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Angela He

*Washington University in St. Louis*

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# “Mulatto, Indian, Or What”: The Racialization Of Chinese Soldiers And The American Civil War

## **Abstract**

About fifty Chinese men are known to have fought in the American Civil War. “Mulatto, Indian, or What’: The Racialization of Chinese Soldiers and the American Civil War” seeks to study how Chinese in the eastern portion of the United States were viewed and racialized by mainstream American society, before the Chinese Exclusion Act and rise of the “Yellow Peril” myth. Between 1860 and 1870, “Chinese” was added as a racial category on the U.S. federal census, but prior to 1870 such men could be fitted into the existing categories of “black,” “white,” or “mulatto.” The author aims to look at the participation of the Chinese who served as soldiers in the Civil War, and how their experiences reflected the liminal space Chinese occupied in a society predominantly built upon a black-white racial hierarchy.

The paper thus asks the question: why were some Chinese soldiers treated as white and able to enlist in white regiments, while others were enrolled in colored regiments? In the first section of the text, the author examines the case of John Tommy, a Chinese soldier who died at Gettysburg. He is noted for being Chinese, and puzzling those around him as they tried to fit him into their preconceived notions of racial categories in America. In comparison, Joseph Pierce, another Chinese soldier, is treated as if he is white, in part due to his own upbringing in America and his association with a prominent local family. Pierce’s case is mirrored to an extent by Christopher Bunker in the Confederacy, who, although of Chinese descent, harbors strong Confederate loyalty due to his family’s status as slaveholders and plantation owners. Yet Chinese men were not always treated as white elites, as seen in the case with Charles Marshall, whose position as a personal attendant put him in closer proximity with other African American menservants.

Socioeconomic class and background thus server to define Chinese soldiers in a society where there was no set racial category to define them. This essay aims to set the groundwork for future inquiries as to why some Chinese men, particularly soldiers, were able to later naturalize as American citizens and vote, despite the Naturalization Act of 1790 explicitly stating only white people could become citizens.

## **Keywords**

civil war, race, racialization, chinese, china, chinese soldiers, joseph pierce, john tommy, john tomney, christopher bunker, christopher wren bunker, charles marshall

## **“MULATTO, INDIAN, OR WHAT?”: THE RACIALIZATION OF CHINESE SOLDIERS AND THE AMERICAN CIVIL WAR**

Angela He

The bloodiest battle of the American Civil War ended July 3rd, 1863, with 51,000 casualties over the course of three days. Amongst the dead was a young man named John Tommy, who fought for the Union under Major General Daniel Sickles in the First Regiment of the Excelsior Brigade. Tommy survived being a prisoner of war, as well as the disastrous battle of Fredericksburg, but his luck finally ran out in Gettysburg, where he was "struck by a shell which tore off both legs," eventually bleeding to death. His obituary listed him as "bright, smart and honest," brave and well-liked by his comrades. Yet, these qualities alone had not marked his death as particularly extraordinary out of the thousands of casualties at Gettysburg. Rather, he was remembered as unique, "peculiar," in a way captured by the three-worded title of his *The New York Times* obituary: "CHINA AT GETTYSBURG." Out of the thousands of soldiers who fought at the battle, John Tommy stood out because he was not white, or black, but because he was Chinese.

Tommy, also known as Tomney, was remembered as "the only representative of the Central Flowery Kingdom in the Army of the Potomac," a point which was re-emphasized at the end of his obituary. Yet this myth of "Chinese exceptionalism" in the American Civil War is untrue. While

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Chinese immigration in America has traditionally been a narrative focused on the West Coast, from the California Gold Rush through the building of the Transcontinental Railroad, on the eve of the Civil War it is estimated that there were at least 200 people of Chinese origin living in the eastern half of the United States. Yet, historians believe even this figure is an underestimation; as historian Ruthanne Lum McCunn points out the possibility that numbers recorded on the census did not cover the entirety of the Chinese population in this region. One contemporary observer noted that 150 Chinese people resided in New York City alone by the beginning of the Civil War.<sup>1</sup> Furthermore, the census also may have excluded those prone to travel, like sailors and certain merchants, as their places of residency in America often fluctuated.

