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JULY 4, 1865: A NATION IN SEARCH OF ITSELF

By

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B.A. History and Classical Studies, Carroll College, Helena, MT, 2011

Thesis

presented in partial fulfillment of the requirements
for the degree of

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Abstract

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The eighty-ninth anniversary of the declaration of American independence from Britain, on July 4, 1865, caught the nation at a critical time in its history. The great national crisis of civil war was over, but the nation had not yet re-united. The thesis argues that in the aftermath of the Civil War, American nationalism could not be reconstituted on neither an ethnic nor a civic model. Rather, on the eighty-ninth anniversary of Independence, the course of American Nationalism fell out along lines decreed by historical memory. The narrative construction of the past in the present constituted the only common thread on which to build a sense of national identity. In short, the thesis represents an in-depth study of national identity on the first anniversary of independence after the end of the Civil War.

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Introduction: To Create A People

Nationalism creates narratives of peoplehood. Behind every nation lies a story, and these foundation myths act as the engine of communal creation. Within each national community people both define and are defined by the telling of tales designed to recount their origins and imagine their future possibilities.¹ In the aftermath of their civil war, Americans on July 4, 1865 embarked on a nationalistic, narrative quest to redefine their nation. Before the newly reunited nation could behave according to the tenets of its national creed it first needed to define the beliefs that formed the basis of a national consciousness.² Across the nation in the letters and diaries of individuals, in public speeches and ceremonies, Americans seemed to ask themselves in the words of Union General James Sanks Brisbin: “What is my future duty toward a union that has cost so much, and how can I transmit untarnished to my children the glorious liberties which I have enjoyed?”³ In order to understand their duties and transmit their contested ideas of liberty Americans first needed to gather up their stories and evaluate the meaning of their history.

The process of national re-definition during the Civil War began long before the eighty-ninth anniversary of Independence. For some northern Americans, like Union General Oliver Otis Howard, Lincoln embodied meaning of the new nation at Gettysburg in 1863, and Howard quoted the martyred president’s words in full.⁴ For others, such as Pennsylvania Congressman Russell Thayer, the nation received its rebirth with the emancipation proclamation and he quoted

1. Benjamin David Lieberman, *Remaking Identities: God, Nation, and Race in World History* (New York: Rowman and Littlefield, 2013), 1-10.

2. Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), xxvii.

3. James S. Brisbin, *Speech of Jas. S. Brisbin at Louisville, Ky., July 4, 1865* (Louisville: [N.P], 1865), 2.

4. O. O. Howard and Andrew Gregg Curtin, *Oration of Major-General O.O. Howard and Speech of His Excellency A.G. Curtin, Governor of Pennsylvania: At the Laying of the Corner Stone of the Monument in the Soldiers' National Cemetery, at Gettysburg, July 4, 1865, with the Other Exercises of the Occasion* (Gettysburg: Aughinbaugh and Wible, Book and Job Printers, 1865), 37.

its words that “all persons” are “and henceforward shall be free.”⁵ Still other Unionists looked to Sumter as the promise of a revolution commenced, and to the surrender of Vicksburg on July 4, 1863, the siege of Petersburg, and Sherman’s march as the revolution’s fulfillment.⁶

Additionally, for many Northerners the life and the image of Lincoln took on a religious meaning on July 4, 1865. In the wake of the Civil War and his assassination, many unionists commemorated the life and death of the sixteenth president in Christ-like terms. Remembrances of the “lamented” president on the national holy-day transfigured the martyred president an icon of a national civic religion that united him and Washington in a single breath.⁷ To the editors of the *Princeton Review* Lincoln was “the man who led us through the wilderness,” to Union General and southerner Albert W. Bishop, speaking in Fayetteville, Arkansas, the fallen president stood as “the world’s exemplar in all that is patient, self-serving, and patriotic”⁸ In using the image of Lincoln to create a unionist, anti-slavery form of American nationalism, these speakers followed in the vein of nineteenth century romantic nationalists, who converted the nation into a symbol of religious belief with its own sacral version of history.

But a northern vision of triumphant unionism was far from being universal on the national anniversary following Appomattox. Mary Chesnut wrote in her diary of her tacit refusal to acknowledge the presence of union arms.⁹ John Inzer, a former prisoner of war and a Confederate veteran, refused to participate in Nashville’s Fourth of July celebration and instead

5. M. Russell Thayer, *The Great Victory. Its Cost and Its Value. An Address Delivered at Chestnut Hill, Pennsylvania, July 4th, 1865* (Philadelphia: King and Baird, Printers, 1865), 14.

6. Joel Parker, *Oration at the Dedication of a Monument to the Memory of John Hart, One of the Signers of the Declaration of Independence from New Jersey, at Hopewell, Mercer County, New Jersey, July 4th, 1865* (Trenton, N.J.: True American Office, 1865), 21; Charles Sedgwick May, *The Experiment and the Trial of Republican Institutions: An Oration Delivered at Jackson, Michigan, July 4, 1865* (Jackson: O'Donnell & Ray, 1865), 11.

7. James C. Smith, *Oration, Delivered at Canandaigua, N.Y., July 4, 1865* (Canandaigua, NY: N.J. Milliken, Printer, 1865), 17.

8. Charles Hodges, "President Lincoln," *Princeton Review*, July 1865, 458; Albert W. Bishop, *An Oration Delivered at Fayetteville, Arkansas by Brigadier Gen. Albert W. Bishop Adjutant General of the State, July 4, 1865*. (New York: Baker & Godwin, Printers, 1865), 26.

9. Mary Boykin Miller Chesnut, *A Diary from Dixie*, ed. Ben Ames Williams (Boston: Houghton Mifflin, 1949), 544.

visited the Confederate cemetery on the following Sunday.¹⁰ Side by side with the story of Union victory, emancipation, and freedom stood a narrative of southern defeat with its own ideas of a sacred past and its own hallowed dead. Nor were these the only narratives of peoplehood present on July 4, 1865. In Virginia City, the editors of the *Montana Post* celebrated “the dwellers on the mountains” as the “real backbone of America” creating a narrative of an Indian expelled, a wilderness overcome, and a land redeemed.¹¹ Altogether, these historical ideals illustrate how within the confines of a single nation multiple stories of peoplehood competed for cultural and intellectual dominance on the national anniversary.

Moreover, the stories present on the Fourth of July in 1865 formed the expectations of the new nation and sometimes called into question the meaning of liberty. The idea of freedom remained contested and uncertain. For a family of former slaves in Arkansas the concept of freedom might mean the liberty to sign a year-long labor contract at one thirty-second of the total crop, while for three Tennessee Home Guards—Captain Adkins, Private Mullins, and Private Harrison—freedom meant the freedom to tie Henry Bonner, a former slave, to a tree and administer one hundred and fifty lashes.¹² All this served to illustrate what William Wells Brown argued at the Fourth of July celebration in Framingham, Massachusetts that the government had “broken faith with the black man” and “left him at the mercy of the tyrants of the South.”¹³ The desires of African Americans newly emerged from slavery could not be reconciled with the desires of white Southerners to recapture as much of the antebellum social system as they dared. These

10. John Washington Inzer, *The Diary of a Confederate Soldier: John Washington Inzer, 1834-1928*, ed. Mattie Lou Teague. Crow (Huntsville, Ala.: Strode Publishers, 1977), 144-145.

11. D. W. Tilton and Ben R. Dittes, eds., "The Celebration of the Fourth of July," *Montana Post* (Virginia City), July 8, 1865.

12. *Freedom: A Documentary History of Emancipation, 1861-1867: Series 3: Volume 1: Land and Labor, 1865* (Chapel Hill: Univ of North Carolina Press, 2008), 357-358; Michael R. Bradley, *With Blood and Fire: Life behind Union Lines in Middle Tennessee, 1863-65* (Shippensburg, PA: Burd Street Press, 2003), 190.

13. William Garrison, ed., "Anti-Slavery Celebration at Framingham July 4, 1865," *The Liberator* (Boston, MA), July 14, 1865.

competing narratives of nationalism each with its own vision of political and civic rights held real consequences for ordinary individuals on the national anniversary following Appomattox. Decidedly, they provided the intellectual and moral framework within which people justified their actions.

Additionally, the divisions present on the national anniversary were part of the paradox of nationalism in the nineteenth century. The growth of nationalistic movements in Europe and America emerged concurrently with the growth of history as a discipline. As a result, history served the invention of folk-traditions and the differentiation of peoples out of the common mass. In the words of historian Anthony Smith: “Nationalism fuses three ideals: Collective self-determination of the people, the expression of national character and individuality, and finally the vertical division of the world into unique nations each contributing its special genius to the common fund of humanity.”¹⁴ The invention of states and peoples required a corresponding invention of a past to populate the conceptual world-view of an expanding commercialism. One of the enduring paradoxes of nationalism was that the doctrine of national self-determination and separatism grew alongside the ever-expanding global economy.¹⁵ In an age of an emergent global economy where technological marvels seemed to shorten time and space, these narratives provide the heuristic framework of political possibility that drove social and political change. More importantly these nationalistic histories further divided peoples into separate groups along the lines of a created past decreed by the romantic nationalist project.

But the Civil War arrested the process of division so common to nationalism in Europe. Instead of a single people with a common history and a shared political culture the nation housed many peoples each with their own competing histories. The culmination of hostilities did not end

14. Anthony D. Smith, *Theories of Nationalism* (New York: Harper & Row, 1971), 23.

15. Hans Kohn, *The Age of Nationalism; the First Era of Global History* (New York: Harper and Brothers, 1962), 12.

the crisis of American nationalism brought on by secession. It was still necessary to reconstitute the ideological and historical framework upon which the nation rested. The old faith of a nation needed a new version of past actuality to frame the possibilities of emerging politics.

Prior to the Civil War, the nation, unsure of its future had been equally unsteady in evaluating and understanding its history. Certain questions: the nature and the scope of slavery, the political realities of secession, and the fate of an expanding people had remained open and contested. And these divisions found purchase in the historical narratives crafted and presented on national anniversaries prior to 1861. The Reverend Andrew Leete Stone, Pastor of Park Street Church in the annual oration at Boston in 1854, argued that “treason is a forgotten crime,” stressed the longevity and the strength of the republic, and focused the first half of his oration on the struggle “against the untamed wilderness of nature.”¹⁶ Yet, the same year William Lloyd Garrison publically burned the Constitution at Framingham, calling it a “covenant with death.”¹⁷ The same Andrew Stone maintained that “we must admit on no pretense another slave state,” and said that if “we hear again on every Southern wind, the alarm cry of ‘disunion’ let the blast blow till it spend itself.”¹⁸ Seven years later, in 1861 the trumpet blast of disunion sounded, treason became once more a living memory, but as with many transformational moments there had been seeds and early warnings sown long before.

Two years prior to Sumter, on July 2, 1859, upon his retirement from Congress, Alexander Stephens had said in Augusta Georgia that “African Slavery with us rests upon principles that can never be successfully assailed by reason or argument. It has grown stronger

16. A. L. Stone, *An Oration Delivered before the Municipal Authorities of the City of Boston: At the Celebration of the Seventy-eighth Anniversary of American Independence, July 4, 1854* (Boston: S.K. Whipple and Company, 1854), 16.

17. Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, 3rd ed. (New York: Routledge, 2014), 3.

18. Stone, 28.

by discussion; and will still grow stronger as discussion proceeds and time goes on.” A scant two years later he would make famous his cornerstone speech, inaugurating the Civil War. But, the principles of Stephens oft quoted oration could be clearly seen in 1859. Regarding slavery he had said, “we stand upon a rock as firm and as impregnable as truth.”¹⁹ Today, these stories of the origins of the Civil War represent a common storehouse of knowledge. The growth of pro-slavery ideology, the recalcitrance of southern fire-eaters, and the understanding that slavery is at the heart of the Civil War have been at the heart of the historical revisions of the past fifty years. A longstanding historiographical tradition details wartime experiences along the fault-lines of social identity. But there is not yet, a decided commitment to studying, in depth, the Civil War within the context of the literature on nationalism.²⁰

The weight of scholarship on the meaning of American nationalism looks inward in self-referential colors that confirm a mythology of the nation as founded in a vision of civic nationalism. Historians from George Bancroft’s day down to the present have often praised the qualities of civic nationalism that they see as an a-priori part of American national identity. In sum, the idea of civic nationalism spans the century and a half since the Civil War running as a constant theme in scholarship and in the popular imagination.

Writing in 1865, Bancroft said of the American nation that it “proves to the world the quiet energy and the durability of institutions growing out of the reasons and affectations of the people.”²¹ At the close of the nineteenth century, the English historian Lord Acton stated that the

19. Alexander H. Stephens, *Alexander H. Stephens in Public and Private: With Letters and Speeches Before, During, and since the War*, ed. Henry Cleveland (Philadelphia, PA: National Publication Company, 1866), 126.

20. In a wonderful essay Michael T. Bernath, author of *Confederate Minds: The Struggle for Intellectual Independence in the Civil War South* (University of North Carolina Press, 2010), argues that the future challenge of Civil War scholarship will be “to ask what the Civil War experience can teach us about the workings of nationalism itself.” Michael T. Bernath, “The Future of Civil War Era Studies: Nationalism,” *Journal of the Civil War Era* 2, no. 1, 4.

21. George Bancroft, *Oration Pronounced in Union Square, April 25, 1865, at the Funeral Obsequies of Abraham Lincoln in the City of New York* (New York: Schermerhorn, Bancroft &, 1865), 10.

American nation “has produce a community more powerful, more prosperous, more intelligent, and more free than any other which the world has seen.”²² John Bassett Moore, a Columbia professor of international law and diplomacy, spoke of the American nation in 1905, as marked by three freedoms: “freedom of the individual, in order that he might work out his destiny in his own way; freedom in government, in order that the human faculties might have free course; freedom in commerce, in order that the resources of the earth might be developed and rendered fruitful in the increase of human wealth, contentment, and happiness.”²³ The creedal belief in American civic nationalism and American freedom ran as a red thread through the majority of American history writing.

So, the progressive historian V.L. Parrington spoke of America as “becoming a new world with potentialities before undreamed of; and this new America was no longer content with the narrow ways of a more cautious generation.”²⁴ Five years into normalcy, Arthur M. Schlesinger Sr. argued that “the recurrent tides of immigration have likewise powerfully influenced the national destinies in countless ways, have given us some of our greatest men, and have helped to produce a people that is neither English nor German nor Irish nor Italian, but ‘American.’”²⁵ In the 1930s, Charles and Mary Beard wrote concerning the “tradition of humanistic democracy, which from colonial times had been a powerful dynamic in the movement of American civilization.”²⁶ Even progressive historians, highly critical of the concentration of wealth, maintained a faith in the civic virtue of the United States.

22. John Dalberg-Aktion, *Renaissance to Revolution: The Rise of the Free State* (New York: Schocken Books, 1961), 314.

23. John Bassett Moore, *American Diplomacy* (New York: Harper and Brothers, 1905), 2.

24. Vernon Louis Parrington, *The Romantic Revolution in America: 1800 - 1860* (New York: Harcourt Brace, 1954), vii.

25. Arthur M. Schlesinger, *Political and Social History of the United States, 1829-1925* (New York: Macmillan, 1925), vii-viii.

26. Charles A. Beard and Mary Ritter Beard, *America in Midpassage*, vol. II (New York: Macmillan Company, 1939), 948.

During the Cold War dominated consensus era, the old faith in American civic nationalism took on new meanings as it adapted to an international order no longer bound by the old tenets of isolationism. Historians on every side took up their pens to advance the cause. Clinton Rossiter maintained that Americans “spurned the attractive nostrums of both the Enlightenment and Romanticism for a system and philosophy dedicated realistically to individual liberty within a context of communal stability.”²⁷ Daniel Boorstin contended that Americans believed “discovery and growth were synonymous from the very beginning.”²⁸ Richard Hofstadter wrote that “a deep current of feeling runs through American life which protects Americans from excessive and dangerous demands of individual genius and heady ideas.”²⁹ Allan Nevins also believed that American nationalism stood as “a sense which gave millions a new hopefulness and a more convinced belief in the national destiny.”³⁰ Driven by what they saw as an international struggle between eastern totalitarianism and western democracy so many consensus-era historians reached back to the old faith in civic nationalism that their work became a by-word for celebrating the nation.

Even after the great social history revolution of the late 1960s, a continued sense of American civic nationalism maintained a position in historians’ collective consciences. Patrick Rael spoke of an America that “understood itself as fundamentally committed to the principles of the American Revolution.”³¹ Similarly, Melinda Lawson wrote, in 2002, that the “finest aspects”

27. Clinton Rossiter, *Seedtime of the Republic: The Origin of the American Tradition of Political Liberty* (New York: Harcourt, Brace, 1953), 448.

28. Daniel J. Boorstin, *The Americans: The National Experience* (New York: Random House, 1965), 223.

29. Richard Hofstadter, *The Progressive Historians: Turner, Beard, Parrington* (New York: Alfred A. Knopf, 1968), 449.

30. Allan Nevins, *War For the Union 1864 to 1865: The Organized War to Victory 1864-1865*, vol. IV (New York: Scribner, 1971), 404.

31. Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2002), 279.

of American national identity, “remain those original principles of freedom and equality.”³² As recently as 2012, Peter Onuf could maintain that Americans “insist that the principles that define their regime are timeless and universal.”³³ From the conclusion of the Civil War down to the present, an abiding faith in the civic nature of American nationalism has been carried in the historical memory of its inhabitants.

Yet, the vision of an American nation founded on universal civic ideals ultimately rings hollow. In the aftermath of Civil War, even with the decided emancipation of some four and a half million slaves, the nation maintained limits on its willingness to extend its vision of civic and political equality to all of its inhabitants. The Fourteenth Amendment, proposed on July 4, 1865, refused to extend ideas of citizenship to First Nations’ peoples, the press for enfranchisement of freedmen omitted the question of female suffrage, and even within the context of emancipation the movement to preserve the United States as republic for white men held a substantial following.³⁴

Even given these limitations, however the revolutionary effects of the fratricidal conflict remain astounding. If the Civil War does indeed call American history as an oracle, it is because the war re-drew the meaning of the nation state.³⁵ The war created a distinct logic of nationalism and of civic and political rights for all of its inhabitants, which would echo down through the ages, shaping movements as diverse as female suffrage, Indian allotment, the struggle for civil

32. Melinda Lawson, *Patriot Fires: Forging a New American Nationalism in the Civil War North* (Lawrence: University Press of Kansas, 2002), 186.

33. Peter S. Onuf, "American Exceptionalism and National Identity," *American Political Thought* 1, no. 1 (Spring 2012): 93.

34. Rogers M. Smith, *Civic Ideals: Conflicting Visions of Citizenship in U.S. History* (New Haven: Yale University Press, 1997), 286-318.

35. James M. McPherson, *The War That Forged a Nation: Why the Civil War Still Matters* (New York: Oxford University Press, 2015), 7.

rights, and the Moral Monday Movement.³⁶ A study of the effects of the war on July 4, 1865 clearly illustrates that the Civil War and Reconstruction, aside from being the second American Revolution, also represent the first major attempt of the United States at the problem of nation-building. But the emerging nation could not base itself either upon a civic model of nationalism or upon an ethnic model of nationalism common in Europe. The building of a new nation could only happen through the active construction of narrative histories that defined the nation and its peoples in relation to each other.

The literature on nationalism largely ignores the American context, preferring instead to focus on nationalist movements in Europe and post-colonial Africa.³⁷ Scholarly work that places the building of an American nation within the broad context of global nationalist movements remains in its infancy.³⁸ If the Civil War, did indeed set the template for the creation of the modern American nation-state, then scholars seeking to examine nationalism have an obligation to explore the constituent parts of American nationalism in the aftermath of the Civil War, and to place it within the context of other nineteenth century romantic-nationalist movements.

Moreover, because national celebrations play so large a part in studies of nationalism, July 4,

36. Ellen Carol DuBois, *Woman Suffrage and Women's Rights* (New York: New York University Press, 1998), 92; Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln, Neb.: University of Nebraska Press, 1984), 68-69; David W. Blight, *American Oracle: The Civil War in the Civil Rights Era* (Cambridge, MA: Belknap Press of Harvard University Press, 2011), 2; *The Third Reconstruction*, dir. Anabel Park, perf. Dr. William Barber, Story of America, January 28, 2013, accessed April 15, 2015, http://www.storyofamerica.org/moral_mondays.

37. The literature on nationalism does not generally cross the Atlantic ocean and work in a trans-national context. Instead, usually scholars focused on nationalism in Europe such as Ernst Gellner, Anthony Smith, and Adrian Hastings—to name a few examples—stay within the context of Europe. When scholars discussing the context of nationalism in Europe do venture abroad, the most usual point of comparison is with African colonization after the scramble of the 1880s. Anthony D. Smith, *National Identity* (Reno: University of Nevada Press, 1991); Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983); Adrian Hastings, *The Construction of Nationhood: Ethnicity, Religion, and Nationalism* (Cambridge: Cambridge University Press, 1997).

38. Four notable exceptions examine the contours of American nationalism in the context of global nationalism: Liah Greenfeld, *Nationalism: Five Roads to Modernity* (Cambridge, MA: Harvard University Press, 1992); an early consensus-era work Hans Kohn, *American Nationalism; an Interpretative Essay* (New York: Macmillan, 1957); Andre M. Fleche, *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2012); and Lloyd S. Kramer, *Nationalism in Europe and America. ; Politics, Cultures, and Identities since 1775* (University of North Carolina Press, 2011).

1865 represents the first opportunity to explore in microcosm the constituent parts of a re-united nation.³⁹

During the Civil War the national anniversary had bolstered competing nationalist claims north and south, and an examination of the eighty-ninth anniversary of independence requires a brief overview of the uses of these celebrations. On July 4, 1861 delegates from South Carolina, Georgia, Florida, and Alabama made their way to a delegation of cotton planters in Macon, Georgia. Together these cotton planters and leading men of the South argued that the war had been forced upon them by “the offspring of abolitionist fanaticism,” and so to form a Confederate people, they called upon the “men whose bosoms are filled with the glorious traditions of July 4, 1776.” The Confederate nation they argued, comprised “our sons, our brothers, our neighbors, and ourselves.”⁴⁰ In a similar fashion, the editors of the *Memphis Daily Appeal* argued that the Fourth of July “was baptized with southern blood” and was “no New England invention.”⁴¹ Likewise in Richmond, Virginia *The Daily Dispatch* declared that “we are at our guns ready to resist . . . and to triumph or perish in the struggle for the principles of the unanimous declaration of the immortal congress of the Fourth of July, 1776.”⁴² No one yet had seen real war. And so, Mary Chesnut wrote in her diary of regiments on parade, drum taps, music and a festive air: “we ought to be miserable and yet these are pleasant days.” Four days earlier she had asserted that “these Yankees may kill us and lay waste to the land for a while, but conquer us? Never.”⁴³

39. For an overview of the importance of national holidays in the creation of national identity see Jonathan Hearn, "Competition as Ritual and the Legitimation of the Liberal National State," ed. Rachel Tsang and Eric Taylor. Woods, in *The Cultural Politics of Nationalism and Nation-building: Ritual and Performance in the Forging of Nations* (New York: Routledge, 2014), 68-83.

40. *Proceedings of the Convention of Cotton Planters, Held in Macon, GA., July 4, 1861* (Macon: N.P, 1861),4-5.

41. John R. McClanahan, "Independence Day," ed. Benjamin Dill, *Memphis Daily Appeal*, July 4, 1861.

42. James A. Cowardin and William H. Davis., "Fourth of July," *Daily Dispatch* (Richmond, Virginia), July 4, 1861.

43. Chesnut, 73.

In the North on July 4, 1861, President Lincoln called a special session of congress to help pay for the war, and in so doing he declared that “this is essentially a people's contest . . . whose leading object is to elevate the condition of men; to lift artificial weights from all shoulders; to clear the paths of laudable pursuit for all; to afford all an unfettered start and a fair chance in the race of life.”⁴⁴ In the July, 1861 edition of his monthly paper, Frederick Douglass argued that the price of Secession “must be the abolition of slavery in every state and territory where the national arm is required to march in vindication of the national flag.”⁴⁵ From the beginning Douglass viewed the war in terms of ultimate freedom.

Still, Douglass had few followers in 1861. In these early years of the conflict the cause of emancipation had not yet allied itself with the war for Union. The editors of the *Tiffin Weekly Tribune* in Ohio, argued on the fourth of July in 1862 that “the men in the free states who advocate unconditional emancipation are very few in numbers.”⁴⁶ After the emancipation proclamation, however, certain Northerners in 1863 re-imagined the war as a contest for freedom. In an oration before the city authorities of Boston Oliver Wendell Holmes Sr. declared that “we cannot fight” without attacking slavery “as the one mother cause of all the progeny of lesser antagonisms.”⁴⁷ Despite Holmes’ assertion, the draft Riots in New York City would begin a scant nine days later. Even though it remained committed to the idea of emancipation, a northern, unionist vision of the American nation could not escape its own troubled racial history.

Even so, by July 4, 1864 a unionist vision seemed to embrace at least a modicum of emancipation and a belief the Civil War represented the great national test, which the Union

44. Abraham Lincoln, *Lincoln: Speeches and Writings 1859-1865*, ed. Don E. Fehrenbacher (New York: Rutgers University Press, 1989), 259.

45. Frederick Douglass, "Freedom for All," *Douglass Monthly* (Rochester, New York), July 1865.

46. "Plain Talk to the Democracy," *Tiffin Weekly Tribune* (Ohio), July 4, 1862.

47. Oliver Wendell Holmes, *Oration Delivered before the City Authorities at Boston on the Eighty-seventh Anniversary of the National Independence of America* (Philadelphia: [N.p], 1863), 26.

would see through to victory. In an oration delivered at San Francisco, George Barstow, a prominent attorney, argued that “the secessionist is the political brigand of the country . . . false to the Union,” and that “the copperhead of the North is the natural servant of the slave power.”⁴⁸ In Barstow’s framing secession, slavery, and treason merged together leaving the Civil War to stand as the great contest to eliminate all such evils and regenerate the national life. In a similar fashion Melville Smith, a member of the Minnesota Legislature, argued that “this war is but a great struggle between antagonistic principles—a hand-to-hand contest between right and wrong, justice and injustice, liberty and slavery.”⁴⁹ It seemed that a northern, emancipationist vision of the war had emerged, by 1864, as one of the leading lights of unionist ideology.

One could as easily relate the story of Confederate defeat through the prism of its Fourth of July celebrations. In 1862 the *Charleston Daily Courier* argued that “we are now re-asserting the principles of 1776 . . . maintaining against false and treacherous friends, the same principles of constitutional liberty for which our ancestors went to war.”⁵⁰ But, July 4, 1863 brought the fall of Vicksburg, and July 4, 1864 witnessed the siege of Petersburg. The story of the Confederacy as told through the lens of its Fourth of July celebrations creates a tale of declension, where high nationalist hopes end in ultimate defeat.

