

A MOST UNPLEASANT PART OF YOUR DUTIES:
MILITARY OCCUPATION IN FOUR SOUTHERN CITIES, 1861-1865

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ABSTRACT

ANNE KAREN BERLER: A Most Unpleasant Part of Your Duties: Military
Occupation in Four Southern Cities, 1861-1865
(Under the direction of William L. Barney)

This dissertation examines Union army military government in four Southern cities and the implications of its failures and successes for the conduct of the war and for post-war Reconstruction. President Lincoln's flexibility with respect to occupation policies resulted in a lack of leadership from Washington and left each military governor on his own. However, despite different commanders with different policies, the outcomes were virtually the same in each area. Military occupation began in each of these four cities with the same assumption on Lincoln's part, that the strength of pro-rebel sentiment was tenuous and that the presence of the Union army would encourage Unionists to step forward and reassert their control over civic functions, providing a base from which Unionism could spread and weaken Confederate nationalism and bring the war to successful conclusion. Union policy at the outset was thus conciliatory. Rules enjoined Northern troops from abusing Southern civilians in their persons or property. Events soon demonstrated that these assumptions about the strength of pro-Union sentiment were incorrect. Lincoln's conviction that real Unionist support was widespread clashed with the realities the Union army faced. Conservative Whigs, the closest approximation to real Unionists, were resistant to what they perceived as social engineering on the part of the army, and so even though the bar was set low with the Ten Percent Plan, a loyal nucleus available to ease the army's role did not emerge in any of

the occupied cities. The Union army, expecting pro-Union sentiment, found scarcely any and proceeded to enact policies that created a situation in which post-war Reconstruction would become more punitive. This conclusion suggests that the experience of military occupation and the rule of the military in a democratic society is inherently destabilizing, which has implications for our ways of understanding other wars, as well as future policy.

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INTRODUCTION

In Union-held territory all over the Confederacy, military commanders attempted to govern unrepentant rebels, elated freedpeople, and unruly Union soldiers, all with little or no direction from Washington. The Civil War presented the United States Army with its first sustained experience with wartime occupation and military governance. This dissertation will examine the implementation of military occupation policies in an attempt to broaden knowledge about the army's activities beyond the battlefield and its role in the efforts of the Lincoln administration to fulfill its goals for restoration of civil government in the South and ultimate reunification of the nation. In attempting to answer the question of how the Lincoln administration crafted and implemented its policies of occupation, the more interesting question is how the the army functioned on a day-to-day basis as it stepped into the role of governing four Southern cities.

At the outset of the war, the army had little to no experience in or knowledge of military and martial law and military government. The army had limited experience in Mexico City and in parts of the Southwest during and immediately following the Mexican War. That experience had not resulted in the creation of a body of literature on wartime civilian-military relations and the practical implications of military government. In the absence of any guidance from the past, the theme of the Civil War occupations was flexibility. Despite the lack of precedent or a literature on occupation to guide him, Lincoln understood that it was necessary to establish governments on an ad hoc basis in

response to local conditions, one of the main reasons for his opposition to the Wade Davis bill.¹

Reconstruction policy was not intended to help win the war militarily. Lincoln's goal was restoration of legitimate (i.e., loyal white Unionist-led) government in the South. He wanted Southerners to be assured of his intention to restore self-government to their region, and he also believed that such restoration would reassure them that his military intentions were simply to end the rebellion. This focus on restoration of civil government in occupied regions limited reconstruction to the political arena, a decidedly non-revolutionary approach and one that infuriated Radical Republicans, who responded by passing the Wade-Davis Bill. Lincoln's veto rested on his continued conviction in the strength of Southern Unionism, a bedrock assumption of his own Ten Percent Plan.²

In order to foster and strengthen that latent Unionism, Lincoln was determined to avoid the appearance of tyrannical rule from Washington. He assumed that the local civilians and military officials on the scene were best-equipped to make decisions, and so little in the way of clear unambiguous direction came from the Lincoln Administration to occupying authorities, leading to confusion and chaos in the occupied regions. Lincoln's much-vaunted flexibility thus had its drawbacks as the lack of an overarching policy gave power to the individual commanders in each occupied region, with each one acting on loyalties and interests that at times competed with one another and with the Union's interests.

¹William B. Hesseltine, *Lincoln's Plan of Reconstruction* (Tuscaloosa: The Confederate Publishing Company, Inc., 1960), 22-29.

²William C. Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: The University Press of Kentucky, 1997), 9, 258.

Lincoln envisioned the reunification of the South as a web spinning outward from strongholds of Unionism. In Virginia, the restored government under Francis Pickens would gradually expand as more territory in the southeast was brought under Union control. Similarly, in Tennessee, Andrew Johnson in Nashville would serve as a fulcrum for Union support, rallying the suppressed Union loyalists and gradually expanding Union government outward. The fundamental premise of this strategy rested on Lincoln's assumption that it was politically possible, that finding loyal Southern whites would be an easy matter, and that they would be empowered and drawn back to the Union through support of the occupation army. However, what often happened throughout the occupation was that the occupiers alienated the group they most wanted to attract, often because of their lack of guidance and the resulting conflicting and ad hoc policies.

For the first two years of the war, Union commanders advancing into Confederate territory were without a clear understanding of how and when martial law should function and what relationship the army should have toward civilians, slaves, and private property. The only clear precedent was General Winfield Scott's General Orders No. 20, from 1847, which established military government in Mexico. In the South, army commanders were unsure whether they should be applying local municipal law or international rules of warfare when confronted by inhabitants of the occupied regions. These were certainly conquered enemies, yet they were also citizens of the United States. The confusion was not limited to the volunteer officers; even West Pointers were not familiar with international law. Confusion and misunderstanding of laws applicable to occupying armies created a situation in which every interested party had a different

perspective on how the Union army should function and whether conciliation or subjugation should be the guiding principle.

General Henry W. Halleck, in command in turbulent Missouri, had created a system of martial law which drew upon both international law as well as the Mexican War experience, basing it on his 1861 volume *International Law or Rules Regarding the Intercourse of States in Peace and War*. His regulations were stern, making aid to the Confederacy a capital offense, forcing local government to repair and maintain public property, and requiring an oath of allegiance from civilian leadership. His code also mandated the protection of private property and followed Congressional authority in allowing for confiscation of only those slaves who had been used to further the Confederate war effort.³

Halleck's policies were limited to the region under his control. Variability existed in other places. The leniency of a General William Montgomery in Alexandria contrasted with the stern policies of Ben Butler in New Orleans. Obviously a standard was needed that would ensure that troops in the field were not violating international law, which would lead to Confederate retaliation. In December 1862, the War Department asked Francis Lieber and a board of officers to draft a codification of the rules of war. In December, 1863, General Orders 100 was published.

The sections of the Lieber Code dealing with military government shared much in common with Halleck's regulations in Missouri. They were based on both international law and on Scott's orders in Mexico and had as their premise that an occupying army derived its authority from international rather than municipal law. Although seemingly

³Henry W. Halleck, *International Law or Rules Regarding the Intercourse of States in Peace and War* (New York: D. Van Nostrand, 1861); Frank Friedel, "General Orders No. 100 and Military Government," *The Mississippi Valley Historical Review* 32 (March 1946) , 544.

contrary to his original position which refused to acknowledge secession or recognize the Confederate states as being outside the Union, Lincoln did accept the code, given its language that “adoption of the rules of regular war toward rebels . . . does in no way whatever imply a partial or complete acknowledgment of their government.”⁴

Per the Code, all occupied territory was under martial law, and military authority was to replace civilian law and administration in all respects. Personal property rights were to be respected “as much as the exigencies of war will admit.”⁵ Martial law applied to all persons in an occupied area, whether or not they were subjects of the enemy and even if they were consuls.

Recognizing the unique character of the conflict, Lieber included a section on rebellions and civil war. This essentially duplicated the instructions which Halleck had sent to General William Rosecrans, commander in Tennessee shortly before the Orders were published. Military commanders were to distinguish between the loyal and disloyal, protecting Unionists and making sure that those who were hostile to the Union felt the burden of war. Commanders could require oaths of allegiance and could punish those who resisted oath-taking with fines, imprisonment, or banishment.⁶

Union military commanders paid little attention to the Orders. Shortly after their publication, Secretary of War Stanton sent instructions to Governor Andrew Johnson in Nashville that were in keeping with the Code’s regulations but did not mention them by name. Most regulations for the rest of the war fell within the parameters of General

⁴United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: U.S. Government Printing Office, 1880-1901) , Series 3, 3:163.

⁵Ibid., 150-52.

⁶Ibid., 163-4.

Orders 100, but did not use it as a basis. The Code was broad, permitting military governors to establish regulations that fit local conditions, thereby exhibiting the flexibility that Lincoln prized. However, that flexibility also led to the appearance of abuse, if not in some cases actual abuse. While General Butler in Norfolk functioned entirely within the letter of the Code, his detractors insisted that his rule there was despotic and corrupt.⁷ Nevertheless, General Orders 100 helped to ensure that the Union occupation of Southern territory operated on a rational and consistent basis.

The historiography of wartime occupation sits at the intersection of three perspectives. First, local or regional studies have looked at life under Union rule, focusing primarily on the impact on civilians chafing under what they perceived as a yoke of oppression.⁸ Other studies deal with occupation in relationship to post-war Reconstruction. They assume that wartime occupation was just a prelude to actions taken later and do not examine it in its own right. No comprehensive treatment of Union army occupation policies has been done. Any such work that attempts an overview tends to focus more on how occupation set the stage for Reconstruction, rather than dealing with

⁷Francis H. Pierpont, *Letters to his Excellency the President and the Honorable Congress of the United States* (Washington, DC: McGill and Witherow, 1864); Thomas J. Wertenbaker, *Norfolk, Historic Southern Port* (Durham, NC: Duke University Press, 1931), 238-54.

⁸For example, John G. Barrett, *The Civil War in North Carolina* (Chapel Hill: University of North Carolina Press, 1963); Frank L. Byrne, "A Terrible Machine": General Neal Dow's Military Government on the Gulf Coast" *Civil War History* 12 (1966): 5-122; Walter T. Durham, *Nashville, the Occupied City* (Nashville: University of Tennessee Press, 1985); Malcolm C. McMillan, *The Disintegration of a Confederate State: Three Governors and Alabama's Wartime Home Front, 1861-1865* (Macon: Mercer Press, 1986); Carl H. Moneyhon, *The Impact of the Civil War and Reconstruction on Arkansas: Persistence in the Midst of Ruin* (Baton Rouge: Louisiana State University Press, 1994); James W. Patton, *Unionism and Reconstruction in Tennessee, 1860-1869* (Chapel Hill: University of North Carolina Press, 1934); Edward H. Phillips, "The Lower Shenandoah Valley During the Civil War: The Impact of War Upon the Civilian Population and Upon Civil Institutions" (Ph.D. diss., University of North Carolina at Chapel Hill, 1958); Spencer Wilson, "Experiment in Reunion: The Union Army in Civil War Norfolk and Portsmouth, Virginia" (Ph.D. diss., University of Maryland, 1973); Willie Lee Rose, *Rehearsal for Reconstruction: The Port Royal Experiment* (Philadelphia: The Bobbs-Merrill Company, Inc.), 1964; Gerald M. Capers, *Occupied City: New Orleans Under the Federals, 1862-1865* (Lexington: University of Kentucky Press, 1965).

the genesis and evolution of wartime policies.⁹ Historian James Sefton argues that there was a distinction in the army's role in reconstruction, positing a sharp division between 1861 and 1865 and the period from 1865 to 1877. He argues that the Union's goal of subduing the rebellion and ending military operations as quickly as possible overshadowed all other wartime considerations. Only after peace did Reconstruction become the top priority.¹⁰ Sefton's analysis is valuable for its conclusions that the army performed well given its inexperience, but because he minimizes the army's role during wartime occupation, his conclusions are incomplete. Joseph Dawson and William Richter argue the opposite, that the army failed in post-war Reconstruction, but, like Sefton, they devote little or no attention to the wartime role of the army.¹¹

Several studies have looked in detail at the army's role in localized occupied areas. Among these are Peter Maslowski's *Treason Must Be Made Odious*, which examines the army's policies in occupied Nashville. He argues that wartime events shaped the postwar struggles over Reconstruction in Tennessee and that the actions of the occupying army in Nashville were important in their attempt to establish loyal government and generate support for the Union. His focus is on the impact of occupation policies. Stephen V. Ash's social history of middle Tennessee examines the disruption of

⁹Herman Belz, *Reconstructing the Union: Theory and Policy During the Civil War* (Ithaca: Cornell University Press, 1969); Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South* (Baton Rouge: Louisiana State University Press, 1985); Richard N. Current, *Northernizing the South* (Athens: University of Georgia Press, 1983); Archer Jones, *Civil War Command and Strategy: The Process of Victory and Defeat* (New York: Macmillan and Co., 1992).

¹⁰James E. Sefton, *The United States Army and Reconstruction, 1865-1877* (Baton Rouge: Louisiana State University Press, 1967).

¹¹Joseph G. Dawson, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana University Press, 1982); William L. Richter, *The Army in Texas During Reconstruction, 1865-1870* (College Station: Texas A&M University Press, 1987).

the region during the war, looking closely at the war's effects on all strata of society. The military occupation is only one of many factors he examines.¹²

Studies in the area of military law and the legality of occupation have addressed Union occupation experience in the context of the Army's role in World War II. Articles by A. H. Carpenter and Ralph Gabriel discuss in general terms the operation of military government in the South during the Civil War, but provide few details of the day-to-day interactions between the military and civilians.¹³ James G. Randall's *Constitutional Problems Under Lincoln* addresses the importance of civil-military relations for the conduct of the occupation. Lincoln was always aware that his title of commander-in-chief meant that he had the power to overrule his generals and the principle of military subordination to the civil power is the focus of Randall's examination of occupation. His discussion does not include the army's perspective. Nor does it examine how the policies for occupation were developed or how they changed over time under the realities in the field.¹⁴

Two books have looked at the army's impact on Southern civilians. In *The Hard Hand of War*, Mark Grimsley explores the evolution of Union policy, arguing that the army developed a hard war policy only after a conciliatory phase early in the war, which gave way in mid-1862 to what he calls the "pragmatic interlude," and finally, in 1864, to

¹²Peter Maslowski, *Treason Must Be Made Odious: Military Occupation and Wartime Reconstruction in Nashville, Tennessee* (Millwood, NY: KTO Press, 1978); Stephen V. Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Knoxville: University of Tennessee Press, 2006).

¹³A.H. Carpenter, "Military Government of Southern Territory, 1861-1865" *American Historical Association Annual Report* I (1900): 467-498; Freidel, "General Orders 100 and Military Government"; Ralph H. Gabriel, "American Experience with Military Government" *American Historical Review* 49 (1944): 630-43; Wilton P. Moore, "Union Army Provost Marshals in the Eastern Theatre" *Military Affairs* 26 (1962): 120-126.

¹⁴James G. Randall, *Constitutional Problems Under Lincoln* (New York: D. Appleton and Company, 1926).

hard war. Grimsley focuses on how the North came to choose that policy and how that policy functioned. He does not deal with the army's role in wartime reconstruction.¹⁵

Stephen V. Ash's *When the Yankee's Came: Conflict and Chaos in the Occupied South* is a study of the impact on occupation in the entire region. He looks at how Federal occupation not only stirred up conflict and dissension among Southerners themselves, but also how occupation resulted in changing policies. He deals with this broadly and does not examine how or why policies for occupation were created, instead focusing on the Confederate experience.¹⁶

This dissertation looks at the occupation of four Southern cities: Alexandria, Nashville, Norfolk, and New Orleans. Rather than examining the policies from the perspective of Lincoln's White House or the army hierarchy, it instead looks at the quotidian problems faced by the commanders and military governors as they coped with the shift from warfighting to peacekeeping. These men were faced with the civilian problems of cleaning up a city, of feeding the poor and housing refugees. They performed a hybrid military and civil function and, in so doing, extended the definition of military government.

These four specific places were chosen to study because, firstly, they were urban locations. As such, they were home to a concentration of population who left diaries and letters recording their interactions with military authorities, as well as an active press. They had in place an infrastructure that was absent in Union-occupied rural regions. Second, as concentration points for Union troops, these areas became magnets for black

¹⁵Mark Grimsley, *The Hard Hand of War: Union Military Policy Toward Southern Civilians, 1861-1865* (Cambridge, U.K.: Cambridge University Press, 1995).

¹⁶Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South* (Chapel Hill: University of North Carolina Press, 1995).

refugees during the war. Finally, they serve as useful test cases since all four cities were under continuous Union occupation during most of the war.

A perennial question of Civil War scholarship is whether the Civil War was a total war. The debate has generally focused on regions where active fighting occurred; however, studying occupied regions may also shed light on this question. Those who argue that the Civil War was a total war have drawn attention to the harsh treatment of civilians within invaded regions and the war's general destructiveness, while those who reject this label point out that the Union army exercised restraint toward the rebels. Here are four cities where the Union army was in nearly complete control over civilians, and their experience demonstrates that in fact there was a clear distinction between combatants and noncombatants. Far from serving as a destructive force, the Union army in its role as occupier actually had positive effects. Each city benefited from Union rule, whether it was through improved infrastructure or updated sanitation. The army paved streets, kept the gaslights on, and prevented or minimized outbreaks of disease. Refugees were sheltered and fed. At least in occupied towns, when the Yankees came, they brought stability.

This dissertation also sheds light on the enduring questions regarding Confederate nationalism and their will to win. While some historians have argued that the Confederacy was in fact losing heart in the struggle early on, others have suggested that Confederate will remained strong. In the process of examining how each of these cities endured military rule, the common theme that emerges is one of considerable resistance to Yankee rule from the outset, as memorably demonstrated by the 1862 determination of Norfolk's city council to be treated as a conquered enemy to the mourning rituals of

closed shutters and darkened rooms enacted by women in Alexandria upon hearing of Richmond's fall in 1864. Confederate nationalism and faith in victory remained strong, especially in Nashville, where the presence of a Confederate army in the field held out hope.

Each city was occupied for nearly the entire war, and each city contained significant Unionist support at the war's outset. Alexandria was occupied the day after Virginia seceded in May, 1861. It had sent a Unionist delegate to the state convention, and in general the population was opposed to secession. Despite such initially strong Unionist sentiment, most Alexandrians by war's end had become staunch supporters of the Confederate cause, notwithstanding the economic improvements brought to them by four years of Union occupation. This chapter attempts to discover what happened when the Union troops arrived and took control in this first slice of Confederate territory. Several themes emerge. As in other occupied territories, the story features a martyred rebel and, in this case, a martyred Union soldier. Reactions to the deaths of James Jackson and Elmer Ellsworth in Alexandria were swift and strong. For Alexandrians, the news that one of their own – a well-respected and well-known member of the community – had lost his life to a Yankee soldier set the tone for their reaction to the occupiers in their midst.¹⁷ For their part, Ellsworth's New York regiment burned to avenge their fallen comrade. Not just the New York troops looked askance at the citizens of Alexandria. For most of the soldiers on occupation duty in the port city, this was their first exposure to a real "secesh," to blacks, and to the physical landscape of the South. Most of them felt their surroundings to be alien and unfriendly. For their part, the people

¹⁷*The Life of James W. Jackson, the Alexandria Hero, the Slayer of Ellsworth* (Richmond, VA: West & Johnston, 1862).

of Alexandria looked with disfavor upon the troops in their midst. They bridled at requirements for oath-taking and resented nearly all the laws and regulations imposed by the military. By the end of the war, Unionist sentiment had been nearly eradicated.¹⁸

Nashville, like Alexandria, had a significant Unionist presence, and for that reason, appeared a likely situation for a successful wartime reconstruction. Within two weeks of federal troops taking the city, Lincoln appointed Andrew Johnson as military governor, and reconstruction began. Johnson's primary job was to establish a loyal state government that would attract support from and increase the ranks of Unionists.