Regardless of exact numbers, however, the estimation that around seventy of these men served marks a significant portion of the eastern-U.S. Chinese population. With America's immigrant population primarily concentrated in the North, it is no surprise that most of these Chinese men served in the Union Army, though there were accounts of people of Chinese ethnicity serving under the Confederacy as well. Neither black nor white, such men challenged societal understandings of the racial binary in the United States during the nineteenth century.

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<sup>1</sup> Arthur Bonner, *Alas! What Brought Thee Hither? The Chinese in New York 1800-1950* (Vancouver: Fairleigh Dickinson University Press, 1996), p. 11.

## “Mulatto, Indian, or What?”

Although their numbers were miniscule in the grand scheme of the war, the participation of these Chinese soldiers in the conflict reveals the way in which Americans constructed ideas regarding race and whiteness, highlighting the constantly shifting paradigm of race during the nineteenth century. Up through 1860, the U.S. federal census only listed “black,” “white,” and “mulatto” as options for denoting race. Racial classifications on the census, assigned at the discretion of the census taker, varied geographically as well. According to McCunn, Louisiana classified Chinese men as “white,” whereas Massachusetts labeled as them as “mulatto,” demonstrating the inconsistencies in how American society racially categorized Chinese immigrants prior to 1870.<sup>2</sup>

Why did these census takers choose to categorize these men as fitting in one racial category over the others? The fact that racial classifications varied geographically suggests that context played a large role in the racialization of Chinese immigrants. Even in terms of the white-black racial binary, racial classification could vary from state to state as well. Some states, such as Louisiana, Texas, and Virginia abided by the “one drop” rule, where even having one ancestor of African descent, no matter how distant, meant that one was considered black. Other states based a person’s race on how many generations removed one was from an African ancestor. Kentucky considered a person to

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<sup>2</sup> Ruthanne Lum McCunn, “Asians and the Civil War: Introduction,” in *Asian and Pacific Islanders and the Civil War*, edited by Carol A. Shively (Washington, D.C: National Park Service, 2015), p. 37.

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be black if they were of one-sixteenth African descent; Mississippi, Missouri, and Indiana required one-eighth descent; and Oregon considered a person to be black if they were a quarter.<sup>3</sup> As historian Gary Okihiro notes, a person could thus be considered “white” in one state or “black” in another, and even change races simply by moving across state boundaries. Thus, race was a concept that depended on local conceptualizations and definitions, varying across the nation.

Furthermore, with the smaller Chinese population in the eastern U.S., most people, if they had any idea of what Chinese people were like, probably never met a Chinese person themselves. Such was the case when John Tommy was captured by Confederate forces and brought before General John Magruder. The Confederate commander was purportedly so “surprised at his appearance and color” that he asked Tommy if he was “mulatto, Indian, or what?”<sup>4</sup> Evidently, a Chinese soldier was a great novelty, as Magruder was “very much amused” when Tommy mentioned he was from China— so much so that he asked Tommy how much it would take for him to defect and join the Confederate army instead. The answer was that Magruder would have to make Tommy a brigadier general.

The anecdote, while interesting, does provide some insight into the perception of the Chinese, or at the least of Tommy. Even if exaggerated, the one-on-one conversation

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<sup>3</sup> Gary Y. Okihiro, *Common Ground: Reimagining American History*, (Princeton, NJ: Princeton University Press, 2001), p. 51.