When told this way, however, the story of the Civil War takes on an aura of inevitability, where triumphant Northerners in the aftermath of the war celebrate the national anniversary, while for long years afterwards white Southerners would refuse to celebrate such a “damn

48. George Barstow, *War the Only Means of Preserving Our Nationality an Oration, Delivered at San Jose, Santa Clara County, Cal., July 4, 1864* (San Francisco: Towne and Bacon Book and Job Printers, 1864), 16.

49. Melville C. Smith, *Trial of the American Republic: Speech Delivered at Lake City, Minn., July, 1864* (Lake City, Minn.: Union State Central Committee, 1864), 4.

50. “Independence Day,” *Charleston Daily Courier*, July 4, 1862, quoted in Jared Jefferson Bond, “Competing Visions of America: The Fourth of July during the Civil War” (Master’s thesis, Virginia Polytechnic Institute and State University, 2007), 39.

Yankee holiday” and instead commemorate the fall of Vicksburg.⁵¹ Such a rendering also relates the story of divisive war as a contest between veterans of blue and gray, transforming the conflict into a tragic fairy-tale with a requisite happily-ever-after.⁵² The familiar story drips with twice-told tales remembered with the advantages of time.

But the Civil War as a crisis of American national identity did not end when the shooting stopped. The contest of arms became a struggle for ideas that is re-lived, re-fought, and re-imagined in every generation down to the present. The question of the meaning of American nationalism with its attendant focus concerning federalism, citizenship rights, and the scope of the federal government still manifests itself along lines bequeathed by the memories of the conflict. If the Civil War truly represents a second American Revolution then it also bequeathed a living heritage and a wellspring of national identity comparable to the first. Willing or unwilling, the war set the template for the meaning of the nation and its inhabitants, providing a storehouse of lessons from which American nationalism draws its strength. In lieu of an ancient, ethnic past, the struggle bequeathed a living, breathing usable history whose memories are reinterpreted in every generation.

Beginning in 1865, and seen most clearly on the eighty-ninth anniversary of Independence, the nation sought to re-envision its stories of peoplehood with the lessons learned from the conflict. No facet of life was left untouched, and no person, was allowed to be free from the far-reaching impacts of the Civil War. The nature and the meaning of the new American nation was an open question, and in order to provide an answer people delved deeply into the past as a way to plan for an uncertain future.

51. Jeff Bristol, "Re: Proposal," e-mail message to author, September 18, 2013.

52. David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, MA: Belknap Press of Harvard University Press, 2001), 1.

Moreover, within the history of July 4, 1865 there exists some moral template, some anecdote large or small, which speaks to the enduring problems not only of Reconstruction, but of American national consciousness writ large. The experiences of the nation's inhabitants on the national anniversary illustrate that reconstruction was not merely a problem of re-uniting disparate sections, but of creating a unified national consciousness. The day and its celebrations still speak a century and a half later because its problems have been a perennial part of the national life from that day to this. In short, by calling upon their shared, but mutually competing histories, by formulating narratives of power and place that defined both the nation and its inhabitants, Americans on the national anniversary raised the perennial questions of community membership that continue to shape the nation..

The day tested the abilities of the nation to work together in all of its constituent parts while the anniversary commemorated the origin of the American nation undergoing its second revolution. Together, army regiments, ladies aid societies, friends' societies, and veterans organizations hearkened to hear the origin stories of the American republic as a national outpouring of sentiment after the end of the Civil War.

Further, underneath the umbrella of a national origin story were the smaller, competing rituals, stories, and events that provided to competing groups the notions of identity, which shaped the fault lines of the national consciousness. Across the nation were boat races, shooting competitions, horse races, and parades. But, unlike the first Fourth of July the nation had no common father. Whereas before, the nation could look to a Washington, a Jefferson, to Saratoga, to Bunker Hill, and to the drafting of the constitution as a united point upon which to compromise and build a nation, now the divisions of the recent past shaped the interpretation of the commemoration of the nation's birth.

In the aftermath of civil war the nation desperately needed a single purpose to create a sense of national unity and soothe the fires of fratricidal strife. Americans needed common rules, and a common sense of unified citizenship, which would unite them once again. A single code of laws detailing common rights and duties for all members, and a common bond of fraternal brotherhood to unite its members within the family of the nation state was the pressing national need. The great schism in the civic religion of American nationalism prevented any such unity from emerging out of the fires of discord. The pieces of the American nation could not be put back together again so quickly.

July 4, 1865 caught the nation on the horns of a profound dilemma: how to reconcile the enlightenment principles of a universal creed that claimed applicability for all humanity with the romantic currents of nationalism and racism that stressed distinctive particular histories. In its origins, the nation claimed to be a universal community that stressed its applicability for all mankind. In framing their distinctive narratives of peoplehood, however, Americans took their marching orders not from these universal ideals of human brotherhood, but from competing conceptions of historical memory that drew on romantic ideas of distinctiveness.

Together, the urge for a universal meaning of a continental nation and the desire to create and maintain distinctive communities of difference acted as the push and the pull that defined the nation on the fourth of July in 1865. The ideas of universal reason, of self-government, and a belief in human progress, to one degree or another, served as a force for unity in the new republic celebrating its birth on the old national anniversary. But competing romantic ideas of history removed these universal principles from the ether, grounded them within distinct communities, and aided the forces of division. Ultimately, these historical narratives founded within the context of nineteenth century romanticism when coupled with a universal idea of reason or

liberty, provided the engine of pluralism that shaped the nation. For even though the idea of liberty and the promise of a continental nation was in high-repute on the eighty-ninth anniversary of American Independence, these abstract ideas had to be grounded within the context of remembrance that gave them form and substance.

A deep investigative study of both the state and the meaning of the American nation on July 4, 1865 offers the opportunity to study a timeless problem within the context of a living history. Nationalism, with its attendant invention of peoples and places, grounded in the living traditions of remembered experiences, is a timeless problem—different in every generation, but sharing commonalities across eras. No community has a definition or a history until it collects, remembers, and transmits that history to future generations. Yet, narratives of nationalism, in creating distinct peoples, need to be tied to specific commemorations that both define and re-define communal aspirations. The narratives of history present on this most public of days captured the aspirations of the nation at the end of their most divisive civil war and at the beginning of their process of national re-building. Whatever one may think of the American nation, the political forces that would shape its self-conception are there to be seen in the specific visions of history created by its inhabitants on the eighty-ninth anniversary of Independence.

The first chapter offers a view of the narrative scene, painting an impressionistic picture of the nation on July 4, 1865. In scope and outlook it details the forms and the pressures of historical memory that shaped the nation on the national anniversary. The second chapter illustrates how these historical narratives held competing definitions of citizenship and that a unionist vision of history found expression in the proposal of the fourteenth amendment. The third chapter details attitudes towards the nation's indigenous inhabitants and the shaping of a colonial narrative on the national anniversary. Finally, the epilogue illustrates the long-reaching

effects of the narratives present in 1865 and provides examples of how the legacies of American nationalism created on that Fourth of July still influence present politics. Ultimately, the effects of anniversary and its competing visions of historical memory still live in the national consciousness.

Chapter One:

Memory, History, and Nationalism on the Eighty Ninth Anniversary of Independence.

The national picture on July 4, 1865 looked strong and vibrant. The great fratricidal war had been over for three months. The statistics for the fiscal year, ended just five days before, appeared to illustrate a robust, prosperous nation. The federal government had just spent the first billion dollars ever in the nation's history to end the war. The nation's mines produced nearly sixty four and a half million dollars in gold and silver; its seaports received nearly four million tons of freight; and its citizens consumed eighty four million pounds of coffee.⁵³ Petroleum, "one of the greatest benefits ever bestowed by divine providence," had been found in almost every loyal state, and new discoveries emerged daily.⁵⁴ The associated banks of New York held one hundred eighty seven millions in currency on deposit; Philadelphia's banks thirty nine millions; and through all the national banks there circulated one hundred forty three millions of dollars—vital lifeblood to the arteries of commerce.⁵⁵

As these statistics illustrated, threads of trade and finance stitched the United States to the global economy. The telegraph brought news from all corners of the globe. Financial speculators in New York eagerly tracked the budget of the French government. Newspapers informed their readers of toll rates in Spanish ports, of economic developments in Calcutta, and of investments in Algeria paying five and a quarter percent per annum.⁵⁶ The price of five-twenty and seven-thirty bonds in London affected the domestic price of gold. Anticipation of the monthly interest

53. Edward Young, *Statistical Abstract of the United States: First Number, 1878*. (Washington: GPO, 1879), 4, 24, 134, 129.

54. William R. Dana, ed., "[Review:] *New York Stock Exchange Manual: Containing its Principles, Rules, and its Different Modes of Speculation*, by Henry Hagm. New York: John F. Trow, 1865," *The Commercial and Financial Chronicle: Banker's Gazette, Commercial Times, Railway Monitor and Insurance Journal* (New York), July 1, 1865.

55. "New York City Banks," *The Commercial and Financial Chronicle*, July 1, 1865; "Philadelphia Banks," *The Commercial and Financial Chronicle*, July 1, 1865; "National Banks," *The Commercial and Financial Chronicle*, July 1, 1865.

56. "Great Britain," *The Commercial and Financial Chronicle*: July 1, 1865; "The Continent," *The Commercial and Financial Chronicle*, July 1, 1865.

payments on gold-bearing bonds sold overseas caused fluctuations in the futures' market and changed the price of commodities.⁵⁷ Approximately five and a half thousand immigrants arrived in New York each week, and these exiles reputedly sought "the benefits which the New World holds aloft as tempting prizes to the industrious."⁵⁸ Indeed, fortune seemed to smile on the newly reunited republic, leading the editors of *Harper's Weekly* to proclaim, "we have a right to rejoice as never before."⁵⁹ Celebration seemed justified, and the promise of the American nation appeared on the verge of fulfillment.

The nationalist sentiments expressed by the editors of *Harper's Weekly*, and the global picture of a United States integrated into a trans-national economy served as two sides of the same coin. Nineteenth century nationalism arose as a response to global economics. The integration of far-flung parts of the world into a homogenized market system had fueled the process of division as centralization, standing armies, an efficient bureaucracy, and system of communications became necessary accoutrements to the quest for resources.⁶⁰ From its inception in the French Revolution to its denouement in the First World War, the long nineteenth century marked its progress through the struggle of peoples for self-determination. Already Europe had seen movements for Greek Nationalism in the 1830s, an abortive revolution of 1848, and in the 1860s the movements for Italian and German unification gained increasing strength.⁶¹ Indeed, the American Civil War of 1861 to 1865 fit a broader nineteenth century pattern of

57. "The Money Market," *The Commercial and Financial Chronicle*, July 1, 1865.

58. "The Late Increase of Foreign Immigration," *The Commercial and Financial Chronicle*, July 1, 1865.

59. George William Curtis, ed., "The Fourth of July 1865," *Harper's Weekly* 9, no. 445 (July 8, 1865): 418.

60. Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), 41.

61. Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background*, 8th ed. (New York: Macmillan, 1960), 539; Andre M. Fleche, *The Revolution of 1861: The American Civil War in the Age of Nationalist Conflict* (Chapel Hill: University of North Carolina Press, 2012), 11-37.

secessionist movements seeking to break away from large, multi-ethnic states and form their own distinct polities.⁶²

The failure of the Confederacy to establish its independence, however, meant that the process of national division in the United States—a process that re-drew the map of Europe in every generation of the nineteenth century—would be forever arrested. No longer would competing sections of the country seek to claim sovereignty apart from the national government. In lieu of a continent divided into disparate national communities, each region, ethnicity, and linguistic grouping would have to resolve its relationship to every other segment of the country within the framework of a unified national government. Accordingly, the national anniversary lent an appearance of unity to the disparate sections, races, and peoples inhabiting the broad sweep of a continental nation.

In Boston bells rang morning, noon, and night in honor of the nation's birthday while flags and hangings draped the city's major streets. A huge banner hung across Merchants Row, carrying the words of Lincoln: "I leave you, hoping that the lamps of Liberty will burn in your bosoms until there shall no longer be a doubt that all men are created free and equal." On Beacon Street Mall, flags, buntings, and twenty tables extended three hundred and fifty feet to feast returning veterans. A morning concert played the national airs at seven o'clock, and at Faneuil Hall, the names of Ulysses S. Grant, William T. Sherman, David Farragut, and Robert Anderson, draped the panels of the galleries.⁶³

In Augusta, Georgia, four thousand former slaves processed to the parade ground headed by a banner proclaiming Abraham Lincoln "the father of our liberties and the savior of his

62. *Ibid.*, 8.

63. J. M. Manning, *Peace Under Liberty: Oration Deviered before the City Authorities of Boston, on the Fourth of July, 1865 by J.M. Manning. Together with an Account of the Municipal Celebration of the Eighty Ninth Anniversary of American Independence.* (Boston: J.E. Farwell & Company, Printers, 1865), 59-70.

country.”⁶⁴ The next day in Nevada the editors of the *Carson Daily Appeal* suffered hangovers after attending a party where everyone refused to “go home until morning.”⁶⁵ In Baltimore, the national flag draped nearly all public buildings, newspaper offices, and private homes.⁶⁶ At sunrise in Fredericksburg, Virginia thirty-six guns—one for every state of the union—paid tribute to the nation’s natal day.⁶⁷

In 1865 it seemed once again that the Fourth of July stood as the nation’s pre-eminent holiday. Recalcitrant Confederates in Matamoras, Mexico argued that “the twenty fifth day of December is no more sacred to Christians than is the Fourth of July to Americans.”⁶⁸ In Virginia the editors of the *Richmond Whig*, burst into tears on hearing *The Star-Spangled Banner*, declaring that “we hadn’t heard the old tune for such a long time that we couldn’t help it.”⁶⁹ In Boston Governor John Andrews proclaimed the anniversary, “the Sabbath day of freedom.”⁷⁰ Likewise, from his prison cell on Georges Island, former Confederate Vice President Alexander H. Stephens heard the tolling of Boston’s bells and wrote in his diary of “the ever memorable independence day, an anniversary which should be hailed with profoundest emotions of gratitude and patriotism by every friend of constitutional liberty and representative government the world over.”⁷¹ The public and private thoughts of Americans appeared to lend an authoritative air to the picture of a reunited nation, peaceful and prosperous after four years of bloody civil war.

64. James Lynch, *The Mission of the United States Republic. An Oration Delivered by Rev. James Lynch, at the Parade Ground, Augusta, Ga., July 4, 1865* (Augusta, GA: Chronicle & Sentinel Office, 1865), 2.

65. E. F. McElwain, J. Barrett, and M. Robinson, eds., "Local Affairs," *The Carson Daily Appeal*, July 6, 1865.

66. "The Fourth of July, 1865," *Baltimore Daily Gazette*, July 6, 1865.

67. James B. Sener, ed., "Fourth of July," *The Fredricksburg Ledger*, July 6, 1865.

68. H. A. Maltby, W. H. Maltby, and Somers Kinney, eds., "Fourth of July," *The Daily Ranchero* (Matamoras, Mexico), July 4, 1865.

69. "The Fourth of July in Richmond," *Daily Richmond Whig*, July 6, 1865.

70. Manning, *Peace Under Liberty*, 79.

71. Alexander H. Stephens, *Recollections of Alexander H. Stephens: His Diary Kept When a Prisoner at Fort Warren, Boston Harbour, 1865; Giving Incidents and Reflections of His Prison Life and Some Letters and Reminiscences*, ed. Myrta Lockett Avary (New York: Doubleday, Page and Company, 1910), 304.

But the image of unity was only a receding mirage. Three quarters of a million souls had died in the past four years of total war, and the memories of the dead mingled with the hopes of the living.⁷² In the South, respectable ladies planted corn behind mules or drew well-water to clean their own houses, while their former slaves attended barbeques, sang spirituals, heard speeches, and danced until midnight.⁷³ In San Francisco many Irish boycotted the city's Fourth of July celebration refusing to congregate with "dammed naygurs," and, instead, commemorated the life of St. Patrick in a separate part of the city.⁷⁴ On the grounds of the Capitol in Washington D.C., longtime black activist William Howard Day addressed the fifteen hundred children of the Sunday School Union, and other thousands. In the words of the *Christian Recorder's* Washington Correspondent: "it was the first Fourth of July of the colored people," as full participants on the national stage.⁷⁵ Yet even as Day spoke, far away in Kentucky, A.J. Beale, a local slave-owner, certified and sold one African American woman for another of identical price.⁷⁶ Far from uniting the nation, the conclusion of the Civil War and its commemoration on the Fourth of July illustrated how the nation remained divided in fact and sentiment.

The Fourth of July in 1865 caught the American nation between two distinct moments in history. The old world of a slave-holder's republic was dying, but slavery still lived. The Civil War was over, but the much promised new birth of freedom emerged slowly. Everywhere men and women groped for meaning and direction seeking ends with which to make new beginnings.

72. J. David Hacker, "A Census-Based Count of Civil War Dead," *Civil War Era* 57, no. 4 (December 2011): 311.

73. William Biven, ed., "Women at Work," *Daily Evening Herald* (Stockton, California), July 3, 1865; Eliza Frances Andrews and Spencer Bidwell King, Jr., *The War-Time Journal of a Georgia Girl* (Macon, Georgia: Arvidan Press, 1960), 330; Emma LeConte, *When the World Ended: The Diary of Emma LeConte*, ed. Earl Schenck Miers (New York: Oxford University Press, 1957), 113-116.

74. Mark Twain, "Mark Twain on the Colored Man 7-19 July 1865," in *The Works of Mark Twain: Early Tales and Sketches*, ed. Edgar Marquess Branch and Robert H. Hirst, vol. 2 (Berkeley: University of California Press, 1981), 248; William S. Moss, ed., "Presentation to the Irish Regiment," *The Daily Examiner* (San Francisco), July 6, 1865.

75. Elisha Weaver., ed., "Washington Correspondence," *The Christian Recorder* (Philadelphia), July 15, 1865.

76. Certificate regarding soundness of a Negro girl sold by A.J. Beale to Angeline Outland, signed by D.U. Outland and F.W. Russell, July 4, 1865," Folder 1, Item 7, A.J. Beale Papers 1835-1901, Accession MS 92-04, Murray State University Special Collections, Kentucky Digital Library, Accessed 21 July 2013.

http://kdl.kyvl.org/catalog/xt7w6m33340r_1_13.

And so, they gathered their past, ordered their experiences, and pursued a meaningful national identity in the midst of their unfinished revolution.

The traditions, rituals, and stories of July 4, 1865 bound the disparate experiences of Americans to a common nation-state. Bereaved by death, bereft of those they loved, weary of revolution, and tired of violence, they ruminated over the course of the war and sought to explain both the nation and their place in the emergent order. Out of a common toolkit and a shared past, Americans fashioned the narratives that gave meaning and purpose to their lives, which they would pass on to their children. The recent sufferings and triumphs of millions shaped the memory of events and influenced the course of politics for a hundred years as first one then another of these stories gained ascendancy. The only things Americans held in common on July 4, 1865 were their anniversary, their nation, and their past. Together they used the day to reshape the past and refashion the nation according to their understanding of its history. No agreement could be reached. The great dream of a United States broke, repeatedly, on the separate experiences of its inhabitants, and their collective desire to give meaning to irreconcilable visions of a common past.

The anniversary of Independence served as a shared reference for Americans in the aftermath of civil war. Iowa Judge and future Republican Congressman, William Loughridge commemorated the day in glowing terms: “Eighty nine years ago to-day, our fathers severed the bonds that bound them to the throne of England, and declared to the world those great principles of liberty and equality.”⁷⁷ The editors of the *Daily North Carolina Advertiser* recounted how “at this point in time the Fourth of July had a peculiar value, not only in our eyes, but in the eyes of the entire people of the South who for the last four years have, in part, given up their heritage in

77. William Loughridge, "Oration," *Daily Iowa State Register* (Des Moines), July 6, 1865.

the glorious legacy.”⁷⁸ A.E. Marshall of the *Macon Daily Telegraph* in Georgia proclaimed that “the memory of the illustrious men and deeds of those times, over which nearly a century has rolled its waves, receives a new revival in our hearts.”⁷⁹ Together Northerners and even some Southerners expressed appreciation for the nation’s natal day.

Not merely confined to northern and southern sentiments, exultation of the day also extended to Westerners, Feminists, and Catholics. B.F. Washington, the editor of the pro-Irish, Democratic *Daily Examiner* in San Francisco, looked to the Fourth of July and urged his readers: “Let us not, upon this day, dedicated to freedom, forget that we have liberties to preserve as well as to celebrate.”⁸⁰ Out in Ottumwa, Kansas Susan B. Anthony related that “I came here today on this eighty ninth anniversary of our national Independence, that I might look into the honest earnest faces of the men and women, who, ten years ago, taught the nation anew that ‘resistance to tyrants is obedience to God.’”⁸¹ Diametrically opposed in their politics, these two held a similar sense of the Fourth of July as the embodiment of sacred principles.

A belief in the creedal nature of the anniversary also animated African Americans in 1865. The Reverend James Lynch, speaking at the celebration in Augusta, Georgia, saw the anniversary as “beginning a new epoch in the world’s history; promising to mankind an estate that the combined wisdom of a hundred centuries had sought and not obtained.”⁸² Likewise, William Howard Day announced that the African Americans at the Capitol “met to-day inspired by the noble sentiments they had heard enunciated in the glorious declaration of

78. George M. Joy and W. I. Vestal, eds., "Independence Day in the Elm City," *Daily North Carolina Times* (New Berne), July 6, 1865.

79. A. E. Marshall, "The Fourth in Macon," *The Macon Daily Telegraph*(Georgia), July 5, 1865.

80. B. F. Washington, ed., "The Day We Celebrate," *The Daily Examiner*(San Francisco), July 3, 1865.

81. Ida Husted Harper and Carrie Chapman Catt, *The Life and Work of Susan B. Anthony: Including Public Addresses, Her Own Letters and Many from Her Contemporaries during Fifty Years*, vol. II (Indianapolis and Kansas City: Bowen-Merrill Company, 1898), 960.

82. Lynch, *The Mission of the United States Republic*, 3.

Independence.”⁸³ Thirteen years earlier, Frederick Douglass once spoke of the holiday as a day of “inhuman mockery and sacrilegious irony,” but now, in a public letter read on the steps of the Capitol, he wrote of “the birthday of freedom,” and of “the prophecy of 1776.”⁸⁴ In the wake of large scale emancipation, even as many in Kentucky and Delaware remained in chains, the nation’s African Americans stepped forward to claim the holiday as their own.

The celebration of Independence also defied customary nationalistic barriers of language and geography. In California, people gathered around the steps of the San Buenaventura mission to hear the Declaration of Independence read in Spanish.⁸⁵ In Allentown, Pennsylvania the local German newspaper celebrated the Fourth of July.⁸⁶ In New Mexico, the bilingual *Santa Fe Weekly Gazette* praised the heroism of Col. Jesus Baca y Selazar, Capt. Quintana, and Capt. Jesus Baca y Sena, saying that “the spirit which actuated them is of the true type.”⁸⁷ Americans, French Government officials, and members of the French public attended a Fourth of July celebration in Bois de Boulogne, while in Boston the official band played *La Marseillaise*.⁸⁸

To a degree unknown in other nations founded on more traditional ideals of nationalism, Americans of many persuasions claimed the Fourth of July as their own. They looked back across almost ninety years and read into the events of 1776, the principles that spoke to them in their current circumstances. The urge to grasp the anniversary also cut across linguistic and sectional lines. White Southerners, Irish immigrants, former slaves, free blacks, Republicans,

83. William Howard Day, John Pierpont, and Henry Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln: On the Fourth of July, 1865, in the Presidential Grounds, Washington, D.C.* (Washington, D.C.: McGill & Witherow, Printers, 1865), 10.

84. Frederick Douglass, "What to the Slave Is the Fourth of July (1852)," ed. Robert O. Self, in *Documents for America's History, Volume 1: To 1877*, ed. James A. Henrietta and Rebecca Edwards (Boston: Bedford; St. Martin's Press, 2011), 274; Lynch, *The Mission of the United States Republic*, 5.

85. Stephen D. Cummings, *Red States, Blue States, and the Coming Sharecropper Society* (New York: Algora Pub., 2008), 50.

86. "Der 4 Juli," *Der Lecha Caunty Patriot* (Allentown, Pennsylvania), July 11, 1865.

87. James L. Collins, ed., "Honor to Whom Honor Is Due," *Santa Fe Weekly Gazette*, July 1, 1865.

88. John Bigelow, *Retrospections of an Active Life*, vol. III (New York: Baker and Taylor, 1909), 105-107; Manning, *Peace Under Liberty*, 60.

copperhead Democrats, and feminists, all these and more, found some kind of meaning in the national anniversary.

So many competing individuals found meaning in the Fourth of July because so few of the building blocks of nineteenth-century European nationalism defined the United States in 1865. No common language bound Americans together in a community of discourse. No mythic medieval past or mandated state religion acted as a bulwark to the nation. No ties of assumed common descent united the generations in a sense of ethnic solidarity. The country lacked even the idea of a common territory and a shared purpose as the national boundary embraced a continent recently divided into warring factions. In place of the traditional mythologies of nationalism Americans held only the historical memory of a revolution eighty nine years old—an event which divided their sentiments even as it supplied the only common heritage among so many disparate peoples.

None of the theories of nationalism as understood in a European context adequately explained the condition of the United States on July 4, 1865. In the aftermath of civil war, Americans needed a new political science for a nation altogether new. Yet, the outlines of the new political science of American nationalism could not follow old world models. The Civil War in ensuring the continued existence of the United States as a unified polity also ended forever the hopes of distinct sub-sets of the population for national self-determination. Traditionally, scholars see nationalism as divided into two distinct parts: civic and ethnic.⁸⁹ Ethnic nationalism seeks to define both the concept of nationality and the nation around theories of “common descent, language, territory, political entity, customs and traditions, and religion.”⁹⁰ In the ethnic

89. John A. Hall, *The State of the Nation: Ernest Gellner and the Theory of Nationalism* (New York: Cambridge University Press, 1998), 299.

90. Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background*, 8th ed. (New York: Macmillan, 1960), 14.

model of nationalism the nation “usually conquers in the name of a putative folk culture.”⁹¹

Moreover, in the cosmology of an ethnic nationalist the people, or the *volk*, are seen as synonymous with the nation and the state.⁹²

In Europe, these theories of ethnic nationalism re-conceptualized the relationship between state and citizen, aided the forces of division, and in the process provided the impetus for revolution. Thus, Jules Michelet, the ardent romantic and nationalist French historian wrote: “With us, man and land are linked together, and will not sever; they are lawfully married for life and death: the Frenchman has wedded France.”⁹³ In a similar fashion, the German nationalist Johann Herder asked “has a nation . . . anything more precious than the language of its fathers? In it dwells its entire world of tradition, history, religion, principles of existence, its whole heart and soul.”⁹⁴ When the Greeks in 1822 sought to declare their independence from the Ottoman Empire, they also stressed the immutable character of their national character along ethnic lines: “We, descendants of the wise and noble peoples of Hellas, we who are the contemporaries of the enlightened and civilized nations of Europe . . . find it no longer possible to suffer without cowardice and self-contempt the cruel yoke of the Ottoman power which has weighed upon us for more than four centuries.”⁹⁵ In short, the received wisdom of ethnic nationalists stressed the distinctive character of perceived primordial qualities, such as a united language, a common descent, a mutual homeland, and a sense of shared values.

As the Greek separatists illustrated, reverence for an antediluvian past animated European ethnic nationalists in the nineteenth century. In 1844, Giuseppe Mazzini, an ardent Italian behind

91. Ernest Gellner, *Nations and Nationalism* (Ithaca: Cornell University Press, 1983), 57.

92. Ibid.; see also Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986), 141-149.

93. Jules Michelet, *The People*, trans. G. S. Smith (New York: D. Appleton and Company, 1847), 30.

94. Isaiah Berlin, "Herder and the Enlightenment," in *The Proper Study of Mankind: An Anthology of Essays*, ed. Henry Hardy (New York: Farrar, Straus and Giroux, 1997), 380.

95. Greek National Assembly, "Reading # 6 Greek National Assembly Proclamation of Independence," in *Nationalism: Its Meaning and History*, ed. Hans Kohn, Repr. ed. (Malabar, FL: Krieger Publishing Company, 1982), 116.

the *Risorgimento* spoke of a unified Italy as the third Rome: “God chose Rome as the interpreter of his design among the nations. Twice has she given unity to the world; she will bestow it a third time and forever.”⁹⁶ In Germany Johann Fichte writing in 1808 could say, “in my voice are mingled the voices of your ancestors of the hoary past, who with their own bodies stemmed the onrush of Roman world domination. . . . They call to you. ‘Act for us’”⁹⁷ An exiled Napoleon might reach back to a mythical, pre-Roman, pre-Christian past in 1815 and assert in a phrase, which echoed through French historiography, that “We are still the same people as our ancestors the Gauls. We still retain the same levity, the same inconstancy, and above all the same vanity.”⁹⁸ So following his uncle in 1865, Louise Napoleon erected a large bronze statue of Vercingetorix on the supposed site of the ancient battle of Alesia bearing the inscription: “A united Gaul forming a single nation, animated by the same spirit, can defy the universe.”⁹⁹ Altogether, European nationalism employed a very old history as a prerequisite for nation-building, but Americans on July 4, 1865 could not create national consciousness out of a primeval past spanning at least two millennia.

It was still barely possible on Independence Day in 1865 for one life to encapsulate the entire national history of the United States. In Bangor Maine, William Hutchings, a Revolutionary-War veteran from Penobscot, related how “at the age of fifteen I enlisted for the defense of my country, and I have stood by her in all her subsequent perils.”¹⁰⁰ A few old soldiers lingered on as living reminders connecting the experience of Civil War with the drama

96. Giuseppe Mazzini, *Life and Writings of Joseph Mazzini Vol. IV: Critical and Literary* (London: Smith, Elder, and Co., 1891), 181.

97. Johann Gottlieb Fichte, *Addresses to the German Nation*, trans. R. F. Jones and G. H. Turnbull (Chicago: Open Court Publishing Company, 1922), 264.

98. John S. C. Abbott, *Napoleon at St. Helena; or Interesting Anecdotes and Remarkable Conversations of the Emperor during the Five and a Half Years of His Captivity* (New York: Harper and Brothers, 1855), 44.

99. Michael Dietler, "'Our Ancestors the Gauls': Archaeology, Ethnic Nationalism, and the Manipulation of Celtic Identity in Modern Europe," *American Anthropologist* 96, no. 3 (September 1994): 504;

100. William L. Garrison, ed., "Old Seventeen Seventy Six to Young Eighteen Sixty Five," *The Liberator* (Boston, MA), July 14, 1865.

of Revolution.¹⁰¹ The brevity of the American past made the creation of a nation based on the *longue durée* of traditions, languages, and common folk cultures all but impossible.

As a result, in the United States such ethnic theories of nationalism found no place. Whereas in Europe the anti-Semitic composer Richard Wagner might write in 1850 that “the Jew speaks the language of the nation in whose midst he dwells from generation to generation, but he speaks it always as an alien;” in America the *Pajaro Valley Times* declared on July 1, 1865 that “the Jews of this country have shown a full share of patriotism since the war began.”¹⁰² Likewise, Massachusetts Congressman George Boutwell proclaimed: “The war for freedom and the Union has been carried on by the whites and negroes born on this continent, by the Irish and the Germans, and indeed by representatives of every European race.”¹⁰³ Even in the South—historically the one American section least affected by immigration—newspapers joined in inviting immigrants, as the region desperately needed labor and people in the aftermath of war, declaring: “we need their bone and sinew, their money and their knowledge. Let them come.”¹⁰⁴ In welcoming the world’s immigrants the United States illustrated that the traditional understanding of ethnic nationalism held little sway in determining its national identity.

Many immigrants, in turn, saw the American nation as the fulfillment of their nationalistic hopes. The Irish especially saw the United States as offering the potential satisfaction of their desired independence, arguing that, “the serfs in bondage need not look to their wealthy kinsmen abroad for deliverance; but to their fellow countrymen who labor as

101. Julian A. Selby, *The Daily Phoenix* (Columbia, S.C.), July 31, 1865;

102. Richard Wagner, *Richard Wagner's Prose Works*, trans. William Ashton Ellis, vol. III (London: William Reeves Bookseller, 1907), 84; Jas. B. Macquillan, "Patriotic Jews," ed. M. Kearney and William A. Duchow, *Pajaro Valley Times* (Watsonville, California), July 1, 1865.

103. George S. Boutwell, *Reconstruction: Its True Basis* (Boston, MA: Wright & Potter, 1865), 15.

104. Joseph Cannon and Joseph William Holden, eds., "Immigration," *Daily North Carolina Standard* (Raleigh), July 6, 1865.

freemen in America.”¹⁰⁵ The Irish were not alone. On July 1, 1865, the State Department received the condolences of Italians on the assassination of Abraham Lincoln. These prospective Italian immigrants, citizens of Abruzzo, and members of the Italian Emigration Society, also saw their hopes for a re-united Italy expressed in the American Civil War. In stark terms they linked the history of the Italian peninsula with the history of the United States: “Your history is the same as ours. From Camillus and Cincinnatus to Franklin and Washington, from Lincoln and Seward to Garibaldi and Mazzini, the tradition of the great struggle between good and evil, liberty and slavery, civilization and barbarism, national autonomy and the rule of foreign despots, has ever been the same.”¹⁰⁶ Similarly, 667 German immigrants passed through Columbus Ohio, the week before the fourth seeking homes in Indiana.¹⁰⁷ After five years of residence, these German men would be able to vote. As a Cleveland newspaper related in an American nation, “English, French, German, and Irish are the same before the law.”¹⁰⁸ And so, since European theories of ethnic nationalism founded on common descent, language, and religious traditions found no place in a continental United States, these immigrants, both present and future, adopted a vision of American nationalism that transcended the borders of any single country.

The brevity of the American past, the nation’s large numbers of immigrants, their multitude of spoken and written languages, and their competing folk traditions, lead many scholars to posit that the American nation epitomizes civic nationalism. Advocates of civic nationalism generally stress that the nation is founded on an idea of political community, which entails a “some common institutions and a single code of rights and duties for all members of the

105. William S. Moss, ed., "Ireland," *The Daily Examiner* (San Francisco), June 29, 1865.

106. "Washington Items," *Cleveland Leader*, July 3, 1865; *Appendix to Diplomatic Correspondence of 1865. The Assassination of Abraham Lincoln, Late President of the United States of America, and the Attempted Assassination of William H. Seward Secretary of State, and Frederick W. Seward, Assisant Secretary on the Evening of the 14th of April, 1865. Expressions of Coldolence and Sympathy Inspired by These Events.* (Washington: GPO, 1866), 432-433.

107. Amos Layman and E. B. Eshelman, eds., "Emigrants," *Daily Ohio Statesman* (Columbus), July 3, 1865.

108. "The New York Times upon the Negro Suffrage Question," *The Cleveland Leader*, July 4, 1865.

community.”¹⁰⁹ Thus, Hans Kohn, the foundational scholar of nationalism in Europe and America, argued that “in its every origin as a nation the United States was the embodiment of an idea.” In Kohn’s formation America established its “distinctive political existence” by “transcending the English heritage and broadening it beyond the confines of historical-territorial limitation,” and so “lived up to the expectations of the age.”¹¹⁰

Nor was Kohn alone in his formulation of American civic nationalism as an unalloyed good. The historian Gordon Wood characterized the United States as the “most liberal, democratic, and modern nation in the world.”¹¹¹ Policy Analyst Anatol Lieven wrote that “the essential elements of the American creed and of American civic nationalism are faith in liberty, constitutionalism, the law, democracy, individualism and cultural and political egalitarianism.”¹¹² Indeed, an unexamined belief in the civic nature of American nationalism represents a common thread inherited from the memory of the Civil War.

The love affair with civic nationalism held a specific pride of place for Americans on July 4, 1865. The Governor of Michigan Charles S. May proclaimed that the “great remaining object” of the American Revolution “was to found and consolidate a separate nationality.”¹¹³ Former Union Chaplain and Minister Andrew L. Stone stated in Providence, Rhode Island that the “twin columns” supporting the nation were “liberty and law.”¹¹⁴ The *Boston Evening Courier*, declared that the American people “have been the first to demonstrate the possibility of uniting liberty with order, constancy with enthusiasm, victory with clemency, and complete triumph

109. Anthony D. Smith, *National Identity* (Reno: University of Nevada Press, 1991), 9.

110. Hans Kohn, *American Nationalism; an Interpretative Essay* (New York: Macmillan, 1957), 12.

111. Gordon S. Wood, *The Radicalism of the American Revolution* (New York: A.A. Knopf, 1992), 7.

112. Anatol Lieven, *America Right or Wrong: An Anatomy of American Nationalism* (New York: Oxford University Press, 2004), 49.

113. Charles Sedgwick May, *The Experiment and the Trial of Republican Institutions: An Oration Delivered at Jackson, Michigan, July 4, 1865* (Jackson: O'Donnell & Ray, 1865), 4.

114. A. L. Stone, *Elements of National Life: An Oration Delivered before the City Authorities and Citizens of Providence, July 4, 1865* (Providence: H.H. Thomas & City Printers, 1865), 13.

with wonderful moderation.”¹¹⁵ In the South among recent Confederates, the tendency also ran towards declarations of civic nationalism. Former Confederate Georgia Supreme Court Justice Charles Jenkins speaking before a committee of citizens in Richmond County on June 24 affirmed that “under a free government, after even deadly feud originating in antagonistic theories, a frank dignified, and graceful yielding of the contest should be satisfactory.”¹¹⁶ Even Confederates in Mexican exile believed “all government depended upon the will of the governed.”¹¹⁷ Likewise, *The Elevator*, a black newspaper in San Francisco, California, argued that “it is absurd for the Nation, or any community in it, to pronounce a class of its people citizens while it withholds from them the natural, common, and political rights of citizens.”¹¹⁸ A belief in the civic character of American nationalism and its capacity to be all things to all people seemed justified.

Even so, as *The Elevator* suggested, the justification of American civic nationalism proved a fraudulent dream for many on July 4, 1865. The newly reunited nation did not hold itself to a civic model. Founded on the principle of common rights and duties for all members, civic nationalism failed to describe life in the United States as lived by its inhabitants. Perceived differences of race, of gender, and, in the case of America’s indigenous inhabitants, of alien origins and of profane customs, kept the dream of civic nationalism from full realization. In Western states such as Colorado and Montana, territorial legislatures barred “an Indian, a Negro or mulatto, or black person” from “giving evidence in any case,” or in cases where “the parties to

115. Evening Courier Association, Pub., "The Fourth of July, 1865," *The Boston Evening Courier*, July 5, 1865.

116. Charles Jenkins, "Speech of Hon. Charles Jenkins," ed. A. E. Marshall, *The Macon Daily Telegraph*, June 30, 1865.

117. "Fourth of July," *The Daily Ranchero*, July 4, 1865.

118. J. J. Moore, "Negro Suffrage: Fifteen Reasons in Favor of Negro Suffrage," *The Elevator* (San Francisco), July 7, 1865.

the action are white persons.”¹¹⁹ In the South, the town of Opelousas, Louisiana passed a municipal ordinance on July 3, 1865 with thirteen specific rules governing the conduct of African Americans. Freedmen and women needed permission from their employers to enter the city, to own or to rent property, or to reside within the city’s limits. The law empowered the sheriff to jail every black person found on the streets after ten p.m., or three p.m. on Sundays, and compelled these convicts to labor on public works. The ordinance forbade both public meetings and black preachers without permission from the mayor. Additionally, no freed person was allowed to carry a firearm that was not in military service, and no person of color was permitted to buy, sell, trade, or barter any merchandise without the written permission of an employer, the mayor, or the president of the board. In California, state law barred the Chinese from testifying against both whites and African Americans. No state extended the franchise to women and as Susan B. Anthony eloquently stated: “In scarcely a state has a married woman the legal right to control of her person, to the earnings of her hands or brain, to the guardianship of her children, to sue or be sued, or to testify in the courts.” Collectively, these state laws and municipal ordinances mocked the much vaunted ideal of American civic nationalism and turned the drama of consensual government into a farce.

Further these municipal ordinances and state laws illustrated the endurance of a white-republican model of citizenship. Even in the aftermath of large scale emancipation and of large-scale African American service in the union Army, the continued maintenance of white supremacist ideology played a vital role in shaping America’s national consciousness on July 4,

119. Eli Carter and Zaremba Jackson, comps., *Provisional Laws and Joint Resolutions Passed at the First and Called Sessions of the General Assembly of Jefferson Territory, Held at Denver City, J.T., November and December, 1859, and January, 1860.* (Omaha, N.T.: Robertson & Clark, Printers, 1860), 124-125.; Montana’s code added the Chinese: Edward B. Nealley, comp., *Acts, Resolutions and Memorials, of the Territory of Montana, Passed by the First Legislative Assembly. Convened at Bannack, December 12, 1864* (Virginia City, MT: D.W. Tilton &, 1866), 110-111.

1865.¹²⁰ The Irish in San Francisco, firmly maintained that “this is a white man’s government made by white men for white men, and that any attempt to place the negro upon a social and political equality with the white race is an injury to the former, treason to the laws of God, and an insult to the revered memories of the revered statesmen who formed our political system.”¹²¹ The *Holmes County Farmer*, an Ohio newspaper, contended that “if, whites, Negroes, Indians, and Chinese are placed on a footing of political equality in this country, we may soon outstrip Mexico in the matter of revolutions.”¹²² Clearly in 1865 the maintenance of white ethnic nationalism stood as one model for the American nation, and served as a persistent counter-argument to the ideal of civic nationalism.

The idea of the United States as a democracy for white men, however, was only one single possibility present within American’s national awareness on the eighty-ninth anniversary of Independence. In 1903, W.E.B. Dubois wrote eloquently of how the veil of race gave African Americans a double consciousness: “one ever feels his two-ness,—an American, a negro.”¹²³ Even as the Irish and others advocated a white republican model of American nationalism that gave renewed emphasis to the long interval of white supremacy in shaping American public life, by positing whiteness as normative such models deny the basic American-ness of the dispossessed. To one degree or another, many black Americans on the Fourth of July in 1865

120. Indeed, the question of the legacies of racist, white-supremacist ideology in the shaping of American nationalism has proved as one of the more durable counter-arguments to the vision of an American polity founded on the ideal of civic nationalism: Alexander Saxton, in *The Rise and Fall of the White Republic*, argues that in the case of American nationalism: “Considerable efforts are directed toward ‘Americanizing’ all groups of alien origin. But in regard to the colored peoples, the American policy is the reverse. They are excluded from assimilation.” Noel Ignatiev also reasoned that the American national character serves as “a bipolar system of color caste in which even the lowliest of whites enjoyed a superior status in crucial respects to that of the most exalted of blacks.” 120. Alexander Saxton, *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth-century America*, 2nd ed. (London: Verso, 2003), 4; Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995), 100.

121. B. F. Washington, "Party Organs," *The Daily Examiner* (San Francisco), July 5, 1865.

122. "Political Equality," *The Holmes County Farmer* (Millersburg, Ohio), July 6, 1865.

123. W.E.B. Dubois, *Writings: The Suppression of the African Slave Trade; The Souls of Black Folk; Dusk of Dawn; Essays and Articles from The Crisis*, ed. Nathan Huggins (New York: Library of America, 1986), 364

parted the veil and constructed a history that allowed for their dual existence. So, the abolitionist editor and longtime black activist, Philip A. Bell, offered a resolution before the people of San Francisco which argued: “Our love of country is enduring, our devotion to the Union unalterable, our adherence to the principles of the Declaration whose promulgation we this day celebrate is irrevocable, and our observance of the laws and constitution under which we live is steadfast and unchangeable.”¹²⁴ Philadelphia’s *Christian Recorder* also argued for the quintessential American-ness of black folks: “We have passed, as a nation, from our infancy through the several trials through which a nation can pass, to perfect manhood. We are no longer a little people, “a band of exiles,” but we are a great nation.”¹²⁵ The double consciousness of African Americans as both children of the African diaspora brought by the largest forced migration in human history and as Americans received full expression on July 4, 1865.

Americans of many persuasions held multiple understandings of themselves, and these divided epistemologies served crucial roles in shaping the debate over national identity. So when Susan B. Anthony spoke concerning her rights as an American, she argued that “these belong equally to women,” maintaining her place as both a woman and an American.¹²⁶ When Irishmen contended for a white man’s government, they also believed in their dual consciousness—both as Irish and as Americans: “The history of the Irish is a history of heroes and martyrs, of sacrifices and suffering . . . and they have contributed to this nation, of which they are a part not ignorance, nor disloyalty, but power and wealth.”¹²⁷ A few former Confederates, likewise, resolved that “We are for the Union [and] we nail the old flag to the mast” while they nonetheless maintained

124. Phillip A. Bell, ed., “The Day We Celebrate and How We Celebrate It.,” *The Elevator* (San Francisco), July 7, 1865.

125. A. E. S., “The Fourth of July,” ed. Elisha Weaver, *The Christian Recorder* (Philadelphia), July 8, 1865.

126. Harper and Catt, *The Life and Work of Susan B. Anthony*, vol. II, 966.

127. “The Irish Citizen,” *The Daily Examiner* (San Francisco), July 6, 1865.

“but we don’t want to fight under that flag” for “the South is still the South.”¹²⁸ In the end, these competing ideas of consciousness defied any single classification, and underscored the competition of multiple models within the confines of a single nation.

Plainly, the United States contained a multitude of voices on the Fourth of July in 1865. In Europe, and elsewhere, the nations—whether fully born or nascent—held the tools for the creation of nationalism either on an ethnic or a civic model. The United States, however, possessed few of these trappings in the aftermath of Civil War. Across the Atlantic, a sense of history rooted in linguistic, ethnic, and religious identity shaped movements for national self-determination, but in America after Appomattox the demands of national sovereignty shaped the interpretation of history.¹²⁹ Thus the disparate interpretations of a common history held the American nation together on July 4, 1865. In short, the battle over the meaning of history, and the narratives present on the national anniversary functioned as the engine of national creation.

The national anniversary in 1865 functioned as the locus-point for the national historical imagination after Appomattox. Like Easter congregants celebrating the Mass, Americans on the Fourth of July gathered up their history, and felt either the mystery or the despair of being united in a common body. Out of this day’s commemorations arose the stories that shaped the meaning of the American nation and framed both the rights and duties of citizenship. If historical memory contained the only commonality between all Americans in the immediate conclusion of conflict, then that history would work as a weapon on the political battlefield taking shape over Reconstruction.

128. *The Bellville Countryman* (Texas), July 1, 1865.

129. This was a point recognized by Henry Steele Commager, whose book *The Search for a Usable Past* provides the bedrock upon which so much of memory studies bases itself: “Of Europe, as Henry Steel Commager wrote, “it can be said that the nation was a product of history,” but “with the United States, history was rather a creation of the nation.” Henry Steele Commager, “The Search for a Usable Past,” in *The Search for a Usable Past* (New York: Alfred A. Knopf, 1967), 4.

The process of revolution redefines societal values, and the redefinition of history acted a crucial part in the redefinition of values brought about by the Civil War.¹³⁰ The second American Revolution exploded the old epistemological unities of the American nation, and the new order emerged slowly.¹³¹ The problem of the future could only be solved by looking closely at the past, and thus the history served to render the meaning of the nation and of national citizenship. Americans on July 4, 1865 invented a nation out of their divided histories. In this moment—held in tension between competing visions of a shared past—people felt the contrast between needed change and desired continuity acutely. So, they created the traditions that provided stability by adapting old uses to new conditions. Novelty arrived in costume wearing the face of a recognizable past.¹³²

Americans sensed that they had passed through another revolution. Long before historians Charles and Mary Beard pronounced the Civil War “a Second American Revolution” speakers, newspaper editors, and ordinary citizens voiced the same sentiment on the eighty ninth anniversary of Independence.¹³³ Wisconsin State Senator Anthony Van Wyck argued that “we have in fact passed through a great revolution which slavery compelled.”¹³⁴ Charles W. Button, the editor of the *Daily Lynchburg Virginian* declared: “Civil War breaks the bands of society and government.”¹³⁵ In California, *The Sacramento Daily Union* stated that “the present generation

130. Theda Skocpol, *States and Social Revolutions: A Comparative Analysis of France, Russia, and China* (Cambridge: Cambridge University Press, 1979), 12.

131. K. Mannheim, *Ideology and Utopia* (New York: Harcourt Brace, 1976), 66.

132. E. J. Hobsbawm and T. O. Ranger, *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983), 5.

133. Charles A. Beard and Mary Ritter Beard, *The Rise of American Civilization: The Industrial Era*, vol. II (New York, NY: Macmillan, 1927), 54.

134. Anthony Van Wyck, "Oration of A. Van Wyck Delivered at Janesville July 4, 1865," ed. Thomson and Roberts, *The Janesville Gazette* (Wisconsin), July 5, 1865.

135. Charles Button, ed., *The Daily Lynchburg Virginian*, July 8, 1865.

of Americans have been brought very near, in spirit, to the men of '76."¹³⁶ Benjamin F. Perry, appointed governor of South Carolina by President Andrew Johnson, said: "the natural consequence of four years spent by our people in war and revolution is their demoralization."¹³⁷ In a public letter, a Mr. E.B. Davis wrote to Elisha Weaver of the *Christian Recorder*: "We are living in a day of revolution—a day when light is triumphing over darkness."¹³⁸ Or, as George Templeton Strong recorded in his diary: "Never did human events make such news before."¹³⁹ Americans, of all sections and races, believed in the revolutionary nature of their experiences on July 4, 1865.

Further, living in revolutionary times led Americans to believe that present conditions retired old pre-war certainties. Judge Edward Frost of Charleston, South Carolina argued that "certain delusions have been dispelled by the revolution."¹⁴⁰ John Howard Pugh a physician, who spent the war working without pay at the U.S. General Hospital in Beverly, New Jersey, announced, "we have entered upon a new epoch in human history."¹⁴¹ Henry W. Adams, a medical doctor educated at Wesleyan University, exhorted, "those who still cling to old economics, old wives fables . . . and dead men's bones" to "look out for the engine when the bell rings."¹⁴² Charles Dobson from Maryland's eastern shore wrote: "We are now in pursuit of

136. James Anthony, H. W. Larkin, and P. Morrill, eds., "Independence Day," *The Sacramento Daily Union*, July 4, 1865.

137. Benjamin Franklin Perry, "Letter from B.F. Perry," ed. James A. Hoyt and John Featherstone, *Anderson Intelligencer* (Anderson Court House, S.C.), June 29, 1865.

138. E. B. Davis, "Letter from Xenia," ed. Elisha Weaver, *The Christian Recorder* (Philadelphia), June 3, 1865.

139. George Templeton Strong, *The Diary of George Templeton Strong 1865 to 1875*, ed. Allan Nevins and Milton Halsey Thomas (New York: Macmillan, 1952), 14.

140. Julian A. Selby, ed., "Interview between the President and the South Carolina Delegation—the President's Policy," *The Columbia Daily Phoenix* (S.C.), July 6, 1865.

141. J. Howard Pugh, *The Success and Promise of the American Union, an Oration, Delivered before the Citizens of Burlington, N.J., on the Occasion of Their Celebration of the Eighty-ninth Anniversary of Independence Day, July 4th, 1865* (Philadelphia: King and Baird, Printers, 1865), 8.

142. *The Past, Present, and Future of America.: An Oration Delivered in the First Presbyterian Church, Orange, New Jersey, July 4th, 1865.* (New York: John F. Trow and Company, 1865), 14.

knowledge, for we have been kept in chains and darkness long enough.”¹⁴³ As with similar moments of creative destruction, new realities called into question old ontologies.¹⁴⁴ Americans groped for meaning while in transition between what was and what would be.

Accordingly, historical memory provided a common thread that gave order to the divisive encounter with Civil War. Longing to believe that the great drama held a noble purpose, Americans on July 4, 1865 crafted competing historical interpretations to arrange their experiences, to give meaning to their sufferings, and to bind their specific tribulations within a communal purpose that redeemed their sacrifices. As historian David Blight wrote, the dead compelled the living “to remember, and from the stuff of memory, create a new nation from the wreckage of the old.”¹⁴⁵ The eighty-ninth anniversary of Independence offered an occasion, perhaps the first such occurrence after Appomattox, for Americans to work out the significance of their history in relation to each other. The created narratives acted as the fundamental building-blocks with which to construct a nation.

So in Richmond, Virginia, *The Republic*, urged: “Let the inspiration of this day teach the men of the North and of the South to be Americans.”¹⁴⁶ The Petersburg *Daily Index* said “There is, we confidently believe, finally obtained, at least a Union in the requiem of the war—*requiescat in pace.*”¹⁴⁷ The *Tri Weekly Journal* of Camden, South Carolina advocated: “Give us what the Constitution in its original purity intended . . . the free and inalienable right of life and liberty.”¹⁴⁸ The Reverend James Lynch, in Augusta, Georgia, also spoke in terms of a common memory and tradition: “Our minds fly back to the 4th of July, 1776, and linger there with

143. Charles Dobson, "Letter from Easton, MD," *The Christian Recorder*, July 22, 1865.

144. Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy*, Third ed. (New York: Harper, 1950), 83.