Problems in Nashville soon ensued. Unlike in Alexandria, Andrew Johnson as governor had to contend with military commanders in his district, and the story of the occupation in Nashville is also a story of his clashes with generals Don Carlos Buell and William Rosecrans.

Citizens of Norfolk began the war with less enthusiasm for the Union than their counterparts in Alexandria and Nashville. Despite hosting an important U.S. naval facility, the people of Norfolk were generally more sympathetic to the Confederacy when war broke out. The city was captured in May, 1862, and its leaders in surrendering to Union General John Wool made clear their lack of cooperation by signaling their intention to be treated as conquered enemies. The implications of that decision for the occupation are examined in chapter three.

The occupation of Norfolk reflected themes seen in Alexandria and later in New Orleans and Nashville. Chief among them was the Union army's dilemma over what to do with fugitive slaves. In both Norfolk and New Orleans, feisty Benjamin F. Butler, an

¹⁸Lucy Lyons Turner to Cassius F. Lee, Jr., April 4, 1865, Lucy Lyons Turner Letters, Lee-Fendall House, Alexandria, VA..

avowed abolitionist, played an outsize role. His declaration early on at Fort Monroe that fleeing slaves were to be considered as contraband property set a precedent which the Union army would follow. It was a clever legal strategy, implemented by a shrewd commander. Butler not only initiated the idea of fugitive slaves as contraband, but he also served as a lightning rod for the Union occupation in two cities. The chapter on Norfolk explores how the pragmatic Butler set about the occupation with a combination of carrot and stick. He cleaned up the city and improved infrastructure while at the same time instituting strict regulation and demanding proof of loyalty. His ends were in line with those of the Lincoln administration: to get a civilian government up and running.

When Ben Butler arrived in New Orleans to begin that city's wartime occupation, his arrival was greeted with sullen silence. Residents of the Crescent City were not happy that their cosmopolitan paradise had been captured, and much of the resentment of the Union troops in the first days of occupation may have been displaced anger at what some residents saw as a perfunctory defense of the city by the Confederate forces. As in Alexandria and Nashville, however, there was a core segment of the population which retained Unionist loyalty, although not as much as was hoped in Washington.

Lincoln believed that a quick restoration of civilian government in the occupied cities would both strengthen the Unionist sentiment locally and weaken the rebellion. Quick action would also strengthen his belief that reconstruction was the responsibility of the executive branch and not Congress. Besides the conflict over who should oversee reconstruction, there were also conflicts over how to regard the citizens in the occupied regions. Many argued that all the residents of a warring nation were in fact the enemy. This view minimized any nascent Union sentiment. Others emphasized the need to foster

Union sentiment. In all four cities examined here, Union military governors struggled to restore municipal self-governance and veered between harshness and laxity in their dealing with local residents. Although their efforts were resisted, the Union army was generally successful in governing, even if they were less successful in achieving Lincoln's main goal of strengthening and expanding the web of Unionism throughout the occupied South.

CHAPTER 1

ALEXANDRIA IS OURS

Before the last vote for Virginia's secession had been counted, Lincoln in consultation with Winfield Scott had decided that Alexandria was strategically significant. Its shoreline and hills were clearly visible to military planners in Washington and that was too close for comfort to allow them to fall to the Confederates. Aside from the psychological discomfort of having a rebel outpost so close, Alexandria was both a major port and a key railway center, both much too valuable to be in rebel hands.¹

Across the Potomac, soldiers who had been encamped in Washington waiting for action eagerly readied themselves. On the night of May 23, a full moon illuminated regiments from New York, New Jersey, and Michigan as they crossed the Long Bridge to penetrate into enemy territory.² They had the element of surprise despite the over-eager commander of the *Pawnee*, who had sent an officer ashore to demand the town's surrender before the soldiers had even left the banks of Washington. Commander S.C. Rowan was subsequently rebuked by Secretary of the Navy Gideon Welles for acting in a manner "manifestly inconsistent with correct discipline and the obligations due to the

¹Ben Ames Williams, ed., *Mr. Secretary* (New York: The MacMillan Company, 1940), 239-40.

²William Swinton, *History of the Seventh Regiment, National Guard, State of New York* (New York, 1870), 198; United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: U.S. Government Printing Office, 1880-1901) 2:40-41 [hereinafter cited as OR; all volumes in Series 1 unless otherwise noted].

army which was making a secret movement.”³ Whether through that over-eager officer or by other means, the Confederate regiments in Alexandria had already gotten word of the Union army’s advance and most were able to flee south via the Orange and Alexandria Railroad.⁴

In the early hours of May 24, reported the *Alexandria Gazette*, “U.S. troops suddenly landed in boats at the upper wharves, forcing the sentinels along the Strand to make a precipitate retreat; while from Washington, via the Long Bridge and other points of crossing, a force moved on Alexandria from the rear.”⁵ The First Michigan Volunteers, under Colonel O.B. Wilcox, had crossed the bridge at 2:00 a.m. and entered the city from the north. The 11th New York Volunteers, commanded by Col. Elmer E. Ellsworth, crossed the Potomac by steamer and landed at the foot of King Street at daybreak. The total occupying force was about two thousand men. By 5:30 a.m., Wilcox was able to wire to the War Department, “Alexandria is ours.”⁶

As his fellow soldiers were approaching Alexandria from the north, Colonel Elmer Ellsworth and his 11th New York Zouaves, covered by the *Pawnee*’s guns, landed and advanced through town, their objectives being the telegraph office and the railroad depot. While marching up King Street, Ellsworth noted the large Confederate flag defiantly flying over the Marshall House Hotel. Its proprietor, James W. Jackson, a devoted secessionist, had raised the flag upon the vote of the Virginia convention in favor of secession. It was said he did so in the hopes that Lincoln would be able to see it from

³Benjamin F. Cooling, *Symbol, Sword, and Shield: Defending Washington during the Civil War* rev. ed. (Shippensburg, PA: White Mane Publishing Company, Inc. 1991), 37.

⁴OR, 2:43-44.

⁵*Alexandria Gazette*, May 24, 1862; OR, 2:37-39.

⁶OR, 2:41.

the White House. That much is debatable; what is not debatable is the series of events that took place when Ellsworth spotted the flag. With a group of men, he entered the hotel, went straight to the roof, and lowered the flag. Bearing it with them, he and his party retraced their steps. As they reached the second floor, Jackson, roused by the noise, emerged from his bedroom with a shotgun. Seeing his banner in Ellsworth's hands, he fired, killing Ellsworth. Jackson then swung his gun around and fired at Corporal Francis Brownell but missed and was himself killed by a bullet from Brownell's rifle.⁷

The news of the death of Elmer Ellsworth and James Jackson spread quickly not only throughout Alexandria but also across the nation. Edwin Stanton recounted the episode in his diary, writing that "it served importantly to build up the Northern war sentiment, and that war sentiment was a very important factor in the affairs of the time." Their importance as individuals became subsumed under their role as hero and martyr for both sides.⁸⁹

Lincoln wanted to allay the fears of Alexandria residents about the occupation of their city. Once Union control of the town had been solidified, the president consulted with Winfield Scott about "taking the occasion of occupying Alexandria . . . to make a proclamation to the citizens . . . assuring them that they are not to be despoiled, but can have your protection, if they will accept it, and inviting such as may have left their homes

⁷Corporal Francis E. Brownell, who in 1877 was awarded the Medal of Honor for his actions. *Records of the Columbia Historical Society*, XXVIII (1926), 131.

⁸Entry of May 26, 1861, "Excerpts from the diary of Miss Isabel Emerson," *Alexandria Gazette*, March 29, 1924; The Henry Douglas Diary, Special Collections, Alexandria Library, Alexandria, VA.; Henry Whittington Diary, May 24, 1861, Special Collections, Alexandria Library, Alexandria, VA; OR, 2:4; Nancy C. Baird, Ed., *Journals of Amanda Virginia Edmonds* (Stephens City, VA, 1984), 49.

⁹Williams, *Mr. Secretary*, 242.

and businesses to return.”¹⁰ Not swayed by his reassurances, hundreds of Alexandrians who had left the city had no intention of returning. Those who remained were convinced that the Union armies had come to plunder, to destroy, and to emancipate.¹¹ The mostly non-aggressive posture of the occupiers was a small reassurance. The next day, stores opened as usual and the town appeared to be going about its normal, albeit more limited, business.¹² On May 30, Secretary of the Treasury Salmon P. Chase ordered the port opened and vessels traveling to and from Northern ports to receive clearance.¹³ The atmosphere seemed to indicate a return to normalcy, but outward appearances were deceptive. In fact, the citizens of Alexandria were bitter and distrustful. The Federal attack on Virginia and the military occupation of the town soon transformed a former hotbed of Union loyalty into a hostile stronghold of the “secesh.”

The city was generally Unionist – its merchants, an influential group, depended upon the town’s lucrative trade with Northern seaports. Their mouthpiece, the *Alexandria Gazette*, and its Whig owner, Edgar Snowden, deplored the rash behavior and reckless actions of the secessionists throughout the winter of 1860-1861 and continued to call for reconciliation with the Union. The secession of the deep South states had precipitated a crisis in Virginia as voices calling for secession and allegiance with the

¹⁰Abraham Lincoln, *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ, 1955), 4:385.

¹¹George Mason to Robert E. Lee, May 5, 1861, OR, 51, pt. 2: 66-67. Mason wrote Lee that he feared the “fanatics and lawless ruffians ready for every outrage and violence.” He gave voice to a widespread fear of Southern whites. “The violence, outrage, and murder perpetrated lately in Washington under the very eyes of the Government on men even suspected of Southern sentiments is a warning of what we may constantly anticipate here.” See also Stephen V. Ash, *When the Yankees Came: Conflict and Chaos in the Occupied South, 1861-1865* (Chapel Hill: the University of North Carolina Press, 1995), 13-14.

¹²[Washington] *Evening Star*, May 25, 1861.

¹³United States Navy Department, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series I, 27 vols. (Washington, D.C.: Government Printing Office, 1894-1922) 4:487-88 [hereafter cited ORN].

new Confederacy clashed with moderates and Unionists. A special election to select delegates to go to Richmond and decide the question was set for early February. In Alexandria, the landslide winner was a staunch Unionist, George W. Brent. The town also voted to put the question on secession to a referendum of the people.¹⁴

Despite the efforts of Brent and other Unionists, three factors were driving increased support for secession and the nascent Confederacy. First, an economic downturn resulted in business failures and rising unemployment. Bad times were blamed on the North. Next, Lincoln's inauguration raised the specter of the use of force to preserve the Union. In Alexandria, secessionists organized guard and artillery regiments, readied their equipment, and held parades.¹⁵ Of greatest significance was the bombardment of Fort Sumter. In response to Lincoln's subsequent call for troops, Alexandria's mayor issued a proclamation calling for calmness and moderation, but it was too late. Women were already at work sewing clothing for the militia, and volunteers were drilling under the Confederate colors, not the Stars and Stripes. Moderates cast their lot with the secession extremists, and an ordinance of secession was adopted in Richmond on April 17, subject to final approval by referendum. On May 23, Alexandria went to the polls and voted by an overwhelming margin (983-106) for secession.¹⁶

Turnout for the vote was surprisingly low because many citizens had already left the city. Ever since the Confederate attack on Fort Sumter, Alexandrians had been both obstreperous and on edge. Some had expressed their anger over the Federal attack on

¹⁴*Alexandria Gazette*, February 5, 9, 1861.

¹⁵*Alexandria Gazette*, March 16, 27, 1861.

¹⁶*Alexandria Gazette*, May 24, 1861

Fort Sumter by firing on vessels bound up the Potomac to Washington. As a result, the Federal steamer *Pawnee* had arrived a few weeks earlier to lie menacingly mid-river off the port, her eight Dahlgren guns “grinning, and showing her teeth to frighten the poor Alexandrians.”¹⁷ This quieted down the city and businesses shuttered as residents fled in anticipation of war. The railroad depots overflowed with refugees although some residents, either more optimistic or less frightened of a Yankee attack, remained in their homes, preparing for the worst.

Fear of the invaders gripped the entire city. On Seminary Hill, the McGuire family made decisions about what to pack and what to hide. Would burying the silver keep it safe? How could books and pictures and furniture be safeguarded? Meanwhile, their neighbors, the Cary family, must have looked ghoulish to an outside observer as, lit only by lanterns, they furiously labored to bury two trunks of silver under the cellar floor. Those residing in downtown moved larger belongings into city warehouses, and some owners decided the best way to safeguard their slaves was to deposit them into the city jail. Even before the Union army arrived, it was associated with pillage and destruction.¹⁸

The citizens of Alexandria greeted the occupiers with “no resistance, but the frown of the citizens gave unerring indication of their feelings,” wrote local merchant Henry Whittington in his diary. Their feelings of unhappiness, noted Whittington, were only intensified by an announcement from the authorities: “Martial law is proclaimed, and the mayor’s authority is suspended by a ‘Provost Marshal.’ Intense excitement

¹⁷*Alexandria Gazette*, May 14, 1861.

¹⁸Judith McGuire, *Diary of a Refugee* (Richmond, VA: J. W. Randolph & English, 1889), 13-14; Constance Cary Harrison, *Recollections Grave and Gay by Mrs. Burton Harrison* (New York: Charles Scribner’s Sons, 1911), 44-45; Whittington diary, May 15, 1861.

prevails at this high-handed outrage & there are numbers who were formerly Union Men now denouncing these proceedings as unauthorized and unwarrantable assumptions of power; and furthermore they proclaim their opposition to this unconstitutional party & promise hereafter a strict adherence to the Southern Confederacy.” Although the occupation spared the infrastructure of the city from suffering the kinds of ravages other Southern areas saw, its residents nevertheless saw their situation as involving hardship and deprivation, beginning with the first days of martial law. Around them, businesses closed due to a lack of customers as residents who had not already fled remained at home, mostly due to fear of the Union soldiers on every street corner. News reports were hard to come by as telegraph and mail and even the railroad were now in Federal hands. The military government of Alexandria was off on the wrong foot in their goal of winning the hearts and minds of the citizens.¹⁹

Their concerns were nothing compared to what Ellsworth’s men planned. Enraged by the death of their commander, the Zouaves wanted to sack the city and only with difficulty were dissuaded. Although they spared the city, they took their revenge by tearing down every sign in the city with the word “Southern.” Pedestrians outside the Southern Protection Insurance Company narrowly escaped injury when that firm’s sign tumbled down from the building’s façade. Eventually, the Zouaves were moved to Shuter’s Hill to the west of downtown, where they were kept busy digging earthworks for a new fort to be named after their martyred leader. Their reputation had preceded them. As resident and prolific diarist Anne Frobel recorded on June 1: “O the horrible, horrible red legs – the fire Zouaves – here they come again. . . . I think if possible they are more savage than the rest – they are our perfect terror. . . . They searched Mr. Reid’s house

¹⁹Whittington diary, May 24 and 27, 1861.

recently and found a Confederate flag, and then such vile doing never anyone heard of before, they tore the whole house and place up generally.”²⁰

Arguably, the death of Ellsworth had a galvanizing effect upon all the Union troops now firmly ensconced in Alexandria. Already disposed not to look kindly upon the “secesh,” these soldiers viewed Ellsworth’s death as the cold-blooded murder of one of their own. Writing years later, the regimental historian of the 40th New York (Mozart) Regiment called Alexandrians “pronounced and defiant rebels” from the beginning of the war.²¹

The first necessity for the occupying troops was shelter and, aided by Unionists who were willing to point out secessionist residences, the men entered and scavenged through various vacant homes. Enough damage was done that the die was cast. Left to their own impulses, Union soldiers were going to be no respecters of private property. Recognizing the problem, General Irwin McDowell, commander of the Department of Northeastern Virginia, wrote to the assistant adjutant general in Washington: “The troops are occupying houses in some cases, and fields, and cutting wood for fuel. Shall not rent and compensation be paid? If so, funds are needed for that purpose.”²² On June 2, he issued orders that records of all private property taken and damaged by the army should be sent to headquarters, including the estimated value of property or damages. Citizens would be able to make claims with the commanding officers of the troops.

²⁰George Strong, *Diary of the Civil War 1860-1865* (New York, 1962), 52; Mary H. and Dallas M. Lancaster, eds., *The Civil War Diary of Anne S. Frobel* (Birmingham, AL: Birmingham Printing & Publishing Co., 1986), 9.

²¹Frederick C. Floyd, *History of the Fortieth (Mozart) Regiment, New York Volunteers* (Boston: F.H. Gilson Company, 1909), 60.

²²OR, 2:654.

To these Union soldiers from New York, Michigan, and Pennsylvania, Alexandria presented a new and different landscape. Although they enjoyed seeing places that resonated with their identity as Americans, such as Mount Vernon and the pew where George Washington had worshipped at historic Christ Church, other scenes were alien. Letters home described the city as dirty and shabby. “Of all the nasty looking holes that I ever saw, Alexandria is the worst. I don’t know a place in the North that begins to be so nasty & filthy,” complained one New Hampshire volunteer.²³ A private on guard duty in the downtown area observed: “The appearance of the city was anything but prepossessing. Nearly all of the larger houses were empty and fast going to the dogs. The streets were paved with very uneven cobblestones, making the roads about as smooth as a corduroy. Sidewalks were nearly all brick.”²⁴

Of course, Alexandria was essentially a military outpost for the entirety of the war, with the concomitant slippage of municipal services, and most of the population was Northern transients, who arguably took no interest in the upkeep of their temporary home. However, most Northern soldiers did not recognize that and instead attributed the deteriorating physical charms of the city to the deficiency of Southern character. One Northerner, correspondent George A. Townsend, did see how “Alexandria has suffered. It has been in the uninterrupted possession of the Federals for twenty-two months and has become essentially a military city . . . filled with ruined people [who] walk as strangers

²³W. H. Peckham, Letter to “Dear Friend,” October 10, 1861, Defenses of Washington Collection, Fort Ward, Alexandria, VA.

²⁴David H. Donald, ed., *Gone for a Soldier: The Civil War Memoirs of Private Alfred Bellard* (Boston: Little, Brown and Company, 1975), 23.

through their ancient streets.”²⁵ Nonetheless, to most of the Northern soldiers, a small Southern port town and its people seemed backwards.