<sup>4</sup> “China At Gettysburg,” *The New York Times*, July 12, 1863, p. 2.

and exchange of banter implies some level of mutual respect. However, such respect was not usually offered to African Americans serving in the Union. The Confederacy saw black soldiers not as equal enemy combatants, but as criminals and slaves trying to stir up revolts, a crime that was punishable by death. As a result, the Confederacy treated black men caught assisting the Union in any way, both free and enslaved, worse than white prisoners. Official Confederate policy dictated that black prisoners were to be either sold into slavery, as a means of raising funds for state coffers, or executed upon capture. Newspapers published horrific accounts of the mass murder of African Americans upon their surrender, among them the 1864 capture of the Union garrison at Fort Pillow, Tennessee. About half of the 600 Union men stationed at the fort were black. Under Confederate Major General Nathan Bedford Forrest, white soldiers were allowed quarter upon surrender, but black soldiers received no mercy. By the end of the Fort Pillow Massacre, almost two thirds of the black soldiers there lay dead. Yet, as historian John Witt notes, the event was “the logical outcome of the South's official denial that blacks could be lawful soldiers.”<sup>5</sup>

Neither immediate death nor enslavement was the fate for John Tommy; based upon the line “mulatto, Indian, or what” it seems that Magruder was at least sure of what Tommy was *not*—that is to say, that Tommy was not black. However, he was also evidently not white, or Magruder

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<sup>5</sup> John Fabian Witt, *Lincoln's Code: The Laws of War in American History*, (New York, NY: Free Press, 2012), p. 258.

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would not have asked about Tommy's ethnicity. Even those Americans with greater amounts of contact with foreigners and people of various ethnicities seemed at a loss as to the classification of Chinese in America. A recruiting officer in Rhode Island listed Chinese volunteer A. Moor as having "black eyes, black hair" as well as a "mulatto complexion."<sup>6</sup> Consequentially, the volunteer enlisted in the Union Colored Infantry. In other instances, however, Chinese men could enlist in otherwise white regiments— meaning that military categorization could actually be at odds with the racial spaces Chinese people occupied in the legal system. Prior to the Emancipation Proclamation in 1863, African Americans were barred from formally serving in the U.S. Army, but Chinese people were omitted from this racial prohibition of service. In 1861, Thomas Sylvanus, who was Chinese, enlisted in the 81<sup>st</sup> Pennsylvania Infantry, making the Chinese one of the Asian groups that served in both white and USCT regiments.<sup>7</sup>

The language used in contemporary sources also reveal the attitudes that Chinese soldiers such as Tommy may have faced during the war. Compared to the language of the press at the height of Chinese exclusion in 1882, the language of the wartime press was relatively mild. In recounting Tommy's capture by Confederate troops, the *Richmond Dispatch* only describes him in passing as "a Chinaman." In their eyes, Tommy's being a "Federal

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<sup>6</sup> Volunteer papers for A. Moor, as posted on Alex Jay, "A. Moor," *The Blue, the Gray and the Chinese, American Civil War Participants of Chinese Descent* (blog), uploaded April 7, 2014.

<sup>7</sup> *The Cambria Freeman*, June 19, 1891, n.d.



soldier” was the greater crime, and the only reason Tommy’s ethnicity was of note was to make the point that “the United States are hiring of all nations their people, to subjugate the independent people of the south.”<sup>8</sup> The press stressed national allegiance over race.<sup>9</sup>

That is not to say that racial bias and discrimination did not exist. Tommy’s experience as a prisoner of war seems to suggest that that Chinese prisoners were treated about the same as white prisoners-of-war, as opposed to the vastly greater levels of mistreatment that black soldiers faced when captured by Confederate forces. However, as the *Richmond Enquirer* observed, Tommy was “an especial object of attention with the boys” when captured.<sup>10</sup> In a memoir published during the war, Reverend Nicholas A. Davis, who served as chaplain of the 4th Texas, recounted what he heard of Tommy’s imprisonment, describing an incident where the “Yankee Chinaman” was “quietly placed” across the lap of a Texan “frontiersman” and

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<sup>8</sup> “Affairs on the Potomac,” subsection “An Adventure,” *The Richmond Dispatch*, March 24, 1862, p. 2.