145. David W. Blight, *Race and Reunion: the Civil War in American Memory* (Cambridge, MA: Belknap Press of Harvard University Press, 2001), 6.

146. Walker and Llewellyn, ed., "Tuesday Morning July 4, 1865," *The Republic* (Richmond, VA), July 4, 1865.

147. W. L. Williams, "Twilight and Duty, After the Storm," *The Daily Index* (Petersburg, VA), July 4, 1865.

148. *The Tri Weekly Journal* (Camden, S.C.), June 30, 1865.

emotions of ecstatic joy. . . . Great principles are laid down for the foundation of government.”¹⁴⁹ William Howard Day, similarly, offered a paean to the shared usable past: “We are here united, not to do homage to each other, but to the liberty which, in the providence of God, has been accorded to us after eighty nine years of travel through the wilderness.”¹⁵⁰ In Chicago, Congressman Henry Winter Davis asserted: “The unanimous declaration of the thirteen colonies of America consecrated forever as the groundwork of the nation the principles of personal freedom and government by law.”¹⁵¹ Finally, Union General Nathaniel P. Banks, speaking in New Orleans, Louisiana affirmed that the United States “was a government deriving its authority from the consent of the governed, under which, in the eyes of the law at least, all men were free and equal.”¹⁵² Decidedly, Americans spoke a common language of historical memory on July 4, 1865.

But though they spoke a common language focused on the shared events of a usable past, their words held separate meanings. When Southerners spoke of liberty and constitutional government they used the traditions of the American past to justify black subordination. When African Americans referred back to the Declaration of Independence, they did so as a means to improve their position in society and to press for rights not yet gained. When Northerners such as Congressman Henry Winter Davis argued for the equality of all people before the law, they acted not only to secure the rights of freed slaves, but also out of a desire to protect the political future of the Republican Party. Even though they held shared references concerning their past,

149. Lynch, *The Mission of the United States Republic*, 3.

150. Day, Pierpont, Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 10.

151. Henry Winter Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions* (New York: Harper and Brothers, 1867), 574.

152. Nathaniel Prentiss Banks, *An Address Delivered by Major General N.P. Banks at the Custom House, New-Orleans, on the Fourth of July, 1865* (New York: Harper and Brothers, 1865), 3.

Americans could not agree on a mutual interpretation. Consequently, these Americans, abstractly united, formed separate communities and invented competing traditions around common events.

These traditions, rituals, and stories united individuals within a community of historical memory that outlived the generations. Since neither the ethnic nor the civic model of nationalism adequately explains the United States on July 4, 1865, these visions of a usable past acted as the mechanism whereby people understood their relationship to the nation at large. Moreover, they allowed American national identity to exist on a continuum. As historian Robert Wiebe argued, “In an American environment of shifting choices and changing needs, nobody’s path had a clear, determinative destination.”¹⁵³ It was historical memory—the discordant interpretation of a common usable past—that permitted distinct communities to exist under the umbrella of a nation claiming to represent all humanity.

Within the epistemological framework of nationalism, national holidays divide into two distinct types: celebratory and commemorative. Celebratory rights recall the founding of the nation—the adoption of the constitution, the memory of revolution, the conversion to a new religion, or the ordeal of national renewal. Commemorative rituals evoke the heroic sacrifice of soldiers, martyrs, fallen leaders, and others who died so that the community might live.¹⁵⁴ The Fourth of July in 1865 comprised both types of celebrations in single event. As the eighty ninth anniversary of American Independence, a major part of the day consisted of gathering up the origin stories and traditions, which shaped the meaning of the nation for its inhabitants. In 1865, however, the United States held no official memorial day. As a result, people used the holiday to

153. Robert H. Wiebe, *Who We Are: A History of Popular Nationalism* (Princeton, NJ: Princeton University Press, 2002), 81.

154. For a detailed overview of the types of national celebrations and their place in creating a sense of historical memory and national community see: Anthony D. Smith, ed. Rachel Tsang and Eric Taylor. Woods, *The Cultural Politics of Nationalism and Nation-building: Ritual and Performance in the Forging of Nations* (New York: Routledge, 2014), 21-37.

honor their heroes, and as an occasion that joined the living and the dead within generational bonds that survived the lives of individuals.

Charles Gibbons, chosen as Union League orator of the day in Philadelphia, aptly illustrated the pairing of celebration and commemoration. He began his oration by reminding Philadelphians of their history celebrating both the Declaration of Independence and the adoption of the Constitution in 1789. Gibbons quoted James Madison and said the United States constituted “a government which derives all its powers from the great body of the people.” He concluded his oration by commemorating the soldiers and sailors “whose mutilated bodies attest their fidelity to our flag,” and by remembering the battlefields “where the victims of treason rest by the thousands in the embrace of death.”¹⁵⁵ Nor were such ideas confined to Northern celebrations. *The Mirror* a paper in Leesburg, Virginia printed Fr. Abram Joseph Ryan’s poem, *The Conquered Banner*, on July 5, 1865. A poem that offered a celebration of Confederate nationalism and a commemoration of the dead all in one breath:

Furl that banner, softly, slowly
Treat it gently—it is holy
For it droops above the dead
Touch it not—unfold it never
Let it droop there, furled forever
For its people’s hopes are dead.¹⁵⁶

Black Americans also employed their honored dead on July 4, 1865 as a means to make a statement about their rightful place in the American nation. When the firemen of Placerville, California refused to march in the Fourth of July procession with African Americans, Placerville’s black citizens sent the following three point card in response: “The Negro bravery at Fort Pillow, and many other battles in the late rebellion, is more glory to our race than

155. Charles Gibbons, *Proceedings of the Union League of Philadelphia, in Commemoration of the Eighty-ninth Anniversary of American Independence, July 4th, 1865. Oration of Charles Gibbons, Esq* (Philadelphia: King and Baird, Printers, 1865), 20, 29.

156. Moina, "The Conquered Banner," *The Democratic Mirror* (Leesburg, Virginia), July 5, 1865.

parading the streets of Placerville with whipped traitors in the guise of loyal firemen. We deem it a disgrace for a colored citizen to walk or associate in any public affair with a white Copperhead. We have no disposition to beg for our rights or ask favor of that class.”¹⁵⁷ These commemorations acted as crucial political acts in a nation seeking to re-draw the limits of national life while the narratives attached to the memorial drew the bonds of communities still in the middle of revolution.

Stories determine the shape of a nation and serve as a vital part of determining who will be included and who will be excluded from the rights and duties of citizenship.¹⁵⁸ Americans used at least four narratives in determining the boundaries of politics, citizenship, and the usable past of the United States in 1865: first, the story of slavery and emancipation; second, the narrative of Confederate defeat; third, the account of immigration to foreign shores; last, the always present record of progress and westward expansion. To a degree unknown in other nations, these four stories offered the notes of continuity and discord around which the Second American Republic shaped its self-understanding. Each one of these accounts could read its peculiar history into the events of the American Revolution eighty nine years before. All contained their own specific list of heroes, martyrs, and villains. Often the apostles of one narrative reappeared as the rogues of another. Finally, every story posited a different and competing model of citizenship and of American nationalism. Together, they molded the politics of the United States down to the civil rights revolution of the 1960s—and even yet maintain a hold on the public consciousness of Americans. They found their first major ceremonial expression where each one competed with the other for dominance, however, on July 4, 1865.

157. Bell, Phillip A., ed. "A Card," *The Elevator* (San Francisco), July 7, 865.

158. Rogers M. Smith, *Stories of Peoplehood: The Politics and Morals of Political Membership* (Cambridge: Cambridge University Press, 2003), 1-16.

Moreover, the holiday held a peculiar place in the United States in the nineteenth century. The Thirty-ninth Congress, elected in 1864, would not meet until December 1865.¹⁵⁹ Between the adjournment of the Thirty-Eighth Congress in March of 1865, and the seating of the Thirty-Ninth, the Fourth of July was the only organized day of national significance, where all parts of the country, all people with political aspirations, and everyone seeking to guide the future of the country might be said to be in dialogue with one another. As such, the anniversary of Independence served as a national debate over the meaning of the American nation. Furthermore, the day gained added importance because it was the first such public celebration after the surrender at Appomattox, the assassination of Lincoln, and the inauguration of Andrew Johnson's policy of Presidential Reconstruction. On the Fourth of July in 1865, Americans debated the meaning of the national identity as seldom before in their history, and the conversation held real consequences for the future of the country as a whole.

“A nation,” writes historian Benedict Anderson, “is an imagined political community.”¹⁶⁰ In the words of Ernest Gellner, “nations are not inscribed into the nature of things, they do not constitute a political version of the doctrine of natural kinds.”¹⁶¹ Instead, people invent nations where they never existed before. The course of national identity, the shape of citizenship, and the nature of political rights and duties within a nation are not determined by either ethnic or civic theories of nationalism. Rather, the direction of national life may be found in the fault lines of its historical memory. The perennial problems of any nation's collective consciousness are there to be seen in the interpretations of history created by its inhabitants. A study of these contradictory

159. Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 228.

160. Benedict R. O'G. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991), 6.

161. Gellner, *Nations and Nationalism*, 47.

historical visions on the anniversary of Independence in 1865 revealed the inherent divisions in a society that promised a degree of universal kinship and consistently failed to deliver.

Chapter Two:

Story, Citizenship, and the Framing of the Fourteenth Amendment on July 4, 1865.

The American nation, on July 4, 1865, appeared as an accomplished fact. With the Civil War ended many Americans on the winning side echoed the sentiments of the Reverend Andrew L. Stone, pastor of Park Street Church in Boston: “The crucial test is past. The American Republic must be accepted as a fact and a power for the future of history.”¹⁶² For the first time since the Civil War began in 1861, Massachusetts State Senator James Robinson declared that “we have a country,” but it still remained to be seen if the nation would serve as the “protector of us all.”¹⁶³ In order to determine who would be included and protected under the framework of the national government, the nation first needed to define the meaning of its history.

A deeply rooted sense of recent history, rising up from below, motivated the actions of many speakers throughout the country. On Hilton Head, South Carolina the mechanics and attachés of the quartermaster corps, presented chief carpenter John Lindsay with a gold watch and chain on behalf of all the mechanics, carpenters and workingmen. In accepting, Lindsay, proffered his understanding of the events of the war: “Let us thank God, that the fearful crisis that brought us all to South Carolina is now numbered with the things of the past; that the blasting stain of slavery is wiped out, and the Union is once more triumphant.”¹⁶⁴ Likewise in Kentucky, the freedmen of Camp Nelson gathered to hear Major General Palmer say in pungent language that ““all of those intelligent, wise white men [of the South] were rebels—therefore foolish, and all of those senseless, ignorant niggers were loyal and therefore wise; and I am in

162. O. O. Howard and Andrew Gregg Curtin, *Oration of Major-General O.O. Howard and Speech of His Excellency A.G. Curtin, Governor of Pennsylvania: At the Laying of the Corner Stone of the Monument in the Soldiers' National Cemetery, at Gettysburg, July 4, 1865, with the Other Exercises of the Occasion* (Gettysburg: Aughinbaugh and Wible, Book and Job Printers, 1865), 38; A. L. Stone, *Elements of National Life: An Oration Delivered before the City Authorities and Citizens of Providence, July 4, 1865* (Providence: H.H. Thomas & Co., City Printers, 1865), 9.

163. James T. Robinson, *National Anniversary Address* (North Adams, MA: W.H. Phillips, Printer, 1865), 4.

164. M. J. Mkenna, ed., "An Interesting Surprise," *The Hospital Transcript* (Hilton Head, S.C.), July 8, 1865.

favor of giving the right of suffrage to wise men.”¹⁶⁵ In determining who should have the protections of citizenship and the right of elective franchise, the question of loyalty in the recent past proved of paramount importance.

Additionally, individuals framed these questions of loyalty and history in sacral language. Half a continent away in Fort Rice Dakota Territory, former Confederate soldier and post newspaper editor, Captain E.G. Adams addressed the troops. Later he penned a poem and spoke in sacramental language of his return “to the faith of my fathers, the union/like a lost saint repentant restored to communion.”¹⁶⁶ In Chicago Congressman Henry Winter Davis called to mind the twenty-third psalm saying that the nation had passed through “the valley of the shadow of death.”¹⁶⁷ Collectively, the sacral language of the day shaped the nation, and helped to create an image of tribulation passed, a nation redeemed, and a millennium about to dawn. Moreover, the idea of the war as a revolution that had burned away “the wrongs, the errors, and the sophistries of human governments and institutions,” echoed from lecterns, pulpits, and stages.¹⁶⁸ From many lips and inside many heads emerged an idea of a nation that had survived the dreadful “*dies irae*” the day of wrath—where heaven had “marked the progress of mankind in blood.”¹⁶⁹ All the suffering and all the pain of the past four years found expression in a national outpouring of grief, mingled with patriotic sentiment.

The urge to frame the past in sacral terms illustrated that the bereavements of the past four years needed to signify a purpose and represent a higher ideal. The public expressions of

165. "Celebration of the Fourth of July in Louisville, KY," *The Liberator*, July 21, 1865.

166. E. G. Adams, "July 4, 1865 at Fort Rice D.T.," and "My Southern Home," *Frontier Scout* (Fort Rice), July 6, 1865.

167. Henry Winter Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions* (New York: Harper and Brothers, 1867), 569.

168. Charles Sedgwick May, *The Experiment and the Trial of Republican Institutions: An Oration Delivered at Jackson, Michigan, July 4, 1865* (Jackson: O'Donnell & Ray, 1865), 9.

169. Nathaniel Smith, *An Oration Delivered by Nathaniel Smith, Esq., at Woodbury, Conn., on the Fourth of July, 1865*. (N.C.: Press of J. Giles Waterbury, 1865), 5, 9.

religious sentiment in the service of the nation-state represented something more than mere nineteenth-century familiarity with the bible. In the broad context of nineteenth century nationalism, nationalists identified the nation in religious terms. The moral use of history on July 4, 1865 fit the broader pattern of nineteenth century national creation. Nationalism arose at the tail-end of the eighteenth century as a type of secular civic religion centered on the state.¹⁷⁰ When constructing their ideological frameworks, nationalist thinkers borrowed freely from the sacral language of religion. In Europe the religious language of nationalism often served the creation of communities on an ethnic model. So, Polish Poet Adam Mickiewicz routinely referred to Poland as the Christ of nations.¹⁷¹ The French Nationalist Jules Michelet argued that the French should teach their children “France as faith and as religion.”¹⁷² Johann Fichte, speaking for German nationalists, maintained that the people and their nation stood as “a support and a guarantee of eternity on earth.”¹⁷³ In Europe, the sacral language of nationalism acted as a crucial support to the creation of national consciousness along ethnic lines. But, the United States could not construct its national identity along lines laid down by nationalist thinkers in a European context.

As discussed in chapter one, the broad array of languages, religious customs, and racial identities precluded the construction of American nationalism on the model of ethnic nationalism. Further, in the aftermath of Civil War the sacral language of civic religion in the United States could no longer be used to justify secession, and the creation of distinct sovereign communities. Instead, speakers on July 4, 1865 substituted a deeply entrenched fable of evolution and example

170. Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background*, 8th ed. (New York: Macmillan, 1960), 191; Harry S. Stout, *Upon the Altar of the Nation: A Moral History of the American Civil War* (New York: Viking, 2006), 7; Robert N. Bellah, "Civil Religion in America," *Daedalus* 134, no. 4 (2005): 40-55.

171. Karen C. Underhill, "Aux Grands Hommes De La Parole: On the Verbal Messiah in Adam Mickiewicz's Paris Lectures," *The Slavic and East European Journal* 45, no. 4 (Winter 2001): 716.

172. Jules Michelet, *The People*, trans. G. S. Smith (New York: D. Appleton and Company, 1847), 170.

173. Johann Gottlieb Fichte, *Addresses to the German Nation*, trans. R. F. Jones and G. H. Turnbull (Chicago: Open Court Publishing Company, 1922), 138.

as one of the foundations of their civic religion. The quartermasters and carpenters of Hilton Head raised a toast to “the mud-sills of Hilton Head,” proclaiming both their identity as workingmen and their opposition to any form of servitude.¹⁷⁴ On the grounds of the Capitol in Washington, D.C., William Howard Day argued that “religious and civil liberty” laid the national foundations.¹⁷⁵ The Reverend Frederick T. Brown, pastor of Chicago’s Central Presbyterian Church, proclaimed “we are a free people” for the first time, “as on no previous Fourth of July.”¹⁷⁶ Similarly, Major General Oliver Otis Howard, speaking at Gettysburg, named American liberty the apple of the country’s eye.¹⁷⁷ Together, these declarations of liberty served as a symbolic means of making sense of the country’s recent past.

What is more, these invocations could be found in the most unlikely of places. An imprisoned Alexander Stephens asked his diary “where is the boasted liberty that makes the people of the United States the freest on earth?”¹⁷⁸ Even the defeated Vice President of the Confederacy invoked a spiritual belief in American freedom as he questioned his own imprisonment and the meaning of southern defeat. At first glance, the idea of liberty seemed to unite all Americans within a national community founded on a common creed and speaking a communal language. Americans on July 4, 1865, appeared to hold an almost sacerdotal belief in their own freedom.

But, the demand for freedom on this national holiday could not be divorced from collective memory, and the doctrine of exceptionalism held its own exceptions to the idea of liberty. Newspapers in Chicago advocated the extermination of Indians on the western plains

174. “The Following Toasts,” *The Hospital Transcript* (Hilton Head, S.C.), July 8, 1865.

175. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 13.

176. Frederick T. Brown, *An Address Delivered in the Central Presbyterian Church, Chicago July 4th, 1865* (Chicago: Jameson and Morse, Printers, 1865), 18.

177. Howard and Curtin, *Oration of Major-General O.O. Howard and Speech of His Excellency A.G. Curtin, Governor of Pennsylvania*, 50.

178. Stephens, *Recollections of Alexander H. Stephens*, 304

while Horace Greely openly opposed women's suffrage.¹⁷⁹ Each claim for liberty stood counterbalanced by another competing claim on the national consciousness. The suits and countersuits over the much-praised and oft abused ideal of freedom, however, fell out along lines determined by historical memory of the claimant. The *Daily Record* of Raleigh, North Carolina voiced the views of many white Southerners when it compared Union soldiers to revolutionary mercenaries and argued that "Hessians that invade our soil to steal and plunder do not deserve any quarter."¹⁸⁰ On the opposite side, Massachusetts Congressman George Boutwell contended that "a confessed majority of the white people of the South have shown themselves the enemies of this country," and argued for their disenfranchisement.¹⁸¹

The disagreements over the nature and the scope of liberty framed the question of African American voting rights. William Howard Day, James Lynch, Henry Winter Davis, *the Liberator*, *the National Anti-Slavery Standard*, Frederick Douglass, and others all proclaimed themselves in favor of black suffrage.¹⁸² In Douglass's words, "the immediate, complete, and universal enfranchisement of the colored people of the whole country . . . is demanded both by justice and national honor."¹⁸³ Yet, even as Douglass wrote, newspapers in every section of the country such as the *Daily Lynchburg Virginian*, the *Daily Ohio Statesman* of Columbus, the *Daily Denver Gazette* in Colorado, and the *Boston Evening Courier* stood opposed to any extension of the

179. Charles L. Wilson, ed., "Indian Outrages in Utah," *The Chicago Evening Journal*, July 5, 1865; Horace Greely, "The Right of Suffrage," ed. James Reed, *Ashtabula Weekly Telegraph* (Ohio), July 1, 1865.

180. J. D. Hufham, ed., "Charcoal Sketches," *Daily Record* (Raleigh, N.C.), July 1, 1865.

181. George S. Boutwell, *Reconstruction: Its True Basis* (Boston, MA: Wright & Potter, 1865), 30.

182. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 6, 11; James Lynch, *The Mission of the United States Republic*, 10; Henry Winter Davis, *Speeches and Addresses*, 573; "Equal Rights" *The Liberator*, June 30, 1865; American Anti-Slavery Society, ed., "The Great Question Negro Suffrage," *The National Anti-Slavery Standard* (New York), July 1, 1865.

183. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 6.

franchise.¹⁸⁴ Americans could not divorce the idea of liberty from the historical arguments that gave it birth. These moral-historical arguments concerning the nature and the shape of the nation, directly reflected the disagreements over the civil and political rights of its inhabitants.

History on this most public of days served a didactic purpose—political philosophies teaching by example. In the aftermath of Appomattox, the nation and its inhabitants turned visibly towards an examination of their past in order to plot their future and determine their place in the second American republic. By creating these historical narratives, Americans took the ideal of liberty out of the ether, grounding it within specific communities that defined the possibilities of citizenship. The origin stories relayed on July 4, 1865 served as crucial guideposts on the road to reconstructing a new republic out of the ruins of the old.

The broadly felt and deeply argued narrative constructions of history around the experiences of slavery and emancipation, a southern lost cause, immigration, and westward expansion existed in tension with each other. Together, these narratives served as a dialectic that defined the contours of American nationalism. In keeping with the narrative construction of nationalism both William Howard Day and the Reverend James Lynch created a national origin story centered on the experience of slavery. In this narrative the past stood present on the national anniversary. Day melted away two hundred and forty years of history in a phrase, juxtaposing “the advent of a band of freemen landing upon Plymouth Rock” with the “coming of a company of slaves landed at Jamestown Virginia.”¹⁸⁵ While Lynch argued that the emancipation “of the slave from bondage” delivered the nation “from the consuming fires of

184. Charles Button, “An Appeal to the Statesmen of the South,” *The Daily Lynchburg Virginian*, June 27, 1865; Amos Layman and E. B. Eshelman, eds., “That 8th Resolution and Why It Got There,” *The Daily Ohio Statesman* (Columbus), July 1, 1865; F. J. Stanton, ed., “Negro Suffrage,” *Daily Denver Gazette*, July 15, 1865; George Lunt, ed., “The Faneuil Hall Meeting,” *Boston Evening Courier*, June 22, 1865.

185. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 12.

rebellion.”¹⁸⁶ Simultaneously, these two and others placed the experiences of black Americans at the center of the national experience and used the narrative to argue for expanding civil and political rights in the emergent nation.

But the emancipationist vision of American history also existed alongside the story of southern defeat. In this vein, newspaper editor J.J. Stewart of Salisbury, North Carolina urged Confederate veterans to “show the scar you received at Gettysburg, and the wound that stretched you bleeding at Manassas.”¹⁸⁷ In direct conflict with the chronicle of emancipation, the narrative of a distinctly southern version of American nationalism, founded in defeat, sought to curtail what the story of emancipation desired to raise. In the words of the *Tri-Weekly Telegraph* from Camden, S.C., “things must return to their old currents.”¹⁸⁸ White Southerners on July 4, 1865 found their origin story of American nationalism in Confederate defeat and out of this narrative sought to dictate the meaning of peace and emancipation on their terms.

Correspondingly, the story of westward expansion and of a nation ever in progress also found expression on July 4, 1865. Like the story of slavery and emancipation, Americans could trace their origins to the narrative of an always-hungry settler society. The Reverend, Andrew Stone told the citizens of Providence, Rhode Island of a growing nation at war where “bow and arrow, scalping knife and tomahawk receded toward the setting sun.”¹⁸⁹ In this construction of the nation, progress and advancement followed the star of westward movement, and the “waving prairies of the great west” were “the vanguard of the world’s progress and the world’s civilization.”¹⁹⁰ Of all the stories shaping American nationalism, the narrative of westward expansion and the triumphal conquest of the continent proved the most adaptable, as the morals

186. James Lynch, *The Mission of the United States Republic*, 10.

187. J. J. Stewart, "An Honest Man," *The Daily Union Banner* (Salisbury, N.C.), July 5, 1865.

188. *The Tri Weekly Journal* (Camden, S.C.), June 30, 1865.

189. Stone, *Elements of National Life*, 12.

190. May, *The Experiment and the Trial of Republican Institutions*, 14.

of growth and progress would be utilized by almost all Americans in the fight for civil and political equality.

Likewise, the story of immigration, as exemplified by the Irish the nation's largest immigrant group, illustrated the trans-national character of the American nation.¹⁹¹ In this telling of American history the nation stood as a paragon of adoption. But, in framing their story of immigration, the Irish, as was the case with first-generation immigrants more broadly, did not forget their ancestral past. Monsignor Joseph Harrington told San Francisco's Irish that "to educate the children of Ireland was made a felony," and gloried in the power of America "whose adopted citizens we are."¹⁹² So central was the story of immigration to the national understanding that it created a vision of a multi-national republic capable of answering the all ills of the world.

In sum, every origin story of the American republic present on the national anniversary in 1865 held its own vision of what the nation ought to be. In each of these narratives history fulfilled a moral function. Further, these narratives of slavery and emancipation, southern defeat, westward expansion, and immigration held separate and often competing ideals of citizenship and natural rights within the reunited nation.

Even more importantly, each origin story served as a foundation for the creation of a variant form of civic religion within the bounds of a single country. As discussed earlier, the American nation could not create a sense of national identity on lines laid down by ethnic nationalists. In lieu of a single dominant vision of historical memory, these separate origin stories served as a means of connecting distinct communities to a continental nation in which multiple forms of identity competed for dominance. Thus, James Lynch spoke of the "gospel" of the

191. Roger Daniels, *Coming to America: A History of Immigration and Ethnicity in American Life* (New York, NY: HarperCollins, 1990), 136.

192. Washington, B. F., ed. "Presentation to the Irish Regiment." *The Daily Examiner* (San Francisco), July 6, 1865.

American republic in creating his story of emancipatory democracy.¹⁹³ Likewise, William Howard Day, named the American nation “the golden tie binding us to the heart of God that we listen to and aid as we are able.”¹⁹⁴ In these tellings religious language fused to the narrative of emancipation and creating a sacral logic of civil rights in the aftermath of Appomattox. In this vein, Professor Henry W. Adams, maintained that the “history of events is the judgment of God,” and by divine decree in Adams’ understanding “He ordained this continent to be the theatre of free institutions and a refined civilization.”¹⁹⁵ In this construction of American history rooted in a vision of emancipation, advocates of African American civil rights believed along with Lieutenant Colonel Nathaniel Smith that “the declaration of independence was God’s work, through our Fathers as His instruments.”¹⁹⁶ The language of the American nation envisioned as a civil religion, framed the story of equality before the law on the national anniversary, and provided a moral framework within which to view the rights of citizens.