Crossing the Potomac became a symbolic division. Resentful of Virginians’ reference to their state as sacred soil, one Northerner wrote how his only feeling of being on “sacred soil” came when he stood in Christ Church. The city outside the churchyard fence was hardly sacred soil for him or for other Northern soldiers. Because of this feeling of separateness, Union soldiers were psychologically predisposed from seeing Alexandrians as fellow Americans. In their minds, they were not harassing or robbing or stealing property from countrymen but from a clearly defined and differentiated foreign enemy. And if that enemy were at all like the contemptible Jackson, who had murdered that gallant defender of the flag, Colonel Ellsworth, then they were a group who deserved to suffer. Further evidence of their foreignness was cited by a soldier from Pennsylvania who believed he had identified concrete proof of Alexandrians’ disloyalty to the Union. In his regimental history, John Vautier wrote that “Alexandria at this time was an old-fashioned city of several thousand inhabitants, most of whom were rank secessionists with decided aristocratic and old English tendencies, the very streets resounding with such royal names as King, Prince, Princess, Queen, Duke, St. Asaph, Royal . . . indicating the antiquity of the town as well as the Tory sentiments which prompted such names.” To Vautier, these colonial-era street names were tangible evidence of disloyalty – obviously, the town was a hotbed of treason and treachery.²⁶

²⁵New York *Herald*, March, 1863, quoted in Jonathan R. Dols, “Yankees and Secesh: Civil-Military Relations in Alexandria, Virginia and New Orleans, Louisiana” (MA thesis, Wake Forest University, 1995), 16.

²⁶John D. Vautier, *History of the Eighty-Eighth Pennsylvania Volunteers in the War for the Union* (Philadelphia, 1894), 19.

Abner Hard of Illinois noted that the arriving soldiers saw “secessionists peeking out to abuse us and see what kind of appearance we made.” He had little respect for those not willing to face the Union army by coming outside onto the street “like men.” Respect for white Alexandrians was the last thing the reception of the Union army would have encouraged. Most whites appeared to be greeting them as sworn enemies. “They detested Union soldiers,” wrote Sergeant Frederick Floyd, “and we knew it by their actions if not by their words.” Floyd was enduring a painful, decaying tooth and his search for a dentist having been fruitless, he went to an apothecary to have the tooth pulled. As he relates it, the “brute” instead of yanking out the tooth immediately, used his “antiquated instruments” to pull on, twist, and pry at the tooth for some minutes, causing the sergeant much unnecessary pain.²⁷

Bellard and Floyd were not wrong. Alexandrians found the Union troops no more praiseworthy than the Northerners had found them or their city. Henry Douglas observed in his diary that his fellow residents were “shocked at the degraded condition of the men sent in their midst to teach them loyalty, as they bear more the appearance of assassins than law-abiding men, and their conduct this day in the insults they have offered to peaceable and unoffending citizens has forever stamped them with an infamy which no future can obliterate.”²⁸

As these mutual recriminations were exchanged, the Marshall House Hotel, scene of the deaths of Elmer Ellsworth and James Jackson, became a near-holy stop for sightseers. Anxious to feel a connection to this place, visiting soldiers slowly chipped

²⁷Abner Hard, *History of the Eighth Cavalry Regiment, Illinois Volunteers* (Aurora, IL: np, 1868), 53; Floyd, *Fortieth (Mozart) Regiment*, 79.

²⁸Douglas diary, May 26, 1861.

away at the building, taking pieces of the flagpole and fragments of the banisters, flooring, and even the studs behind the plaster walls, sending much of it home as souvenirs. Outside, an enterprising photographer sold picture postcards of the hotel and of the slain Ellsworth and of his avenger, Lt. Francis Brownell.²⁹ Sightseeing was not on the agenda for most soldiers, however. Their duty in Alexandria involved endless drill, picket duty, and digging earthworks as part of the fortifications around Washington. Although open skirmishes were few, enough random sniping took place to keep most of the soldiers alert. On June 17, a Confederate artillery battery attacked a Union detail guarding the Alexandria and Loudon Railroad. Although there were no casualties and the line remained open, the military commander in Alexandria increased picket detail in the city and soldiers prevented residents from congregating in the streets.³⁰

This was just the latest in a series of measures that army officials took to control Alexandria's citizens. General Wilcox guaranteed protection of Unionists and warned of punishment for conspiracy and outright acts of disloyalty. Martial law required citizens to be inside by 10pm and forbade all sales of alcoholic beverages. Guards posted at street corners were ordered to ostentatiously load their weapons with ball cartridge out in the open "so that the people could see in passing that we were fully prepared to shoot should the occasion require it."³¹ Mail was stopped and soldiers prevented anyone from crossing over to the Confederate lines. Moving from the town to the outskirts required residents to obtain a pass and this pass could be granted only upon application in person to the

²⁹William Todd, *The Seventy-Ninth Highlanders: New York Volunteers in the War of the Rebellion, 1861-1865* (Albany: Press of Brandow, Barton & Co., 1886), 14; George W. Bicknell, *History of the Fifth Maine Regiment Volunteers* (Portland, ME: Portland, H.L. Davis, 1871), 39.

³⁰OR, 5:14; Lancaster, *Frobel Diary*, 72-73.

³¹Donald, *Gone for a Soldier*, 20.

provost marshal.³² Just as the citizenry had preconceptions of the Union troops as scavenging marauders, Union officers were convinced they were dealing with a hotbed of secessionists. Despite Lincoln's hopes, these men were not ready to hold out a hand of peace to welcome misguided Southerners and closeted Unionists back into the fold.

As one diarist complained, these actions were all the more outrageous because they were taking place “within sight of Mt. Vernon and in the favorite city of the father of his country!”³³ Alexandrians remained indoors, sober and wary as they waited to see what would come next.

Despite martial law and curfew, disorder reigned in Alexandria and environs as soldiers plundered and generally made nuisances of themselves. The experience of Anne Frobel and her sister is typical. They visited the provost marshal and complained about their treatment by troops bivouacked near them. The marshal “was very polite, and said we must have a guard. He then told us that no soldier had a right to search a house, and no officer under the rank of Colonel unless with a written order from that office, and gave us a printed paper to that effect with his signature.” Despite this guarantee of protection, the sisters had considerable trouble getting a guard, with some company commanders claiming that they were not allowed to make use of their men to protect rebel property.³⁴

In mid-July, General McDowell reiterated his orders demanding the troops respect Southerners' private property. He called for a regimental provost marshal and a permanent police force to work under him, “whose special and sole duty it shall be to

³²Lancaster, *Frobel Diary*; Special Orders No. 21, March 21, 1861, Records of United States Army Continental Commands, 1821-1880, Record Group 393, National Archives, Washington, DC. [hereinafter cited as NA].

³³Douglas diary, May 27, 1861.

³⁴Lancaster, *Frobel Diary*, 9-10.

preserve the property from depredation and arrest all wrong-doers, of whatever regiment or corps they may be.” The “least that will be done” to violators would be sending them to jail. “The troops must behave themselves with as much forbearance and propriety as if they were at their own homes. They are here to fight the enemies of the country, not to judge and punish the unarmed and helpless, however guilty they may be.”³⁵ Despite that last phrase, hinting perhaps of McDowell’s private view of the relative guilt of the “unarmed and helpless” Southerners, this order reflected the general attitude of those in charge of Alexandria. A semblance of city government was restored and the military took over most municipal functions.³⁶

Wilcox was replaced as military governor by General William Montgomery in August, 1861. His first act was to organize the provost court which took over the judicial functions under a provost judge, who would report directly to him. The army was now functioning as the police and the courts of Alexandria. Despite this quick move to consolidate power under the auspices of the Union army, Montgomery hewed strictly to a policy of not alienating the residents in hopes of encouraging their loyalty, and his care not to offend the people of the city extended to a refusal even to fly the flag at his headquarters, unlike other officers. It apparently was effective. One resident described him as “all succority, bows, and smiles. He has quite taken the hearts of the people by his friendly manner.” He was especially popular with the ladies who often sent him bouquets of flowers and then received “in return every favor he could grant.”³⁷

³⁵ OR 2:743.

³⁶*Alexandria Gazette*; Whittington diary, June 15, 1861.

³⁷Lancaster, *Frobel Diary*, 13.

The soldiers under his command were not always in agreement. Montgomery was not looked upon with favor by his troops, many of whom felt he was too easy on the rebels. “The General was trying to *coax* treason out of the rebels, but our men had entered the field to *fight* traitors,” complained Abner Hard.³⁸ Hard wrote, in approving contrast to the overly-accommodating Montgomery, that his own regimental commander, Col. John F. Farnsworth, had a “fine, large flag” on conspicuous display at his headquarters. It stretched across the sidewalk, compelling all those walking along that side of the street to pass beneath it. “This annoyed the rebels of Alexandria exceedingly,” he wrote. One Sunday, a finely-dressed group including two women came walking down the sidewalk. As they neared Farnsworth’s flag, one of the women refused to walk underneath it and the small party turned to step into the street to walk around. The sentry brought his rifle crashing down onto the brick walk and ordered them to walk beneath the flag or he would shoot them. The three complied reluctantly.³⁹

While Private Hard wrote admiringly of the sentry’s patriotism, the soldier’s threat to shoot well-dressed women, who arguably posed no threat, was an act that had the potential for violent confrontation as well as only increasing the contempt Alexandrians, especially women, had for Union military rule. As Henry Whittington noted, “Indeed our patriotic ladies carry their hatred of these mercenaries to such an extent that they have incurred the heartiest displeasure of these hirelings.”⁴⁰ The sentry was not punished for his harsh threat, and Farnsworth’s apparent approval of the episode sent a message to the men in his command that physical coercion was an acceptable

³⁸Hard, *Eighth Cavalry*, 71 [emphasis in original].

³⁹Ibid. 70.

⁴⁰Whittington diary, May 31, 1861.

response to insults by locals. It certainly had no deterrent effect on the female citizenry, who continued their verbal insult and mockery of the troops for the entire war.

Throughout the early summer of 1861, Federal morale was high as the soldiers anticipated an easy victory against the Confederates at Manassas. Expectations made the loss at Manassas and the chaotic retreat even more bitter. As the bedraggled, disorganized, and demoralized soldiers straggled back into Alexandria, the city overflowed with rowdy and often-drunken soldiers who presented a challenge to those attempting to keep order. The port of Alexandria was closed to commercial traffic and trade between the city's merchants and the North was now suspended. After the appointment of General George B. McClellan to command of the Union Army brought reorganization and a focus on Washington's protection, the city of Alexandria gradually quieted down as troops were kept busy erecting and fortifying defenses all over the area around Washington.⁴¹

The crowds of Union soldiers brought a superficial prosperity to the city as merchants from the North moved into vacant storefronts and businesses abandoned when their pro-Confederate tenants fled. The *Gazette* observed the scene:

We believe all the stores and shops on King, and the other principal streets of this town are now occupied, and probably room is wanted for more; at least the stores are frequently cut up and subdivided in such a way as to make three out of one, and we see booths and shanties erected on vacant lots, and one new brick house commenced on the main street. Rents, we understand, have increased to a very considerable extent. . . . The goods brought here for sale are chiefly those likely to be wanted by the officer and soldiers of the army, sutlers' stores, and such like, and provisions and groceries – interspersed with cheap watches, plated ware, flashy looking jewelry and ornaments. Most of the dealers are strangers to our older citizens and to the resident population.

⁴¹Cooling, *Symbol, Sword, and Shield*, 75.

The wharf still bustled with activity, though the cargo now was primarily military supplies, and the large oyster-processing shed remained busy. Private vehicles had disappeared but they were replaced by “the ponderous army wagon and somber ambulance.” Civilians still were out and about but “military costumes almost exclusively occupy the sidewalks.”⁴²

For residents, shopping was now fraught with difficulties. The best time to go to market was in the early dawn hours. Prices were high and sellers often refused to give change for small purchases. Confederate money was outlawed; anyone caught possessing it was subject to a fine or imprisonment. These conditions only further incensed Alexandrians already angry about the restrictions placed on them by martial law. Perhaps the most irritating aspect was the necessity for a pass. Those desiring to leave the city limits for any reason or even being on the streets after curfew had to have one. Getting the pass was not an easy matter. Every Monday morning, an otherwise quiet side street became nearly impassable as citizens waited their turn to see the provost marshal whose job it was to issue and renew passes. In order to receive a pass, the petitioner had to swear an oath of allegiance to the United States.⁴³

Southerners refusing to take the oath of allegiance or display the flag had to contend as best they could with marauding soldiers. The Union troops afforded minimal protection even to property owners flying the Stars and Stripes. Robert E. Lee’s cousin, Cassius Lee, attempted to remain in his estate near the Episcopal Seminary about three miles out of town. However, worried he would get caught in the cross-fire as Union troops drew closer to Confederate positions to the west, he moved back to town but

⁴²*Alexandria Gazette*, October 12, 1861.

⁴³S. L. Lee, “War Time in Alexandria, Virginia” *South Atlantic Quarterly* V (1905), 194.

ensured the protection of his home by renting it to General McClellan. He was probably wise; from the perspective of many soldiers, vacant property was just asking to be plundered and residents who left were being unreasonable to expect their unattended property to be left untouched.⁴⁴ For example, the 40th New York fancied themselves so adept at foraging for valuable plunder that they proudly rejoiced in the regimental nickname, the Forty Thieves. Part of what gave this regiment their dubious expertise was a failure of leadership. At one point, during a seven-day period which the regimental commander spent in an Alexandria prison “for rum,” the adjutant of the unit was also unavailable, having gone absent without leave. Under the circumstances, the lack of discipline in this particular unit is hardly surprising.⁴⁵

Generally, Union troops adopted one of four attitudes about commandeering private property. Some were respectful of private property rights of all civilians regardless of affiliation, while others took only from secessionists. Still others believed that the conditions of war gave them permission to confiscate anything, with the presumption that the government would later make restitution. Finally, there was a small group that ignored the property rights not only of civilians but even of their fellow soldiers. In her diary writing about the late summer of 1861, Anne Frobel recorded the situation in her neighborhood just outside Alexandria’s city limits: “Day after day, it is the same thing. Threshing down the green fruit, robbing the bee hive, tearing down the grape vines, and filling their hats with perfectly green grapes that no earthly use could be made of. Some times a whole squad will march by the windows and look in with the

⁴⁴Hard, *Eighth Cavalry*, 49.

⁴⁵Floyd, *Fortieth (Mozart) Regiment*, 70.

most insulting triumphant air, and call out some impudence, with their guns over their shoulders and bayonets strung with fluttering chickens and green melons.”⁴⁶

Because of the number of abandoned properties, many officers were able to enjoy indoor accommodations during the winter of 1861-1862. The deserted Episcopal Seminary in particular had ample room, so much so that many officers invited their wives to join them and yet there still remained plenty of space in which to eventually establish a hospital. Their attachment to their new quarters ultimately permitted too many to think of their rooms in possessive terms: art work, musical instruments, scientific apparatuses, even clothing, all began to disappear. Ultimately, General McClellan granted Cassius Lee permission to remove the school’s library and transfer it to a town warehouse for safekeeping.⁴⁷

After the Union defeat at Bull Run, it was evident that the war was not going to be won quickly and Alexandria with its convenient port and facilities became a major supply depot for the Union army. Federal authorities requisitioned private wharfs and erected warehouses to store the growing stockpiles of meat, hardtack and dry goods. Slaughter houses were erected and cattle were put to pasture in the fields around the city. A butcher on King Street was kept busy processing up to 100 animals a day. In response to increasing demand for fresh bread in the nearby camps, the government built a bakery facility covering the entire northeast block of Princess and Fayette Streets.⁴⁸

⁴⁶Lancaster, *Frobel Diary*, 27.

⁴⁷McClellan to Cassius Lee, January 4, 1862, Record Group 94. Records of the Adjutant General’s Office, NA.

⁴⁸*Alexandria Gazette*, October 17, 1861. Coincidentally, this site today is also home to a bakery, albeit one whose specialty is fanciful wedding cakes and overpriced cupcakes.

Under martial law, the Union authorities exercised considerable latitude over the citizens of Alexandria. Guards and government detectives frequently arrested citizens for matters that seemed inconsequential to the irritated provost court, such as wearing clothing of red and white, which had been forbidden as it represented a show of support for the Confederate cause. When a guard arrested a young girl for wearing a cape of the prohibited colors, the provost marshal immediately released the child and sharply ordered the soldier to attend to more pressing business. By November, 1861, the military court had expanded its jurisdiction to impinge on the city magistrates. Provost Judge Jacob Freese began adjudicating cases dealing with debt collection and property transfers. Angry residents complained to the War Department and assistant secretary Thomas A. Scott ordered the court abolished. Such cases were transferred back to civil court, even when a soldier was involved.⁴⁹

In September, 1861, a band of Alexandria loyalists who had taken the oath of allegiance formed a Union association. This move was met with skepticism and criticism from friend and foe. Some raised complaints about them for not showing their loyalty to the Union on the field of battle; others alleged that that these Unionists were soliciting passes for friends, thereby allowing them to escape having to swear the necessary loyalty oath. Their loyalty also apparently had monetary limits. A resolution to line King Street with the U.S. flag, thereby requiring secessionists to have to pass under it, was opposed when it was learned that the proposal would require a twenty-five cent donation. One member said that while he would like to see the Stars and Stripes everywhere, he “could

⁴⁹*Alexandria Gazette*, November 6, 1861; Scott to H. H. Wells, November 30, 1861, RG 393, NA.

discover no reason for the members being taxed to cover a particular part of King Street with it.”⁵⁰

The Union Club was more assertive about its influence in the political sphere. Members moved to gain control over city functions and offices formerly held by rebels. On November 8 they voted to remove all city officials who refused to take the oath of allegiance and to hold new elections for offices from mayor to market clerk. The mayor questioned the legitimacy of their actions and, despite a law requiring annual elections, the city attorney declared the Unionists actions illegal. However, local military authorities, seconded by Virginia’s Unionist government in exile currently situated 200 miles to the west in Wheeling, supported the Union Club’s actions and on November 20 new elections were held. Although only one in four Alexandrians turned out to vote, Union soldiers ensured that power would be transferred as smoothly as was possible under the circumstances and occupied the offices of those who had been voted out.⁵¹

Newly-elected mayor Lewis McKenzie and the Unionists had the full support of the military authorities in the city and they did not hesitate to act. All newspapers not favorable to the Lincoln administration were prohibited from being brought into the city. Merchants were required to purchase new licenses, which were not granted without the applicant first swearing the oath of allegiance. Those businessmen unwilling to declare their allegiance to the United States had a choice of closing up shop or facing a \$100 fine if found to be still conducting business.

Oath-taking had consequences for residents in their daily lives. One resident was not permitted to bury his dead child in the town cemetery until he had sworn allegiance to

⁵⁰Douglas diary, October 1, 1861.