<sup>9</sup> The Chinese prisoner of war is not mentioned by name in *The Richmond Dispatch* article, the *Richmond Enquirer* article, or Davis’s account. However, based on the time and place of the capture described in all three accounts, as well as comparisons with Tommy’s muster roll documents regarding when and where he fell out of rank while marching in the Stafford and Prince William counties in Virginia, researchers such as Mary L. White and Gordon Kwok strongly believe that the unnamed Chinese prisoner was John Tommy. See also Gordon Kwok, “John Tommy,” *The Blue, the Gray and the Chinese, American Civil War Participants of Chinese Descent*, last modified January 31, 2009.

<sup>10</sup> “Affairs on the Potomac,” *Richmond Enquirer*, March 27, 1862, n.p.

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received “a chastisement” with a leather belt, such that the “Celestial” and “ruthless invader” had probably not received since childhood.”<sup>11</sup> As a cleric, Davis presumably had some awareness of world history and the Mongol Empire; thus, Davis draws upon “Mongol” imagery in reference to a captured soldier, sarcastically referring to Tommy as a “ruthless invader” to not only mock the Union soldier, but by extension the Union itself. Furthermore, the paternalistic language used meshed with common Southern attitudes towards both free and enslaved blacks. Davis infantilized Tommy’s experience in the war by describing him as being “a little stubborn” and “committed to the care” of Confederate forces and emasculated him by drawing upon frontier imagery to make the Texan seem manlier in comparison. By using such language to address this incident, Davis noticeably did not acknowledge Tommy’s experience as an equal enemy combatant.

Tommy’s imprisonment did not last, and he went on to eventually fight in the Battle of Gettysburg, where he received a mortal wound and eventually died of blood loss. Othering language was not limited to Confederate papers, as Union newspapers sought to capitalize on Tommy’s exoticism when publishing his obituary. The matter-of-fact language used in the *Dispatch* contrasts with that used in Union newspapers such as *The New York Times* and *New York World*, which described Tommy as “a lion in the rebel

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<sup>11</sup> Nicholas A. Davis, *The Campaign from Texas to Maryland* (Richmond: Office of the Presbyterian Committee of Publication of the Confederate States, 1863), p. 26.

camp.”<sup>12</sup> The same obituary, which had described Tommy as “the only representative of the Central Flowery Kingdom in the Army of the Potomac” focused much more on Tommy’s race. As a Union-supporting paper, the *Times* did not cast Tommy in a negative light, in comparison to later newspapers and publications that would describe Chinese people as “washee washee, yellow skinned importations.”<sup>13</sup> Yet out of the twenty-seven obituaries printed regarding Tommy’s death at the Battle of Gettysburg, it was the first to focus on his ethnicity, which was peculiar since, according to the article, he was “widely known” for his race. As the “only representative of the Empire of China,” he was repeatedly described as “one of the bravest soldiers” and as “a great lion,” thereby transforming his courage and service into a novelty and spectacle via exoticization. There, too, lies a contradiction—although Tommy was marked as notably “other” via the exoticizing language, the commendation for his bravery also made him a model for other (white) soldiers. In a way, his sacrifice and heroism was a “currency” in buying whiteness, and through whiteness, American-ness.

Contrary to Tommy’s obituaries, however, there was at least one other Chinese soldier who fought at Gettysburg – Joseph Pierce, who also served in an otherwise “white” regiment. A member of the 14th Connecticut Infantry, and the only Chinese soldier to be promoted to the rank of corporal over the course of the war, Pierce fought on Cemetery Ridge in Gettysburg, and followed his superior,

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<sup>12</sup> “China At Gettysburg,” *The New York Times*, July 12, 1863, p. 2.

<sup>13</sup> *Idaho Statesman*, July 5, 1891. n.p.

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Major Theodore Ellis, to gather Confederate wounded after the fight. Pierce was also among the first to go out on the skirmish line on July 2<sup>nd</sup>, and he volunteered to participate in the attack against the Bliss farm on July 3<sup>rd</sup>.<sup>14</sup> Pierce enlisted on July 26, 1862, a year before the Emancipation Proclamation was issued. From his participation in the company and the time of his enlistment, it seems as if he was not considered “colored” the way free African Americans were.

