

REALITIES OF JUNETEENTH

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Juneteenth is now threatened with erasure by the Trump administration. Celebrated every June 19th as a federal holiday since 2021, when the 117th U. S. Congress enacted and President Biden signed into law the Juneteenth National Independence Day Act, it memorializes the date in 1865 when Union Army Major General Gordon Granger read and publicly posted Order #3 in Galveston Texas. The order stated that all previously enslaved people in that defeated Confederate state were free.

Going back to 1860, it is estimated that four million people lived in bondage in America. After the election of Abraham Lincoln in November 1860, 11 states formally seceded from the Union. But four other slave-holding states—Maryland, Delaware, Kentucky and Missouri—remained in the Union. Usually referred to as “border states,” these four states had, at the time of Lincoln’s election, initially elected pro-slavery, pro-secession governments. Those pro-secession state governments were all gradually run out, either by pro-Union state legislators or Union armed forces. But the four border states remained in the Union as slave states until the end of the Civil War.

Early in the war, in 1861, at the Union-held Fort Monroe in Virginia, enslaved people escaping forced labor for the Rebel army fled to the Union lines for protection. As masses of freedom seekers flowed into Union camps, a logistical and jurisdictional problem existed. Some officers were for returning fugitives to their masters, while others began using them as laborers. Still other Union officers—militant abolitionists—sent some fugitives north to freedom. At the time, the term “contraband” meant illegally smuggled goods or confiscated property. Union

Army brass decided that technically, the escaped enslaved people were officially “property,” contraband confiscated from the Rebels.

In August, Congress passed the Confiscation Act of 1861, which declared that any property used by the Confederate military, including enslaved people, could be “confiscated as contraband” by Union forces. Some Union generals—such as General Butler at Fort Monroe—initially did not pay these refugees for work they did for the Army. But on September 25, 1861, Secretary of the Navy Gideon Welles issued a directive to give “persons of color, commonly known as contrabands” in naval installations, pay at the rate of \$10 per month and a full day's rations. Three weeks later the Union Army followed, paying male “contrabands” at Fort Monroe \$8 a month and females \$4. In March 1862, the Act Prohibiting the Return of Slaves forbade returning any enslaved people who escaped to their Confederate masters or to their military. This meant that all formerly enslaved refugees in Union encampments were essentially free. The legislation for formal emancipation had finally begun.

Later in March 1862, President Lincoln proposed a plan of gradual emancipation for slaves in the Border States, offering to monetarily compensate owners who willingly freed the people they held. At that time, early in the war, he did not want the border states to again try to join the Confederacy if they were forced to free slaves in their states. When the congressional delegations for the border states turned down his compensation offer, Lincoln issued the Preliminary Emancipation Proclamation in September 1862. He then signed the famous Emancipation Proclamation on January 1, 1863. The Proclamation never used the word “contraband.” A limited document, it freed enslaved people, but only in states and parts of states that were still in open rebellion against the Union. Therefore, the Emancipation Proclamation allowed slavery to continue in the four border states and in war zones occupied by the Union

Army, such as Tennessee, West Virginia, and parts of Virginia and Louisiana. Lincoln specifically stated that the Proclamation was issued “as a fit and necessary war measure for suppressing said rebellion,” but the Proclamation did not free enslaved people everywhere.

So what happened to the remaining enslaved people in the Confederacy and in the Border States? In October 1864, the pro-Union Maryland legislature officially abolished slavery. In Missouri, in January 1865, a pro-Union state convention and governor approved an ordinance abolishing slavery. After the Civil War ended with the defeat of the Confederacy and the occupation of the entire South in the summer of 1865, the Thirteenth Amendment—abolishing slavery—became part of the Constitution in December 1865. But Delaware's General Assembly refused to ratify the 13th Amendment, calling it an illegal extension of federal powers over the states. Only in December 1865, when the 13th Amendment went into effect nationally, did slavery finally end in Delaware.

In Union-occupied Kentucky, a contentious Legislature considered a conditional ratification of the Thirteenth Amendment, denying freed slaves any constitutional rights, and requiring them to leave the state within ten years. At the fall of the Confederacy, some slaveholders in Kentucky continued to enslave people through 1865, despite Union occupation. It was not until long after abolition became part of the Constitution that the 13th Amendment was finally ratified in Kentucky in 1976.

Kentucky wasn't the only former Confederate state dragging its heels when it came to emancipation. Although June 19, 1865 was when General Granger announced the end of enslavement in Texas, Texas did not formally ratify the 13th Amendment until February 1870. The state of Mississippi only ratified the 13th Amendment in March 1991, finally certifying that act in February 2013. As Lincoln wrote in the Emancipation Proclamation, “And upon this act,

sincerely believed to be an act of justice, warranted by the Constitution, upon military necessity,
I invoke the considerate judgment of mankind, and the gracious favor of Almighty God.”

Today, we pledge to continue the battle for human rights. Fighting to keep Juneteenth as a
robust holiday and remembering its history is an essential part of this work.