabands Cemetery" in December 1864, while writing in the same document:..."ground to be used for the burial of contrabands, or freedmen, so called...". Clearly, both terms, contraband(s) and freedmen, were used frequently in Alexandria with the primary references showing that the "freedmen" was the more recent, and appropriate term, by the end of the Civil War and post-war era.

At Fort Monroe in southeastern Virginia, Brigadier General Benjamin Butler, commander, came into the custody of three slaves who had made their way across Hampton Roads from Confederate-occupied Norfolk County, Virginia and presented themselves at Union-held Fort Monroe. General Butler refused to return escaped slaves to masters supporting the Confederacy, which amounted to classifying them as "contraband," although credit for first use of that terminology occurred elsewhere (see below).

Three slaves, Frank Baker, James Townsend and Sheppard Mallory had been contracted by their owners to the Confederate Army to help construct defense batteries at Sewell's Point across the mouth of Hampton Roads from Union-held Fort Monroe. They escaped at night and rowed a skiff to Old Point Comfort, where they sought asylum at the adjacent Fort Monroe.

Prior to the War, the owners of the slaves would have been legally entitled to request their return (as property) and this would have in all likelihood have occurred. However, Virginia had just declared (by secession) that it no longer considered itself part of the United States. General Butler, who was educated as an attorney, took the position that, if Virginia considered itself a foreign power to the U.S., then he was under no obligation to return the 3 men; he would instead hold them as "contraband of war." Thus, when Confederate Major John B. Cary made the request for their return as Butler had anticipated, it was denied on the above basis. While not truly free men (yet), the three men undoubtedly were much satisfied to have their new status as "contraband" rather than slaves. They worked at the Union Army's directions for very minimal pay.

Gen. Butler paid the escaped slaves nothing, and kept them as slaves, as he so termed them. Secretary of the Navy Gideon Wells issued a directive, September 25, 1861 which gave "persons of color, commonly known as contrabands," in the employment of the Union Navy pay at the rate of $10 and a full day's ration [1]. It was not until three weeks later the Union Army followed suit, paying male 'contrabands' $8 a day, and females $4, at Fort Monroe, and only specific to that command [2].

The Confiscation Act of 1861 declared that August that any property used by the Confederate military, including slaves, could be confiscated by Union forces. The next March, the Act Prohibiting the Return of Slaves forbade the restoring of such human seizures.

While he may have handled the first instance of handling slaves which resulted in the contraband label being applied, General Butler's his written statements and communications with the War Department requesting guidance on the action never use the term "contraband" in reference to escaped slaves held by forces under Butler's command, at least during his tenure at Fort Monroe [3]. As late as August 9, 1861 he used the term "slaves" for people held by his forces [4].

The term "contraband" in referring escaped slaves first enters the Official Records in U.S. Navy correspondence on August 10, 1861 when Acting Master William Budd of the gunboat USS Resolute uses the term [5].

References

1. Official records of the Union and Confederate Navies in the War of the Rebellion, Series I - Volume 16, page 689
2. The war of the rebellion: a compilation of the official records of the Union and Confederate armies, Series 2 - Volume 1, page 774
3. The war of the rebellion: a compilation of the official records of the Union and Confederate armies, Series 2 - Volume 1, page 752; Series 1 - Volume 2, page 52
4. The war of the rebellion: a compilation of the official records of the Union and Confederate armies, Series 1 - Volume 2, page 761
5. Official records of the Union and Confederate Navies in the War of the Rebellion, Series I - Volume 4: page 604

Primary References Pertaining to the Burial Ground at South Washington and Church Streets for Contrabands and Freedmen in Alexandria, Virginia

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There are a number of references in historic records relating to the cemetery during and after the Civil War. This is a compilation of many references, but is not intended to be complete.

First References to the Cemetery, 1864

Alexandria Gazette, March 4, 1864 (page 3, column 1)
Various unsigned news briefs including:
"A grave yard for the burial of "**contrabands**," who may die in this place, has been laid off near the Catholic Cemetery."