The context in which Pierce volunteered provides one possible explanation as to his participation in a “white” regiment. Pierce arrived in America in 1853 in the company of Amos Peck, a Connecticut merchant and captain of the ship, *Hound of Stonington*. During this period, there was a precedent of Chinese parents selling their children to missionaries and sea captains as either servants or cabin boys.<sup>15</sup> Some historians believe that Peck first met Pierce in this type of situation, and that Peck purchased the then-ten-year-old in China for six silver dollars.<sup>16</sup> As a

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<sup>14</sup> Charles Hablen, *Connecticut Yankees in Gettysburg*, (Kent, OH: Kent State University Press, 1993), p.112.

<sup>15</sup> Irving Moy, *An American Journey: My Father, Lincoln, Joseph Pierce, and Me* (Lulu Press, 2011), p. 28.

<sup>16</sup> There are several incompatible stories regarding Joseph Pierce and how he came to leave China and live in Connecticut. The first, recounted by an unnamed soldier as well as by Charles Hablen's *Connecticut Yankees in Gettysburg*, claims that Pierce drifted to Japan as a young boy, where he was picked up by Peck and brought home to be raised by Peck's family. Another version of the story, told by fellow regiment member Edwin Stroud said that Pierce was picked up "40 miles from shore in the China Sea" by Peck. Finally, two oral accounts passed down by the Peck family state that Pierce was explicitly sold to

Congregationalist, a church with abolitionist leanings, Peck was believed to be anti-slavery, and some researchers speculate that he bought Pierce specifically because he abhorred various forms of slavery. Rather than keeping him as a servant or cabin boy, Peck brought “Joe” to his own parents’ home, where he was raised alongside the rest of the Peck family.

The Pecks were a prominent, respected family in Berlin, Connecticut. On his father's side, Amos Peck was descended from Deacon Paul Peck, one of the original local proprietors and founders of Hartford in 1636.<sup>17</sup> Irving Moy's research showed that not only did the Peck family raise Pierce, but that he was also taught to read by Amos's mother, that he played and attended Stocking Brook School alongside Amos's younger siblings, and that he attended services at the Kensington Congregational Church with the Peck family. Growing up, the younger Pecks always viewed Pierce as one of their own. The association with such an established family probably played a large role the

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Peck by family members, one version stating that it was his father who had sold him in or near Canton for six silver dollars to support a starving family, and the other account casting his older brother in that role, having sold Pierce for 50 to 60 dollars only to get rid of him. Out of the four possible narratives, researchers such as Moy, McCunn, and Dr. Michael Marcus agree that account where Pierce was sold by his father for six dollars seems the most likely. See Irving Moy, *An American Journey: My Father, Lincoln, Joseph Pierce, and Me* (Lulu Press, 2011), pp. 20-22; Irving Moy. N.d. “The story of Joseph Pierce continues.” Accessed Oct. 28, 2018.; Ruthanne Lum McCunn, ““Chinese in the Civil War: Ten Who Served,” *Chinese America: History and Perspectives*.

<sup>17</sup> Moy, *An American Journey*, p. 29.

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community's acceptance of Pierce, despite his Asian roots and "dark complexion."<sup>18</sup>

Notably, Pierce was not drafted, nor was he hired to act as a substitute in the draft, but he volunteered. After the devastating defeat at the Battle of First Bull Run, the Union realized that the war would not be the quick affair that many had anticipated it to be. Further calls for volunteers went out, and among those that answered the call was Matthew Peck, Amos Peck's younger brother. Three to five years older than Pierce, Matthew enlisted with the 1st Connecticut Cavalry. Twenty-one men from Berlin enlisted on July 26, 1862—neighbors, friends, fellow community members, people that Pierce and the Pecks may have known, talked to, and attended church with.<sup>19</sup> Although no known sources explicitly state what motivated Joseph Pierce to enlist that day, the patriotic fervor that swept through Connecticut and the social context likely played a role in his volunteering.