⁵¹*Alexandria Gazette*, November 8, November 19-25, 1861.

the United States. Residents selected for jury duty were required to swear the oath; those who thought their refusal was an easy way to get out of jury duty were found in contempt of court and forced to pay an \$8 fine. The most onerous restriction on an everyday basis remained the requirement to swear the oath in order to obtain one's "freedom ticket" to go beyond the city limits. Military authorities became more insistent about the latter point as the war went on.⁵²

The pass system may have been one reason some Alexandrians forsook the Confederate cause. Whatever the explanation, by mid-December, the Union Club had grown by 200 new members. American flags went up around the city after club members decided to display the banner at their homes and place of business. Despite this outward show of patriotism, some Union officials remained unconvinced. A friend of Anne Frobels recounted how she was quizzed by the provost marshal as to whether she was taking the oath willingly; her evasiveness ("I made up my mind to do it") meant no pass for her. Colonel George P. McLean of a Pennsylvania regiment disdainfully observed that most of the Union men in town he spoke to were "of the milk and water class." His lack of faith in their fidelity was probably only strengthened when an effort to organize a Home Guard failed. According to Adjutant General Freese, only three men had volunteered.⁵³

By the beginning of 1862, the Union military occupation had changed the character of the city. Newcomers seeking easy money had flocked to the town. Prices were unprecedentedly high. Just across the river in Washington, produce sold for a

⁵²*Alexandria Gazette*, December 2, 1861; Whittington diary, March 22, July 8, 1862, April 19, 1863, December 11, 1864.

⁵³Lancaster, *Frobel Diary*, 100; *Alexandria Gazette*, December 31, 1861.

fraction of the inflated values on King Street, but it was only within reach of those lucky enough to be in possession of a pass. Those without passes were left to haggle with unscrupulous local dealers, who even began selling unplucked poultry by weight. Wood was scarce because the army was consuming most of it and the price of a cord jumped as winter set in.⁵⁴

The face of Alexandria had changed not just because of the presence of Union soldiers and Northern profiteers, however. Given its location, the city had become a mecca for slaves escaping bondage. Along the end of King Street farthest from the river, most of the vacant stores had been taken over by the contrabands. In addition, the black population did a thriving business with the soldiers, selling pies, cakes, and low-alcohol beer. Profits could be quite good, from between \$5 to \$25 per day.⁵⁵

For many of the Northerners, this was their first encounter with blacks and their first close-up look at the institution of black slavery. Among the sights eagerly taken in by the Yankees arriving in Alexandria was the modest building on the corner of Duke and Payne streets that bore a sign identifying it as Price, Birch & Co., Dealers in Slaves. Inside, soldiers examined the auction block and the windowless holding cells outfitted with manacles and chains behind sturdy iron-barred doors. Of course, in time, some got a more intimate exposure – the building was used as a jail to confine drunk and disorderly troops.⁵⁶

⁵⁴Whittington diary, January 12, 27, 1862; *Alexandria Gazette*, December 2, 28, 1861, January 4, 15, 1862; Hard, *Eighth Cavalry*, 77.

⁵⁵*Alexandria Gazette*, October 16, 1861.

⁵⁶Peckham letter, October 10, 1861.

For Union soldiers, slavery was the defining aspects of Southern civilization and one of the primary reasons for their perception of the South as backward. Nevertheless, their accounts reveal considerable racism. Anne Frobel scoffed at the soldiers she saw teasing and humiliating a young black boy – “you would think they never saw a black before” – who had failed to recognize how their actions were dehumanizing the boy.⁵⁷ When a group of contrabands entered a camp of the 40th New York, Sergeant Frederick Floyd described gleefully how the soldiers laughed at the “grotesque” dance moves of one of the contrabands they goaded into performing for them.⁵⁸ In his diary, Private Bellard often mocked the dialect of the blacks he encountered, and he and his fellow soldiers had no qualms about later pilfering food and supplies from the black Union soldiers. Slavery was not connected with an oppressed people but was seen only as a bad thing in the abstract, a concept incompatible with the democratic ideals of the nation. In fact, Bellard never even mentioned the Emancipation Proclamation. While deploring slavery, he and his compatriots exhibited no interest in formal abolition and for them, it was not a motivating war aim.⁵⁹

On the other hand, to the black population, the Union soldiers represented hope for the future. The newly-created National Freedman’s Relief Association in Washington established an evening school in Alexandria. Here, ex-slaves were taught to read and write; their instructors were mainly Union soldiers who were convalescing in the many Alexandria hospitals.⁶⁰ Many slaves leapt at the chance to help the Union army. “This

⁵⁷Lancaster, *Frobel Diary*, 51.

⁵⁸Floyd, *Fortieth (Mozart) Regiment*, 112.

⁵⁹Donald, *Gone for a Soldier*, 150-151.

⁶⁰Benjamin Quarles, *The Negro in the Civil War* (Boston: Little, Brown, 1953), 125-126.

morning about five hundred Negroes were sent up the O&A railroad. No one seems to know the object but the Negroes seem highly elated at it – they think they are going to join the army. But they had neither uniforms nor arms, and I am inclined to believe they are destined to again be ‘hewers of wood and drawers of water.’” Anne Frobel’s own slave, Charles, agreed, saying that “he had no notion of going with that army, to be made breastworks of for ‘dem Yankees.’”⁶¹

Despite the disgruntlement of its white citizens over conditions, Alexandria remained relatively peaceful until January 25, 1862. On that date, the Eighth Illinois Cavalry arrived to take on garrison duty, and they were looking for excitement and some of the comforts a city offered after enduring the rigors of camp life. Despite Montgomery’s best efforts to keep them under control, the men of the Eighth Illinois began “requisitioning” homes from those they claimed were still identifying themselves as secessionists. In actual fact, their net was cast wide.⁶²

Once they secured accommodations, they went looking for fun, and downtown Alexandria offered a good time on every block. The pre-war population of three saloons had swelled to over twenty establishments offering liquid refreshment. On February 3, civil authorities granted another twenty-three licenses to new bars. The business was lucrative: soldiers were charged up to \$3 for a bottle of whiskey, and “wine and lager flowed freely” despite the exorbitant prices.⁶³ Soldiers who over-imbibed and attempted to stumble their way back to their quarters often found themselves arrested by the guard

⁶¹Lancaster, *Frobel Diary*, 115, 117.

⁶²*Ibid.*, 69.

⁶³*Alexandria Gazette*, December 6, 1861; February 3, 1862.

patrol and confined to the former slave pens to sleep it off. On the night of February 3, alone, more than 125 men were arrested. Those unable to walk under their own power were deposited in wheelbarrows and wheeled down unpaved streets turned into a series of ruts by the wet and cold winter. The resultant jostling was “sufficient to restore consciousness to the most befogged reason.”⁶⁴ Unfortunately for some soldiers, a wheelbarrow ride was the least of their problems. Unscrupulous bartenders would dispense pure spirits and when a soldier became delirious from the potent drink, he would be robbed and dumped in a distant alley.⁶⁵

The Eighth Illinois managed to develop such good relations with the Pennsylvania regiment who did guard duty that they were then willing to ignore their cavalry friends’ violation of the 9 p.m. curfew for soldiers, much to the chagrin of General Montgomery. As Abner Hard wrote: “We were in a measure independent of General Montgomery, being under command of General Sumner, to whom we reported, consequently were under no obligations to obey the orders of General M.” And they in fact did not. Instead members of the regiment made their own nightly patrols to watch out for their own men. “The numerous places where liquor was sold and houses of ill-fame, which were found on almost every street, were often entered by the patrol in search of soldiers.” His regiment was disdainful of Montgomery’s approach, believing that his leniency had only encouraged secessionist resistance. Their objective was to put down the rebellion as if it

⁶⁴*Alexandria Gazette*, February 5, 1862.

⁶⁵*Alexandria Gazette*, August 27, 1862.

were “a hydra-headed monster that much be crushed.” Even extreme acts, such as burning buildings or arresting citizens, were justified to achieve this end.⁶⁶

On a peaceful February morning in 1862, another such extreme act took place. In the pews of St. Paul’s Episcopal Church on February 9, the uniformed soldiers drew no notice from the congregation until, during the service, the Reverend Kensey J. Stewart omitted the prayer for the president of the United States. A civilian requested that Stewart say the prayer but the reverend ignored him. Captain Farnsworth repeated the request, which Stewart continued to ignore. Accounts vary widely as to what occurred next, but all agree that the Reverend Stewart was arrested, removed from the church still in his priestly garments, and marched to regimental headquarters. The arrest was reported to Montgomery, attending church services at a rival establishment across town. When Montgomery wired the War Department, officials disavowed having knowledge of the arrest and ordered the reverend released immediately. Montgomery was incensed by the incident and demanded a full report, but the word had already spread around the city and citizens began to heckle the Union soldiers on guard.⁶⁷ The next day, in retaliation, the offices of the *Alexandria Gazette* were burned to the ground, destroying two adjacent buildings. Two days later, some Illinois soldiers threatened to burn the church and Pennsylvania soldiers were dispatched to guard it. An ugly confrontation threatened was avoided when the Illinois troops backed down.⁶⁸

⁶⁶Hard, *Eighth Cavalry*, 71-73, 82.

⁶⁷Ibid., 70-73; *Alexandria Gazette*, February 10, 1862; Vautier, *Eighty-Eighth Pennsylvania*, 22.

⁶⁸Whittington diary, February 12, 1862; Vautier, *Eighty-Eighth Pennsylvania*, 22-23.

Montgomery ordered that all anti-Union demonstrations be stopped and informed everyone, especially the women “of secessionist proclivities,” that if such behavior continued, arrests would be made. Although he preferred accommodation and conciliation, matters were far from quiet and he had no choice but to act. He reported the misconduct of the Illinois soldiers to authorities in Washington and urged they be transferred. In response the cavalrymen presented a petition (signed by Mayor McKenzie and local Union men) asserting that the regiment was of good discipline. It was to no avail: General Heintzelman acted on Montgomery’s advice and ordered the Eighth Illinois out of the city. Ironically, Montgomery’s anger at the Eighth for arresting the reverend was probably due to his desire not to offend the very women he had accused of secessionist loyalties.⁶⁹

It had all been too much for Montgomery, who resigned his position as military governor in mid-February. The War Department deferred a decision on his resignation for a month, and when approval came, Alexandria citizens were sincere in their regret for his departure.⁷⁰

With a new military governor, General Egbert Viele, came new pressures. Because of the absence of many families’ breadwinners, the Volunteer Relief Association, an organization of Alexandria business leaders and other interested parties, had been set up early in the war to distribute food through a supply depot opposite Market Square. In March, twenty-two prominent citizens were suddenly arrested and transported under guard to Washington’s Old Capitol Prison. Baffled by this incident, the community remained ignorant of the circumstances surrounding the arrests. Most

⁶⁹Order dated February 10, 1862, RG 94, NA; Hard, *Eighth Cavalry*, 73.

⁷⁰Whittington diary, February 15, 1862.

residents knew that the men belonged to the relief association formed the previous October and that seemed the only possible explanation for the arrests. A month later, when the imprisoned men returned home, they confirmed the community's assumption. They reported being charged with "furnishing aid to the insurgents by contributions to support the families of those absent in the rebel army." Montgomery was missed even more.⁷¹

Many Alexandria women had fled before the invasion, but even among the remainder were many ardently pro-Southern partisans. Bellard in his diary complained about the women who pasted miniature rebel flags on the hydrants in the night and then took delight in watching the soldiers' aggravation upon discovering them the next morning.⁷² It did not go unremarked by the Union soldiers that the women were able to verbally taunt and harass them with impunity, relying on Victorian-era expectations for gentlemanly behavior to keep themselves out of trouble. This taunting was seen as further evidence by Northerners of the essential lack of class of Southerners. A provost marshal with the 4th Massachusetts Cavalry wrote: "It is a disgraceful fact that the women – wives and children of these rebel scouts, and mothers, bowed down with age – will tell such downright falsehoods, and of so base a nature as to bring the flush of shame to the cheek of any man listening to them. Surely Southern aristocracy has rapidly declined in point of respectability as one of the effects of their rash attempt to establish their Confederacy."⁷³ The actions of the women they met were clearly not conforming to

⁷¹OR, Ser. 2, 2:227; Whittington diary, March 1, 22, 1862.

⁷²Donald, *Gone for a Soldier*, 21.

⁷³OR, 42, pt. 2: 684.

Victorian standards regarding the proper behavior for women. Edward Dicey, an English visitor to Alexandria in the spring of 1862 wrote that the women displayed open animus toward the Union soldiers in their midst.

[T]hey used to take pleasure in insulting the private soldiers with epithets which will not bear repetition. The common Yankee soldiers seemed to feel these insults from women with a susceptibility I felt it hard to account for. English soldiers, under like circumstances, would have retorted with language still more unmentionable, or would have adopted the spirit of General Butler's famous order without compunction. But the Americans appeared to writhe under these insults. The bad language of the Alexandria women was constantly complained of in the papers as a bitter personal injury.⁷⁴

Possibly Dicey was describing the difference between a volunteer citizen military and the professional military with which he was more familiar.

Problems with women were not limited only to adults. A group of teenage girls had organized a secret society, the Knights of the Golden Circle. They swore allegiance to the Confederacy and vowed not to give any aid to the enemy. They also solemnly promised not marry any man who had borne arms against the Confederacy or who was a Union man, a Black Republican, or who had "extricated himself from a difficult position by taking the oath of allegiance to the United States."⁷⁵

The young women held meetings in a third-floor garret room where they wore their badges and planned their operations. They sewed items such as "bows, neckties, pincushions and penwipes, sometimes with a deftly concealed Confederate flag embroidered in one corner as the open sesame to the heart of a purchaser chosen with discrimination." The Knights especially targeted the wives of Union officers to buy their crochet work and dainty rosettes for baby clothing. They were thus able to save a small

⁷⁴Edward Dicey, *Six Months in the Federal States*, 2 vols. (London: Macmillan and Co., 1863), 2:24.

⁷⁵Lee, "Wartime in Alexandria," 241.

sum of U.S. currency which they smuggled through the lines to the government in Richmond and were, much to their delight, recognized by a Baltimore newspaper for their deeds.⁷⁶ Neither did their deeds in Alexandria go unremarked. Christ Church was being used by the military for services and a handful of families in the regular congregation were given permission to remove the cushions from their pews. In the bustle of removal day, the Knights managed to remove the silver pew marker with the Washington name. Despite the outcry and a search of the town, the plate was not recovered.⁷⁷

Beginning in the third week of March, 1862, the Union Army flooded into Alexandria as McClellan organized his forces for their long-awaited push toward Richmond. Women fled indoors, away from the thousands of pairs of male eyes, except for the courtesans flaunting “furs and ostrich feathers” in and around the houses of ill repute on Washington Street.⁷⁸ When the army finally moved out to the Peninsula, an uneasy quiet descended on Alexandria. Merchants complained about a lack of business, and some even closed up shop and relocated to Washington. The *Gazette* urged residents to clear up the accumulated piles of rubbish in the city and complained about the vandalism committed by vagrant boys.⁷⁹

The army was slowly learning how to administer a captured enemy city. However, the inability of military authorities like General Montgomery to keep the peace in Alexandria did not mean that they did not try. At no time did those in charge of

⁷⁶Ibid., 240-44.

⁷⁷Lancaster, *Frobel Diary*, 73-4; Lee, “Wartime in Alexandria,” 244.

⁷⁸Whittington diary, March 14-21, 1862; George A. Townsend, *Campaigns of a Non-Combatant, and His Romaunt Abroad during the War* (New York: Blelock, 1866), 54.

⁷⁹*Alexandria Gazette*, May 13, 1862.

military administration of the city officially promote or condone misconduct against civilians. In fact, when implemented effectively, the policies of the military governors tended to improve rather than worsen conditions in Alexandria.

On August 25, 1862, General John P. Slough took over as the new military governor of Alexandria. Slough, a notoriously bad-tempered and impatient man, was appalled to discover what he described as a “reign of terror.”⁸⁰ As one soldier described it, “The streets were crowded with inebriated soldiery; murder was of almost hourly occurrence and disturbances, robbery and rioting were constant. The sidewalks and docks were covered with drunken men, women, and children, and quiet citizens were afraid to venture into the streets. . . . A condition of things perhaps never in the history of this country to be found in any other city.” Drunken soldiers and civilians roamed the streets and docks; murder, robbery, and rioting were commonplace occurrences. About a week before Slough arrived, Captain Robert Carter described Alexandria as a place where the “fiends of hell” had been let loose.⁸¹ A Connecticut lieutenant complained that the city “had suffered unspeakable things from the troops on duty in her streets, or quartered in her environs, and the Alexandrians had come to regard a soldier as a scoundrel, always and everywhere.”⁸²

Slough blamed the disorder on indiscriminate sale of alcohol, which he promptly ended by closing all restaurants and bars. He re-imposed a 9 p.m. curfew for soldiers, a 9:30 p.m. closing time for merchants, and a 10:30 p.m. curfew for residents.

⁸⁰Frederick H. Dyer, *A Compendium of the War of the Rebellion* (Des Moines: The Dyer Publishing Co., 1908), 330, 375.

⁸¹Robert Carter, *Four Brothers in Blue* (Austin: University of Texas Press, 1978), 85.

⁸²Theodore F. Vaill, *History of the Second Connecticut Volunteer Heavy Artillery* (Winsted, CT: Winsted Printing Company, 1868), 18.

Unfortunately, for some soldiers at least, the curfew was in name only, as their depredations continued apace. Anne Frobeld wrote of visiting neighbor after neighbor, all of whom saw no sense in doing any planting for the coming season. “They say the army will all be here again and we will lose it again as we did last year. . . . The people around say the families in the neighborhood have supplied themselves bountifully with furniture, clothes, beds, bedding, anything and everything they want from the deserted houses and places around. They do not steal it themselves, but they bribe the soldiers.”⁸³

The city, now a major supply depot and hospital center, had become caught in the middle of confused Union war operations. The retreat of McClellan’s Army of the Potomac from the Peninsula campaign went through Alexandria and as the war-weary veterans disembarked their boats in Alexandria, they eagerly sought out the pleasures and comforts of the city. McClellan himself arrived in Alexandria on August 26 under orders to investigate hitches in the supply chain. Despite the mountain of supplies stockpiled in and around Alexandria, General John Pope in Warrenton was not receiving any of them. Stonewall Jackson’s subsequent raid on supplies at Manassas Junction worsened the situation, which then became critical when Confederates cut the telegraph wires around Manassas and destroyed the railroad bridges across Pohick Creek and Bull Run, leaving Pope to fend for himself with neither supplies nor communication. As townspeople listened to the sound of cannon fire drifting in from Manassas, Colonel Herman Haupt

⁸³OR, 12, pt. 3:664; *Alexandria Gazette*, August 25-29, December 10, 1862; William S. Lincoln, *Life with the Thirty-Fourth Massachusetts Infantry in the War of the Rebellion* (Worcester, MA: Press of Noyes, Snow & Company, 1879), 31; Lancaster, *Frobeld Diary*, 126.

was busy untangling the knot of supplies and forwarding scores of railroad cars filled with food, ammunition, forage and even doctors and nurses to the field.⁸⁴

The city's streets were once again alive with soldiers and stragglers. King Street landlords raised rents, and hucksters, unable to pay the exorbitant rates, erected shacks on vacant lots. Sutler shops and grocery stores popped up to cater to veterans tired of surviving on hardtack and salt beef. Soldiers particularly enjoyed sweets; ice cream and pie stands became so popular that for a short time the provost marshal ordered them closed because over-indulging troops were becoming ill. Once fed, soldiers went looking for souvenirs and many trinkets and cheap watches were bought. The trade was vibrant but it was not stable and did not benefit the community. When the troops once again left, so would the circus-like system of enterprise that had sprung up around them.⁸⁵

Slough attempted a more stringent clean-up in the spring of 1863. The Provost Marshal ordered the arrest of all those in the city after April 10, 1863, not gainfully employed and with no visible means of support. The prostitutes were rounded up and given twenty-four hours to leave the city. Finally, authorities went after those who had given encouragement to the Confederate cause. The charge was usually disloyalty and punishment was imprisonment for an indefinite time. On April 14, Union authorities raided the home of a Dr. Winston at 45 Fairfax Street and broke up a meeting of conspirators. The Provost Marshal discovered letters from rebels and a letter in return

⁸⁴OR, 12, pt. 3:762-77.

