

Militia Act of 1862

The Militia Act of 1862 was legislation enacted by the United States Congress in 1862 during the American Civil War to enable African Americans to join the Union Army to free up frontline troops for combat.

The act created controversy on several fronts. While praised by many abolitionists and black-rights activists as a first step toward equality, it stipulated that the newly recruited black soldiers primarily be used for manual labor, not combat. Although black soldiers proved themselves as reputable soldiers, discrimination in pay and other areas remained widespread. According to the Militia Act of 1862, soldiers of African descent were to receive \$10 a month, plus a clothing allowance of \$3.50. Many regiments struggled for equal pay, some refusing any money until June 15, 1864, when Congress vacated that portion of the Militia Act and granted equal pay for all black soldiers.

The act was the first step in the creation of the United States Colored Troops, many of which would indeed see combat during the war.

An Act to amend the Act calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions, approved February twenty-eight, seventeen hundred and ninety-five (1795), and the Acts amendatory thereof, and for other Purposes.

SEC. 12. Authorization for Persons of African Descent to serve in the Militia

And be it further enacted, That the President be, and he is hereby, authorized to receive into the service of the United States, for the purpose of constructing entrenchments, or performing camp service or any other labor, or any military or naval service for which they may be found competent, *persons of African descent*, and such persons shall be enrolled and organized under such regulations, not inconsistent with the Constitution and laws, as the President may prescribe.

SEC. 13. Authorization for the Emancipation of Slaves owned by Confederate Rebels

And be it further enacted, That when any man or boy of African descent, who by the laws of any State shall owe service or labor to any person who, during the present rebellion, has levied war or has borne arms against the United States, or adhered to their enemies by giving them aid and comfort, shall render any such service as is provided for in this act, he, his mother and his wife and children, shall forever thereafter be free, any law, usage, or custom whatsoever to the contrary notwithstanding: Provided, That the mother, wife and children of such man or boy of African descent shall not be made free by the operation of this act except where such mother, wife or children owe service or labor to some person who, during the present rebellion, has borne arms against the United States or adhered to their enemies by giving them aid and comfort.

SEC. 14. Authorization for the payment of expenses

And be it further enacted, That the expenses incurred to carry this act into effect shall be paid out of the general appropriation for the army and volunteers.

SEC. 15. Authorization for a Two-Tier Compensation System for the Militia

And be it further enacted, That all persons who have been or shall be hereafter enrolled in the service of the United States under this act shall receive the pay and rations now allowed by law to soldiers, according to their respective grades: Provided, That persons of African descent, who under this law shall be employed, shall receive ten dollars per month and one ration, three dollars of which monthly pay may be in clothing.

APPROVED, July 17, 1862.

Source: "http://en.wikipedia.org/wiki/Militia_Act_of_1862"