Pierce volunteered, enlisting alongside the community members that he grew up with. As a result, even though he was not phenotypically white himself, he was able to enlist in a white regiment before non-whites could enlist as soldiers. By raising Pierce, the Pecks contributed to the Chinese man's "whiteness" via networks of association. However, Pierce's contextual "whiteness" is not a unique, isolated incident. A similar case occurred in the Confederate forces as well. Christopher Wren Bunker, named for the

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<sup>18</sup> Joseph Pierce enlistment papers, as reproduced in Moy, *An American Journey*, p.31.

<sup>19</sup> *Ibid.*

great English architect, grew up in Surry, North Carolina. As slaveholders and plantation owners, he and his family strongly supported the Confederate cause. The Bunkers provided food and clothing to Confederate troops, bought Confederate bonds, and in April of 1863, at age 18, Christopher enlisted with the 37<sup>th</sup> Battalion of the Virginia Cavalry, where he was eventually joined by his cousin Stephen Decatur Bunker (named after the American naval officer) the following January.<sup>20</sup> Christopher was captured in August later that year and sent to Camp Chase, near Columbus, Ohio, where he contracted smallpox. He was eventually treated, and despite his pessimistic outlook on the possibility of a prisoner exchange, was exchanged in March 1865, and returned home within the month.<sup>21</sup>

As a prisoner of war of the Union army, Christopher’s experience is less informative than Tommy’s in regard to the role of race in one’s experience after capture, and whether or not being Chinese would correlate with equal or worse treatment. Unlike Tommy and Pierce, who were of Chinese origin, Christopher and Stephen were both of Chinese descent. Their fathers were the famous Chang and Eng, known as the “Siamese Twins.” Although the twins had grown up in Siam (now Thailand), they were at least half Chinese from their father’s side, and possible three-quarters

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<sup>20</sup> Ruthanne Lum McCunn, "Christopher Wren Bunker and Stephen Decatur Bunker," in *Asian and Pacific Islanders and the Civil War*, edited by Carol A. Shively (Eastern National, 2015), p. 68.

<sup>21</sup> Correspondence from Christopher Wren Bunker to his family, 12 October 1864, Christopher Wren Bunker Letters, 1863-1864, Microfilm 04822-z, Folder 1, University of North Carolina Chapel Hill, Wilson Library, Chapel Hill, North Carolina, USA.

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Chinese (it is commonly believed that their mother was half-Chinese herself). Yet despite their Asian roots, the twins were able to establish themselves in the South, marry into a prominent local plantation family, and own slaves themselves—privileges usually associated only with white people in America. The racial binary and white-black hierarchy was even more emphasized in a plantation-slaveholding economy. Although non-whites such as various members of the Cherokee tribe had owned slaves, normative social practices regulating social order demanded that the institution of slavery be seen as a predominantly white over black hegemonic power structure. The racial lines had been rigidified by the time Chang and Eng settled in North Carolina.

Christopher and Stephen's mothers were sisters, and the daughters of David Yates, a wealthy planter and the county justice. Although multiple laws in North Carolina forbade miscegenation, the twins encountered no legal difficulties when getting married, nor did they face monetary fines for marrying white women, as stipulated in a 1741 statute.<sup>22</sup> By this point the two had been renting enslaved labor from local families. As historian Joseph Orser notes, the fact that they were trusted enough to rent slave labor is telling, in that "it reveals both how the twins came to see their own new status in the Southern hierarchy and how they quickly came to be accepted as part of the oppressor class."<sup>23</sup>

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<sup>22</sup> Joseph Orser, *The Lives of Chang and Eng: Siam's Twins in Nineteenth-Century America*, (Chapel Hill, NC: The University of North Carolina Press, 2014), p. 210.

<sup>23</sup> *Ibid.*, p.204.