⁸⁵Jane Stuart Wolsey, *Hospital Days: Reminiscence of a Civil War Nurse* (1868; repr., Roseville, MN: Edinborough Press, 2001), 107; *Alexandria Gazette*, September 9, 1862, October 7, 1862.

“expressing strong disloyal sentiments. I also found in the house a large library belonging to a rebel at Culpepper . . . [and] one pair of rebel soldiers pants.”⁸⁶

In spite of these measures, conditions in Alexandria continued to decline. One night after the curfew had been instituted, a riot between the patrol guard and several citizens resulted in gunfire and the death of three soldiers.⁸⁷

Blacks freed by the war continued to pour into the city. By the fall of 1862, two or three hundred were arriving every day and the city was running out of housing. Even worse, a smallpox epidemic swept through the contraband community. The death rate demanded a new hospital which, for convenience, was “put up on the side of the lane leading to the burial grounds.”⁸⁸

The Emancipation Proclamation caused a certain amount of consternation among Alexandria’s white residents. Isabel Emerson wrote that “Mr. Lincoln has issued an emancipation proclamation, and now, the slave are free. This means the loss of millions of dollar to the South. Our two, Alfred and Eline, have gone after having lived with us fifteen years.”⁸⁹ Anne Frobel and her sister were stranded, unable to attend church, because their slave Charles had failed to return from a trip to Washington as promised. “Whether he thinks himself free since Lincoln’s recent proclamation or has been crippled again by his soldiers, we have no means of finding out. But I can hardly think that, after

⁸⁶Special Orders No. 8, January 17, 1863, RG 393, NA; *Alexandria Gazette*, April 2, April 17, May 21, 1863; Wells to Slough, April 18, 1863, RG 393, NA.

⁸⁷Lee C. and Karen D. Drickamer, eds. *Fort Lyon to Harper’s Ferry: On the Border of North and South with “Rambling Jour”: The Civil War Letters and Newspaper Dispatches of Charles H. Moulton (34th Mass. Vol. Inf.)* (Shippensburg, PA: White Mane Publishing Co., 1987), 90.

⁸⁸*Alexandria Gazette*, September 5, November 26, 1862. Capt. John Wyman, Provost Marshal to Dr. Abbot, December 12, 1862, RG-393.

⁸⁹Emerson diary, January 1863.

being so faithful to us ever since the invasion, he would have gone off so, without at least giving us some intimation of his intentions of so doing.”⁹⁰ Charles did return a few days later, but his mistress’s plaintive lament over his erstwhile faithfulness was echoed time and again by whites who had trouble believing their “servants” could so easily walk away.

Stragglers remained a persistent problem for the city. “Great complaint prevails among the citizens at the outrageous conduct of some straggling soldiers about the town: houses are entered, and articles stolen; the inhabitants near the corner of Franklin and Water Streets had to close their doors and windows, last night, to shut out, if possible, the horrid blasphemy and obscenity that were shouted in their ears by stragglers – one woman, in the neighborhood, was robbed, but followed the thieves and recovered her property.”⁹¹ The provost marshal’s office had its hands full coping with these men as they poured into the city, singly and in groups.⁹² Many claimed to be on duty guarding trains. A concerted effort was made to round them up, but this brought up another problem – where to put them. Slough requested that one of the nearby forts be used and a temporary camp was established on the slopes of Shuter’s Hill west of town, near Fort Ellsworth. It was eventually reorganized into four separate facilities, each with its own staff. Convalescents from all area hospitals were admitted with first priority, followed by stragglers and deserters, new recruits, and, finally, paroled prisoners. Its inmates quickly dubbed it Camp Misery and visiting U.S. Sanitary Commission agents found that an apt

⁹⁰Lancaster, *Frobel Diary*, 110.

⁹¹*Alexandria Gazette*, September 16, 1863.

⁹²OR, 12, pt. 3:797-98.

name as the needs of the 16,000 inhabitants were barely met by inadequate fuel and food.⁹³

On March 27, 1863, notices appeared around town proclaiming “No Levity,” “Be Watchful,” “The 30th is the Time.” Puzzled citizens wondered if the elusive Confederate raider, Colonel John Mosby had snuck into town during the night. Only days earlier, the newspaper had reported that information which “bears every evidence of being reliable” indicated that the commander of the Second Vermont Brigade had been captured in nearby Fairfax.⁹⁴ Local authorities were not amused when it turned out the posters were advertisements for the opening of a new act at one of the city’s amusement halls. Mosby had already been making quite a name for himself in raids, and the tight security policies of General Slough tightened further. The provost marshal, Henry H. Wells, required all Union loyalists to renew their passes, denied passes to those caught using another’s, and stopped issuing family passes.⁹⁵ Anne Frobel wrote that the “whole country is now filled with spies. . . . The Provost of Washington has the names of a hundred families who are now under constant espionage, and the slightest pretext will send them all the other side of the lines. Indeed we hear constant threats of sending all Southerners outside.”⁹⁶ A few days later, Wells wrote to Slough cautioning him about the “very large number of Rebels in this city” and warning him that their presence afforded an excellent opportunity to acquire information on the size and readiness of Union forces and the details of the fortifications. “And in case of a raid or attack upon Alexandria, they would actively

⁹³*Alexandria Gazette*, March 16, 1863; Slough to Wells, March 20, 1863, RG 393, NA.

⁹⁴OR 25, pt. 1:1121-22; Whittington diary, March 27, 1863; *Alexandria Gazette*, March 9, 1863.

⁹⁵*Alexandria Gazette*, March 9-17, 1863; Wells to Slough, March 16, 1863, RG 94, NA.

⁹⁶Lancaster, *Frobel Diary*, May 25, 1863.

cooperate with the enemy and their thorough knowledge and complete organization would render them more dangerous than any organized military force of the same strength.”⁹⁷

Perhaps as a result of this warning, and certainly in light of the continued threat of guerilla raids, the *Gazette* argued for the administration to require all residents to take an oath of allegiance to the United States. Those suspected of being Confederate sympathizers were notified to appear at the provost marshal’s office to take the oath of allegiance; failure so to do would result in being sent outside of the lines. Those refusing were ordered to report to the wharf on the morning of July 7 with no more than 100 pounds of baggage and carrying no correspondence or any other written material. On that day, hundreds made their way through the street to meet the steamer. In the evening came word that Stanton had revoked the order and that there would be no boat. People wearily dispersed to look for lodging. Most of them had hurriedly sold off most of what they owned and were now homeless.⁹⁸

The pass system remained a major irritant to civilians and to military authorities, who issued yet another set of rules for passes in September of 1863. This set included an order that applicants and passholders be treated politely and courteously. Journalist George Townsend, however, complained of a continued lack of courtesy; he had to show his pass three times on the bridge between Washington and Virginia and five times just on the four-and-a-half mile stretch of road from the bridge to Alexandria. A local farmer grew angry when a soldier closely questioned the provenance of his load of manure, but quickly grew pale when soldiers began probing through his cargo, where they discovered

⁹⁷Wells to Slough, May 31, 1863, RG 393, NA.

⁹⁸OR, Ser. 2, 6:60-61, 76, 96; Whittington diary, July 1-9, 1863; *Alexandria Gazette*, July 8-10, 1863.

a keg of whiskey. He was placed under arrest; no details can be found as to the fate of the whiskey.⁹⁹

Despite the controlled system of passes and stringent rules for carrying supplies through the lines, smuggling of contraband was a major problem for the authorities.¹⁰⁰ The rule limited goods to the amount necessary for personal use. The goods had to be transported by a person known to be loyal to the Union and their intended recipient had to make a personal application. The permits were good only for one day.¹⁰¹ Nevertheless, one Eliza Latham was arrested for attempting to smuggle through the lines a wagonload of goods, including groceries, hats, boots, shoes, cloth, and clothing.¹⁰² Despite the continued ban on alcohol, considerable ingenuity was employed by citizens to bring in supplies of liquor. In April, 1863, Federal detectives arrested two girls from Alexandria as they boarded a boat home from Washington. Under their clothes, they had hidden canteens of liquor sold them by a Washington dealer. The girls reported that their parents had sent them on the mission. They were sent home with a lecture and the dealer was placed under arrest. Three large women crossing the Long Bridge were investigated and found to be smuggling 23 canteens, 15 bottles, and a jug of whiskey. The women confessed this was their fourth trip and they had netted over \$200.¹⁰³

After eighteen months of military occupations, conditions inside the city were deteriorating. In mid-February, an anonymous letter addressed to newly-elected Mayor

⁹⁹Townsend, *Campaigns of a Non-Combatant*, 53.

¹⁰⁰Wells to Slough, January 22, 1863, January 26, 1863, February 8, 1863, February 9, 1863, February 10, 1863, RG-393, NA.

¹⁰¹Special Orders No. 4, September 21, 1863, RG 94, NA.

¹⁰²Adj. Gen. Tait to Lt. Col. Doster, January 13, 1863, RG 393, NA.

¹⁰³*Alexandria Gazette*, April 4, 11, June 29, 1863.

Charles A. Ware warned that the unsanitary conditions would lead to an epidemic by the summer and accused local authorities of ignoring basic public health. In the absence of action by civilian authorities, General Slough acted. He gave residents four days to put their premises in order, clean cellars where food was stored, and remove rubbish from alleys and streets. Trash was to be placed in containers and put in front of their properties. Those who failed to comply would be fined.¹⁰⁴

The Union army also began to drain the marsh at the south end of town and graded and graveled a street in that area. Additional construction projects were undertaken around town to benefit the Federals, including erecting a locomotive shed and repaving the main thoroughfare, King Street. Increased fear over enemy cavalry raids led to the largest construction project the Union army tackled. Under the direction of chief Engineer John G. Barnard, all available military personnel were drafted to help bolster the outer defenses around the city. That still did not provide him with enough labor and so he turned to hiring civilians as well as unemployed African-Americans, who were marched daily by soldiers to wherever their help was needed. In addition, artillery was placed along the city's southern border and guards received repeating rifles. Guards included freed blacks. Residents were prevented from leaving the city and secessionists residing along the new barricades were ordered to leave their homes.

Secretary of War Stanton was worried about Confederate operations in Pennsylvania and the close proximity of Alexandria secessionists to the capital. Guerilla action remained a clear threat and Provost Marshal Wells ordered the provost marshals of the armies around Alexandria to form a Home Guard of loyal men in order to help

¹⁰⁴ *Alexandria Gazette*, February 9, 1863; Wells to Slough, February 10, 1863, RG-393, NA.

suppress the “raid and depredations” of the guerillas.¹⁰⁵ The command was further admonished some weeks later to clamp down on any sort of travel. “Visiting the families in the country in which our operations are conducted, riding for pleasure, either alone or in small parties, or even any unnecessary exposure when in the line of duty, are directly in violation of every recognized military principle. They will, therefore, be abstained from in future. Every house within or without the lines of the army is a nest of treason, and every grove a lurking place for guerilla bands.”¹⁰⁶

Throughout 1863, Alexandria’s population grew steadily. Union officers and soldiers and enterprising private citizens from the North more than made up for the two-thirds of local residents who had fled. Troops in transit accounted for a large part of this boom and a brand new Soldier’s Rest facility was erected near the railroad depot for them. However, accommodations in town for everyone else were scarce – and expensive. Many took shelter in enclosed courtyards or rented vacant lots and built huts of their own. This was what thousands of newly-freed slaves from the region did. They had begun moving into Alexandria in the summer of 1862 in search of a place to live and a job. The government erected wooden barracks near the west end of town, while some of the black refugees built shanties which they whitewashed and surrounded with vegetable gardens. Some freedmen found jobs in the many hospitals, at the wharves, or in the bakery. The government paid them \$20 a month plus a ration as laborers; teamsters got \$5 more.¹⁰⁷

Wartime profiteering was not only a problem among civilians. In December, 1863, military authorities arrested Captain Colin B. Ferguson, the chief quartermaster,

¹⁰⁵General Orders No. 1, October 16, 1863, RG-94, NA

¹⁰⁶OR, 29, pt 2: 423.

¹⁰⁷*Alexandria Gazette*, August 25-September 18, 1862; Woolsey, *Hospital Days*, 70-71.

and his assistant, Captain William Stoddard, as well as several of their clerks, for unauthorized purchase and sale of government property. Apparently, they had had workers making harnesses, saddles, bridles, and furniture in government workshops, which they then sold privately. In addition, Ferguson and Stoddard had outfitted two tug boats with carpets, drapes and china and were operating them as pleasure boats at government expense for the benefit of their friends and ladies of the evening.¹⁰⁸

In February, 1864, Federal authorities began selling more than 200 properties belonging to white refugees who had neglected to pay taxes. Unionists were able to acquire some good deals. By the last summer of the war, city residents could tell how the war was going by the state of business activity in the city. As Grant and Lee jockeyed around Richmond, the dearth of uniformed customers caused many transient merchants to close up shop. The absence of soldiers had another effect: General Slough allowed innkeepers to once more begin selling liquor upon posting a \$1000 bond for good behavior. The summer had begun peacefully. However, in July, the raid on Washington by General Jubal A. Early alarmed the entire area. At one of the larger hospitals, convalescents took up arms. The city council required all males between the ages of 18 and 50 to enlist in a home guard and sixty volunteers formed themselves into the Virginia Union Guards at a meeting at a local assembly hall. General Slough had not authorized the formation of this new company and, in light of Early's withdrawal into the Shenandoah Valley, he ordered it disbanded.¹⁰⁹

¹⁰⁸*Alexandria Gazette*, December 8, 1863.

¹⁰⁹*Alexandria Gazette*, July 13-19, 1864; Whittington diary, July 14-15, 1864; Woolsey, *Hospital Days*, 119.

The immediate threat posed by Early's approach to the city subsided but guerrilla actions remained a concern to the military authorities in Alexandria. As autumn wore on, Confederate raids continued on the Manassas Gap Railroad, the important line of communication between Washington and General Philip Sheridan's forces in the Valley. Authorities advised running convoys of two or three trains with three dozen guards. The depot superintendent calculated that more than 500 men would be necessary for each day and suggested that the troops handling the guard duty chores be stationed in Alexandria.

On October 13, Mosby attacked a payroll train near Kearneysville, about 15 miles northwest of Harper's Ferry. A few days later, Slough reported to the commander of the Department of Washington that Mosby's rangers had killed two guards and wounded a third near Burke Station. Slough was authorized to arrest local citizens and force them to ride the trains. On October 17, ten prominent residents, including Edgar Snowden, editor of the *Gazette*, were arrested and ordered to ride the 5 a.m. and 11 a.m. trains. On October 18, the Eighth Illinois was ordered to pursue the insurgents. After a skirmish resulted in the deaths of four of Mosby's rangers and the capture of nine, and Sheridan's path through the Valley left a trail of desolation and destruction, the threat from Mosby had finally been neutralized. For Alexandria citizens, however, the impressments of civilians as hostages to safety aboard the trains meant their daily newspaper was no more. Due to his duties as railroad hostage, Snowden was forced to suspend publication until the beginning of January.¹¹⁰

Military operations no longer centered on Alexandria as spring began in 1865, and the city was quiet. In the March local elections, Mayor Charles Ware was reelected

¹¹⁰OR, 48, pt. 2:368, 382-89, 402; *Alexandria Gazette*, October 17-18, 31, 1864, January 12, 1865; Whittington diary, October 13-16, 1864.

for a third term. Voter turnout, while increasing in raw numbers, nearly doubling in two years, remained light, with only 253 men voting in this latest election.¹¹¹ Allegiance to the Union, even in these final months of the war, remained weak.

On an early April day, Anna Pierpont and her brother were playing at being prisoners of war when a “tumultuous” bell-ringing was heard. Richmond had fallen. General Slough addressed an excited crowd at Market Square as American flags fluttered from surrounding buildings. The next day a mile-long parade featuring convalescents, artillerymen, two brand-new fire engines, bands, and three dozen wagons filled with joyous freedmen snaked its way through the city. Not all residents celebrated. Lucy Lyons Turner, an in-law of the Lee family, closed her shutters against the noise and wrote that the news from Richmond had filled her with “the deadliest hatred.”¹¹²

On April 14, a procession of soldiers along King Street celebrated the end of the war and marked the hoisting of the American flag over Fort Sumter once more.¹¹³ The next morning, all seemed normal until the market wagons returned empty – the mail and the milk carriers had missed their routine deliveries. Rumors hinted at some tragedy in Washington, rumors which were soon confirmed when reports spreading like “a deadly, chilling fog” of the assassination of the president reached Alexandria.¹¹⁴ The military rule that had relaxed at once tightened. Sentinels stationed at all city approaches prevented anyone from entering or leaving the city. Area houses were searched and kept

¹¹¹*Alexandria Gazette*, March 9, 1865.

¹¹²Anna Pierpont Siviter, *Recollections of War and Peace 1861-1865* (New York: Putnam, 1938), 145; *Alexandria Gazette*, April 4-10, 1865; Whittington diary, April 5-10, 1865; Lucy Lyons Turner to Cassius F. Lee, Jr., April 4, 1865, Lucy Lyons Turner Letters, Lee-Fendall House, Alexandria, VA.

¹¹³*Alexandria Gazette*, April 15, 1865.

¹¹⁴Woolsey, *Hospital Days*, 170.

under watchful guard. On Monday, April 17, all business and public places of amusement closed. Many residents decked their homes with black crepe and other symbols of mourning.¹¹⁵

For Union veterans anxious to be mustered out and return home, camp life seemed boring and endless. Officers found it impossible to get the men to drill or perform other duties they considered unnecessary after their hard-won victory. Instead, most soldiers preferred distinctly non-militaristic pastimes. By mid-June of 1865, the military had removed the stockades in the eastern sections of the city and around the railroad depot. On July 7, the War Department officially abolished the office of military governor. General Slough requested a relief in Alexandria; he was reassigned to a territorial governorship in Colorado and upon his departure, the Military District of Alexandria was officially abolished. In mid-September the War Department dispensed with the guard and soon afterward abolished the office of provost marshal. Civil magistrates once again wielded complete authority.¹¹⁶ A civilian night patrol was reestablished. At 10 p.m. on September 22, 1865, the watchman's horn sounded for the first time since the night of May 23, 1861.¹¹⁷

Alexandria's experience was unique in the Civil War. Despite being one of the leading cities of a seceding state, it never spent one day under the Confederate flag. From the day after Virginia voted to secede until the conclusion of the war four years later, Federal troops patrolled the city streets, Union forts ringed the outskirts, and

¹¹⁵Ibid., 171-173; Whittington diary, April 17, 1865; Lancaster, *Frobel Diary*, 176; *Alexandria Gazette*, April 17, 1865.