But the Lost Cause also held its own sacred language of an American nation on July 4, 1865. Unrepentant Confederates in Mexico wrote of the “heaven-born right of self-government,” and said of the national anniversary that “on these occasions the ground is sprinkled afresh with the blood of revolutionary martyrs.”¹⁹⁷ The story of Confederate defeat possessed its own liturgical underpinnings and religious overtones. In 1852, speaking before the women’s anti-slavery society of Rochester, New York, Frederick Douglass had quoted psalm 137: “by the

193. Lynch, *The Mission of the United States Republic*, 10

194. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 12.

195. Henry W. Adams, *The Past, Present, and Future of America.: An Oration Delivered in the First Presbyterian Church, Orange, New Jersey, July 4th, 1865*. (New York: John F. Trow and Company, 1865), 5.

196. Nathaniel Smith, *An Oration Delivered by Nathaniel Smith, Esq., at Woodbury, Conn., on the Fourth of July, 1865* (Woodbury, Conn.: Press of J. Giles Waterbury, 1865), 8.

197. H. A. Maltby, W. H. Maltby, and Somers Kinney, eds., "Fourth of July," *The Daily Rancho* (Matamoros, Mexico), July 4, 1865.

rivers of Babylon, we sat down and cried and lo, we wept when we remembered Zion.”¹⁹⁸ Now, in the aftermath of Civil War, white Southerners in Petersburg, Virginia felt, in their turn, that the nation asked them on the Fourth of July to “sing the Lord’s song in a strange land?”¹⁹⁹ The language of a sacred, civic religion could also sing a dirge in honor of a Confederacy rooted to the idea of keeping men and women in bondage.

The story of westward expansion held its own divine mandate as well. On the national anniversary in 1865 Americans used sacral language to justify national conquest. Deeply rooted in Old Testament themes, the pious story of pillage spoke with biblical authority. Professor Henry Adams argued that “the munificence of heaven gave this Country to our fathers, as it gave Canaan to Abraham.” In the narrative of westward expansion, “God’s voice to a pioneer seed” commanded Americans in the words of Genesis to lift up their eyes and look “northward and southward, and eastward, and westward,” for all the land which they saw would be given to them and their descendants forever.²⁰⁰ Americans who envisioned a continental nation could also quote scripture for their own ends on the Fourth of July and in the process justify the displacement of indigenous peoples.

The same themes also influenced the story of immigration. In the trans-national story of Irish immigration, the religious language of Catholicism stood as the bulwark of the Irish in America. In the words of Monsignor Harrington, “religion alone teaches and sustains the spirit of self-sacrifice for the public weal without which patriotism is but an empty name.”²⁰¹ In this construction religion served to remind immigrants of their extra-national allegiances, and to bind

198. Frederick Douglass, "What to the Slave Is the Fourth of July (1852)," ed. Robert O. Self, in *Documents for America's History, Volume 1: To 1877*, ed. James A. Henrietta and Rebecca Edwards (Boston: Bedford; St. Martin's Press, 2011).

199. Williams, W. L. "The National Anniversary." *The Daily Index* (Petersburg, Va), July 4, 1865.

200. Adams, *The Past, Present, and Future of America*, 9.

201. "Presentation to the Irish Regiment." *The Daily Examiner*, July 6, 1865

Americans in San Francisco with Irishmen abroad in a community where religion served to unify a people across time and space.

On the whole, the language of religious belief, gave form and function to the origin stories present on July 4, 1865, and shaped expectations for the American nation as it emerged from the Civil War. Each of these narratives held their own lucid versions of competing sacral languages operating within the confines of a single nation. Each variant of American civic religion served to justify the claims for political rights made by competing sections and groups against other people speaking in similar language. The historical and moral language of American nationalism laid the fault lines of the national understanding—creating a framework within which the battles for civil and political rights would take place during reconstruction.

The narrative lines of America's civic conscience on the national anniversary in 1865, however, contained a glaring omission. Like the old patriarchal religions, whose language these origin narratives borrowed, the stories of American nationalism remained overwhelmingly male on the eighty-ninth anniversary of Independence.²⁰² Of all the advocates for women's suffrage, so vocal before the war on behalf of their rights and the rights of African Americans, Susan B. Anthony was one of the few to address a public audience.²⁰³ She framed the struggle for women's rights within the context of a beautiful, historically conscious speech that voiced the language of feminism alongside the long battle against slavery and for emancipation—in the tradition of feminists dating back to the Seneca Falls convention of 1848. Yet, she spoke almost alone, one single voice on what many male speakers declared the most important Fourth of July since that of 1776.

202. Wright, Joanne H. *Origin Stories in Political Thought: Discourses on Gender, Power, and Citizenship*. Toronto: University of Toronto Press, 2004, 13.

203. Beverley Manning, *Index to American Women Speakers, 1828-1978* (Metuchen, NJ: Scarecrow Press, 1980), 42; Abby Kelly Foster spoke at Framingham, Massachusetts on July 4, 1865, but finding a transcript of what she said has proved incredibly difficult "From Boston," *New Orleans Tribune*, July 23, 1865.

These male voices praised the “loyal women of America,” the “ladies of Louisiana,” the services of African American women, and others.²⁰⁴ But in every case these fair phrases masked guilty ends and reinforced not the language of citizenship, but of subordination and domesticity. So Charles W. Slack spoke of aged housewives knitting socks in support of the Union Army.²⁰⁵ The former Confederate Governor of Louisiana, Henry Watkins Allen, in an address widely circulated in the newspapers, praised nurses, hospital workers, and those who “smoothed the dying pillow of the warrior patriot.” In so doing he thus linked the Confederate Lost Cause to nineteenth century ideas of domesticity.²⁰⁶ Professor Henry W. Adams, intermingling ideas of an angelic second-class femininity, westward expansion, and union victory, told of a “vast army of American Women” that overspread the continent “like angels wings,” and preserved the nation “unto the final consummation of victory.”²⁰⁷ Likewise, the Reverend Calvin Fairbank, who spent nineteen years in a Kentucky jail for aiding escaped slaves, relegated the position of African American women to the family sphere and spoke of their giving the “best blood of their families,” in the pursuit of justice.²⁰⁸ Almost without exception, when men spoke of women and their contributions to the narratives that defined the American nation on July 4, 1865, male ideas of female domesticity relegated women to the role of help-meet in the course of defining the nation and its stories.

The subordination of women in the origin stories that defined the nation on the eighty-ninth anniversary of American Independence grew out of the milieu of romantic nationalist thought. The language of nationalism, of citizenship and of history remained overwhelmingly

204. Manning, *Peace Under Liberty*, 91; Henry W. Allen, "Farewell Address of Governor H.W. Allen," ed. James A. Estill, *Holmes County Farmer* (Millersburg, Ohio), June 29, 1865.

205. Manning, *Peace Under Liberty*, 90.

206. Allen, "Farewell Address of Governor H.W. Allen," *Holmes County Farmer*, June 29, 1865.

207. Adams, *The Past, Present, and Future of America*, 44.

208. Calvin Fairbank, "The Perils and Duties of the Hour," *The Christian Recorder* (Philadelphia), July 8, 1865.

male during the nineteenth century. Writers, speakers, and newspaper editors often conflated manhood with citizenship, and the confusion grew along lines laid down by nationalist thinkers—who from the French Revolution forward had equated citizenship and male military service.²⁰⁹ In Europe, the equation of citizen with soldier solidified the construction of a national community along ethnic lines. Thus, the French nationalist Jules Michelet spoke of the “sacred bayonets of France,” and the German nationalist Johann Fichte argued that educated men would all be “equally willing to bear arms for their fatherland.”²¹⁰ Likewise, Greek romantic nationalists proclaimed in their constitution that “all Greeks are soldiers,” further strengthening the bond between military service, manhood, and citizenship.²¹¹ Together, these European nationalists created a vision of manhood and military service that stressed education in the profession of arms as a vehicle for national identity drawn along the lines of a sacred ethnic past. Americans in the aftermath of Civil War also created narratives of military service, manhood, and citizenship. However, the traditions of manhood and military service fell along lines decreed by the origin stories present on July 4, 1865. As with the uses of a sacral past, the American nation could not utilize an idea of manhood and military service to create a common national identity along the lines of an ancient ethnic past. Nor, could Americans employ a single narrative of military service or manly valor to underwrite a civic ideal of nationalism for everyone. In the immediate aftermath of Appomattox, each of the broad origin stories at the heart of American nationalism manifested its own story of manhood, valor, citizenship, and war.

209. Roger Chickering and Stig Förster, eds., "The Military and Masculinity: Gendering the History of the Revolutionary and Napoleonic Wars, 1792-1815," in *War in an Age of Revolution, 1775-1815* (Washington, D.C.: German Historical Institute, 2010), 346.

210. Michelet, *The People*, 84.; Fichte, *Addresses to the German Nation*, 196.

211. Hans Kohn, *The Idea of Nationalism: A Study in Its Origins and Background*, 8th ed. (New York: Macmillan, 1960), 538.

The narrative of slavery and emancipation, drawing on deep-seated themes, long present in American history, but given full voice during the crisis of the Civil War, created a story where African American military service justified the extension of civil and political rights to black men.²¹² The Reverend Calvin Fairbanks wrote in the *Christian Recorder*, that the black soldier “having rescued and saved the country,” could not be denied “the rights of a citizen”²¹³ The rhetoric of the African American citizen soldier, also tied, quite convincingly, into the sacral and civic religious themes that undergirded this vision of American nationalism. So, William Howard Day, spoke of the “colored soldiers of this war” led on “by the providence of God,” to whom an “indebted” nation owed its “present position,” of union victory.²¹⁴ The narrative of the emancipated-slave-as-citizen-soldier, grew directly from the experiences of African Americans soldiers in the Union army. Corporal George Thomas, born a slave in Kentucky and enlisted in federal service in 1864, argued in the pages of the *Weekly Anglo African* that “we feel like men, are determined to be men, and do our duty to our government.”²¹⁵ As a collective, black soldiers emerged from the Civil War united in their quest to strive for their rights as men and citizens in the new republic, and these commitments found expression on July 4, 1865.

The white South also held its own story of manhood, nationalism, and military service on the eighty-ninth anniversary of Independence. The powerful story of Confederate defeat, with its concentrated opposition to the civil and political rights of freed-people, created a narrative of southern valor and tragic downfall. In the words of Bishop James O. Andrew of the Methodist Episcopal Church South, the South had maintained “a long and bloody struggle” in which

212. David W. Blight, *Frederick Douglass' Civil War: Keeping Faith in Jubilee* (Baton Rouge: Louisiana State University Press, 1989), 12.

213. Fairbank, "The Perils and Duties of the Hour," *The Christian Recorder*, July 8, 1865.

214. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 14.

215. Edwin S. Redkey, *A Grand Army of Black Men: Letters from African-American Soldiers in the Union Army, 1861-1865* (Cambridge: Cambridge University Press, 1992), 188-190.

“overwhelming numbers,” forced submission, and where white Southerners had “lost no honor” in defeat.²¹⁶ In this telling of American history, Confederate veterans returned home from battlefields where they “gallantly fought” only to be met with the “inverted faces and saddened glances” of the people.²¹⁷ And yet, despite the narrative of loss white Southerners still maintained that these soldiers stood as “representatives of a great community” that sought to “defend the South by force of arms.”²¹⁸ In these stories of Confederate collapse a remembrance of the sacred dead served to bolster a section that had lost almost everything except its belief in white supremacy.

The story of westward expansion, with its divine Abrahamic mandate, created its own narrative of military service, manhood, and colonization, as well. Deeply tied to visions of an ever-enlarging, settler-society, the chronicle of military service sustained the visions of American progress and of soldiers as the spear-point of American civilization. As the *Frontier Scout* urged its readers, “Let the bayonet and the sword propel civilization into the territories.”²¹⁹ The idea of manhood and military service tied to an imperial nation, where men trusted in God but kept their powder dry, continued a tradition of holy-war against the nation’s indigenous inhabitants. In the language of a settler state Americans “smote the forests, the wild beasts, and the Indians” with the “butt-end,” and with the bayonet “pricked the grace of God into their children,” teaching them to go and do likewise.²²⁰ These ideals created a vision of a nation always at war, always expanding, and ever engaged in the quest of using force to bring civilization out of the wilderness.

216. James O. Andrew, "Address of Bishop Andrew to the M.E. Church South," *Columbia Daily Phoenix* (S.C.), July 11, 1865.

217. J. J. Stewart, "Thy Will, Oh Lord Be Done" *The Daily Union Banner* (Salisbury, N.C.), July 3, 1865.

218. A. Alexander Little, ed., "From the London Times June 6," *The New Era* (Fredricksburg, Va.), June 30, 1865.

219. E. G. Adams, "Editorial," *Frontier Scout* (Fort Rice, D.T.), June 29, 1865.

220. Adams, *The Past, Present, and Future of America*, 8.

In a similar fashion, Irish immigrants also commemorated their manhood, valor, and patriotism on the Fourth of July. But, unlike the rest, these Irish created a story of military service that bolstered their trans-nationalist hopes for a liberated Ireland. These “warriors” believing in their own story of manly valor, allied their “struggles for liberty upon their native soil” with their military service in the United States.²²¹ B.F. Washington, the editor of San Francisco’s *Daily Examiner*, made the case that American Civil War veterans would liberate Ireland for “every parish has its drill master,” and “two hundred thousand Irishmen in America are skilled in arms.”²²² These Irish immigrants, with their attendant mutual aid societies created a narrative of trans-national manhood and military service that defied the customary borders of a single nation-state. So closely did the cause of Irish independence follow on the heels of the American nation that the Fenian Society of Carson City, Nevada held a meeting two days before the national anniversary to promote the cause of Irish independence.²²³ Together, these supporters of Irish freedom sincerely hoped that their struggles in the United States would provide the first step in promoting freedom at home, and illustrated the international character of the American nation.

In sum, the European nationalist ideal where military service guaranteed a modicum of citizenship rights proved an apple of discord in the United States on the national anniversary following Appomattox. One could not become an American, in 1865, by right of spilled blood any more than one could claim a common American identity based on language, religion, or ancient ancestry.²²⁴ Not only did these competing narratives of manhood and military service divide the country’s inhabitants equally as much as the Civil War provided a common reference-

221. *The Daily Examiner*, July 3, 1865.

222. “Ireland,” *The Daily Examiner*, June, 29, 1865.

223. “Fenian Brotherhood,” *Carson Daily Appeal*, July 1, 1865.

224. Miriam Feldblum, *Reconstructing Citizenship: The Politics of Nationality Reform and Immigration in Contemporary France* (Albany: State University of New York Press, 1999), 190.

point, but war-time service offered no surety of citizenship. Oliver Otis Howard, at the laying of the corner-stone of the Gettysburg Monument in the national cemetery argued concerning the American soldier that the true citizen “answered the call” and “sprang forth a soldier.”²²⁵ But the question of who was a true citizen and who a true soldier remained subject to the origin stories of the American nation. Governor Reuben Fenton during the presentation of the regimental colors of New York’s volunteer regiments might name the soldier the “grandest embodiment of intelligence, patriotism and bravery the world has yet developed.”²²⁶ Yet, the construction of intelligence, bravery, and patriotism as a path to citizenship depended upon cause and the narrative in which Americans employed these values.

If any vision of American citizenship was to become a reality for African Americans on July 4, 1865 it would have to be reconstructed at the intersection of sacral language, manhood, military service, and historic narration. If the vaunted ideal of liberty, so revered in parlance and so reviled in practice, was to hold any real meaning it could only be created through the building of usable origin stories to define the political possibilities of the new nation. The vision of civil and political equality for black Americans would need to be made to fit within the context of the stories that defined American nationalism. Somehow, Americans would need to frame the idea of freedom and civil rights through the narrative lenses surrounding slavery and emancipation, Confederate defeat, immigration, and westward expansion. These stories provided the self-enclosed logic of what the American nation ought to be, gave concrete meaning to the abstract conceptions of liberty, and a new vision of African American citizenship would need to emerge within the context of these narrative constructions.

225. Howard and Curtin, *Oration of Major-General O.O. Howard and Speech of His Excellency A.G. Curtin, Governor of Pennsylvania*, 40.

226. *Presentation of Flags of New York Volunteer Regiments and Other Organizations, to His Excellency, Governor Fenton, in Accordance with a Resolution of the Legislature, July 4, 1865* (Albany: Weed, Parsons and, Printers, 1865), 24.

During the long decades prior to the Civil War, a moral language emerged in opposition to slavery.²²⁷ Now, on the eighty-ninth anniversary of Independence many Americans on the winning side applied that moral language to understand the nation at large. The narrative of slavery and emancipation stood as one of the foundation stories of the new republic. In plotting the outlines of the nation, Unionists cast the story in religious terms and thus erected a chronicle of a land redeemed and a nation restored. James Lynch argued that “the colored man’s original right to freedom” was found in “the first chapter of the book of Genesis.”²²⁸ In a similar fashion, William Howard Day, maintained that an old-testament religion mandated anti-slavery principles proclaimed at Sinai, and quoted the *Shema*: “I am the lord thy God, which brought thee out of the land of Egypt out of the house of bondage.”²²⁹ Further, the moral and religious language surrounding slavery extended across racial lines. Nathaniel Smith spoke of southern slaveholders as “Egypt’s magicians muttering their spells in vain.”²³⁰ The Mayor of Boston, Frederick W. Lincoln, quoted the Apostle Paul and named slavery a “thorn in the flesh,” while to Congressman George Boutwell it constituted a “sin,” and to Congressman William Cutler of Ohio it was a “leaven” that “nearly corrupted the whole mass” of the nation.²³¹

The reading of freedom into holy writ, the quoting of the *Shema*, the identification of slavery with Egypt and the sacral language describing it helped to reinforce the deeply held civic-religious language of Americans as God’s chosen people. In this story God chose Americans, like the ancient Israelites, for a special work and a special purpose. Further, echoing the words of John Brown and Lincoln’s Second Inaugural, where sanguinary bloodshed serves

227. Patrick Rael, *Black Identity and Black Protest in the Antebellum North* (Chapel Hill: University of North Carolina Press, 2002), 2-11.

228. Lynch, *The Mission of the United States Republic*, 10.

229. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 13.

230. Smith, *An Oration Delivered by Nathaniel Smith, Esq., at Woodbury, Conn., on the Fourth of July, 1865*, 6.

231. Manning, *Peace Under Liberty*, 72; Boutwell, *Reconstruction: Its True Basis*, 9; William Parker Cutler, *The Duty of Citizens in the Work of Reconstruction* (Marietta, Ohio: Printed at the Register Office, 1865), 7;

divine providence, the sacred chronicle of a slavery narrative contained the thesis that the Civil War stood as God's judgment on the nation for the crime of slavery. Thus, William Cutler spoke of living nations "born from ideas," identified the American nation with the Jews of ancient Palestine, and argued that "when they went after idols, God scourged them back to their cardinal faith."²³² In this ideological construction, which drew inspiration from old-testament themes, the Civil War stood as a divine punishment for a nation that chose to worship at the altar of human bondage.

Likewise, William Howard Day quoted the Noahide covenants in Genesis that "Whoso sheddeth man's blood by man shall his blood be shed," and the injunction against theft in Exodus popularized by the Rev. Charles Elliot: "He that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death."²³³ In Day's understanding the death of the first American republic flowed directly from the violation of these divine decrees. Nor were Day and Congressman William Cutler alone in their arguments. Professor Henry Adams argued that the divine punishment for national acquiescence, to southern slavery had been "a land of wailing widows and orphans crying for their fathers and brothers far away in unknown sepulchers, with faces upturned to the wild daisy and to God."²³⁴ The Reverend Frederick T. Brown, speaking in Chicago, also echoed the themes of death and judgment, where "fathers and mothers" sacrificed "idolized" sons, "wives" sent "their beloved husbands to see them return no more" and siblings watched "brothers sleep the sleep of the slain" all to "purify this heritage of God" from the stain of slavery.²³⁵

232. Cutler, *The Duty of Citizens in the Work of Reconstruction*, 3.

233. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 13.

234. Adams, *The Past, Present, and Future of America*, 11.

235. Brown, *An Address Delivered in the Central Presbyterian Church, Chicago July 4th, 1865*, 5.

In their theodicy of the Civil War the old American republic had remained “sick unto death,” and unaware of its illness: “leprous from the crown of the head to the sole of the foot,” until the Civil War purged the sickness of slavery from the body politic.²³⁶ Collectively, the emancipationist vision of American nationalism condemned the slave-holding oligarchy, those “grisly ghosts of southern retrogression,” which for more than seventy years had “controlled the government and the Supreme Court, muzzled the press, hung paddocks on the lips of free speech, banished the school house, profaned the sanctity of marriage, and subsidized dueling, lynch law, and treason” all in order to “terrify mankind into subjection to their barbarous institution.”²³⁷ As James Lynch argued, the first American nation had been “disobedient to the spirit of its mission,” and “the spirit of oppression, the greed for power, selfishness, and disloyalty” eventually overwhelmed the bulwarks of patriotism.²³⁸ Yet, despite this sickness that lay at the heart of the first American Republic, the sacral language surrounding slavery also created a narrative of sin, redemption, and sacrifice, which Americans could use, if they so desired, to press for civil rights in the aftermath of Appomattox.

More importantly, the religious language centered on slavery, with its attendant fundamentalism created a national story that served the same function as a European ethnic nationalism centered on a common ancestral past. In the effort to create a nation in the aftermath of Appomattox, these stories of slavery, drawn from pious tradition, allowed certain white unionists, abolitionists, former slaves, and free blacks to create a common national understanding of the American past. In many of these narratives of sin, judgment, and redemption, slavery stood present at the discovery of America. Henry W. Adams spoke of “Columbus” who “stained

236. *Ibid.*, 7.

237. Adams, *The Past, Present, and Future of America*, 7-8.

238. Lynch, *The Mission of the United States Republic*, 8.

his immortal name by the capture and enslavement of large numbers of American aborigines.”²³⁹ Both Adams and Day narrated the founding of Jamestown in 1607, and relayed how shortly afterward, the slave trade began in earnest. In this narrative of American history “the shout of the freemen” contrasted with the “wail of the bondsmen” in a macabre duet.²⁴⁰ Additionally, the religious language surrounding slavery underwent a reinterpretation in the aftermath of the Civil War. Prior to the war, proslavery advocates emphasized the Hamitic myth as a biblical justification for slavery. Now with emancipation a reality in Georgia, James Lynch reinterpreted the parable as a source of pride: “They tell us we are the descendants of Ham, the naughty son of Noah. Then our race first gave science, art and learning to the world.” In Lynch’s retelling of the Hamitic myth, “the sons of Ham founded Egypt” and “Egyptian civilization has been transmitted to every succeeding nation on the face of the globe.” For his reinterpretation of what was once a slave-holder’s story Lynch quoted Psalm 105 where “Israel also came into the land of Egypt and Jacob sojourned in the land of Ham.”²⁴¹ As James Lynch illustrated, more than creating a narrative of sin and redemption, by placing slavery at the founding of the nation, as an inherent part of the national experience, Unionists formed an epistemological framework that placed African Americans at the center of the national story—a narrative which erected a logic of black civil rights in the aftermath of civil war and emancipation.

Even so, to be an effective appeal for citizenship and civil rights, the story of slavery and emancipation, aside from appealing to a nineteenth-century theological framework, also had to work within the confines of the other origin narratives that defined the American republic. First, by narrating the story of enslavement alongside the arrival of both Englishmen at Jamestown,

239. Adams, *The Past, Present, and Future of America*, 6.

240. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 12.

241. Lynch, *The Mission of the United States Republic*, 13.

and Pilgrims at Plymouth Rock African Americans and their white allies, framed the experiences of black Americans as an original part of the nation. Second, the story was also a narrative of migration to a new land. However unwilling, or forced, and whatever the vagaries of the middle passage, only by casting the story of slavery as a story of migration to a new land whose “virgin soil,” in the words of James Lynch, was “left untouched for thousands of years by the ploughshare” could former slaves, free blacks, and white advocates of equality before the law, advance the cause of civil rights. Third, casting slavery as an immigration story allowed the creation of a narrative of blackness that transcended the borders of the nation. Similar to the Irish, whose narrative of migration created a trans-national community, African Americans also held and voiced ideas of membership that went beyond the borders of the American commonwealth. In this way, James Lynch drew deep on the narrative of European history and spoke of three Alexanders—the Russian poet Pushkin, the French novelist Dumas, and the first Count de Medici—as members of the black community and examples of achievement to the freedmen and women of Augusta, Georgia. In Lynch’s story of pan-African identity, these three Europeans represented the “brighter destiny,” and “new life” possible for African Americans now that emancipation was a reality.²⁴²

Alongside the story of immigration, with its themes of pan-Africanism, the narrative of slavery and emancipation also needed to fit within the context of the story of westward expansion. If the question of civil and political rights for African Americans was to succeed, orators on July 4, 1865, needed to link the story of black enslavement and freedom to the chronicle of empire. The Reverend Brown, a Presbyterian pastor in Chicago, in his oration expressly linked the growth of pro-slavery ideology to the nation’s westward expansion. He began by saying that when the Constitution was adopted “there was but one opinion on the

242. *Ibid.*, 12.

subject of slavery” that it “was iniquitous and unprofitable.” He then went on to argue how after every major acquisition of territory the price of slaves had doubled—rising from \$300, to \$600 after the Louisiana Purchase of 1803, to \$1000, after Florida’s annexation in 1819, and to \$2000 in 1845 after the Mexican War. Setting themes for future historians, Brown held that through purchase, conquest, and expansion slavery “ruled the country” and underwrote the “politics, the literature, the social customs,” and “the religious and theological faith” of the American nation.²⁴³ Congressman Henry Winter Davis likewise declared that “the expansion of our territory inspired [slavery] as it grew in strength, first with a desire for permanence, then with a desire for power” asserting its dominance in the Missouri Compromise, the conquest of Texas, the compromise of 1850, bloody Kansas, and culminating in the Dredd Scott Decision.²⁴⁴ In short, westward expansion provided the lens through which some Unionists understood the growth of the slave power in antebellum years.

Further, the westering ideal of America as a land for a people for a people without a land posited, in the aftermath of emancipation, a justification for black landownership.

Massachusetts state senator James T. Robinson described the recently freed slaves as “without land, without the means of education, without rights in the courts—utterly at the mercy of [their] former master.”²⁴⁵ Former slave and longtime abolitionist William Wells Brown said that he feared under these conditions that African Americans in the South “will be ground to powder.”²⁴⁶

Yet, as pastor Andrew L. Stone argued, the nation owed former slaves “a grand reparation for

243. Brown, *An Address Delivered in the Central Presbyterian Church, Chicago July 4th, 1865*, 7-9; the link between westward expansion and the growth of slavery has been a constant in Civil War historiography, and it follows the lines laid down by Rev. Brown: Peter Passell and Gavin Wright, “The Effects of Pre-Civil War Territorial Expansion on the Price of Slaves,” *Journal of Political Economy* 80, no. 6 (1972): 1188-1202.

244. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 574.