Chang and Eng’s marriages, alongside their ownership of property and networking with the prominent families in the area, ensured their status as “honorary whites.” As a result, Christopher was also regarded by the census takers and the Confederate army as “white,” despite being described as having “flat, swarthy features, black course hair, and low, retreating forehead” (“indicating clearly” his “Siamese paternity”).<sup>24</sup> Furthermore, the idea of non-whites as equals to white troops in the Confederate Army would have been regarded as ridiculous at the time. Thus, Christopher’s participation in the 37th Virginia Cavalry and his loyalty to the Confederate cause emphasized that “whiteness” by placing it in opposition to “blackness.”

Yet, context and class could also serve to categorize a Chinese person as “black” as well. Besides merchants and those with commercial interests, China also attracted a large number of missionaries looking to convert the “heathen Chinese.” Among such men was Reverend James William Lambuth, who, like many missionaries, saw education as a means of “uplifting” what was perceived as an inferior race of people. Dzau Tsz-Zeh was one of the Chinese boys willing to be educated in America, and in 1859 he was brought to America by Lambuth’s wife.<sup>25</sup> After his baptism, he took on the name “Charles K. Marshall,” after one of his

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<sup>24</sup>“The Siamese Twins at Home,” *The North-Carolina Standard*, October 2, 1850, n.p.; Orser, *The Lives of Chang and Eng*, p.152.

<sup>25</sup> Ruthanne Lum McCunn, “Dzau Tsz-Zeh,” in *Asian and Pacific Islanders and the Civil War*, edited by Carol A. Shively (Eastern National, 2015), p. 48.

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benefactors and educators.<sup>26</sup> The newly christened Charles Marshall continued his studies and attended a college in Lebanon, Tennessee. When the war broke out, David C. Kelley, a former missionary, head of the college, and “Charlie’s” primary caretaker formed a cavalry company that became a part of the 3rd Tennessee Cavalry. Marshall accompanied him as his personal attendant, a practice found in both the Union and Confederate armies.

Thus, Marshall’s role as a personal attendant affected the his position within the Confederate army. Usually, such manservants accompanying military officers, on both sides of the conflict, were black—either enslaved or free. As such, Marshall would have been quartered with other African Americans. This would mean sleeping in the same spaces, eating food together, and performing similar tasks. Prior to the recruitment of African Americans as soldiers, such men primarily held menial labor roles, such as “teamsters, hospital attendants, company cooks and so forth,” so as to save “soldiers to carry the musket.”<sup>27</sup> Although exposed to dangers over the course of the war, fighting was not amongst their duties, and they were not seen as equal to soldiers, thereby illustrating the imbalance and racial hierarchy that existed within the military.

Furthermore, Marshall’s status as educated in the United States served as proof that the “heathen Chinese” could in fact become “civilized,” also creating a certain

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<sup>26</sup> “A Chinese Missionary,” *St. Louis Republic*, May 9, 1890, n.p.

<sup>27</sup> Grant, as quoted in James M. McPherson, *Battle Cry of Freedom: The Civil War Era*, (New York: Oxford University Press, 1988), p. 502.

power dynamic between himself and the missionaries with whom he interacted. Such paternalist views mirrored the language used by Southern slaveholders to justify slavery. In both cases, nonwhites were seen as needing guidance, to be saved from what Samuel Bowles would later coin as a “most of the ignorance of a simple barbarism” on his 1865 trip to the western portion of the country.<sup>28</sup> Although not necessarily racialized the way Pierce and the Bunker cousins were in terms of greater social standing outside the war, Marshall’s context and surrounding company still racialized him, making “Chinese” more akin to being black than white.

Uncertainty regarding the racial categorization of Chinese people persisted outside of the military as well, as seen in the New York Draft Riots of 1863. From July 11 through July 16, protests and rioting broke out against what were perceived as unfair draft laws— highlighting the class and racial tensions between the white (predominantly Irish) working class, free blacks, and wealthier whites who could afford to pay for substitutes when drafted. The conflict soon escalated into an “indiscriminate race riot.”<sup>29</sup> By Wednesday the conflict had spread to Manhattan’s Chinatown, where anti-black sentiments touched upon Chinese lives when someone persuaded others that “the Chinese were but a

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<sup>28</sup> Samuel Bowles, *Across the Continent: A Summer's Journey To The Rocky Mountains, The Mormons, and the Pacific States, With Speaker Colfax*, (Springfield, MA: Samuel Bowles & Company, 1865), p. 247. Yoshio Kishi and Irene Yah Ling Sun Collection, Fales Library, New York University.