¹¹⁶*Alexandria Gazette*, September 19, 1865.

¹¹⁷*Alexandria Gazette*, September 23, 1865.

military authorities in the person of a succession of military governors controlled municipal functions. The town underwent a dramatic change into a bustling hub of railroads, supply lines, and hospitals. Its closeness to Washington made it a logical supply depot; its proximity to the battlefields in and around northern Virginia made it a convenient place for wounded soldiers to convalesce. Alexandria was also accessible to nearby slaves, who made it a popular destination as they fled slavery. By the end of the war, the civilian population of Alexandria was divided almost equally between white and black; so many blacks fled to the city that on their heels came a flood of Northerners to organize schools and other services for them. The Union Army, meanwhile, was using them as unskilled labor in service to the immense logistical operation centered on Washington and the vicinity.

Wartime occupation isolated the city from its Southern ties and the town's perceived secessionism alienated it from its Northern occupiers. Thus, those who endured the war in their hometown suffered alone. Military rule deprived all residents, including the small faction of Unionists, from enjoying such civil liberties as mail service and unrestricted travel. The war interrupted the city's river trade and drastically altered patterns of business. Restaurants and oyster houses replaced neighborhood groceries and markets as the leading private enterprises. Boarding houses and cheap hotels flourished, as did billiard saloons and bowling alleys. Churches which included the prayer for President Lincoln in their services were permitted to remain open; other than the three who agreed, however, the rest were requisitioned for use mostly as hospitals. Alexandria was important as a Union supply depot, through which millions of pounds worth of supplies passed. Its railroads were requisitioned and improved and modernized.

The experience of wartime occupation in Alexandria left the city in some ways better off than it had been, thanks to these improvements. But the army had arrived to occupy a place that had had strong Unionist sentiment, and yet, quickly saw that sentiment erode. One soldier wrote indignantly, “The papers used to talk a great deal about Union people in Virginia, and their love for their country and our soldiers. It never happened to be our fortune to see any of those exceptions to Southern character, but we were duly impressed with the truth, that their love consisted chiefly in swindling the soldiers out of their money, and getting *a short at them at night*. Possibly this may seem a hard statements, but it is not so hard as was the reality.”¹¹⁸ His words reflected the experience of the soldiers who had arrived in Alexandria expecting to find at least a kernel of Unionism to give them support. When they did not receive that support, perhaps inevitably, that led to disgruntlement and, in turn, overt acts of violence and repression. For example, the *Gazette*’s building burned to the ground, despite the presence of sufficient men to fight the fire, because all available water hoses had “in some mysterious manner” been cut.¹¹⁹

Such actions then led to recriminations from citizens. Diaries like that of Anne Frobel and Henry Whittington reflected anger, indignation, and fear of the troops in their midst. They resented the loyalty oaths and other seeming affronts against civil liberties. Whittington asked in his diary, “Is this Free America?” Frobel mused over “how different our feelings would have been towards the North if the army had treated those in

¹¹⁸Bicknell, *Fifth Maine*, 69.

¹¹⁹Hard, *Eighth Cavalry*, 82.

their power with the least degree of civility or as if we were human beings.”¹²⁰ The Union army was the visible symbol in Alexandria of the frightening changes that the nation was undergoing during the war. Resistance to Union military rule and by extension to the prospect of reconciliation with the Union only grew stronger as the war went on.

The city’s military authorities seemed unable to control either their own men or the civilians. Without such restraints, military discipline broke down. A Union soldier in Alexandria was officially under orders to respect the rights and property of civilians but Union officers could not maintain control, and therefore responded to the taunts and insults of civilians by various confrontations on an individual scale.

The occupation of Alexandria introduced themes that would crop up in other occupied towns. The army arrived to face a fearful citizenry and commanders immediately acted to solidify control through a series of orders that circumscribed freedoms and actions of the citizens, from everything to the clothes they could wear to the newspapers they were able to read, and to the requirements for oath-taking. The army also found itself taking on municipal functions. In Alexandria, as in Nashville, Norfolk, and New Orleans, public health became a key army concern. Streets were cleaned and epidemics were averted. Meanwhile, conflict existed not only between the army and white Southerners but within the command itself. While Alexandria’s military rulers generally enjoyed a fairly collegial working relationship, as will be seen, that was not the case in other areas.

¹²⁰Whittington diary, September 27, 1862; Lancaster, *Frobel Diary*, March 2, 1863.

CHAPTER 2

Nashville: A Jewel for the Nation

Nashville, with its significant Unionist population, seemed to have all the ingredients for a successful wartime reconstruction. But in practice, the capture and occupation of Nashville illustrated problems with wartime and post-war Reconstruction. One problem was the question of control. Nashville was under the control of three competing entities: the military governor, in the person of Andrew Johnson, the commanding general of the Department of the Cumberland, and the city administration. The main players were Johnson and the military commanding generals, in turn Don Carlos Buell and William Rosecrans. By 1863, the question of who would be in control had been resolved in Johnson's favor.

Another problem was that Johnson, like Lincoln, overestimated the amount of Unionist sentiment in Nashville. He, too, believed that a minority of well-organized secessionists had swept up the majority of Nashvilians who were loyal and stampeded them along the path to secession. Once a stable Union presence was established in Tennessee and at Nashville, with Johnson at its head, he expected that Tennesseans would quickly return to their allegiance to the Union. Thus, Johnson's policy began with a conciliatory approach. But this lenience was interpreted as weakness, and Johnson's policy mirrored the general Union policy shift in the fall of 1863 to a more hardline stance. That tougher policy had the effect of alienating some of the more conservative

Unionists and set the stage for a power struggle among ex-Confederates, conservative Unionists and Johnson's more radical supporters.

The authorities used an assortment of methods, from passes to censorship, to control the civilian population and discourage disloyalty. Oaths were mandated, and a cadre of secret police combined with military commissions to enforce the law. Unionists also suffered inconvenience from these measures, but their target, the unrepentant rebels, generally remained unconverted in private while in public giving lip service to federal authority. Part of the problem in stamping out rebel sympathy was the presence of a Confederate army in Tennessee. As long as hope of redemption from their Union occupiers existed, rebel sympathizers continued to take oaths they detested. That hope got a major boost in late 1864 when John Bell Hood's army was within sight of the city, but his defeat in the Battle of Nashville was the deathknell for secessionists' hopes of redemption.

The lingering Confederate presence in and around Nashville, with all that implied for the Union army in winning the war and gaining the support of civilian rebel sympathizers, was an impediment to the restoration of a legitimate loyal civil government. John Nicolay wrote from Nashville in the spring of 1862 that "the secession sentiment is still strongly predominant, and manifests itself continually in taunts and insults to federal soldiers and officials. The Union men are yet too much intimidated to speak out and act. They still fear and the rebels still hope that our army will have reverses and that the Confederate troops will return and occupy and control not only this city, but the State."¹ Over a year later, General William Rosecrans said essentially the

¹John Nicolay to Salmon P. Chase, April 5, 1862, Salmon P. Chase, "Diary and Correspondence of Salmon P. Chase," *Annual Report of the American Historical Association for the Year 1902*, 2:510.

same thing to Secretary of War Edwin Stanton and commanding general Henry Halleck: it was not possible to restore law and order to the area “because no one desires to avow his sentiments for fear the rebel Cavalry or guerillas will wreak vengeance on them.”² Perhaps some of the stubborn defiance in Nashville would have been overcome had Johnson been able to work more cooperatively with Buell and Rosecrans. In the absence of a united front, though, the rebels in the city were able to exploit the Union divisions that emerged from the lack of explicit guidelines and directives from the Lincoln administration.

In 1861, the six square miles that made up the city of Nashville held 37,000 people, including a large German/Irish immigrant population (who tended to be pro-Union), and nearly 15,000 slaves in the city and surrounding county. Slightly more than 700 free blacks lived within the city itself. In the years immediately prior to Tennessee’s secession, their position had become increasingly untenable as both custom and law had begun undermining their free status.³

Nashville’s location on the Cumberland River, a key Western waterway, made it strategically important to the Confederacy. Its railroad facilities led north to Louisville, south and southeast to Decatur, Chattanooga and on to Atlanta, and westward. Therefore, it made an excellent base of operations and supply for Confederate Army. However, in its strength was its weakness: the Cumberland also gave the Federal gunboats a path

²Rosecrans to Halleck, July 26, 1863, Records of the United States Army Continental Command, 1861-1880, Record Group 393, National Archives [hereinafter referred to as NA]; Rosecrans to Stanton, July 26, 1863, Ibid.

³Peter Maslowski, *Treason Must Be Made Odious: Military Occupation and Wartime Reconstruction in Nashville, Tennessee, 1862-65* (Millwood, NY: KTO Press, 1978), 98.

from the Ohio River right to Nashville's door. At the start of 1862, Fort Donelson prevented them from following that path.

On April 17, 1861, Tennessee Governor Isham Harris wired Lincoln that the state would not provide even one man to coerce their Southern brothers, but if necessary, 50,000 would stand up for the defense of their rights and homeland. His grand assertion notwithstanding, the people of Tennessee had already voted against secession. John Bell, the Unionist candidate, had won the 1860 election in Tennessee; on February 9, 1861, in state-wide polling, voters rejected the calling of a state secession convention. Had the convention been approved, it would have been dominated by Unionists. Only in the plantation districts of west Tennessee had a majority voted in favor of a secession convention. Andrew Johnson, although never popular among Tennessee Whigs, had gotten quite a bit of support from other Unionists for his strong stance against secession.

Harris was smart enough to realize that the attack on Fort Sumter and Lincoln's subsequent call for troops would change many people's minds. He was right. Despite a stalwart minority in opposition, sentiment in Nashville was overwhelmingly in favor of joining the seceded states. On April 20, in a public meeting, a resolution was adopted declaring that resisting the armed invasion of Southern soil by Federal troops should take precedence over any party opinions. In a special session held a few days later, the Tennessee General Assembly passed a "Declaration of Independence and Ordinance dissolving the Federal Relations between the State of Tennessee and the United States of America," and it was ratified by voters on June 8, 1861. Tennessee had now thrown in its lot with the Confederacy.

Unionists were in a perilous position. While there was no official banishment, a Committee of Vigilance and Safety was formed to police disloyalty to the Confederacy. Most Unionists chose to either become secessionists or flee the city. Nashville took only ninety days to convert from a pro-Union city to a staunch rebel stronghold. Those who had urged moderation and hoped that the border states would not join the Confederacy were gradually persuaded to choose secession, especially once Lincoln's call for troops was seen as a declaration of war.

The city became a bustling arsenal and supply depot, with warehouses full of food and supplies. Streets were full of men drilling as war fever gripped the city. The wartime boom kept the citizens so busy that, despite the urging of General Albert Sydney Johnston, only a thin line of fortifications, along the city's northern hills, were constructed. Nashville sat ripe for the taking.

In early February, Grant's army began to move, and Johnston's forces were not sufficient to stop him. In the pre-dawn hours of February 16, word spread through the city that Fort Donelson was about to surrender to the Union army. Nashville was left unprotected. A stunned citizenry exchanged rumors that grew more and more terrifying and exaggerated with each telling, until even the clergy gave up and dismissed Sunday services early so that their fearful congregations could flee the doomed city. The governor and the legislature packed up archives and decamped for Memphis, followed by the last of the Confederate troops garrisoning Nashville. On Monday, February 24, 1862, Mayor Richard B. Cheatham surrendered the city of Nashville to Major General Don Carlos Buell. The Sixth Ohio Regiment, the first Union troops to enter the city, hoisted the Stars and Stripes over the state capitol building, and order was quickly restored.

Union sympathizers produced flags from under mattresses and in attics and waved them as Union soldiers marched through the streets, but most people who had not fled remained in their homes behind closed curtains. Mayor Cheatham issued a proclamation reassuring the citizens that every precaution would be taken by the Union army to safeguard them and their property and urging people to go about their regular routines and business to reopen.⁴

Buell arrived to establish his headquarters and Nashville, formerly a key depot for the Confederates, now became a major outpost for Union military operations. The Union army had conquered the first major Confederate city and had every intention of solidifying its hold on this strategically important city.

Once having taken the city, the Federal occupiers were uncertain how to govern it. Buell expressed his concerns about the army attempting to establish a civil government in the middle of a war zone.⁵ He, as well as his successor, Rosecrans, believed that mixing political and military objectives would only prolong the war and make the ultimate goal of military victory more difficult to achieve, if not less likely. Johnson, on the other hand, knew that he could get Tennessee back into the Union only if he had control over the state. When Johnson, who believed that he should be in complete control in order to facilitate the reestablishment of a loyal government, asked Buell for any military aid he could provide, the general's reply made clear that military necessity

⁴OR, 5:133-157.

⁵General Don Carlos Buell to General George B. McClellan, March 6, 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* 128 vols. (Washington: Government Printing Office, 1880-1901), 10, pt. 2:11 [hereinafter cited as OR, with all citations referring to Series 1 unless otherwise indicated].

would govern how and what kind of requisitions would be fulfilled.⁶ In short, the appointment of Johnson as military governor breached the military principle that “unity of command with a particular military government is an absolute necessity.”⁷

The arrival of the Union forces triggered the same reactions in Nashville as it had in other places. Most slaves immediately asserted their freedom by fleeing to Union protection, a number that only grew as the Union occupation became more firmly established. Even those who chose to remain on their masters’ plantations and farms had the nearness of freedom affect them: obedience and industry were no longer traits that one could count on, complained one mistress, who said she fully expected her slaves to walk off at any moment.⁸

At first, however, freedom turned out not to be clearcut. Security for the slaves was not guaranteed. As free blacks, who had had an increasingly hard time of it in the immediate pre-war period, could have told their brethren, safety was elusive on the streets of Nashville. The biggest danger was the threat of capture and sale to the Confederate South. In addition, slaveholders were offering large rewards for the capture of their runaways. All this was a temptation to local police and even the sheriff. Finally, the provost marshal warned that if any of Nashville’s police “are again caught engaged in

⁶Buell to Andrew Johnson, March 19, 1862, OR, 10, pt. 2:47.

⁷Ralph Gabriel, “American Experience with Military Government.” *American Political Science Review* 37 (June 1943), 438. See also Robert J. Futrell, “Federal Military Government in the South, 1861-1865,” *Military Affairs* 15 (Fall 1951), 181-191.

⁸Sarah R. Trimble, ed., “Behind the Lines in Middle Tennessee, 1863-1865: The Journal of Bettie Ridley Blackmore,” *Tennessee Historical Quarterly* 12 (March 19523), 65.

arresting, as fugitives, any slaves of *rebel* masters, I will take the case into my own hands, and give them a term in the city prison.”⁹

Not just civilian police but even some military officers were more than willing to help slaveowners recover their property and displayed little interest in the plight of the blacks in their command.¹⁰ Buell ordered that no more fugitive slaves would be allowed to enter or remain within the lines. His successor, Rosecrans, believed that the army was not allowed to harbor slaves and was required to aid masters in recovering their property. Major General Lovell H. Rousseau, acting on the orders of General Thomas, wrote that he thought it “best to allow masters and slaves to settle their own affairs without military interference.” Rousseau was contemptuous of those refugees who remained in Nashville as wards of the government and issued specific written orders that fleeing slaves be returned to their masters.¹¹

Despite Buell’s reassurances that property would be respected and that no wholesale arrests of disloyal citizens would occur, Nashville residents were mistrustful. They were not reassured when Lincoln appointed Andrew Johnson as military governor of Tennessee. Johnson’s feelings about secession and the Confederacy were well known, and his power base had always been in East Tennessee. Whether he would be able to

⁹Report from the Office of Army Police submitted by William Truesdail to Andrew Johnson, February 16, 1865, Andrew Johnson, *The Papers of Andrew Johnson* ed. Leroy P. Graf and Ralph W. Haskins (Knoxville: University of Tennessee Press, 1967) [hereinafter cited as AJP]; John Fitch, *Annals of the Army of the Cumberland* (Philadelphia: J. B. Lippincott, 1864), 508.

¹⁰John Palmer, *Personal Recollections of John M. Palmer: The Story of an Earnest Life* (Cincinnati: The Robert Clarke Company, 1901), 131.

¹¹Buell to J.R. Underwood, March 6, 1862, and Buell to Mitchell, March 11, 1862, “The Negro in the Military Service of the United States,” Records of the Adjutant General’s Office, Record Group 94, NA; C. Goddard to Brig. Gen. M D. Mason, February 27, 1863, E-908, RG 393, NA; Major Frank J. Bond to Mrs. M.E. Benton, July 27, 1863, E-867, RG 393, NA; Whipple to Rousseau, February 4, 1865, E-908, RG 393; *Dispatch*, February 19, 1864.

inspire loyalty in the residents of Nashville and the entire state was an open question, given, as one Union officer described it, the people's feelings of "fierce hatred to Governor Johnson, to him personally more than officially."¹² Johnson's appointment was less about his relative popularity in Tennessee, however. His close political ties to Northern Democrats were a political boon to the president in making sure that the Union cause had widespread support. And, of course, he agreed with Lincoln on both the necessity for strong executive action and the presence of a great many Unionists only waiting for their loyalty to be tapped.¹³

Johnson was certainly loyal to the Union, but he was also distrustful and bitter toward those with money. Unfortunately, the elites in society were just the ones who could be of help in restoring Tennessee to the Union, and he had managed to alienate most of them. Another disadvantage Johnson labored under, shared by the other commanders in occupied areas, was a dearth of guidance from Washington. No policy had been set up on how to manage an occupied city with a potentially hostile citizenry.

Johnson arrived in Nashville in early March, 1862, and promptly appealed to the people of the city and the state to return their allegiance to the Union. "The great ship of state . . . has been suddenly abandoned by its officers and mutinous crew, and left to float at the mercy of the winds." He had been appointed to ensure citizens of their protection under the law and "as speedily as may be, to restore her Government to the same condition as before the existing rebellion." While he reserved the right to punish treason, he promised that "no mere retaliatory or vindictive policy will be adopted. To those,

¹²Brig. Gen. William Nelson to Major General Don Carlos Buell, July 24, 1862, OR, 61, pt. 1:816.

¹³Abraham Lincoln, *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953-55), 4:437.

especially, who in a private, unofficial capacity have assumed an attitude of hostility to the Government, a full and complete amnesty for all past acts and declarations is offered, upon the one condition of their again yielding themselves peaceful citizens to the just supremacy of the laws.”¹⁴

Johnson’s willingness to allow for the “misguided” rebels to make amends and rejoin the Union was reflected in his handling of the issue of prisoners of war. Tennessee soldiers confined in Union military prisoners flooded into Nashville, requesting pardons. In mid-April, Johnson informed Stanton that the release of those prisoners who “express a strong desire to renew their allegiance to the Government and become true and loyal citizens” might benefit the cause, as their presence among potentially disloyal family and friends would be a strong display of the moral justness of the Union. In mid-August, the War Department granted Johnson the power to determine which Tennessee prisoners could be released. All those willing to take the oath and give bonds could be released, while those who refused were to remain in prison waiting to be exchanged.¹⁵

Johnson acted swiftly against those who resisted his call to display their renewed loyalty. When the municipal officials in Nashville, claiming that the state constitution did not mandate city officeholders take oaths, refused to do so, Johnson declared that they had vacated their posts and appointed new Union men to fill them. He also had several arrested for treason. Among those arrested was Mayor Cheatham, who sat in jail for six weeks before converting to Unionism and taking the oath of allegiance to the United

¹⁴OR, 5:57.