245. Robinson, *National Anniversary Address*, 20.

246. “Anti-Slavery Celebration at Framingham,” *The Liberator* July 14, 1865.

ages of wrong,” and the logic of national expansion supplied the means of repayment.²⁴⁷ Already in 1862, the nation had guaranteed one hundred and sixty acres of the public domain, as long as the occupant could pay the ten-dollar filing fee.²⁴⁸ Now, victorious unionists annexed the logic of a free public domain, and the story of westward expansion to advocate for African American homesteads. William Howard Day, echoing Henry David Thoreau, spoke of the westward “star of empire” and the “lands which God keeps for the poor, which “stretch away and away ‘to the distant west,’ even to the threshold of the golden gates.”²⁴⁹ And, in Bellpere, Ohio Congressman William Cutler argued that in the South, former slaves should possess “the public domain on the principles of the homestead law,” and “the further benefit of the confiscation of the large landed estates forfeited by their crimes of their former rebel owners.”²⁵⁰ The framework of progress and westward expansion, freed from the slave-power, formed part of the argument for black landownership in the aftermath of the Civil War.

The cause of African American civil rights also needed to be framed within the context of Confederate defeat. Along with the paired stories of immigration and westward expansion, the more recent narrative of northern victory, carried in its train, a compelling argument for the rights of former slaves. Unionists in the aftermath of civil war fully understood the realities that the conflict had visited upon the South. The physician, John Howard Pugh argued that “the South is impoverished by the war.”²⁵¹ James T. Robinson added figures to the picture arguing that the South “lost six thousand millions of dollars” of its seven billion in taxable property extant in

247. Stone, *Elements of National Life*, 33.

248. Richard White, *It's Your Misfortune and None of My Own": A History of the American West* (Norman: University of Oklahoma Press, 1991), 143-145; Ray Allen Billington and Martin Ridge, *Westward Expansion: A History of the American Frontier* (New York: Macmillan, 1982), 349-353.

249. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 14.

250. Cutler, *The Duty of Citizens in the Work of Reconstruction*, 13-14.

251. J. Howard Pugh, *The Success and Promise of the American Union*, 19.

1860.²⁵² Congressman Henry Winter Davis in Chicago reminded his auditors that “American blood has flowed on both sides,” and spoke of “three hundred thousand” Southerners “laid in bloody graves.”²⁵³ The Chaplain of Massachusetts cadets, S. K. Lothrop also told of “the desolate plantations, the ruined towns and villages, the multitude of battlefields, the whole scene throughout that whole region of the country from the Potomac to the Mississippi.”²⁵⁴ Yet, the picture of the South’s defeat, far from reconciling the nation around a picture of common valor on July 4, 1865, helped to bolster the cause for black civil rights in three important ways.

First, many speakers viewed southern ruin as the just outcome of a war fought to perpetuate slavery. James Robinson quoting scripture compared the South to the whore of Babylon: “Alas! Alas! That great city Babylon; that mighty city, for in one hour is thy judgment come.”²⁵⁵ Massachusetts’s Congressman George Boutwell, said of white Southerners that “they are of a race which through two centuries has been contaminated by the vilest crime, the crime of slavery” which has “given birth to conspiracies, for the perpetration of the crimes of arson, of murder, of treason, [and] of assassination,” transgressions “as could not have been committed, or even contemplated, in any other country or by any other people.”²⁵⁶ Likewise, the Rev. J. M. Manning, Boston’s orator of the day, quoted the English poet Joseph Addison, and summed up the feelings of many union veterans on July 4, 1865: “There is some chosen curse/Some hidden thunder in the stores of heaven,/Red with uncommon wrath, to blast the wretch/Who seeks his greatness in his country’s ruin”²⁵⁷ In short, the South deserved its

252. Robinson, *National Anniversary Address*, 11.

253. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 578.

254. Manning, *Peace Under Liberty*, 89.

255. Robinson, *National Anniversary Address*, 11.

256. Boutwell, *Reconstruction: Its True Basis*, 29.

257. Manning, *Peace Under Liberty*, 22.

punishment in both sacral and secular language for perpetuating slavery and visiting upon the nation the bloody vicissitudes of civil war.

Second, the story of the war, in William Howard Day's words, "the great wave of blood" rooted in slavery, which "for two hundred years has been sweeping over you," and in 1861 was finally visited on "the hearts and homes of the nation" offered its own justification for black enfranchisement.²⁵⁸ Americans on the winning side had not yet forgotten about African American war-time service. The story of black veterans created its own narrative of manhood and military service, which further bolstered claims for the civil rights of former slaves and free African Americans. In a letter to the *Christian Recorder* published July, 8, James Lynch said that the "the presence of colored soldiers and officers of the army" in Augusta, Georgia was evidence of divine providence.²⁵⁹ Sergeant William A. Warfield, of the One Hundred Nineteenth Colored Infantry in Kentucky described the celebration of black soldiers at Camp Nelson as an "age of wonders," and went on to argue that "if we would obtain our just privileges we must strive for them."²⁶⁰ A soldier of Echo Company, of the Forty-First United States Colored Troops, writing on June 30, 1865 said "we have done all that soldiers could do to wipe out this terrible rebellion," despite marching on half rations and without pay for eight months.²⁶¹ Corporal George Thomas, told of his unit on dress parade in the public square of Louisville, Kentucky where "as we are drilled very well, the former slaveholders open their eyes, astonished that their former Kentucky working stock are capable of being on an equal footing with them at last."²⁶² These black union veterans emerged from the Civil War with a sense of duty, manhood, patriotism, and valor,

258. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 14.

259. "Another Church Received into the Connexion," *The Christian Recorder*, July 8, 1865.

260. Redkey, *A Grand Army of Black Men*, 187.

261. "Letter From Texas," *The Christian Recorder*, July 29, 1865.

262. Redkey, *A Grand Army of Black Men*, 190.

which only soldiers know. The army taught them how to stand at attention and how to walk in formation, tested their physical limits as they half-dozed on their feet during forced marches, and placed the government's insignia on their shoulders and weapons in their hands. In turn, these veterans, many of them former slaves, arose at the end of the war, to claim their rights as men and citizens in the new republic.

Third, the victorious Union did not forget the sacrifices of black soldiers on this first anniversary after Appomattox. New Hampshire congressman James Patterson argued that the "freedmen are now citizens of the United States, and their rights and liberties must be protected by that government which they have helped to preserve by their blood."²⁶³ The Governor of Illinois, Richard Yates, said that "the negroes have had sense enough to be loyal, and fight for the government; while their masters have only had sense enough to be traitors, and to fight against their country."²⁶⁴ Nathaniel Smith, addressed the black soldiers in Woodbury, Connecticut directly and praised their valor: "Side by side with our own race, you, colored soldiers have shared the danger and shall equally receive the glory."²⁶⁵ The Rev. Andrew Stone related how "the sands of Morris Island," and "the chasmed mines of Petersburg, give crimson witness to their valor and patriotism." Stone also remembered that "Weitzel's colored brigade" had provided "the first measured tramp" of Union Soldiers "that came up the streets of Richmond on that third of April morning."²⁶⁶ Henry Winter Davis said of black soldiers that "on many a bloody battlefield they have proven that they are men, not beasts," and that "today" on July 4, 1865, they had earned "a part in the Declaration of Independence which they never had

263. James W. Patterson, *89th Anniversary of the National Independence, July 4, 1865, at Dover, N.H.: Full Report of the Celebration, including Preliminary Incidents, Procession, Engine Trial, Fireworks, Decorations, &c. Also Oration by Hon. James W. Patterson, of Hanover, N.H.* (Dover, NH: B. Barnes, Jr., Publisher, 1865), 29.

264. Richard Yates, *Speech of Hon. Richard Yates, Delivered at Elgin, Ill., on the Fourth Day of July, A. D. 1865* (Jacksonville, Ill.: Ironmonger and Mendenhall, 1865), 6.

265. Smith, *An Oration Delivered by Nathaniel Smith, Esq., at Woodbury, Conn., on the Fourth of July, 1865*, 11.

266. Stone, *Elements of National Life*, 29-30.

before.”²⁶⁷ The sacrifice of African American Civil War veterans—tied to the story of long enslavement and sudden emancipation—acted as a further justification for citizenship on July 4, 1865.

The nation had reunited but had not yet reconciled over the common valor of soldiers North and South. Nor had the nation thus far excised the valor of African American soldiers from its collective consciousness.²⁶⁸ As a result, the story of black manhood, fully realized through wartime service, created its own logic of equality before the law that in conjunction with reimagined narratives of migration, westward expansion, Confederate defeat and the sacral language of slavery and emancipation created a path to citizenship for African Americans. As William Howard Day argued at the nation’s capital, the Civil War fashioned a path out of the despotism of “thinghood” and into a fully realized “manhood.”²⁶⁹ The strength of these narratives provided the intellectual framework for the Fourteenth Amendment to the U.S. Constitution, first proposed by Congressman Henry Winter Davis during a speech in Chicago on the national anniversary in 1865.

Prior to the amendment, the old narrative of citizenship had centered on the constitution and on the immigration and naturalization act of 1790.²⁷⁰ Both of these documents wrote a conception of whiteness into the founding of the American republic. Their revision by the proposed amendment in the aftermath of the Civil War has often been characterized by historians as enshrining the concept of birthright citizenship into law.²⁷¹ Yet, the amendment, despite its

267. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 580.

268. David W. Blight, *Race and Reunion*, 198-200.

269. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 15.

270. Nell Irvin Painter, *The History of White People* (New York: W.W. Norton, 2010), 104-106; Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), 251-260.

271. Robert J. Kaczorowski, *The Politics of Judicial Interpretation: The Federal Courts, Department of Justice, and Civil Rights, 1866-1876* (New York: Fordham University Press, 2005), xiii-xxii.

proposed wording, did not function as a guarantee of citizenship and civil rights for all inhabitants of the American nation—as the experiences of Ely Parker illustrated. Instead, the proposed Fourteenth Amendment laid down a construction of citizenship based on the overarching narratives of American history present on July 4, 1865. Each clause reflected the stories of immigration, westward expansion, emancipation, and Confederate defeat.

The *National Anti-Slavery Standard* carried the full text of the proposed amendment:

No state shall make any distinction in civil rights and privileges among the naturalized citizens of the United States residing within its limits, or among persons born on its soil of persons permanently resident there on account of race, color, or descent.²⁷²

The language of “no state shall make any distinction in civil rights and privileges” mirrored the new understanding of the primacy of the federal government. As the Reverend Frederick T. Brown, told his hearers, the doctrine of state sovereignty “was an insidious principle of evil,” and represented one of the causes of the Civil War.²⁷³ The wording surrounding “civil rights and privileges,” was intended to circumvent the black codes, like that passed by the town of Opelousas, Louisiana on July 3, 1865, and to guarantee a modicum of civic protection to freed people in the South.²⁷⁴ The narrative of immigration guaranteed that the “naturalized citizens” of the United States would be put on an equal footing with “persons born on its soil,” while the rhetoric of “persons permanently resident there,” which found expression in 1866 as “subject to the jurisdiction thereof” was included to bar the nation’s indigenous inhabitants from citizenship and fit the narrative of an ever expanding nation.²⁷⁵ Finally, the proposed amendment remained

272. "Proposed Amendment of the United States Constitution," *The National Anti-Slavery Standard*, July 22, 1865.

273. Brown, *An Address Delivered in the Central Presbyterian Church, Chicago July 4th, 1865*, 12.

274. "Ordinance Relative to the Police of Recently Emancipated Negroes or Freedmen within the Corporate Limits of the Town of Opelousas," *The Opelousas Courier* (Louisiana), July 8, 1865.

275. Frank Pommersheim, *Broken Landscape: Indians, Indian Tribes, and the Constitution* (Oxford: Oxford University Press, 2009), 164.

deeply tied to the story of manly valor and military service, excluding half the population from the exercise of the franchise.

Far from enshrining a principle of birth-right citizenship or fundamental equality into the nation's thought, the proposed Fourteenth Amendment stood as a legal document that created a vision of citizenship rooted in the moral-historical understanding of the unionist, anti-slavery sentiment of the American nation after Appomattox. Congressman Henry Winter Davis revealed the narrative underpinnings of the Amendment: "When negroes become free, they become a part of the people of the nation, and to ostracize them is to sanction a principle fatal to American free government."²⁷⁶ Moreover, in the emancipationist vision of history offered by Davis, the proposed amendment served as a means to break the power of "a hostile oligarchy" already emerging in the South. To secure this aim, and prevent the further domination of the new federal government by the old slave power, as many referred to the South on July 4, 1865, the nation needed "the votes of all the colored people."²⁷⁷ Broadly speaking, the framers of the Fourteenth amendment did not seek to create a non-racial democracy in the new country after the end of the Civil War. In a country which treasured an origin story of westward expansion and conquest such a task was impossible. Instead, Henry Winter Davis and the framers of the fourteenth amendment sought to advance the cause of African American citizenship, and create a climate in the South where loyal unionists would be free to exercise political power.

Still, the belief that the American nation could overcome its history grew out of the story of slavery and emancipation as understood on the Eighty-Ninth anniversary of Independence.

Overall, the narrative created an understanding of race where slavery stood as the sole "cause of

276. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 580.

277. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 580.

prejudice.”²⁷⁸ In the words of New Hampshire Congressman James Patterson “the great underlying struggle between free and slave labor” was the foundation of “a prejudice that has no foundation in principle.” Or, as Massachusetts Congressman George Boutwell argued, “the people of this country,” maintained “a prejudice against the negro race such as human beings never felt toward any of the animate creation, from the foundation of the world until now.”²⁷⁹ Likewise, James Lynch believed that “where slavery has not existed and its influence has not been prevailing” prejudice “does not exist.”²⁸⁰ The historical narrative surrounding slavery and emancipation offered an origin story of the causes of discrimination and also posited an ideal of a nation redeemed.

With the Civil War finally over, with emancipation a reality in many but not all places throughout the South, with the Thirteenth Amendment making its way through the states for ratification, and with the newly proposed Fourteenth Amendment in their pockets, Americans who placed the narrative of slavery and emancipation at the center of the national experience, held out hope of a nation delivered from racial animus. So old is the idea of a post-racial democracy that it served as one of the animating principles on July 4, 1865. In the words of Congressman Henry Winter Davis, “this government” rested “on the right of individual liberty and the right of every man to bear a share in the government whose laws he obeys and whose bayonet in the hour of danger he bears.”²⁸¹ In an oration Historian Alexander W. Bradford, author of *American Antiquities and researches into the Origins of the Red Race*, argued that Americans on the national anniversary in 1865, stood “together as a band of brothers, with no

278. Lynch, *The Mission of the United States Republic*, 11.

279. Patterson, *89th Anniversary of the National Independence, July 4, 1865, at Dover, N.H.*, 27; Boutwell, *Reconstruction: Its True Basis*, 29.

280. Lynch, *The Mission of the United States Republic*, 12.

281. Davis, *Speeches and Addresses Delivered in the Congress of the United States and on Several Public Occasions*, 584.

stain of slavery on our escutcheon, with our garments unspotted and our vestments undimmed by any law of oppression or wrong.”²⁸² William Lloyd Garrison in the pages of the *Liberator* maintained that “through suffering and triumph, through the sundering of all chains, and the liberation of all the oppressed, our country enters upon a career of prosperity and glory.”²⁸³ William Howard Day, concluded his oration with an ode to an American nation that “shine[s] on history’s page” a story which “the proud shall envy and the good shall cherish.”²⁸⁴ Similarly, James Lynch speaking in Augusta Georgia, urged “North and South, white and black” to “shake hands—join hearts—shout for joy—gird up their loins and with a patriotism as exalted as the national grandeur, a love of justice and mercy like that which is Divine, and a hope as high as the objects of promise, go on in the pursuit of further development.”²⁸⁵ The utopian vision of a nation cleansed from the sin of slavery, free of hate and prejudice, and liberated to pursue the development of a vast continent animated many hearts on the eighty-ninth anniversary of Independence. Perhaps the nation needed such visions of egalitarian millennialism to steel itself for the work of Reconstruction. It may well be that the hope of Americans for a more perfect union and a nation which finally lived up to its professed ideals was the ideological payment for all the blood poured out on the battlefield.

Even so, the notion of progress and the ideal of liberty could not be divorced from its historical arguments. In giving voice to the narrative of slavery and emancipation on July 4, 1865, Americans created a framework for African American civil rights, a vision that maintained itself through the long years of reconstruction, persevered amidst the dark interlude of Southern

282. Alexander W. Bradford, *An Oration Delivered at Portchester, in the Town of Rye, County of Westchester, on the Fourth Day of July 1865*(New York: Bradstreet Press, 1866), 42.

283. "Address on the Assassination of Abraham Lincoln," *The Liberator*, July 7, 1865.

284. Day, Pierpont, and Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln*, 18.

285. Lynch, *The Mission of the United States Republic*, 14.

ascendency and Jim Crow, to resurface again gloriously during the Civil Rights movement of the 1960s—and the narrative is with the nation still. But the vision of emancipation was not strong enough to guarantee civil and political equality for all the inhabitants of the nation. The American nation on the eighty-ninth anniversary of its independence still held its outliers. Within the confines of this broad continental nation, with immigrants drawn from all corners of the globe, the original inhabitants of the nation did not fit within the narrative frameworks of emancipation, Confederate defeat, westward expansion, or immigration. These peoples were the aboriginal nations of the continent—speaking their own languages, composing their own origin stories, and possessed of their own history. Yet, the outlines of American nationalism in the aftermath of the Civil War could not envision First Nations’ peoples as members of distinct communities. Instead, the conflict bequeathed a legacy of unity in division, where distinctiveness necessarily followed the ability of a group to graft its story onto the vine of the variegated national consciousness.

Chapter Three:

The Meaning of American Nationalism for First Nation's Peoples on July 4, 1865

On July 4, 1865 in Jacksonville Illinois, the local Independence Day celebration offered an unusual counterpoint to the remembrances taking place in the rest of the nation. While General Oliver Otis Howard commemorated the Union dead at Gettysburg and William Howard Day offered up a beautiful portrait concerning the meaning of freedom for former slaves at the Nation's Capital, in Jacksonville, Illinois an altogether different celebration was taking place. Approximately twenty "wild Indians" had been transported from the base of the Rocky Mountains, in order to lend a special flair to the first national anniversary after Appomattox. The city fathers, including the headmaster at the insane asylum Dr. McFarland, planned a buffalo hunt in the local amphitheater for the amusement of the local inhabitants. As the *Chicago Tribune* reported, "from an early hour long trains of family wagons, each containing a basket of provender for the day, might be seen approaching the ground from all points." By ten o'clock it was estimated that 30,000 people filled the enclosure so that the entirety of Morgan County's population of all ages and races turned out to witness the celebration.

The parade proceeded from the court-house to the city's fairgrounds. Leading the procession was a great monumental car with a spire inscribed with the words: "Sacred to the memory of every life, limb, and drop of blood, shed in defense of the Union during the slaveholder's rebellion." Next in line was a chariot, draped with red, white and blue hangings, surrounded with evergreen boughs and topped with a bust of Illinois' native son the late president Lincoln. In the center stood thirty-six young women, dressed in patriotic colors, grouped to represent the states. In the rear of the vehicle sat a native woman, dressed in traditional apparel holding a bow and a quiver full of arrows as a symbolic portrayal of the

territories. Drawn by six white horses, each ridden by an African American, the chariot was designed to signify a restored Union with its states and territories inexorably “bound together,” and it bore the inscription: “One nation, one government, one people.” Finally at the rear of the parade were two cars, one bearing the regimental battle flags captured by the soldiers, and the other containing wounded soldiers.²⁸⁶

According to the newspaper coverage later that afternoon, the Indians brought out from the Rocky Mountains performed their part of the program in a manner both “amusing and amazing.”²⁸⁷ The inclusion of Native Americans, however, in Jacksonville’s Fourth of July celebration speaks volumes concerning the relationship of the nation to its indigenous inhabitants. First, they were Indians. The question of how to view indigenous peoples has been fraught with consequences both for the writing and the practice of American history. The concept of defining aboriginal peoples in racial terms grew within the context of the development of European settler societies as they expanded and created the global market economy. To Americans and Canadians, accustomed to dealing solely with Native Americans, these peoples were Indians. In French and the Spanish speaking Latin American countries the preferred term was *Indigènes*. The German speaking countries preferred the term *eingeboren*, but the concept contained within these disparate terms expressed a common relationship between colonizing nations and colonized peoples.²⁸⁸

Approximately 300,000 indigenous peoples inhabited the United States in 1865.²⁸⁹ Comprising some 230 tribes ranging in size from the small band of 114 Delaware in Wichita

286. "From Jacksonville," *Chicago Tribune*, July 6, 1865.

287. *Ibid.*.

288. Alpheus Henry Snow, *The Question of Aborigines in the Law and Practice of Nations, Including a Collection of Authorities and Documents Written at the Request of the Department of State* (Washington D.C.: Government Printing Office, 1919), 15.

289. Theodore W. Taylor, *The Bureau of Indian Affairs* (Boulder, CO: Westview Press, 1984), 14.

Kansas, to the 3,900 Crows in Montana, and the 7,700 Navajo in New Mexico, the label of Indian disguised a large diversity of peoples, languages, and origin stories.²⁹⁰ Moreover, most of these indigenous peoples had a sense of themselves as living within a defined territory as part of a distinct, homogenous society built around notions of a common identity. Consider the words of Arapooish speaking on behalf of the Crows to Robert Campbell of the Rocky Mountain Fur Company in 1833 concerning his land and his people: “The Crow country is a good country, the Great Spirit has put it in exactly the right place; while you are in it you fare well; whenever you are out of it, whichever way you travel, you fare worse.” Further, if Arapooish is any guide, each people—as distinct from each tribe for many designated tribes were branches of the same people—maintained their communal identities in opposition not only to Americans, but also in relation to other groups: “On the Columbia they are poor and dirty, [they] paddle about in canoes and eat fish. . . . To the East they dwell in villages; they live well, but they drink the muddy water of the Missouri—that is bad.”²⁹¹ In short, indigenous peoples held within their own self-conceptions all the elements required for a proto-nationalism, they were named peoples living within defined historic territories with common myths and historical memories, public ceremonial cultures, and common customary rights and duties defined within a system of arbitration.²⁹²

Social scientists working within a European framework have long recognized that “historically, the first nations were, as we shall see, formed on the basis of pre-modern ethnic cores; and, being powerful and culturally influential they provided models for subsequent cases

290. Carroll D. Wright, comp., *Report on Indians Taxed and Not Taxed in the United States (except Alaska) at the Eleventh Census: 1890* (Washington, D.C.: Government Printing Office, 1894), 18.; Senate, Committee on Indian Affairs, *Report of the Secretary of the Interior, Communicating in Compliance with a Resolution of the Senate of March 29, 1867, Information in Relation to the Indian Tribes of the United States*, by O. H. Browning, 40th Cong., Special sess., S. Doc. 4 (Washington, D.C.: Government Printing Office, 1867), 25.

291. Arlene B. Hirschfelder, *Native Heritage: Personal Accounts by American Indians, 1790 to the Present* (New York, NY: Macmillan, 1995), 28.

292. Anthony D. Smith, *National Identity* (Reno: University of Nevada Press, 1991), 14.

of the formulation of the formulation of nations in many parts of the globe.”²⁹³ Historians working within an American context have largely ignored these insights from pre-modern European history when referencing indigenous peoples, preferring instead to posit a model of cultural conflict along racial lines. As Francis Paul Prucha argues in his magisterial work *The Great Father: The United States Government and the American Indians*: “The replacement of Indians on the land became the basis for enduring conflict with the Indians who remained.”²⁹⁴ Such a narrative, while it correctly identifies the over-arching narrative of indigenous displacement, does a disservice to the myriad proto-nations, what Anthony Smith in a pre-modern European context calls “*ethnies*,” which inhabited the United States in 1865 and, in many cases, still remain today.²⁹⁵

The twenty indigenous folks, who took part in the Fourth of July celebration in Jacksonville, Illinois, probably, did not see themselves in racial terms, but along lines suggested by Smith as a distinct *ethnie*, or as a proto-national community. As, James Clifton argues in *Being and Becoming Indian*, members of these aboriginal *ethnies*, “when confronting an unknown people typically asked, ‘What language do you speak?’ They were disinterested in skin color, the standard Euro-American sign of racial identity.”²⁹⁶ The tendency of Native Americans to understand identity on a cultural and linguistic basis is brought out by the Lakota term “black wasichu” which roughly translated means black-white-man.²⁹⁷ Indigenous peoples, “stressed as criteria of group membership learned aspects of human nature: language, culturally appropriate

293. Ibid., 41.

294. Francis Paul. Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 12.

295. Smith, 39-42.

296. James A. Clifton, *Being and Becoming Indian: Biographical Studies of North American Frontiers* (Chicago, IL: Dorsey Press, 1989), 11.

297. Black Elk and John Gneisenau Neihardt, *Black Elk Speaks: Being the Life Story of a Holy Man of the Oglala Sioux* (Lincoln: University of Nebraska Press, 1988), 98.

behavior, social affiliation, and loyalty.”²⁹⁸ The long history of immigration, slavery, and an expanding settler society, however, meant that when Americans viewed indigenous peoples, they did so almost exclusively through a racial lens. Just as Frenchmen in Africa looked at the ethnies of that continent and saw *Indigènes*, or Germans engaged in their own colonial project defined the proto-nations they encountered as *Eingeboren*, Americans defined indigenous peoples as Indians.

Americans, as K. Ross Toole wrote more than fifty years ago, have “almost always seen the Indian through [their] own eyes.” American Indian policy “has run an extraordinary gamut from extermination to impractical Christian humanitarianism, but it has always been a policy which ignored the Indian himself and his peculiar heritage.”²⁹⁹ The reason for this is that American national identity emerged within the context of an expanding European metropolis settling the far corners of the globe, and not, as was the case in Europe itself, in the environment of multiple proto-nations seeking to find a means of self-determination. As Benedict Anderson wrote in *Imagined Communities*, nationalism in these settler societies in the New World were “creole nations” where “for the first time the metropolises had to deal with . . . vast numbers of Europeans far outside Europe.”³⁰⁰ Thus, the American nation was not born within the context of a Westphalian model, emerging from the Peace of Westphalia in 1648, which stressed religious and ethnic homogeneity. Rather, America became a nation by assimilating disparate *ethnies* into a common story of immigration. The end result of a settler society founded on arrival and westward expansion was the “Americanization of people and institutions.”³⁰¹ Moreover, a crucial

298. Clifton, 11.

299. K. Ross Toole, *Montana; An Uncommon Land* (Norman: University of Oklahoma Press, 1959), 115.

300. Benedict R. O’G. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1991), 60.

301. Ray Allen Billington and Martin Ridge, *Westward Expansion: A History of the American Frontier*, 6th ed. (Albuquerque: University of New Mexico Press, 2001), 2.

part of this assimilationist framework was the transformation of these proto-nations into members of a racial community. In this way, Englishmen became Europeans and later Americans, and in a similar fashion the various “Ibos, Congos, and Angolas” became African slaves in relation to their European masters and later, after generations of slavery African-Americans, when the nation separated itself from Britain.³⁰²

In the days and weeks surrounding July 4, 1865 the wholesale assimilation of indigenous peoples into the racialized framework of American society had not yet taken place. For both the twenty rocky mountain Indians taking part in Jacksonville’s Fourth of July celebration and the rest of the 300,000 aboriginal peoples living within the confines of the United States, the racial conception of themselves as Indians lay in the future. The Civil War marked the great watershed in American history for Indigenous peoples as well as for the rest of the nation at large. As long as slave-holders dominated the federal government, attitudes and policies towards indigenous peoples had been determined by individuals who saw the preservation of black chattel slavery as the nation’s most pressing concern. Now, in the aftermath of sectional conflict, Indian policy would be fixed by those who viewed indigenous peoples through a lens of racial uplift conditioned by the long history of war and anti-slavery activism.