<sup>29</sup> Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York: Oxford University Press, 1991), p. 34.

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‘modification’ of blacks.”<sup>30</sup> Other reports also point to racial anxieties linked to issues such as miscegenation, when rioters targeted “a few defenseless Chinese peddlers, suspected of liaisons with white women.”<sup>31</sup> Yet even then, when people targeted the Chinese for being “black-adjacent” and “not-white,” confusion persisted. Someone disagreed with the original inciter who claimed that Chinese people were a “modification” of African-Americans, with the result that “several blows were struck, the anti-Chinaman in the end getting the worst of it.”<sup>32</sup> Clearly, some men disagreed enough with their fellow mob-member’s racial classification of Chinese in New York to incite an intra-mob fight. Thus, even when state legal systems codified Chinese people as not-white, confusion over racial categories persisted in American society.

However, these instances where Chinese identity was fluid enough to fit either racial category contradicted the legal realities of most Chinese people in America. In 1854, the California Supreme Court ruled in *People v. Hall* that Chinese people could not testify as witnesses against white people. The act itself stated that “no black or mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man,” but whether “black,” “mulatto,” and “Indian” was meant generically as an overarching term for nonwhites was up for debate.<sup>33</sup> Chief Justice Hugh Murray concluded that “black” as a category was to be understood as

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<sup>30</sup> Bonner, *Alas! What Brought Thee Hither*, p. 17.

<sup>31</sup> Bernstein, *The New York City Draft Riots*, p. 34.

<sup>32</sup> Bonner, *Alas! What Brought Thee Hither*, p. 17.

<sup>33</sup> *People v. Hall*, 4 Cal 399 (1854).

"contradistinguished from white," that "white" as a category "excludes all races other than the Caucasian." While the decision speaks more to race relations between Chinese immigrants and other groups in the western United States, where racial lines had become more rigid than those in the East, it is still important that the decision legally classified the Chinese not only as "not-white," but, in fact, below whites in the legal hierarchy in America.

The question of where Chinese people fit in the established racial hierarchy— if they were mulatto, Indian, or some "what" of question— remained ambiguous in the eastern United States until rising Sinophobia and fear of the "yellow peril" eventually culminated in the Chinese Exclusion Act of 1882. Yet, until then, race as a construct was heavily localized.<sup>34</sup> Both John Tommy's death and the meeting with Magruder imply that, as a Chinese soldier, Tommy was obviously seen as an unknown racial "other," but what that "other" was remained up for debate. The negative connotations of being Chinese, however, were mostly absent, not to be seen until after the war. Joseph Pierce and Christopher Bunker illustrated how, depending on class and background, Chinese men could be conceived of as white, as long as they played into the socioeconomic statuses and concepts of respectability associated with

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<sup>34</sup> As Orser states in regards to Chang and Eng, "Normative ideals of race, gender, and the family in the nineteenth century often derived from local standards, and different parts of the United States reacted to the twins in distinct ways. These differences rested partly in each region's distinct economic and labor systems."; see also Orser, *The Lives of Chang and Eng*, p. 6.

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whiteness, and in turn enlisted in otherwise white regiments. Meanwhile, Charles Marshall and A. Moor, showed that Chinese men were not always considered “white,” and just as easily could be considered “black” or “colored” as well. The uncertainty regarding racial classification caused confusion during incidents of racial tension and violence, as seen in the New York Draft Riots. Even if Chief Justice Murray ruled that Chinese, as legal nonwhites, were considered the same as “mulattos” and “Indians,” Chinese on the east coast navigated a racial liminal space in a black-white hierarchical system; depending on class context and background, Chinese men could be perceived as either colored or white, revealing the dissonance between popular and legal understandings of race in nineteenth-century America.

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