¹⁵Johnson to Stanton, April 17, 1862 and Johnson to Lincoln, June 5, 1862, OR, Ser. 2, 3:457, 642-643; Stanton to Johnson, June 7, 1862, Ibid., 659; P.H. Watson to Johnson, August 4, 1862, Ibid., 4:335-36; Johnson to Stanton, August 9, 1862 and Johnson to Gen. L. Thomas, August 9, 1862, Ibid., 4:362.

States. Johnson's show of force had worked: Cheatham was an excellent example to the citizens of Nashville of the rewards of positive expressions of loyalty.¹⁶

In addition, several editors and a handful of clergymen were also placed under arrest and some were sent out of the city. Although some disloyal clergy had fled Nashville before the surrender, many of those who remained obstinately refused to recognize the new regime and, more irritating to Johnson, refused to alter their liturgy to include prayers for Lincoln instead of Jefferson Davis. By mid-June, Johnson, who especially was annoyed at the influence these "assumed Ministers of Christ" had on the women of Nashville, had had enough. He ordered six of the most vocally disloyal ministers to take an oath of allegiance. When they refused, he had them arrested.¹⁷

Like the clergy, some members of the press who espoused Confederate loyalties remained in the city even after the occupation. Johnson had the two most prominent arrested on charges of seditious language and conduct. As in other occupied cities, Johnson then installed staunch Union men as editors of a new loyal press.¹⁸ This was the repression he had promised in his statement, and his move to quickly stamp out secessionist influence was consistent with his belief that a rebel cadre had led astray the majority of people, most of whom remained loyal.¹⁹

The town was on edge, and those who were pro-Confederacy felt cowed. "It is a happy thing these days to be obscure, & a man's safety *now*, depends on his

¹⁶City Recorder Hays to Johnson, March 27, 1862, Cheatham to Johnson, May 12, 1862, Johnson to Stanley Matthews, March 31, April 1, 2, 16, 1862, AJP.

¹⁷Nashville *Dispatch*, July 1, 1862.

¹⁸James G. Randall, *Constitutional Problems under Lincoln* (Urbana: University of Illinois Press, 1968), 492; Nashville *Daily Union*, April 16, 1862.

¹⁹Alfred L. Crabb, *Nashville: Personality of a City* (Indianapolis: Bobbs-Merrill, 1960), 64.

insignificance,” wrote one resident.²⁰ But for prominent Nashvillians, it was too late to be obscure, and they were faced with the stark choice of joining the jailed, leaving their homes, or swearing an oath. Complicating the matter was the threat of the Confiscation Acts of 1861 and 1862. A man of property with a family to protect might feel compelled to swear a new oath of allegiance. His prominence would then, in a ripple effect, alternatively encourage or discourage his fellow citizens, depending on their own views. Johnson had discovered that the demand for oathtaking not only was valuable in solidifying loyalty but also had the potential to undermine morale and lessen enthusiasm for the Southern cause.

But loyalty warred with resentment on the part of much of the populace. Johnson’s rapid and decisive moves against their neighbors, even if those neighbors had been espousing “treasonous” language, fostered anti-Union sentiment and, in some cases, deepened the already existing resentment against Johnson personally. The public was infuriated by the sight of “old gray haired men” filling overcrowded jail cells. Even those inclined to the Union deemed the wholesale arrests detrimental to the Union cause. The widespread arrests had crystallized for many people the realization that war had been brought to their doorsteps and neutrality (even if feigned) was not an option. They had to choose sides, and in their anger at the treatment of their fellow citizens, many chose against Johnson and the Union. Thus, what seemed from their perspective to be the vindictive policy of the occupiers “has sent thousands of men rendered desperate by their situation to fight to the last gasp in the Southern army.”²¹

²⁰Trimble, *Behind the iLines*, 79 .

²¹Ibid., 56; *Dispatch* July 5, 1862; Maslowski, *Treason*, 56.

Johnson had other problems besides the growing disaffection of Nashville's residents. Buell had moved out of Nashville in early May of 1862 to meet up with Grant's forces in southern Tennessee before moving on to Chattanooga. Although he had left behind a garrison of about 6,000 men in Nashville and ordered his subordinate, Captain St. Clair Morton, to construct a system of fortifications and defenses to protect the city, concerns lingered about a Confederate threat. The cavalry of Nathan Bedford Forrest and John Hunt Morgan was close to the city and engaged the pickets occasionally, even succeeding in destroying a railroad tunnel and halting service on that line.

Although Confederate harassment never seriously threatened the city, the cutting of the railroad line did have an adverse impact. Food supplies in Nashville began to run short during the late summer and early fall. In addition, business remained at a near standstill, either because the owners had fled or because they were unwilling to cooperate with the new regime.²² Although in theory the regular income from taxes and court fees was still being generated, Mayor John Hugh Smith reported to the council in December, 1862, that the city coffers were insufficient "to pay the officers, employees, and the indispensable ordinary expenses of the city." He reported that there was an "inability or indisposition or both, amongst the tax payers to pay their taxes."²³ The only logical place to turn was the military governor and military authorities. Once again, as it had done in Alexandria and would do so again in New Orleans and Norfolk, the army directly involved itself in municipal affairs.

²²Frank A. Handy Diary, August 18, September 6, October 25, 1862, William R. Perkins Library Manuscript Department, Duke University, Durham, NC; Nashville *Daily Union*, March 9, 1862.

²³Nashville *Dispatch*, December 11, 16, 1862.

Wartime conditions exacerbated the economic woes. Both Confederate and Union troops damaged areas around the city. Northern troops roamed the countryside burning homes and outbuildings, tearing down stone walls and fences, and destroying shrubbery, prompting one Nashville woman to exclaim that “the Goths, vandals, and Huns all combined were not more merciless or savage than the Yankees.” This wanton destruction had the potential to completely undermine all of Johnson’s efforts at reconciliation and reunion. One Unionist wrote to Johnson that the “wholesale plundering the pillaging through the country, while it causes great suffering among the people drives thousands to desperation and causes aggregate many to enter the southern army.” Although regulations were issued in an attempt to control the soldiers, they were not very effective. Nashville commander Brigadier General John F. Miller regretted that his men were “fast becoming enemies of the human race” as their depredations did not spare even the elderly or small children.²⁴

A burgeoning crime rate made wartime Nashville increasingly dangerous.²⁵ Whether for financial reasons or simply the desire to just leave it to the provost guard, the municipal authorities had not been able to maintain a police force which could keep up with crime. One policeman had died and was not replaced; at one point, the council talked openly about firing the entire city force and relying solely on the army’s provost guard. An untenable situation was made slightly worse when the squads of soldiers designated to patrol the streets under supervision of Nashville’s few remaining police began to roam the city drinking, robbing, and harassing citizens. The punishment of

²⁴Trimble, *Behind the Lines*, 63; [unsigned] to Johnson, October 1, 1862, AJP; *Daily Union*, July 30, 1862; Miller to Maj. Beaumont, January 13, 1865, E-861, RG 393, NA.

²⁵*Daily Union*, March 9, 1862.

these soldiers, as well as the general complications that ensued when soldiers were arrested for some infraction, strained relations between the military and civilian authorities.²⁶ As one city official complained, despite the army's efforts, the city still "swarms with a host of burglars, brass-knuck and slingshot ruffians, pickpockets and highwaymen, who have flocked hither from all parts of the country."²⁷

The other persistent problem was sanitation. Nashville had used criminals and slave labor to clean streets before the war, but there was now no slave labor and no money to pay for any labor that was available. Mayor Smith ordered individual citizens to keep their own premises clean and tidy, with the threat of sanctions to follow failure to comply. The threat was not sufficient, however, because most people continued to do with their trash what they had always done: throw it in the street. The military now stepped in. Every householder was required to clean the walk in front of his building by 9am each morning; debris and trash were to be picked up daily by government wagon. The city soon showed signs of improvements, although it was not a permanent fix. By 1864, the provost marshal was complaining about the odor in the streets, but despite steps once again being taken to clean up the city, the army was sidetracked by its need to deal with the threat of Hood's invasion and so sanitation was put on hold. One doctor believed that the municipal authorities should not have left it to the army to clean up the city, but it was the only agency with the resources to do the job.²⁸

²⁶*Dispatch*, August 13, 15, September 14, November 19, 26, 28, December 11, 12, 21, 1862, January 4, 1863; Assistant Provost Marshal [unsigned] to James Kelly, January 22, 1864, Provost Marshal Spaulding to James Kelly, January 30, 1864, Provost Marshal Homer to A.C. Clark, March 25, 1864, Provost Marshal Horner to City Recorder Shane, May 15, August 5, 1864, E-1655, RG-393, NA.

²⁷*Nashville Daily Times and True Union*, November 21, 1864.

²⁸*Dispatch*, June 12, 1863, January 17, 1864; *Daily Union*, March 24, 30, May 7, 1864; *Daily Times and True Union*, May 4, 1864; Provost Marshal Horner to Capt. Nevin, May 24, 1864, E-1655, RG 393, NA;

Other public health concerns revolved around illness and epidemics. Smallpox was, like yellow fever in New Orleans, a yearly visitor. Although it did not engender the same terror as Yellow Jack, the resistance to vaccinations on the part of the citizenry was surely motivated in part by refusal to cooperate in any way with the Yankee invaders. On November 21, 1863, the army announced that vaccinations would be offered by army medical officers at two locations in the city and ordered all persons to comply. Despite this, the epidemic continued until finally the commander rounded up and shipped to a smallpox camp all those suffering from the disease. When even that met with resistance, provost guards were given the authority to arrest anyone who remained unvaccinated and transport them beyond the picket lines.²⁹

The overarching problem faced by Nashville authorities during the war, the one that made responding to all the others so problematic, was economic stagnation, which had begun with general crop failures in the late 1850s and was then exacerbated by the uncertainty and upheaval following Lincoln's election. The cutting of rail and water routes, as well as the constant presence of the enemy in the environs of the city, made trade difficult. While the Congress and president had authority to regulate cross-border trade with the Confederacy, they failed to establish a single policy. Instead, at times trade

Capt. L. Howland to Capt. Hunter Brooke, November 6, 1864, E-861, RG 393, NA; Howland to Capt. W.C. Thorpe, March 20, 1865, Ibid., Brig. Gen. Miller to Brevet Brig Gen. J.L. Donaldson, March 28, 1865, Ibid.

²⁹*Daily Union*, November 27, 1863; *Dispatch*, January 27, 1864; *Daily Times and True Union*, February 22, 1864.

between the two sides was free and open and at other times prohibited. Such confusion wreaked havoc with trade and made it impossible for many merchants to make a living.³⁰

Uncertainty led to inflation. High prices for necessities resulted in hardship for refugees, both black and white. The municipal government was unable to meet the demand for relief, and so the army stepped in. Hundreds of female refugees were given jobs with the Quartermaster Department, and military barracks were used to house, as well as feed, the refugees. Finally, the authorities provided free transportation for white refugees who were willing to start a new life in the North.³¹

Black refugees were not provided with transportation to the North or anywhere else. In fact, the army used the black refugees as a pool of cheap labor. Freedom was not guaranteed for the men and women who escaped into federal lines, and neither was fair treatment. Blacks who entered the city during the first year of the occupation were put to work constructing needed fortifications. The first impressment of blacks was in August, 1862, when a call was issued for 1000 slaves, with each slaveholder in Davidson County required to furnish a specific number. They were to equip the slaves with daily subsistence, axes, and spades. The government would determine the length of service and payment.³²

A second more general impressment came two months later. City patrols were ordered to “impress into service every Negro you can find in the Streets of this City who can not prove he is owned by any person loyal to the government of the United States and

³⁰Ellis Merton Coulter, “Commercial Intercourse with the Confederacy in the Mississippi Valley, 1861-1865,” *Mississippi Valley Historical Review* 5 (March 1919): 378, 395.

³¹*Daily Times and True Union*, March 15, April 11, 1864, September 30, 1864.

³²James B. Fry to Maj. Sidell, August 6, 1862, “The Negro in the Military Service of the United States,” RG 94, NA; *Dispatch*, August 22, 1862.

residing in and about the City.” They were to be turned over for work on the fortifications. There was no distinguishing between blacks who were slave or free, and so military patrols began arresting whomever they could.³³ A third impressment came in late August, 1863, for construction of the Nashville and Northwestern Railroad, and the need was greater, for 2,500 men. This time, patrols did more than sweep. A favored new approach was to interrupt church services on Sunday mornings, where they were sure of finding a critical mass of men. Those reluctant to be forced into working on the railroad were threatened with violence. One man was shot for resisting, and soldiers threatened the others with a similar fate.³⁴

Although the army was in theory providing wages, along with acceptable working conditions, a Senate committee found that blacks were demoralized as a result of harsh conditions and long delays in pay or, in some cases, lack of any pay. The army had taken the place of their previous harsh masters. Yet, as one officer reported, they “have as a general rule been faithful and diligent – far more so than could reasonably have been expected, considering the circumstances of exposure and privation of proper clothing, blankets, etc. under which they were at first employed.” Despite the blatant mistreatment they endured, most blacks remained enthusiastically on the Union side.³⁵

Buell’s promise to protect property had applied to slaves. It also made him one of the more conservative Union officers, to the point that many in Nashville praised “the just appreciation of and observance of the private rights and property of the people upon

³³*Dispatch*, October 16, 1862.

³⁴*Dispatch*, August 23, 1863; Stearns to Stanton, September 26, 1863, OR, Ser. 3, 3:840-41.

³⁵*Senate Ex. Docs.*, 38th Cong., 2d sess., no. 28, 21; Capt. J.S.C. Morton to Reuben D. Mussey, December 4, 1863, AJP.

the part of the whole army.” Buell’s policy was so lenient that one rebel sympathizer believed it would “win the admiration of both the friends and former enemies of the Union.” This leniency, however, did not win over any of the Nashville rebels. Nor did it endear him to Andrew Johnson.³⁶

Buell’s lenient treatment had been in accordance with the Lincoln administration’s initial war aim of suppressing the rebellion and reconciling the seceded states. A similarly lenient stance had been taken in Alexandria, as well as in New Orleans and Norfolk. But by the summer of 1862, the mood in Washington had shifted from one of conciliation to one of punishment. The more radical Unionists in Nashville disdained Buell’s softer policy toward rebel sympathizers. Reuben D. Mussey detested Buell and thought that he had turned his army into “a mere Police for the better protection of Rebels.”³⁷ Johnson, too, was impatient with Buell. He had begun his tenure as military governor also believing that moderation was the best path, a reasonable assumption given the premise that Tennesseans were at heart loyal. But Johnson realized that the Nashville citizenry was instead equating conciliation and moderation with weakness. In the fall of 1862, Johnson began to take an increasingly tough stance against those who still supported rebellion and refused to assert their allegiance to the Union. Most importantly, Lincoln had repeatedly upheld the military governor’s authority. Buell’s departure in October, 1862, seemed to be another validation of Johnson’s hard-line policy.

³⁶Trimble, *Behind the Lines*, 146.

³⁷Quoted in Maslowski, *Treason*, 68.

Prior to his departure, Buell had clashed with Johnson over troop levels and the protection of Nashville. To Buell, military aims came first, and he had left behind only a small contingent of men to garrison the city when he went out into the field. When Confederate General Forrest captured Murfreesboro, a mere thirty miles from Nashville, in July, the position of the city seemed grave. Johnson believed that losing Nashville would be a tremendous blow to Unionism in Tennessee and wrote to Halleck that he intended to hold on. Johnson reasoned that while there were certainly sympathizers within the city, they would not openly support a Confederate attack. Nor would Bragg's forces attack a well-fortified city if they were not sure of inside help. Johnson felt that a strong Federal commitment to holding Nashville would discourage both potential traitors and potential attackers. He therefore made an all-out effort to build new fortifications, supervised the placing of cannon in the hills overlooking the approaches into the city, and barricaded the roads. He began actively recruiting troops and building his own regiments, the Union Guards and the Governor's Guard. In addition to defense of the city, the Union Guards were used to arrest alleged rebel spies and suspected traitors. They also confiscated guns and other supplies intended for smuggling across the lines to the Confederate army. Despite Buell's threat to abandon Nashville in the face of pressure by the Confederate army, the city remained in Northern hands.³⁸

When Bragg's forces pressed west in late August, 1862, Buell was forced to retreat. A dispute then erupted between Johnson and Buell over Nashville's fate if it had to be evacuated. Buell declared that he was in command and that the city should be left untouched, while Johnson was in favor of destroying it. Later at a congressional inquiry

³⁸Johnson to Buell, August 11, 1862 and Thomas H. Cox to Johnson, August 24, 1862, AJP; Maj. W.H. Sidell to Col. J.B. Fry, July 18, 1862, RG 393, NA; *Daily Union*, October 29, 1862.

into his command, Buell insisted that he “never intimated to Governor Johnson an intention or wish to leave Nashville without a garrison,” and that he alone had decided to hold the city since he was fully cognizant of the political importance of Nashville aside from its military value. Buell was backed up by a member of his staff. Johnson contradicted Buell’s account, saying that the city was held by the Federal army only because he demanded it be so. The commission’s finding agreed with Johnson. Given the history of contention between the men, and Buell’s repeated insistence on the primacy of military goals over political considerations, it seems likely that Johnson’s deposition accurately reflected reality.³⁹ Whatever the case, the disagreements between the military governor and the Department’s military commander over fundamental military and political questions were a boost to enemy morale. In addition, their disagreements were hampering the achievement of Lincoln’s aim: the establishment of a loyal civilian government in Tennessee.

Buell and Johnson clashed again over the actions of the former’s subordinates. The provost marshal, Stanley Matthews, was particularly popular with those citizens of Nashville who were less kindly disposed to the Union cause, and for this reason, Johnson was keen to dispense with his services. He also thought that Assistant Adjutant General Oliver Greene was too complicit with those who were disloyal, as well as suspecting him of encroaching upon Johnson’s own authority. He urged Halleck to transfer both of them, but that move was blocked by Buell. When Greene arrested the new provost marshal, Lewis D. Campbell, a friend of Johnson’s, an outraged Johnson asked Lincoln

³⁹Buell to Gen. Rousseau, August 30, 1862 and AJ to Buell, August 31, 1862, OR, 16, pt. 2:451, 461; Gaither to Col. Stager, September 6, 1862, Ibid., 490; Testimony of Buell, May 5, 1862, OR, 16, pt. 1:56-60; Testimony of Col. J.B. Fry, April 25, 1863, Ibid., 712; Deposition of Johnson, April 22, 1863, Ibid., 679.

directly to transfer Greene “to some post beyond the limits of this State” and threatened to have Greene arrested if he were not transferred. Johnson also asked for the authority to appoint personally the next provost marshal.⁴⁰ Lincoln backed up his military governor although gently rebuking Johnson that his course would have him in complete control in the West, which “I do not suppose you desire. . . . You only wish to control your own localities; but this you must know may derange all other posts.” Stanton authorized Johnson to appoint his own provost marshal in Nashville, and Greene was ordered elsewhere.⁴¹

By the fall of 1862, Johnson was in a position of considerable authority in relation to the commanding general of the Department of the Cumberland. The disputes between the two had been resolved in Johnson’s favor by Lincoln, and the growing number of troops within his Union Guards and Governor’s Guard was tangible evidence of his military power. Nashville was still in Union hands despite the threats from Bragg and the cavalry of Forrest and Morgan. When Buell was removed from command in October, 1862, it appeared to be the final piece in Johnson’s consolidation of authority.

