

Finally Speaking Up: Sexual Assault in the Civil War Era

By Annika Jensen

Trigger warning: This article contains detail concerning rape and sexual assault.

On March 12, 1864, in the midst of a bloody war which had long overflowed its thimble, Margaret Brooks was returning from her home near Memphis, Tennessee when her wagon broke down in Nonconnah Creek. Not long after her driver left to find help, three rambunctious New Jersey cavalymen, all white, approached Brooks, demanding her money. She was then raped multiple times at gunpoint.



Nashville prostitutes in a hospital, c. 1864. Photograph via smithsonianmag.com, from *The Story the Soldiers Wouldn't Tell: Sex in the Civil War* by Thomas Lowry.

Throughout the Civil War around 400 men were prosecuted for sexual violence crimes against women such as the 24 year-old Margaret Brooks, calling into question the issues of sexism and racism in nineteenth century society. Historians will sometimes consider the American Civil War to be an anomaly among other wars because they claim the adversaries did not use widespread sexual violence as a battle tactic. However, cases of rape and assault against women, particularly African American and Southern, can still be found in unsettling numbers, littering the pages of the war's history.

Some measures were taken to protect women at this time, such as General Orders 100, which developed punishments for crimes against women, and Section 30 of the Enrollment Act of 1863, which kept civilian crimes perpetrated by soldiers in the military court system. But reporting crimes and testifying was still a challenge; most women never had the need to appear in court before, and they had to stand up before male jurors, judges, and officers. Women also had to verify their age in order to testify, which, for some, namely African American women (many of whom did not even know their birthdates) was a disheartening obstacle.

Some women were able to confront their attackers and bring the crime to light on their own, such as Sarah Beuford, who followed her assailant into his encampment; when he threatened to shoot her if she would not

keep quiet, Beuford promptly reported him. Other cases, however, went unreported for a long time, implying that the number of rape and sexual assault cases during the Civil War is likely much higher than the number of those recorded. Ten-year-old America Pearman's rape was not exposed until she was examined by an army doctor, who was able to determine that her hymen had been torn as a result of assault by a soldier.

The rape of such a young child is obviously disgusting, but equally appalling is the way consent and sex were handled during the Civil War Era. In Louisiana, Mississippi, and Kentucky the age of consent was only ten, and in most other states it hovered around twelve. The beginning of the Civil War also saw a rise in sex trafficking, and many prostitutes were abused, blackmailed, and forced to live and work in deplorable conditions.

One of the most infamous cases of rape in the Civil War was the gang rape of German women living in Lafayette, Missouri by Bloody Bill Anderson and his guerilla soldiers. The written account of Louis A. Meyer, who observed the massacre, provides gruesome detail: "It was a terrible sight among the moaning and the dying, the popping of guns, the shrieking of the women folk, who were vainly fighting to keep the beasts from assaulting them. All women were criminally attacked, some had to serve five men." This account is not likely entirely accurate, given that Meyer was only eleven at the time and waited sixty years to expose what he saw, but there is no doubt that numerous women fell victim to traumatic sexual violence.

Despite these harrowing narratives, despite the age of increasing feminist awareness in which we live, there is still surprisingly little talk of the heinous sex crimes committed during the Civil War. Sexual assault is a tactic of war not frequently acknowledged, yet the rape of girls as young as ten and African American women in alarming numbers should prompt more public discussion. There is a fear of tainting the martyrdom and honor of Civil War soldiers, but Margaret Brooks's story is no illusion: the War Between the States was a travesty even off the battlefield.

Sources:

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