

The Civil War offers surprising insight on handling asylum seekers

Dallas News, August 4, 2018



Agence France-Presse

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As the deadline passes for reunification of asylum seekers with their children, the stakes remain high: the children's health and welfare, even lives, as well as U.S. immigration and asylum policies predicated on logic, decency, humanity and comprehension of the mission of a military. A chapter in the history of the U.S. Civil War offers surprising insight into what is possible, and what to avoid.

Consider May 1861. In the midst of armed rebellion and surrounded by enemy troops, the commander of a U.S. Army installation faced a dilemma. Three men fleeing oppression had crossed enemy lines to enter his fort. Within weeks, 900 more came, roughly two-thirds of them women and children. Should he send them back? Should he send some back and retain others, splitting families in the process? For all the commander knew, some might be spies. They could be thieves, if stereotypes were to be believed.

They certainly were not wanted back in the commander's home state, and he had his eye on political office someday. The U.S. was in real peril. And he was no saint. But, jaded and hardened as he was, and despite the enormity of the security threat he and his country faced, Gen. Benjamin Butler recognized "a question of humanity" when he saw one. Citing "the humanitarian aspect" of the case, he granted asylum to the men, women and children who fled slavery and sought refuge with the Union Army at Fort Monroe, Va.

Butler's approach was controversial among some lawmakers, military personnel and a segment of the northern public. The U.S. was, after all, facing the gravest security threat in its history. The migrants belonged to a group vilified and despised by many. And Fort Monroe was only the beginning. More than 400,000 formerly enslaved men, women and children would take refuge with the Union Army over the course of the war. They would help the Union win the war, abolish legal slavery and redefine the meaning of citizenship, but nobody could know those outcomes when Butler first faced his decision.

Still, the War Department and Congress legitimated Butler's response. Fugitives obtained asylum from slavery by getting themselves to Union lines.

If Americans *then* could grant asylum to refugees on southern borders when the very existence of the United States was under threat, surely American policy-makers *now* can restore the asylum status that was available to migrants fleeing oppression before changes implemented this spring.

Nothing about implementing the refugee policy was easy during the Civil War. The military officials whom fleeing slaves encountered shared, to varying degrees, the racism that characterized nearly every white American of the 1860s. Refugee camps could pose strategic vulnerabilities to an army trying to wage and win a war. Still, General John Dix acknowledged "we are bound by every principle of humanity to treat them with kindness and protect them from exposure and injury." Even in wartime, Union General John Eaton recognized that "the interests of humanity and the demands of justice" required the U.S. to extend refuge to families.



This file photo taken between 1861-1865 during the American Civil War shows a camp scene of U.S. Union soldiers guarding Confederate soldiers. When people, especially former enslaved people, came over to the Union side during the Civil War, the Union granted them asylum.

(Agence France-Presse)

Public outcry over family separation spurred President Donald Trump to sign an executive order halting the practice of tearing children from their parents in June. But the denial of asylum status and the new decision to charge all entrants as criminals remains intact.

What it means is that asylum seekers will now be detained *with* their children rather than without them. The administration proposes to house detained families in camps on military bases. It is a bad idea for migrants. It is a bad idea for the military. Here, the Civil War example shifts from prescribing what to do and instead offers a stern warning about what not to do.

Let's return to the hundreds of thousands of migrants who took refuge with the Union Army. Where did they go? Thousands of men joined the Union Army, but women, children and non-enlisting men remained in temporary settlements called "contraband camps" attached to Union Army encampments. Contraband camps were refugee camps in an era that predated humanitarian organizations, or even any notion of organized refugee relief. Migrants arrived after risky escapes, usually destitute and weakened by the harsh conditions of slavery and their hazardous journeys. Camps quickly became overcrowded. Sanitation was poor and access to clean water was limited or non-existent. Clothing, shelter and medicine chronically ran short.

Some soldiers in camps were benevolent, others indifferent and others monstrous, just as would be expected from any group of humans then or since. But none of them was a humanitarian aid worker. None had the expertise or training to minister to the needs of refugees. So disease festered and mortality ran high.

There is no excuse for repeating that kind of misery today when we have other alternatives. Nor is there any excuse for tasking members of the military with humanitarian relief work that departs from their training, mission and purpose.

It is important to heed the Civil War example without romanticizing it. That example tells us to revert to decent, humane practices regarding asylum, and it also tells us not to overtax the military by assigning it a duty not its own.

*Chandra Manning is a history professor at Georgetown University and author of the book *Troubled Refuge: Struggling for Freedom in the Civil War*. She wrote this column for *The Dallas Morning News*.*

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