The national anniversary in 1865 was a time to discuss and America’s origin story; re-state the meaning of the national creed, and bring together a community of believers within the confines of the national church. In the words of Stockton, California’s *Daily Evening Herald* it was the “national Sabbath” a day in which it was “the duty of every citizen to rigidly examine himself to see whether [his] actions are in consonance with [the] duties incumbent upon him to perpetuate the principles enunciated in the Declaration of Independence.”³⁰³ Wherever people

302. Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 1993), 19.

303. William Biven, ed., "The Glorious Fourth," *Daily Evening Herald* (Stockton, Ca), July 3, 1865.

gathered they participated in a national political sacrament, which united individuals within the confines of a nation. As such, the Fourth of July represented a visible sign of and invisible America, and acted as a national confession of faith. Within the confines of this day, and in the broader debate concerning Reconstruction of which it was a part, the past and the future of federal Indian policy converged in the attitudes expressed in speeches, letters, and the popular press. It therefore is possible to trace, in part, both the history and the emergence of conflicting goals and aims concerning indigenous peoples, as a slave-holding society transitioned into a market oriented society based on contract. But, the transition from a nation in which the dominant power viewed slavery as a positive good into a society which upheld the ideology of free-labor, was still a “creole nation,” to use the words of Benedict Anderson. The over-arching story of immigration, westward expansion, settlement, and assimilation would eventually transform these indigenous *ethies*, these proto-nations of the American continent, into Indians and later into American Indians. Just as the expansion of the European metropolis concurrent with the development of slavery turned Englishmen, Irishmen, Ibos, and Angolas, first into Europeans and Africans and later into black and white Americans, a similar process would befall aboriginal communities.

The key to unlocking this process is to examine the national origin story on the anniversary of American independence, to see how it intersected with longstanding legal and cultural definitions of indigenous peoples and how these classifications would change in the future as new attitudes concerning the nature of American society gained ascendance. In discussing the “Indian question,” in the wake of the Civil War, Americans revealed not only their underlying conceptions of national identity, but also the fraught significance and divergent ideals

that lay beneath the rhetoric of “one nation, one government, [and] one people” proclaimed on the Fourth of July in 1865.³⁰⁴

Wherever Americans gathered on July 4, 1865 they took pride in remembering their immigrant origins. Along with the creation of a common narrative of an ocean crossing came the equally constructed mythology of a virgin land set aside to advance cause of liberty. The Reverend James Lynch, speaking before an African American audience in Augusta, Georgia proclaimed a black vision of Manifest Destiny and the progress of Liberty saying that “the virgin soil of America left for thousands of year untouched by the ploughshare” was destined to “develop a civilization that would plant with it the seeds of enlightened ideas.”³⁰⁵ Similarly, William Howard Day, editor of the African Methodist Episcopal Church’s *Zion’s Standard*, advocated a bi-polar vision of American immigration in which “two hundred and forty years ago two spectacles were to be seen in this land; one the advent of a band of freemen landing upon Plymouth Rock in New England; the other, the coming of a company of slaves landed at Jamestown, Virginia.”³⁰⁶ In the aftermath of Appomattox, on the first Fourth of July where African Americans could conceivably celebrate the national anniversary with a degree of national pride, these claims to an immigrant history and the corresponding mythology of an empty land set aside for the conquest of liberty served as crucial bulwarks in advancing the civil and political rights of former slaves.

Nor were they alone. The tracing of an immigrant past, whether by force or by choice, represented an important facet of how Americans celebrated the national anniversary in 1865.

304. From Jacksonville," *Chicago Tribune*, July 6, 1865

305. James Lynch, *The Mission of the United States Republic. An Oration Delivered by Rev. James Lynch, at the Parade Ground, Augusta, Ga., July 4, 1865.* (Augusta, GA: Chronicle & Sentinel Office, 1865), 6-7.

306. William Howard Day, John Pierpont, and Henry Wilson, *Celebration by the Colored People's Educational Monument Association in Memory of Abraham Lincoln: On the Fourth of July, 1865, in the Presidential Grounds, Washington, D.C.* (Washington, D.C.: McGill & Witherow, Printers, 1865), 12.; Todd Mealy, *Aliened American: A Biography of William Howard Day*, vol. I (Baltimore: PublishAmerica, 2010), 376.

Senator Richard Yates, the war-time governor of Illinois, told his auditors that “this great idea of liberty . . . glowed in the breast of Cromwell and the Puritans, crossed the ocean in the Mayflower, demonstrated resistance to the Stamp Act, thundered in the roll of drums at Bunker Hill, and finally culminated, full formed and majestic, the great and dominant idea of the world in the Declaration of Independence.”³⁰⁷ Southerners also, joined in on the common theme of a shared immigrant past, the *Republic*, a Richmond, Virginia newspaper nowhere sympathetic to the cause of African American rights, urged its readers to find a common cause around a shared immigrant past: “[Under the] famous Declaration of Independence by which the freemen of the New World proved themselves worthy of their ancestors in the old . . . let the inspiration of this day teach the men of the North and of the South to be Americans [and] to renew their homage to country at the altars of their common ancestry.”³⁰⁸ This celebration of an immigrant past formed a common theme on July 4, 1865 around which Americans, white and black, Northerners and Southerners, expressed their ideals of nationalism.

Even as this celebration of a common immigrant past on the national anniversary formed the core of Americans self-conception on July 4, 1865, it had also proved one of the more durable building blocks of American colonial policy in excluding indigenous communities from the political system. In 1823 Chief Justice John Marshall had adumbrated the doctrine of discovery in *Johnson v. McIntosh*, and outlined the right of the United States Government to dispose indigenous peoples on the three-fold doctrines of immigration, conquest, and a mythology of virgin land. Arguing that “to leave [Indigenous peoples] in possession of their country, was to leave the country a wilderness,” Marshall went on to assert that “The absolute

307. Richard Yates, *Speech of Hon. Richard Yates: Delivered at Elgin, ILL. on The Fourth Day of July, A.D. 1865 [As Reported for the Chicago Press]* (Jacksonville, ILL.: Ironmonger and Mendenhall, 1865), 2.

308. Walker and Lewellen, ed., "Tuesday Morning July 4, 1865," *The Republic* (Richmond, Virginia), July 04, 1865.

ultimate title [to the lands of the United States] has been considered as acquired by discovery.”³⁰⁹ The doctrine of discovery was further tied to the conception as wards of the state in *Cherokee Nation v. Georgia*, where Justice Marshall argued that “the Indian territory is admitted to compose a part of the United States. In all our maps, geographical treatises, histories, and laws it is so considered.” Moreover, the doctrine of indigenous peoples as wards of the federal government, and the denial of their claims to sovereignty left these organic political communities without the right to legal redress in the nation’s courts: “Indian tribe or nations within the United States is not a foreign state in the sense of the constitution, and cannot maintain an action in the courts of the United States.”³¹⁰ So central were the questions of immigration, of discovery, and of expansion to the national story that they left these proto-nations without the means to effectively redress their grievances.

The systematic exclusion of aboriginal peoples from the national polity stemmed in part from their not possessing a common immigrant origin story. To America’s Indian tribes in 1865 Sir Walter Raleigh was not even “a brand of pipe tobacco you got at the trading post.”³¹¹ There was no room in this narrative for indigenous nationalism, for Native Americans acting as distinct political entities with the same right to self-determination and national identity gathered around a common language, a shared tribal heritage, and a communal oral tradition. The same right to comprise a sovereign people that Italians, Germans, Czechs, and Swedes demanded on the continent of Europe in 1865 was denied to the aboriginal *ethnies* of the American continent. What is more, the social construction of race as foundational to the ways in which immigrants

309. *Johnson's Lessee v. McIntosh*, 21 US 543 (1823).

310. *The Cherokee Nation v. The State of Georgia*, 5 Peters 159 (1831).

311. Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto*, 2nd ed. (Norman: University of Oklahoma Press, 1988), 11.

became Americans served as another means of denying the right of collective autonomy to indigenous peoples.

The dominant narrative on July 4, 1865 framed its understanding of race, and therefore of indigenous peoples, around these ideas of immigration. The Immigration and Naturalization Act of 1790 placed whiteness at the center of the conception of citizenship, legislating that “any Alien being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen.”³¹² Yet, if sovereignty brought with it the express right to define community membership the overarching narrative of American history denied this right to the proto-nations of the American continent. In 1846, in *United States v. Rogers* Chief Justice Roger B. Taney, taking the doctrine of ruled that these indigenous ethnic communities had “never been acknowledged or treated as independent nations by the European governments, nor regarded as the owners of the territories they respectively occupied.” Further, Taney also argued that an adopted members of an aboriginal tribe was “a white man, of the white race, and therefore not within the exception in the act of Congress,” and that federal legislation concerning indigenous peoples “does not speak of members of a tribe, but of the race [of Indians] generally.” This legal emphasis on indigenous peoples as belonging to a racially defined group of people fit the larger mold within the making of the American nation, but was ill-suited to goals of these aboriginal *ethnies* for autonomy. Like some great bed of Procrustes conceptions of indigenous peoples would be made to fit within the confines of a story much too small.

As James Clifton has noted, the “willingness to accept, adopt, and assimilate individuals and small groups” of people from outside the tribe was a constant means of reinvigorating

312. *United States v. Rogers*, 45 US 567 (1846).

indigenous communities.³¹³ Within every indigenous community the process of adoption and fictive kinship, mitigated the relationship between outsiders and insiders. Unlike the practice of passing in the broader American society, adoption did not require individuals to leave behind and lie about their origins in order to assume a separate racial identity. Instead, when people were adopted formally they received a new family, a new name, and a complete network of kinship and clan that grounded those so chosen within existing relationships. The long history of national identity formation in America the context of a creole nation with an idea of race at its foundations meant that none of the ways in which aboriginal peoples sought to maintain their own communities would hold sway in the dominant culture.

The long history of Americans defining themselves in racial terms along lines growing out from a larger story of immigration was present on the first Fourth of July after Appomattox. Reflecting the development of legal and cultural traditions that grew out of the over-arching story of the development of American nationalism, July 4, 1865 was marked by continuity with these larger themes. However, the day was also fundamentally different from all other national holidays which had preceded it. For on this day, the meaning of the nation was open for debate in a way that it had never been before. The end of the Civil War and the resulting liberation of some four million African Americans from bondage meant that on this day, competing groups of people sought to define the nation and its relationship to indigenous peoples within the broader context of the country's future.

For African Americans the intersection of a forced migration story with the almost three hundred year history of American slavery created a strange paradox in the immediate aftermath of the Civil War. William Howard Day, who created an image in which “the shout of the freeman and the wail of the bondman were heard together,” proclaimed that the westward “star

313. Clifton, 11.

of empire” held “the lands which God keeps for the poor.”³¹⁴ James Lynch, already firmly committed to a black vision of Manifest Destiny, asserted that “slavery is the cause of prejudice . . . where slavery does not exist, and its influence has not been prevailing, this prejudice does not exist.” He then went on to rhetorically ask his listeners “why does not the color of the Japanese or the Chinaman or of the Indian excite a similar prejudice,” fundamentally denying both the ways in which the Supreme Court had defined indigenous peoples in relation to the nation—definitions that strongly paralleled the *Dredd Scott* decision—and the state statutes which categorically denied Indians the right to testify in court and barred them any place in the political process.³¹⁵ Even Ely Parker—soon to become the first indigenous commissioner of Indian Affairs—, who sat with Grant and Lee at Appomattox court house, was still denied the right of citizenship in 1865 despite his service in the Union Army.³¹⁶

By embracing manifest destiny, an immigrant origin story, and proclaiming slavery the cause of prejudice, James Lynch and William Howard Day collectively asserted their right to be called Americans on July 4, 1865. The twinned stories of immigration and westward expansion at the expense of indigenous peoples, narratives present on the eighty-ninth anniversary of American Independence and so basic to America’s self-conception, would make no exceptions for black Americans. If the sons and daughters of the largest force migration in human history

314. Day, 14.

315. Lynch, 11-12; The state laws of California barred “Indians, or any persons having one half or more Indian blood” from testifying in any “action or proceeding to which a white person is a party,” and extended similar blood-quantum based restrictions to voting and other forms of political participation. Likewise, Montana and Colorado both held similar restrictions in their territorial codes. “Negro Testimony,” *The Elevator* (San Francisco), July 21, 1865.; 315. D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West, 1850-1890* (Norman: University of Oklahoma Press, 2013), 48-49.; Eli Carter and Zaremba Jackson, comps., *Provisional Laws and Joint Resolutions Passed at the First and Called Sessions of the General Assembly of Jefferson Territory, Held at Denver City, J.T., November and December, 1859, and January, 1860.* (Omaha, N.T.: Robertson & Clark, Printers, 1860), 124-125.; Edw. B. Nealy, comp., *Acts, Resolutions and Memorials, of the Territory of Montana, Passed by the First Legislative Assembly. Convened at Bannack, December 12, 1864* (Virginia City, MT: D.W. Tilton &, 1866), 178.

316. William H. Armstrong, *Warrior in Two Camps: Ely S. Parker, Union General and Seneca Chief* (Syracuse, NY: Syracuse University Press, 1978), 135-136.

wished to demonstrate their case for equal rights and full citizenship in the aftermath of Civil War the only way to do so was to speak a common language understood by the nation at large. As the *Elevator*, a black San Francisco newspaper, told its readers: “[African American] blood has moistened every battle field where the perpetuity of the American Republic has been contended.”³¹⁷ Yet, this common language, even when it included a degree of martial glory and an argument for citizenship based upon military service, was incapable of conceiving of a place for the original *ethnies* of America. Instead, African Americans followed the larger pattern within American society forming a vision of themselves as full participants in manifest destiny and westward expansion. So far outside these intrinsic ideals of what the nation was, were the claims, goals, and aspirations of indigenous peoples, that even Americans who remembered slavery formed their ideas of national citizenship and participation in opposition to the goals of aboriginal peoples for self-determination.

For White Southerners, Democratic Northerners, and those of the opinion that the United States, in the aftermath of Civil War should be preserved as a government for white men, indigenous peoples served as a historical demonstration of the unfitness of African Americans for freedom. The *Daily Lynchburg Virginian*, when discussing the future of former slaves within the South stated in plain language that African Americans “must occupy the relation of menials or it must disappear . . . and to Americans, it should only be necessary to cite the examples of aborigines on this continent.”³¹⁸ To these ex-Confederates still dedicated to the ideal of a labor system in which African Americans functioned as hewers of wood and drawers of water, these conceptions of indigenous peoples served as a crucial backdrop against which to proclaim the greatness of Anglo-Saxon civilization and to justify an emerging system of black codes.

317. J. J. Moore, "Negro Suffrage," *The Elevator* (San Francisco), July 07, 1865.

318. "The Result of Freedom to the Negro," *Daily Lynchburg Virginian*, July 7, 1865.

The town of Opelousas Louisiana that on July 3, 1865 passed a municipal ordinance, which effectively made being black in St. Landry Parish a crime punishable by fine or imprisonment, justified its actions, in part, by running two editorials in the *Opelousas Courier* on July 29.³¹⁹ In the first, the editors quoted the words of the late Stephen Douglas, who argued that when the framers of the Declaration used their famous wording they “had no reference to the Negro, the savage Indians, or other inferior and degraded races.”³²⁰ Concerning the municipal ordinance recently adopted, the *Courier*, stated that “such a measure will doubtless be applauded, inasmuch as most of the Negroes begin to indulge in indolence and idleness bordering on vagrancy.”³²¹ In Louisiana at least, white Southerners used the long history of indigenous peoples to set a precedent for the codification of laws mandating African American subordination.

Nor were these Louisianans or Virginians alone in defining a vision of black inferiority and an ideal of white American nationalism based upon *a priori* assumptions of native peoples. In part, this use of indigenous Americans to rationalize African American inferiority grew directly from the legacies of pro-slavery ideology. George Fitzhugh in *Sociology of the South*, had argued that slavery was a positive good by creating an image of Indians as intractable, unenslavable, and therefore inassimilable to Christian civilization: “Had the Indian been useful as a slave, he would have survived and become a civilized and Christian being; but he was found as useless, as troublesome, and as intractable as a beast of prey, and has shared the fate of a beast of prey.”³²² When white Southerners argued, in the aftermath of Civil War, that “the white race

319. "Ordinance Relative to the Police of Recently Emancipated Negroes or Freedmen within the Corporate Limits of the Town of Opelousas.," *Opelousas Courier*, July 8, 1865.

320. "Senator Douglas on the Status of the Negro.-Mr. Lincoln's Earlier Opinion of It.," *The Opelousas Courier*, July 29, 1865.

321. "[Untitled Editorial]," *The Opelousas Courier*, July 29, 1865.

322. "The Result of Freedom to the Negro," *Daily Lynchburg Virginian*, July 7, 1865.

is no more favorable to the progress of the African Race in its midst than it has been to the perpetuation of the Indian on its borders,” they were drawing on a long and established tradition of pro-slavery arguments that utilized indigenous peoples as a rationale for the continued enslavement of African Americans.

As the southern ideal of slavery had grown from a questionable institution into one that Southerners used to form the cornerstone of their civilization, slave-holder’s conceptions of Indians had likewise changed from the ideal of assimilation, advocated by Jefferson, to a competing conception of polygenesis which justified the removal, if not the extermination, of indigenous peoples.³²³ Moreover, these racial attitudes advocated by white Southerners had been instrumental in Roger Taney’s racial understanding and codification of aboriginal communities.

In the aftermath of the Civil War when Southerners argued that “all efforts to engraft upon Indians the peculiar characteristics of civilization have largely failed,” they stood firmly within this tradition. Moreover, these arguments that Indians could not be raised to civilization, despite having both the gospel “translated into their own tongue,” and the use of “fertile lands to cultivate” served as vital underpinnings for the emergent system of bound-contract labor, and as crucial ideological construct in the continued maintenance of white supremacy. The *Macon Daily Telegraph*, argued in just such a fashion, when it said that the Indians “do not number one fifth what their number showed at the time America was discovered. Had they been left to shift entirely for themselves without the guardianship of the government . . . their deterioration would have been much more rapid than it has been.” Further, lest any doubt remain concerning how the relationship of America’s indigenous inhabitants served as an argument against African American citizenship, the paper argued that “if the Negro degenerates into a state of freedom in

323. 323. George Fitzhugh, *Sociology for the South: Or, The Failure of Free Society* (Richmond, Virginia: A. Morris, 1854), 266.

social and moral qualities and finally like the Indian becomes in great part extinct as a race, the world cannot point to us and say you did it.”³²⁴ To these former slave-holders indigenous peoples served a dual purpose. First, the mythology of the vanishing Indian served as a means to symbolically absolve themselves from the responsibility of their own actions in denying to former slaves a modicum of economic security. Second, racial conceptions of indigenous peoples offered a means to define an ideal of white southern nationalism that fundamentally excluded former slaves from the political order.

In the minds of northern Democrats and those who wished to preserve America for those who immigrated by choice, imagined Indians served similarly as a means to define an ideal of white citizenry and to oppose ideas of nationhood and citizenship that included those whose migration was forced. For these Americans conceptions of Manifest Destiny and of indigenous peoples provided the ideological basis both to continue the expansive creation of an American empire, and to oppose the goals of racial uplift advocated by northern Republicans. Individuals such as Wellington H. Ent, a colonel who fought at Gettysburg, praised the same immigrant past lauded by other Americans on July 4, 1865: “it is to the civilization of Modern Europe, brought here by our ancestors, that we are mainly indebted; the laws, religion, and institutions borrowed by us from abroad, have here, under favorable conditions, produced their happiest effects and given us our preeminent place among the nations.” To colonel Ent and those of his mindset, however, the proclamation of an immigrant past and the corresponding present and future greatness of an American nation emerging from fratricidal war, the American project succeeded because it had been “undertaken and controlled by the Caucasian race.”

In this vision of white Unionist nationalism there had been “no partnership with Indian, Negro, or lower Asiatic, in the business or political control of government, nor any extensive

324. L. Clayland and J. B. Dumble, eds., "The Negro Character," *Macon Daily Telegraph*, June 22, 1865.

blending with them in the relations of social life.” Further, this exclusively white and extensively mythologized vision of American history had prevented what Ent labeled, the “hybridism and mongrelism” of “Mexico and other Spanish American states.”³²⁵ This nationalistic racial vision of America grew directly from the long inter-related history of whiteness and American citizenship dating back to the Immigration and Naturalization act of 1790. Yet, for strong advocates of this Caucasian nationalist mythology, which unlike its southern counterpart had fought to preserve the Union, the exclusion of non-white peoples from the national life, and the corresponding use of indigenous peoples as a means to define the nation contained the key to preserving American greatness. Similarly to Colonel Ent, the *Holmes County Farmer* argued on July 6, 1865 that the Mexican example provided all the historical proof needed to justify the preservation of white supremacy, for “If, whites, Negroes, Indians, and Chinese are placed on a footing of political equality in this country, we may soon outstrip Mexico in the matter of revolutions.”³²⁶ To these white unionist opponents of African American suffrage, the image of an American nation as synonymous with European Immigrants was so deeply ingrained that any supposition of legal rights for non-European immigrants, or indigenous communities served as a harbinger of revolution.

Because of the overarching narrative of European expansion, and creolized nationhood, and the relationship of western aboriginal peoples to the American nation, these opponents of African American suffrage did not look to the African *Indigènes* to define their conceptions of citizenship as did the French. Nor, was this vision of white American nationalism built solely on stereotypes concerning former slaves. Rather, when opponents of African American civil and political participation wished to provide an ideological framework for their vision of what the

325. "Oration of Col. Wellington H. Ent, Delivered in Lunger's Grove, Jackson Township, Columbia County, Pa, upon the Fourth of July 1865.," *Star of the North* (Bloomsburg, Columbia County, PA.), July 19, 1865.

326. "Political Equality," *The Holmes County Farmer* (Millersburg, Ohio), July 6, 1865.

American nation should be, they utilized a long tradition of defining indigenous *ethnies* in racial terms, as a means to establish doctrines of nationalism, which included European immigrants and fundamentally excluded the migrants of the middle passage. As the *Daily Ohio Statesman*, proclaimed on July 1, 1865, the “abolitionist argument” concerning the equality of all men “not only authorizes but requires that suffrage be conferred upon the Digger Indians of the West.”³²⁷ Taken together these Southern and Northern Democratic ideals of indigenous peoples stood as a crucial counterpoint to African American images of indigenous peoples. Both, it must be said, shared a common vision of westward expansion, and empire founded at its base upon immigration settlement and upward mobility. Yet, the Democratic and white southern view of indigenous peoples was used as a means to justify the disenfranchisement of former slaves. On the other hand, black Americans, such as James Lynch, posited a view of African American nationalism, which posited slavery as the sole cause of prejudice. Ultimately, both groups of Americans utilized a racial understanding of Indigenous peoples to advance their own cause of citizenship in a republic in which created racial ideals stood as a substitute for identity founded upon a model of organic ethnicity.

There was, however, still another image of Indigenous peoples, an assimilationist Republican view, which emerged triumphant from the Civil War. Like the other two views of indigenous peoples, this image also had an immigration story, and it equally pre-supposed a racial understanding of aboriginal communities. Eventually, this northern view of assimilation would find expression in the Dawes Act of 1887, which attempted to re-make indigenous peoples into small-holding farmers and exemplars of free-labor ideology. Its roots, however, may be seen in the immediate aftermath of the Civil War, for when anti-slavery Republicans

327. Amos Layman and E. B. Eshelman, eds., "That 8th Resolution and Why It Got There," *The Daily Ohio Statesman* (Columbus), July 1, 1865.

discussed the meaning of citizenship and the reunited nation, they likewise defined their ideas of the American nation in terms that denied a core ethnic identity

This northern anti-slavery view of indigenous peoples began as an outgrowth of free-labor ideology with a corresponding interpretation of American history that stressed universal enlightenment principles and America's divine place as a beacon to the rest of the world. A central point within this mythology of the nation as the "vanguard of the world's progress and the world's civilization," was the story of immigration.³²⁸ To these anti-slavery republicans the ideal of the new world as a virgin land existed consubstantially with the conception that nature, in order to be fruitful, must be conquered, and the wilderness tamed. Speaking in Providence, Rhode Island on July 4, 1865, the Reverend Andrew Stone voiced these beliefs in memorable language: "On a wintry shore the savage wild frowned with all its terrors, and defiant nature had to be conquered and conciliated before she would yield one nourishing tribute to the strangers who had invaded her unplanted wilderness." Side by side with a narrative of European settlers invading the wilderness was the legacy concerning the conquest of indigenous peoples, for "they who had conquered savage nature next grappled with savage men." Eventually in this narrative of settlement and subjugation, "bow and arrow, scalping knife and tomahawk receded toward the setting sun" leaving behind an American nation in which liberty and law formed the "twin columns" that built the republic.³²⁹ Education also formed the bedrock of a Republican vision national identity on the first national anniversary after Appomattox. Only through an education that strove to "impress men with correct ideas of their civil rights and civil obligations," could

328. Charles Sedgwick May, *The Experiment and the Trial of Republican Institutions: An Oration Delivered at Jackson, Michigan, July 4, 1865* (Jackson, Michigan: O'Donnell & Ray, 1865), 14.