RG105, E3853 Unregistered Letters Received, Mar. 1863-Apr. 1866
3/18/1863 [i.e., 1864, date is on printed form from Provost Marshal's Office] Payment invoice from Gladwin to James Webster for "building fence and tool-house **at the new Contraband burying ground,** commencing Feb. 29th and ending March 12th inst.

21½ days work for	$2.00 per day	$45.00
4½ " " "	$1.50 per day	6.75
	Total Amount	$51.75

Julia A. Wilbur Diary, April 10, 1864
Reference to previous burial ground:
"....At 9 went with Jeptha to the Barracks, the Hospital, the Slave Pen & the Soldiers Rest. Then to the Soldiers Burying Ground, & through the Cemetery to the **Potters field.** such a heathenish place but **no more Contrabands** are buried there now...

Julia A. Wilbur Diary, April 12, 1864
...Then went in Ambulance to the **New Contraband burying ground.** 65 graves there already. As good a place as they could get. Then to Hospital again....

Julia A. Wilbur Diary, May 5 1865
...Between 4 & 5 P.M. Went to Funeral of Colored soldier, the first who has died here. Had a white escort & was buried in the **New Freedmen's B. Ground**. Mr. Gladwin officiated. He made no allusion to the peculiar circumstances of the Country, not a word of encouragement to its brave defenders. He shows no sympathy nor for the people, nor for the Country. Went in to the Catholic B. Ground.

References Specifically Dealing with the Controversy about Location of USCT Burials, 1864-1865:

RG393, E2056,p. 29 S.O. No. 162, December 18, 1864
Rollin C. Gale A.A. General by command of Slough: "It is ordered that hereafter all deceased Cold. Soldiers of this District shall be interred in the **Colored Burying ground**, dedicated for that purpose, which is controlled by Rev. A. Gladwin, **Sup't of Contrabands in this City."**

Letter from USCT soldiers in L'Ouverture Hospital and branches to Major Edwin Bentley, Surgeon in Charge, which accompanied petition, December 27, 1864
"We learn that the government has purchased ground to be used exclusively for Burial of soldiers of the United States Army, and that the government has also purchased ground to be used for the **burial of contrabands, or freedmen, so called,** that the former is under the control of Capt. Lee, A.G.M.U.S.A. The latter under the control of Rev. A. Gladwin, **Superintendent of Contrabands.** We are not **contrabands**, but soldiers of the U.S. Army…." "It has been said that the colored soldiers desire to be buried in the **Contrabands Cemetary**, we have never expressed such a desire, nor do we ask for any such distinction to be made…."

Letter from Captain J.G. Lee to Major General M.C. Meigs, December 28, 1864
"I have recently learned that Mr. Gladwin, Superintendent of the Freedmen at this place has caused the internment of colored soldiers to be made at the **contraband burying-ground**."

RG393, E2053, Letters Received, 1862-1865, December 1864.
In Rev.Gladwin's correspondence with the Military Governor regarding the reburial of black soldiers, he writes "I am informed that the question has been raised by the Quartermaster J.G.C. Lee, as to the authority and propriety of the burial of colored soldiers in the **Freedmen's Cemetery**… and that it is contemplated to remove those already buried there."

RG393, E2040 Letters Sent Aug. 1864- June 1865
Less than two weeks later in December 1864, the soldier reburial issue is resolved: (To Gladwin) "The General Commanding directs me to inform you, that the disinterment and removal, of the bodies of Colored Soldiers from the **Freedman's Cemetary**, to the U.S. Military Cemetary will commence tomorrow A.M."

RG105, E457. Unregistered Letters Received, May 1865-Mar. 1869.
January 16,1865
Slough via Rollin C. Gale: "**The Alexandria Superintendent of Contrabands** will give attention to the following:
1st. The subjects of cleanliness and order in the **Contraband quarters** and localities. He will see that houses and grounds are kept clean, and that good order is preserved among the blacks.
2nd. All blacks are subject of his control.
3rd. The burial of the dead, and the control of the **Contraband grave yard**, are among his duties....