329. Andrew L. Stone, *Elements of National Life: An Oration Delivered before the City Authorities and Citizens of Providence, July 4, 1865* (Providence: H.H. Thomas & City Printers, 1865), 11-12.

the broad American nation composed of wayfarers and forced migrants from distant shores be unified into a national whole.³³⁰

But, what did this northern vision of nationalism with its conceptions concerning the conquest of nature and indigenous peoples, and its assimilative ideals of education mean for the indigenous *ethnies* of this American nation? When the Reverend Martin offered the benediction for the dedication of the soldiers monument at Wheeling, West Virginia, reminding his hearers “to pray for the colored men and the Indians of our country,” and asked God to “speed the day when the down trodden and oppressed shall everywhere be free,” how would this vision of racial uplift be carried out?³³¹ A specific set of answers was emerging to these questions in the immediate aftermath of the Civil War that held profound significance for the meaning of a reunited nation struggling with competing ideals of nationalism that expressed themselves in racial terms.

The *Frontier Scout*, an Army newspaper out of Fort Rice Dakota, Territory ran a series of editorials in the months of June and July, which contained not only the seeds of what would become much of Grant’s Peace Policy, but also many ideas that would make their way into assimilationist thinking. Further, because the vast majority of the America’s indigenous population lived in the West, these editorials illustrate most clearly that the questions of citizenship, nationalism, and the debate over slavery influenced and affected western thinking concerning the course of federal Indian policy, even as it influenced Eastern attitudes about the same problems.

330. James Sheldon, *Oration Delivered July 4th, 1865, at Eden, Erie Co., N.Y* (Buffalo: A.M. Clapp &'s Morning Express Steam Printing House, 1865), 25.

331. "The Fourth-Ceremonies at the Dedication of the Soldiers Cemetary-Laying the Cornerstone of the Monument," *The Wheeling Daily Intelligencer*, July 6, 1865.

Arguing that the “Indian Bureau is the slave power of the territories,” the *Frontier Scout* blamed the emerging conflict with the Lakota, which would eventually lead to the Red Cloud War, on dishonest Indian traders. The object of these traders was to “make all they can in the shortest time, and to cover themselves in a golden fleece and then leave. . . . They love the Indian as a poor niece loves a rich uncle.”³³² Indeed, the endemic corruption of the Indian Office had already led to the establishment of the Doolittle commission by congress in March of 1865, which was in the process of investigating conditions on the nation’s reservations. Yet, unlike Doolittle and his band of evangelical reformers, the *Frontier Scout* did not believe the solution to the Indian problem lay in the well-intentioned efforts of Christian missionaries.³³³

Rather, the argument ran that “soldiers saved us in the states and must save us in the territories” Further, the paper advocated for control of Indian Affairs by a General and to “give him power untrammelled by [the] Indian Bureaux [sic], Indian traders, speculators, and ameliorators [sic].”³³⁴ In 1865, the Army was the most organized and probably the best functioning arm of the federal government. Already, General Oliver Otis Howard had been appointed head of the Freedman’s Bureau, and the new labor regulations and vagrancy laws provided a workable model with which to control southern freedmen. The promotion of a similar policy by the *Frontier Scout*, illustrates how deeply the Civil War had changed conceptions of federal power, and the relationship between people and the state in only four years.

More pressing still, the argument concerning the army’s control over Indian affairs fit the larger national pattern within the American nation of denying Indigenous communities the right to national self-determination. Even in Dakota territory, where the Lakota held the best claim to

332. Captain E. G. Adams, ed., "Communicated," *The Frontier Scout* (Fort Rice Dakota, Territory), June 22, 1865.

333. Francis Paul. Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 480-488.

334. Captain E. G. Adams, ed., "Communicated," *The Frontier Scout* (Fort Rice Dakota, Territory), June 22, 1865.

living and functioning as one of the original nations of the continent, speaking their own language, within their own territory, telling their own origin stories such as the founding of the four directions, the *Frontier Scout* discussed the Lakota *ethnie* as if it were part of an overarching general confrontation between Indians and Americans. Additionally, the paper placed the current troubles on the Western Plains within the context of the broader racial strife and slavery questions that still agitated the nation: “The Rebellion of the South was a big thing, and the Indian troubles are not so big, and yet the same general rules govern a nation’s internal difficulties whether white man, red man, or black man makes the trouble.” As they were in other contexts, these racial fictions concerning indigenous peoples were used to justify the onward march of civilization.

Throughout the narrative of expanding white civilization ran the story of settlement and immigration. Only this time what easterners described as beginning with an ocean voyage was taking shape again as new immigrants moved into the trans-Mississippi West from both coasts. This small army newspaper told the truth about these American voertrekkers as they marched out into the national veld in the lands beyond the hundredth meridian arguing that “You cannot stay the onward march of civilization, of the Caucasian race more than you can stay the expansion of heated air. You cannot damn up the river of [i]migration any more than you can dam the June rise on the Missouri with a wash-bowl.” Similarly, the *Frontier Scout* hit the mark with its assertion that “You may make Dacotah [sic] an Indian reservation but you cannot keep the whites out of it.” Yet, even with these assertions of migration and expanding civilization, which have furnished tropes for generations of journalists and historians the newspaper revealed how the tradition of racial uplift held its own paternalistic rhetoric.

To those ascribing to the western vision of free labor ideology in 1865, “the Indian [was] benefited by the white man [for] steel pointed arrows are better than stone.” Yet, this idea of civilization carried within itself a profound idea of dependence on the market economy, as “every implement the Indian now uses [is] manufactured by the white.” Moreover, these western opponents of slavery and apostles of elevating indigenous peoples saw violence as intrinsic to the civilizing process, “make the Indians respect you, fear you, and then elevate them. . . . Handle the Indian as you would handle a regiment of undisciplined soldiers. Control them first, civilize them afterwards.”³³⁵ In so many words, the ideals of violence, control, and civilization were seen as part of the burden of spreading civilization and achieving white goals of indigenous assimilation.

Consequently, northern free labor understandings of education brought with them their own baggage of paternalistic violence. James Sheldon, a New York superior court judge had urged eastern Republicans to utilize education as a means to imprint upon people the duties of citizenship on the Fourth of July, but in dealing with indigenous peoples, it was impossible to separate the educational ideal from the rhetoric of violence. “Compulsory education” argued the *Frontier Scout*, “must be the dominant power in this republic.” Further, the argument for compulsory education backed up by the power of the Army fit squarely within the framework of a national reconstruction as “moral reform schools, for Indians, for blacks, for ignorant whites. . . . Schools must be introduced through the whole South, and all the Indian country, sometimes preceded by, and always backed up by the bayonet.” If allowed, these western advocates of Jeffersonian principles, would impose forcibly these definitions of equality in order to assimilate all Americans, for “the feeling of nationality, of caste, of clique must be assailed and broken up . . . the black man must be civilized and the Indian too.” Yet, by assailing

335. "Editorial," *The Frontier Scout*, July 13, 1865.

indigenous nationalism, little did these advocates of the forced reconstruction of native peoples realize that they were forcing the original nations of America to become part of a national identity in which racial identities and racial antipathies took the place of a common language, a shared history, and a defined communal homeland.

Looking back on the position of these indigenous *ethnies* in the 1870s from the vantage point of 1898, and reviewing the facts that led to the events surrounding the Fort Robinson Breakout in 1878, the U.S. Court of Claims in *Connors v. United States* eloquently summed up the result of America's racial thinking and its policy concerning these aboriginal inhabitants: "They were neither citizens nor aliens; they were neither free persons nor slaves; they were the wards of the nation, and yet, on a reservation under a military guard, were little else than prisoners of war while war did not exist."³³⁶ In short, the end result of a national origin story founded on immigration, westward expansion, and racial ideas of nationhood was the creation of the Indian in America, a legalized racial caste of people who had no rights at all. Neither nations with a right to self-determination, nor citizens with guaranteed legal protections under the law and without any definition either as free people or as slaves, these indigenous communities held no standing in the eyes of the law. So indeed, did the proto-nations of America find themselves trapped within a system of racial classification that defined them as Indians, because the history of the development of the American nation left no room for an organic idea of nationalism on a Westphalian model.

"Race," writes Elliot West in his essay on the broader reconstruction "is not the burden of southern history. Race is the burden of American history."³³⁷ Formed by the crucibles of

336. Archibald Nox and Charles C. Nott, *Cases Decided in the Court of Claims of the United States at the Term of 1897-1898 With Abstracts of the Decisions of the Supreme Court in Appealed Cases from October 1897 to May 1898* (Washington D.C.: Government Printing Office, 1898), 323.

337. Elliott West, *The Essential West: Collected Essays* (Norman: University of Oklahoma Press, 2012), 121.

European expansion, African slavery, immigration, and conquest, these competing conceptions of racialized American nationalism, stood as the largest single obstacle to indigenous self-determination. Americans for the most part, on July 4, 1865, understood themselves in racial terms shaped by immigration, westward settlement, and slavery. The tragedy for the indigenous *ethnies* of America was that none of these definitions fit them, and so they were forced into an alien mold, and eventually defined as Indians under the law, in the customs, and through the ideology of an American society which could see them no other way but through the veil of a racial classification dictated by the larger narrative of American history.

On the eighty ninth anniversary of American Independence, the first after Appomattox, in Bangor, Maine former vice president Hannibal Hamlin spoke and canoes named after civil war generals raced in competition. Approximately ninety thousand people attended the event, and according to the newspaper coverage of the event a “novel feature” was the participation of “an Indian regatta in Birch Bark Canoes” racing in three heats. The *General Grant* won the first heat, while the *Sheridan* won the second. Beyond serving as a mere curiosity the indigenous peoples who participated in the Fourth of July celebration received no mention. In all probability they were Penobscot, speaking an Algonquin language, and members of the Wabanaki Confederacy, but to the Americans, they were Indians.

Epilogue: The Legacies of July 4, 1865.

The nationalist template set down on July 4, 1865 still resonates down the ages. The language of American nationalism heard on the national anniversary continues to influence the scope of national politics in the present. Both the legacies of the second American Revolution, and the shape of the nation, remains as unresolved in 2015 as it was in 1865. Further, the narratives and the language of July 4, 1865 act as a living heritage, out of which Americans draw inspiration to frame their understanding of what the nation ought to be. As an example, the Reverend Dr. William Barber, head of the North Carolina N.A.A.C.P., bills the Moral Monday movement as the third reconstruction.³³⁸

The third reconstruction, like its first two iterations, bases itself on the idea of fusion politics, and the creation of a non-racial democracy. In a sermon on delivered on Palm Sunday, 2014, at the Riverside Church in New York, Dr. Barber said that “there always must be those in every age who choose to dissent.” Moreover, in creating a moral framework within which to see the nation he exploded the current monopoly on the language of faith and American nationalism held for too long by religious conservatives. Casting aspersions on those who wear their patriotism on their sleeve, Dr. Barber argued that “having the nerve to sing America, America God shed his grace on thee, but then denying grace to women, grace to the LGBT community, and grace to immigrant rights, whose families are being torn apart is immoral.”³³⁹ Yet, the movement for the future, which seeks to build coalitions to overcome voter identification laws, guarantee earned income tax-credits for working families, secure the future of Planned

338. Sarah Kerman, "Moral Monday Leader Speaks on Social Change at MLK Ceremony," *The Duke Chronicle* (Durham, N.C.), January 20, 2015.

339. William Barber, "A Moral Movement for the Nation" (speech, Palm Sunday Sermon April 13, 2015, Riverside Church, New York City, May 10, 2015), accessed May 10, 2015, <https://www.youtube.com/watch?v=qZlzZ1nF3Hs>.

Parenthood, and the rights of LGBTQ members to marry, speaks in the language a century and a half old.

On July 4, 1865, Ohio Congressman William Cutler argued that the voice of God called the nation to “deliver him that is spoiled from the hands of the oppressor.” In justifying his language of social justice Cutler quoted Jerimiah 22:13: “Woe unto him that buildeth his house by unrighteousness and his chambers by wrong; that useth his neighbor’s services without wages and giveth him naught for his work.” He also looked back to the formation of the constitution, and said that “the constitution was made to establish justice.” Injustice, this “building of houses by unrighteousness” Cutler saw as the root cause of the Civil War, and that “using a neighbor’s services without wages” had cost the nation more than slavery had ever earned.³⁴⁰

One hundred and fifty years later this religious language forms the core of the moral Monday movement. In relating why he marched with McDonalds workers for higher wages, in his Palm Sunday sermon, and in a speech before Netroots Nation on July 19, 2014, Barber consistently looked back to Reconstruction. Moreover, in all of these instances, he quoted the same scriptures used by Congressman Cutler on July 4, 1865 and used the same language.³⁴¹ In short, the eighty-ninth anniversary of American nationalism set the template for reform in the American nation and bequeathed a living past capable of use by those who wish to reform the country in the present.

340. William Parker Cutler, *The Duty of Citizens in the Work of Reconstruction* (Marietta, Ohio: Printed at the Register Office, 1865), 6-7.

341. Barber, "A Moral Movement for the Nation;" William Barber, "Why I Marched On McDonald's," The Huffington Post, June 02, 2014, section goes here, accessed May 10, 2015, http://www.huffingtonpost.com/rev-dr-william-j-barber-ii/why-i-marched-on-mcdonald_b_5434176.html; William Barber, "Reverend Barber at Netroots Nation 2014" (address, Netroots Nation 2014, Cobo Center, Detroit, MI, July 17, 2014), accessed May 14, 2014, <http://www.dailykos.com/story/2014/07/24/1316230/-I-m-glad-I-didn-t-miss-it>.

The “first moral principle of our constitution” argues Barber, “is justice,” In his words, “we need a deeper language that gets into people’s souls and pulls them into a new place.”³⁴² But, the only way to build such a language and to re-center the debate over the meaning of the American nation is by harnessing the forces of historical memory. Reconstruction, the moment where the nation first began to re-draw the boundaries of Civil Rights in this country, a movement that began with Congressman Henry Winter Davis’s proposal of the fourteenth amendment in Chicago on July 4, 1865, offers a continuous well-spring of living historical lessons upon which to draw a vision of the future.

Somewhere in their bones Americans have an image of the nation derived from the historical memory of the Civil War. These images draw their strength from the visions of the nation put forward on July 4, 1865. As Robert Penn Warren argued in his book *The Legacy of the Civil War*, the conflict is “for the American imagination the great single event of our history.”³⁴³ Before the war, the nation had no romantic vision of history upon which to shape a national consciousness. Yet, after the war, the country had too much history. The living heritage of the Civil War, burst the bonds of the national civic religion, and in its reformation the country would be continually re-made as various groups drew competing lessons from the conflict. If the Moral Monday movement has its own storehouse of righteousness drawn from the eighty-ninth anniversary of Independence, the conservative reaction against which it fights also has a moral template inherited from the Civil War. In 2013 the state of North Carolina passed one of the most restrictive voting rights laws in the nation empowering any citizen of the state to inspect and challenge the right of any other citizen to vote.³⁴⁴ Effectively, the law allows the denizens of

342. Barber, "Reverend Barber at Netroots Nation 2014."

343. Robert Penn Warren, *The Legacy of the Civil War: Meditations on the Centennial* (New York: Random House, 1961), x.

344. Voter Information Verification Act, HB 589, 2013 sess., General Assembly of North Carolina

a voting precinct on the far eastern side of the state to review the voting records of an entirely separate precinct on the opposite side of the state and challenge the eligibility of voters where a person is not resident. In an interview discussing the measure then speaker of the North Carolina House of Representatives, Thom Tillis, said “We call this [measure] restoring confidence in government.”³⁴⁵ A year earlier, in an unwitting interview with the *Carolina Business Review*, Tillis had argued that traditional voters in North Carolina remained a stable population while conversely, African Americans and Hispanics, were on the increase.³⁴⁶

These themes, the identification of tradition with the white voters of North Carolina, the belief in a need to restore confidence in government, and the empowerment of individual citizens to challenge the constitutional rights of others also found expression on July 4, 1865. Long before White Southerners set about redeeming the state in the 1870s by violence and legislative action, the ideological origins of the conservative reaction could be seen on the eighty-ninth anniversary of Independence. In his Fourth of July oration in Raleigh, North Carolina, Samuel F. Phillips, argued that “whatever is to be the future of this state, it must be one in which the devotion . . . of those soldiers who held up its flag for four bloody campaigns shall be a principle ornament and source of pride.”³⁴⁷ Phillips, in fairness to his record, would eventually come round to the Republican cause and serve, along with Albion Tourge, as the plaintiff’s lawyer in *Plessy v. Ferguson*. Even so, he captured the sentiments of many white North Carolinians regarding the Confederacy in 1865.

345. Diane Rufino, "Voter ID Is about Confidence and Integrity," *The Beaufort Observer*, June 07, 2012, section goes here, accessed May 10, 2015, <http://www.beaufortobserver.net/Articles-NEWS-and-COMMENTARY-c-2012-06-07-260866.112112-Voter-ID-is-about-confidence-and-integrity.html>.

346. Phillip Bump, "Attention, Thom Tillis: North Carolina’s “traditional” Population Is Growing, Too.," *Washington Post*, June 17, 2014, section goes here, accessed May 10, 2015, <http://www.washingtonpost.com/blogs/the-fix/wp/2014/06/17/attention-thom-tillis-north-carolinas-traditional-population-is-growing-too/>.

347. Samuel F. Phillips, "Oration of Samuel F. Phillips Delivered at Raleigh, North Carolina, July 4, 1865," *The North Carolina Standard* (Raleigh), July 6, 1865.

Moreover, the appeal to tradition and the heroism of Confederate veterans acted as one of the guiding arguments against black enfranchisement in 1865. On July 11, 1865, the *Western Democrat*, of Charlotte, North Carolina argued that the United States is declared to be “a white man’s government and the negro a foreign element, which cannot be successfully assimilated.” Even as it argued for black disenfranchisement, the same paper, had upheld the voting rights and privileges of Confederate soldiers on July 3, 1865: “No man will be excluded from voting because he has been a soldier in the Confederate Army. It is desirable that as many persons as possible should have the privilege of voting when the government is to be reorganized.”³⁴⁸ In short, the desire to enfranchise Confederate veterans often manifested alongside a sincere belief in white supremacy and opposition to black enfranchisement.

The same themes of honoring Confederate ancestry and wishing to disenfranchise African Americans can be seen today in North Carolina as plain as a century and a half ago. Wesley Meredith, one of the sponsors of House Bill 589, proudly flew the stars and bars from a flagpole at his home.³⁴⁹ In a 2013 interview with the *Daily Show*, Don Yelton, former Republican precinct chair from Buncombe County, argued that the voting law was designed to hurt “lazy blacks who want the government to give them everything.”³⁵⁰ As with so much of modern racial politics, Yelton’s views are inseparable from his memory of the Civil War. He once argued that “Obama has studied Lincoln and is repeating the same destruction of the constitution that Lincoln used.”³⁵¹ For conservative reactionaries, just as for modern progressives,

348. Rufus M. Herron, ed., "The Democracy and the President," *The Western Democrat* (Charlotte), July 11, 1865.

349. Geary, Bob. "The First 77 Days of Legislative Mayhem." *Indy Week*. April 13, 2011. Accessed May 29, 2015. <http://www.indyweek.com/indyweek/the-first-77-days-of-legislative-mayhem/Content?oid=2362322>.

350. "Suppressing the Vote," in *The Daily Show with Jon Stewart*, Comedy Central, October 23, 2013, accessed May 10, 2015, <http://thedailyshow.cc.com/videos/dxhtvk/suppressing-the-vote>.

351. Alex Kotch, "Don Yelton's Greatest Hits," *Progressivo* October 28, 2013, section goes here, accessed May 10, 2015, <https://progresivoblog.wordpress.com/2013/10/28/don-yeltons-greatest-hits-the-facebook-chronicles/>.

Civil War, bequeathed to the nation a set of lessons and a moral template, in which one's views of the conflict serve as a living referendum on the meaning of American nationalism.

More than one hundred and fifty years have passed since the nation ended the bloodiest and most divisive war in its history. But, then as now, the image of the American nation has no room for Indigenous nationalism. The legacies of the Civil War, as the nation's felt history continues to marginalize the experiences of First Nations' peoples. Perhaps the most profound legacy of July 4, 1865 is that the great civil rights reckoning of Reconstruction wrote the nation's indigenous inhabitants out of the story. The narrative of civil rights, because it remains so tied to stories of emancipation, reconstruction, and the Civil Rights Movement—billed by many historians as the second reconstruction—has very little room for either the legacies of the American Indian Movement, or the self-determination of Indigenous communities. Almost forty-six years after Vine Deloria wrote *Custer Died for Your Sins*, it still remains true that “to be an Indian in American society is in a very real sense to be unreal and ahistorical.”³⁵² Eighty-nine years after the Indian Citizenship Act of 1924, it remains unclear whether or not Indigenous peoples have guaranteed rights to the free exercise of religion under the First Amendment.³⁵³ Fifty years after the Voting Rights Act of 1965, and forty-seven years after the Indian Civil Rights act of 1968, it remains uncertain whether reservation communities have either the unimpaired right to vote, or the equal protection of the law.³⁵⁴

352. Vine Deloria, *Custer Died for Your Sins: An Indian Manifesto* (New York, NY: Macmillan Company, 1969), 2.

353. John Petoskey, "Indians and the First Amendment," in *American Indian Policy in the Twentieth Century*, ed. Vine Deloria (Norman: University of Oklahoma Press, 1992), 221-238.

354. Janine Pease brought the first voting rights suit in Montana on Behalf of Native Americans in Montana in Big Horn County in 1986. Today, tribal members on both the Northern Cheyenne and Crow Reservations still struggle against unfair registration, and the same is true of reservation communities across the west: Orlan J. Svingen, "Jim Crow, Indian Style," *American Indian Quarterly* 11, no. 4 (1987): 275-286; Andrew Gumbel, "Montana's Northern Cheyenne Tribe Fighting to Secure Voting Rights," *The Guardian*, October 07, 2013, section goes here, accessed May 10, 2015, <http://www.theguardian.com/world/2013/oct/07/montana-north-cheyenne-reservation-voting-rights>.

Yet, the messianic vision of American nationalism present on July 4, 1865 profoundly influenced the course of Indian affairs. The vision of universal public education that saw no “distinction in race, class, or nationality,” served in a few years’ time as the impetus for the creation of the boarding schools.³⁵⁵ The idea that the homestead supported “an elevated and rational liberty” created the logic of the Dawes Act and the horrors of land ownership in severalty.³⁵⁶

Within nine years the story of emancipation transformed the logic of Indian affairs, as Americans sought to apply the lessons of the Civil War and Reconstruction to the original nations of the continent. In 1874, Richard Chute, a republican organizer from Minneapolis and future Regent of the University of Minnesota, argued that “we cannot afford to have a hundred distinct nationalities of barbarians within our borders, with the continual friction growing out of treaty constructions and wrong-doings of Indian agents; we cannot afford to perpetuate tribal relations; all people living within the jurisdiction of the United States must owe allegiance to the Federal Government and to the States or territories wherein they reside.”³⁵⁷ Chute based his reasoning for Indigenous assimilation within the context of Civil War memory and the long struggle for African-American civil rights: “We have lately paid a fearful penalty for our wrong treatment of an imported black race, and should at once reverse the wrong policy we pursue toward the native red man.” The language of American nationalism and of July 4, 1865 further supported his reasoning: “We must come up to the full text of the declaration of Independence, which declares all men to be equal, and of the [fourteenth] constitutional amendment, by which

355. *Inauguration of the Statue of Horace Mann, in the State-House Grounds, Boston, Massachusetts, July 4, 1865: With the Addresses of Gov. Andrew, John D. Philbrick, President Hill, Dr. S.G. Howe, & Others* (Boston: Walker, Fuller &, 1865), 18.

356. Henry W. Adams, *The Past, Present, and Future of America.: An Oration Delivered in the First Presbyterian Church, Orange, New Jersey, July 4th, 1865*. (New York: John F. Trow and Company, 1865), 35.

357. Columbus Delano, *Sixth Annual Report of the Board of Indian Commissioners* (Washington: Government Printing Office, 1874), 17.

the people have enacted that all persons born within the limits of the United States and subject to its jurisdiction are citizens of the United States and of the States where they reside.” As discussed earlier, Henry Winter Davis proposed the Fourteenth Amendment to guarantee to freed slaves a modicum of protection, to prevent the institution of black codes, and provide a modicum of redress against marauding whites who sought to punish former slaves by extra-judicial means.

Richard Chute, however, did not interpret the Fourteenth Amendment to the Constitution as a means of extending equal protection to First Nations’ peoples. Rather, he saw it as a means of terminating the federal government’s treaty responsibilities to its indigenous inhabitants. In language that would later echo down through debates over Indian Policy from the 1880s to the Presidency of Theodore Roosevelt and President Eisenhower’s policy of termination, Chute argued that Civil War memory and the language of Reconstruction served as a means to “sectionalize and divide all reservations” and “abolish [the Indian’s] tribal relations and deal with him as an individual.”³⁵⁸ The roots of an assimilative federal Indian policy, much like modern conceptions of civil rights, also have their roots in Civil War memory. The long memories of First Nation’s Peoples, their experiences in boarding school, and the still lingering effects of white landownership on reservation land may be traced to a triumphalist vision of Northern civil war memory present on July 4, 1865. Further, the connection between Reconstruction, northern nationalism, and a new direction for federal Indian policy illustrate that the long term effects of the fratricidal conflict extend far beyond the usual platitudes that frame the conflict in terms of north and south, of veterans in blue and gray, white and black, or slave and free. The Civil War and its memories extend across the broad continental sweep of the United States, touching every region and every group of people who inhabit its borders.

358. *Ibid.*, 18.

Ever since Charles and Mary Beard coined the term, scholars have defined the conflict as the Second American Revolution. Yet, if the war represents a second revolution, it is also an unending and unfinished revolution whose effects shape conflicting visions and ideas of what the nation ought to be. Nationalism looks backward and out of the tools of historical memory, shapes future visions of citizenship and the state that echo down the generations. American nationalism may not possess the romantic elements of language, of religion, or of a shared, medieval, ethnic past, which shape its counterparts in other countries. Languages may be revived, religion does not determine membership in a national community, and a shared ethnic past is no guarantor of national unity. Rather, all that nationalism requires is a storehouse of historical memories. In four years from 1861 to 1865 the Civil War bequeathed to the United States the requisite usable past upon which to build a second American republic. The visions of national history first expressed on July 4, 1865 continue to echo down to the present day. Yet these visions, far from providing the nation with a static ideal of a unified national community, are in a constant state of flux. If the Civil War created the American nation, then these visions of historical memory represent a living heritage—to be re-made in every generation. In one form or another, historiographical battles over the meaning of the conflict and its legacies represent crucial sign-posts in the quest to shape the nation's social contract. Since 1865 historical memory has served as a major engine of pluralism in America's representative democracy. Together present ideologies and past actions join hands across the centuries, and success in interpreting and controlling the past often presages success in court or at the ballot-box. Ultimately, the historical memory of the Civil War is a living thing, an organic process of explication—one that in redefining the meaning of the conflict also re-imagines the substance of the nation.

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