References Post-Civil War, Freedmen's Bureau Period, 1865-1869

RG105, E3853, Unregistered Letters Received, Mar. 1863-Apr. 1866.
Alvord writes to the D.C. Bureau HQ concerning the pay due black laborers for their services at the beginning of 1863, including "**digging graves in the Contraband Cemeteries here** & at the Claremont Small Pox Hospital."
[Note: This was written in 1866 using the few records extant from three years earlier. The term "Contraband Cemetery" was used generically and referred to probably at least three cemeteries (Washington/Church St., Claremont, presumably Penny Hill, and possibly at the smallpox hospital south of St. Mary's, and even the Quartermaster or Construction Corps burial plot north of the National Cemetery.]

RG105, E449, October 1865 Freedmen's Bureau Alexandria office, finance report.
The burial ground is referred to as **"Freedmen's Cemetery."**

RG105E3847, Letters Sent, July 1865-June 1867, November 10, 1865
Alvord to Capt JM Brown, AQM Bureau: "The depot quartermaster has heretofore supplied coffins and headboards for the burial of all **colored persons** in this city whose relatives an friends were unable to defray the usual funeral expenses and the burials have been conducted under the control of the **Superintendent of Freedmen—formerly 'Contrabands.'** This system was adopted as a military necessity when the small-pox was raging in this city and the mortality was very great.

Record of Deaths and Burials New System, Book Opened January 1, 1866.
Notations made by new superintendent under the heading Explanation and Cemetery:
"About one acre and a half of land belonging to Francis L. Smith of Alex'a. situated at the extreme South end of Washington St. just beyond the city limits of Alex'a. was seized by the military authority as abandoned in January 1864, and by order of Brig. Gnr'l. J.P. Slough, Military Governor of Alex'a. was fenced in, assigned as a **burial place for deceased contrabands** and placed in charge of Rev. A. Gladwin, Supt."…"The same grounds are still used as a **cemetery for Freedmen** and is under control of Supt. Of Human Affairs at Alexandria."

Captain J,.G.C. Lee to Bvt Maj John J. Hoff, C.S. & AAQM with the Bureau, March 1, 1866
"Hereafter you will please take charge of all Burials by the Bureau in this District. All applications for the burial of **deceased refugees and freedmen** will be made at this office where a record of the deaths will be kept. Orders will be sent from here to you stating the No. of the register the name of the deceased person and date of death and these orders will be your guide in marking head boards. You will ascertain from the person presenting the order, the place at which the corpse is, and the size of coffin required. The two men at the **Burial Ground south end of Washington St** are ordered to report to you. Randall Ward has had charge of the Ground for over three years. He will be instructed to bury only on orders from your office. You will please keep at your office a record of the burials, with inscriptions on each headboard. If the order sent you is simply to bury such a body, it will be construed so as to include the coffin, its delivery, where needed, the headboard (marked), the use of the hearse in conveying corpse to **Burial Ground**, and the labor at the Ground. If but a part is to be furnished as coffin alone or grave alone it will be so stated on the order."

Later References in Newspapers

Washington Post, March 29, 1892
"One of the most uncanny localities in Alexandria is in the vicinity of the old "**contraband graveyard**," at the end of South Washington street just opposite the Catholic cemetery."

Washington Post, January 5, 1894
"On a bluff 100 feet above the level of Hunting Creek at a place called Bromalaw, bordering on the southwestern section of this city, is a **graveyard** containing the remains of nearly 4,000 **contrabands** who died at the various Federal hospitals in this vicinity during the war."

Alexandria Gazette, January 5, 1894, Evening Edition
"The sensational story published in a Washington paper to-day to the effect that a **graveyard containing the bones of defunct colored people** is being washed away by the rains and the remains—that is those not washed into the Potomac--ground into fertilizers, is without foundation in fact."