Unfortunately for him, William Rosecrans appeared not to have paid sufficient attention to the fate of his predecessor, and it did not take long for contention to erupt between the military governor and the general commanding the Department, centering in this case on the administration of justice and law enforcement in Nashville. In March, 1863, Halleck reprimanded Rosecrans for interfering with policing and the administration

⁴⁰Greene to Col. J.B. Fry, June 4, 1862 and Fry to Green, June 6, 1862, OR, 10, pt. 2:629-31; Greene to Campbell, July 5, 8, 10, 1862, RG 393, NA; Campbell to Johnson, July 8, 1862 and Johnson to Campbell, July 9, 1862, AJP; Johnson to Lincoln, July 10, 1862, OR, 16, pt. 2:118-119.

⁴¹Lincoln to Johnson, July 18, 1862, OR, 16, pt. 2:122; Stanton to Johnson, July 25, 1862 and Buell to Johnson, July 12, 1862, AJP.

of justice and suggested that because of the general's apparent misunderstanding over jurisdiction, Rosecrans place Johnson in command of the troops stationed at Nashville.⁴²

In reply, Rosecrans denied any conflict with the civilian authorities but claimed that "Nashville is too important a post for me to intrust to his command at this time." Halleck's response sharply reminded Rosecrans that the civil authorities were superior to military authorities in Tennessee and again reiterated the wish that Johnson be placed in command at Nashville. This time Rosecrans responded more apologetically, saying that he had done all he "possibly could, consistently with military safety, to build up and sustain the civil authority wherever I have had command, especially in Tennessee." But he maintained that the nature of Nashville as a major supply depot riddled with traitors and spies, as well as speculators, meant that an "able and experienced officer" should be in command in order "to exercise a most rigid military policy."⁴³ Given that Rosecrans was one of the few Union generals who had a record of success in the field, his argument was not only persuasive on its face but also carried a little more weight coming from him. Thus, nothing more was mentioned about putting Johnson in command.

Rosecrans was sensible enough to realize he should build bridges with Johnson. He wrote to the governor pledging his assistance, and Johnson replied in the same gracious spirit. In June, Rosecrans moved east to pursue Bragg and the long distance between the two antagonists helped to usher in a more congenial relationship, especially since Rosecrans was now focused on military matters, leaving civil affairs to Johnson.

⁴²Halleck to Rosecrans, March 20, 1863, OR, Ser. 3, 3:77-78.

⁴³Rosecrans to Halleck, March 26, 1863, OR, 23, pt. 2:174; Halleck to Rosecrans, March 30, 1863, Ibid., 191; Rosecrans to Halleck, April 4, 1863, Ibid., 208.

By the fall of 1863, when Rosecrans was replaced by General George H. Thomas, Andrew Johnson had staked out his claim to be the preeminent authority in Nashville and in Tennessee. Thomas had a more amenable personality than his predecessors, so there were no further conflicts of command. The eighteen months of disputed authority and turf wars had taken their toll, however, and hindered the restoration of a loyal state government during wartime reconstruction. In addition, the divided command structure would prove a major hindrance to post-war Reconstruction.

On November 6, 1862, Confederate cavalry under Morgan and Forrest, supported by some of the infantry from Murfreesboro, had moved against the defenses of Nashville. Although the skirmish had no significant results militarily, it created great excitement in the city, not only among the citizens but also among the Union troops. This was the only serious attempt to retake the city during the Federal occupation, but it left Johnson even more adamant about the necessity of defending the city at all costs. In addition, the raid gave more aid and comfort to the Confederate sympathizers in the city, who believed that their deliverance from the Yankees was only a matter of time. Such a belief, which was buttressed with every skirmish no matter how inconsequential, hampered efforts at Unionization.⁴⁴

Johnson's initial conciliatory policy reflected not only the Lincoln administration's war aims at the time but also his belief about the nascent Union sentiment in the state. However, the Second Confiscation Act and the Preliminary Emancipation Proclamation reflected a shift in the administration's conduct of the war, from a goal to restore the Union to a more far-reaching goal of emancipation and

⁴⁴OR, 5:157; Handy diary, November 7, 1862.

reconstruction. Johnson's new policies in the late summer and early fall of 1862 signaled a similar shift, which ultimately had more significant consequences for those in the Unionist ranks than for those who remained stubborn rebel sympathizers. The shift from leniency to a hard-line against rebel sympathizers produced a fissure in the Unionist coalition in Nashville. Many Unionists were opposed to this new policy and preferred a more lenient and forgiving approach. The Emancipation Proclamation, despite not applying to Tennessee, caused further strains since the more conservative faction opposed emancipation. It did not take long for two Union parties to emerge in Tennessee. This division meant the end to any hope that a broadly-based Union party could emerge. Johnson's support derived from the radical faction, which wanted vigorous prosecution of the war and immediate abolition, as well as stern punishment for rebels. The conservative branch of the Unionists continued to favor Johnson's previous lenient policies toward rebels and hope for negotiated peace with the South. They were alarmed by the new radical program, especially by emancipation.⁴⁵

In Nashville, the actions of the Union Club reveal the split among Unionists, especially when it came to emancipation. The club had been formed in early 1863 as an offshoot of the North's Union League. The mayor, John Hugh Smith, a Johnson protégé, was club president. Its members were generally supportive of the governor. The club's constitution and statement of principles clearly set out its radical nature: only those who had demonstrated loyalty to the Union since the beginning of the rebellion could become members, and all the club's efforts would go to helping the Federals establish control in the state. The club's declaration of principles was a blueprint for a radical plan for post-

⁴⁵Stephen V. Ash, *Middle Tennessee Society Transformed, 1860-1870: War and Peace in the Upper South* (Knoxville: University of Tennessee Press, 2006), 105.

war Reconstruction. First, it repudiated the army's promises of protection of property in favor of economic punishment for traitors, who would be deprived of slaves and other property. Political lenience was abandoned as well: rebels would be denied political rights. Finally, the club encouraged Northern and European immigration. These new citizens, who could be counted upon to be loyal to the Union, would occupy the social and political roles once held by rebels.⁴⁶

But at the end of 1863, there was no agreement as to what a loyal state government would look like. The radical wing was insistent that a new government could be controlled only by those who had always been unconditionally supportive of the Union and were dedicated to emancipation, while the conservative faction, buoyed now by remembrances of old grievances against Johnson, resisted change and defended the political rights and privileges of their more rebellious neighbors.

Johnson and Lincoln were in agreement about who should hold political power. Lincoln wrote that the "struggle for Tennessee will have been profitless to both State and Nation if it so ends that Governor Johnson is put down and Governor Harris is put up. It must not be so."⁴⁷ Only those who had been steadfastly loyal could be permitted to gain political power. Those most loyal were the radical Unionists.

The other fundamental issue in reconstruction was emancipation. Both Lincoln and Johnson agreed that emancipation was a necessary precondition of Tennessee being allowed back into the Union. "I see that you have declared in favor of emancipation in Tennessee, for which may God bless you. Get emancipation into your new State

⁴⁶*Daily Union*, April 23, 1863.

⁴⁷Lincoln to Johnson, September 11, 1863, OR, Ser. 3, 3:789.

government constitution and there will be no such word as fail in your case,” Lincoln wrote encouragingly to Johnson in 1863.⁴⁸ Johnson reassured the president that he was in favor of immediate as opposed to gradual emancipation. Like Lincoln, Johnson and the radical Unionists were ready to accept and work toward the destruction of slavery. Even in the face of growing opposition from conservative Unionists, Lincoln’s backing allowed Johnson to hold to his position.

With the support of the administration and a strong cadre of loyal Unionists behind him, Johnson enacted several measures to begin to ensure a loyal populace. The first was to increase oath-taking. Although one of Johnson’s and the army’s first actions upon taking control had been to require oaths, the policy had been directed primarily at those who had held political power or had served as leaders in the community. Now, the requirements were expanded to include all those with known pro-Southern sentiments. It had originally been intended to apply to all citizens no matter their past political views, but loyal men demanded preferential treatment so as not to be grouped with those who were pro-rebel. Consequently, the order was amended to apply only to the pro-rebel element of the population. Rosecrans and Buell worked out a procedure that required a person taking the oath of allegiance or receiving a parole to post a bond or surety for good behavior, which would be forfeited if he violated the oath. In return, the military authorities would guarantee the oath taker protection. Those who refused to take the oath were to be removed from the city and sent beyond the Union lines.⁴⁹ On December 30, Rosecrans ordered all citizens of Nashville and surrounding Davidson County who had

⁴⁸Ibid.

⁴⁹Rosecrans to Johnson, December 4, 1862, Ibid., 5:24; *Daily Union*, November 29, 1862; *Dispatch*, November 29, December 4, 1862.

facilitated rebellion whether by action or by speech to “make bond and oath, according to the forms provided and heretofore published by military authority.” Those who refused or ignored the order would be “summarily dealt with, by fine, imprisonment, or exclusion.” They had two weeks to comply.⁵⁰

Johnson’s order in the summer of 1862 had been ignored, forgotten by the authorities in the excitement of defending the city against the Confederate cavalry raids of Forrest and Morgan, and also overlooked under the more lenient Buell. No doubt most people were hoping history would repeat itself: only a few responded. But Rosecrans was not Buell, and the tide had shifted. In March, 1863, Rosecrans issued a General Order aimed at those “many helpless and suffering families whose natural protectors and supporters are in arms against us.” Given their status as enemies, he asserted that it was not the job of federal authorities to feed, clothe, and protect the disloyal. He therefore ordered those whose “natural protectors” were in service with the rebels or “whose sympathies and connections are such that they cannot give the assurance that they will conduct themselves as peaceable citizens” to prepare themselves to be sent behind Confederate lines within ten days. Those who took the noncombatant parole or the oath of allegiance and pledged the required bond could remain in their homes.⁵¹

Those who ignored this second order were in for a surprise. In mid-April, 1863, between 75 and 100 people of “well-known rebellious views and decided hostility to the Government” were arrested. Another order was addressed to those Confederate

⁵⁰*Dispatch*, November 29, December 4, 5, 1862; Harold Hyman, *Era of the Oath: Northern Loyalty Tests during the Civil War and Reconstruction* (Philadelphia: University of Pennsylvania Press, 1954), 39-40; *Daily Union*, January 11, 1863.

⁵¹OR, 5:339.

sympathizers who put their political views above the “obligations imposed upon them by their residence and protection within the Federal lines.” All whites who had not taken the oath or who were not known Unionists had ten days to swear the oath, obtain a parole, and file their surety bonds.⁵² Suddenly a great rush of people crowded into the provost marshal’s office to take the oath. By the end of May, almost 10,000 men and women had sworn the oath or taken a parole although a number of others chose exile rather than forswear their loyalty to the Confederacy.⁵³

Coercion likely may not result in sincerity. Probably few Union officers administering the oaths believed the citizen in front of them had suddenly developed a true loyalty to the Union. That may not have been the important point, however. The spectacle of thousands of Southerners swearing allegiance to the United States of America and forsaking the Confederacy, even in just that moment, sent a strong signal as to which side they believed could protect them and which side was stronger.

Although Johnson and Rosecrans saw eye to eye on the question of loyalty oaths and exile, they disagreed over other methods. In particular, they clashed over the use of Army Police to root out disloyalty. This disagreement was so intense that it was an example of how clashes in command were jeopardizing wartime reconstruction.⁵⁴

Shortly after his arrival, Rosecrans had created a force of secret police, headed by William Truesdail, who had served under General John Pope and then Rosecrans in the Army of the Mississippi. Truesdail saw Nashville as “swarming with traitors, smugglers,

⁵²*Daily Union*, April 15, 1863; *Dispatch*, April 18, 1863; *Daily Union*, April 22, 1863.

⁵³ *Daily Union*, May 25, 1863.

⁵⁴William M. Lamers, *The Edge of Glory: A Biography of General William S. Rosecrans* (New York: Harcourt, Brace & World, Inc., 1961), 256.

and spies. . . . The city, in fact, was one vast 'Southern Aid Society,' whose sole aim was to plot secret treason and furnish information to the rebel leaders."⁵⁵ One of the principal targets of Truesdail's forces was the Ladies Aid Society, which he suspected of conniving in the smuggling of quinine and other drugs to Confederate troops. He had little luck in catching them in the act, but he warned his men repeatedly not to trust the women of Nashville. It was his and his men's mission to root out treason and to control smuggling, and in fact they were successful at recovering stolen government property and arresting spies. Their success resulted in some cases from methods so egregious that they offended not only disloyal but loyal citizens as well. Johnson complained to Lincoln that their activities were "causing much ill feeling and doing us great harm."⁵⁶

A handful of brokers in Nashville speculated in Confederate money, which the Federals were aware of but did nothing about since it was essentially harmless and of no specific aid to the Confederacy. With no advance warning either by published order or private warning, the Army Police swooped in and arrested the brokers. Even the staunchly loyal newspaper *Daily Union* complained: "no doubt that the traffic is mischievous, corrupting, and disloyal in its tendencies and ought to be interdicted; but the summary actions of the police seem to us altogether oppressive and unnecessary."⁵⁷ At the same time that the Army Police were arresting speculators, suspicions lingered that they were using their position to engage in cotton speculation and extra-legal seizures and

⁵⁵William B. Feis, "'There is a bad enemy in this city': Colonel William Truesdail's Army Police and the Occupation of Nashville, 1862–1863" *North and South* 8 (March 2005): 39; Fitch, *Army of the Cumberland*, 346-49, 373-74; Stanley F. Horn, "Dr. John Rolfe Hudson and the Confederate Underground in Nashville" *Tennessee Historical Quarterly* 69 (Winter 2010), 333.

⁵⁶Johnson to Lincoln, January 5, 1863, RG 393, NA.

⁵⁷*Daily Union*, January 17, 1863.

confiscations. Many “arrests may have been made without good reason therefor, and many goods seized that ought to have been untouched,” admitted even an apologist for the force.⁵⁸

Johnson complained to Rosecrans that their precipitate handling of “the persons and property of citizens, has not only excited a feeling of indignation among the more conservative portion of the community, but have greatly impaired the confidence of the loyal men” to whom, Johnson pointed out, the Union army looked to in order to support and effectuate reconstruction. Johnson went on to argue that the entire Army Police force was unnecessary since civilian courts and police already existed in Nashville, plus an army commander and provost marshal. Truesdail’s secret police only undermined these existing institutions.⁵⁹ Rosecrans was unmoved by Johnson’s complaints. He refused to rein in the police and argued that the main source of civilian complaints were the smugglers and criminals who had been found out and had their ill-gotten gains confiscated. The Army Police remained in Nashville as long as Rosecrans himself did. Upon their disbanding in October, 1863, the editor of the *Daily Union* wrote that “we thank God devoutly on behalf of oppressed loyalty” for the abolition of the Army Police.⁶⁰

Johnson and Rosecrans also clashed over the use of military commissions, which replaced civil courts in areas the army had occupied. The military commissions heard all cases involving both civilians and the military, whether criminal matters, violations of the

⁵⁸Rosecrans to Johnson, April 4, 1863 and Benjamin C. Truman to Johnson, November 12, 1863, AJP; *Daily Union*, October 30, 31, November 3, 1863; Fitch, *Army of the Cumberland*, 351.

⁵⁹Johnson to Rosecrans, January 14, 1863, AJP.

⁶⁰Fitch, *Army of the Cumberland*, 353-356; *Daily Union*, October 31, 1863.

laws of war or military orders, or civil cases. As part of his effort to restore civilian government, Johnson wanted civil courts to begin functioning. The circuit and magistrate courts reopened fairly quickly in 1862, and the criminal courts were ready to hear cases at the beginning of 1863. However, the military commissions remained in existence. The result was two separate court systems, a situation which was inevitably going to cause problems.⁶¹

One of the first clashes between the military courts and the civilian courts was over a case in the fall of 1862 involving a minor violation of a city ordinance. Brigadier General James J. Negley, in command of the Union forces in Nashville, ordered his provost marshal to direct the city recorder to dismiss the civilian proceedings since the army had already disposed of the matter. City Recorder Shane argued that the city, and his court in particular, was the appropriate venue for cases involving municipal law and that the provost marshal had no jurisdiction in such cases. In other instances, the two systems competed over cases which potentially fell under both civil and military jurisdiction.⁶²

In March of 1863, Halleck sent Rosecrans instructions for dealing with the civil authorities, including respecting the jurisdiction of the civil courts. The army “will not interfere with the authority and jurisdiction of the loyal officers of the State government, except in case of urgent and pressing necessity.” All cases were to be tried in the state

⁶¹Futrell, “Military Government,” 186; A. H. Carpenter, “Military Government of Southern Territory, 1861-1865,” *Annual Report of the American Historical Association for the Year 1900*, 483-84; *Daily Union*, May 1, 1862, January 24, 1863.

⁶²Provost Marshal A.C. Gillem to City Recorder John Shane, November 7, 1862, and Shane to Gillem, November 7, 1862, in AJP.

and federal court system, not in the military justice system.⁶³ Conflict continued under Rosecrans, however, and in fact well into 1864, when General Thomas in September was writing to Johnson expressing his desire to turn the work of several of the military commissions over to civilian judicial authorities.⁶⁴ These conflicts between military and civilian courts were another thorn in the side of the Union cause in Nashville. Although Johnson and the administration in Washington were firmly on the side of civilian courts, all it took was a couple of generals who disagreed and some overzealous underlings to create a struggle that ended up wasting time and engendering resentment in the citizens of Nashville.

The army in and around Nashville worked to transition the former slaves to freedom by providing immediate aid to refugees, educating them, and developing a system of contract labor. As in other occupied regions such as New Orleans and Norfolk, the responsibilities that later were subsumed under the Bureau of Refugees, Freedmen, and Abandoned Lands actually began under the auspices of the army.

The most critical need was for housing and food. By the fall of 1863, thousands of black refugees had filled the city and were living in wretched conditions. With winter approaching, there was very real fear for what would happen to those with inadequate shelter or access to food. The unhealthy conditions also seemed likely to result in a smallpox epidemic. Newspapers and community leaders urged the army to take steps to establish a camp for contrabands, preferably in a location outside the city.⁶⁵ The army

⁶³Halleck to Rosecrans, March 20, 1863, OR, 3:77; Clifton R. Hall, *Andrew Johnson: Military Governor of Tennessee* (Princeton: Princeton University Press, 1916), 45-46.

⁶⁴Thomas to Johnson, September 23, 1864, AJP.

⁶⁵*Daily Times and True Union*, September 17, 1863; *Dispatch*, July 9, 1863; Joseph G. McKee and M.M. Brown to Johnson, November 3, 1863, AJP.

did not react immediately, and in December, a civilian society was organized for the relief of freedmen. It got in touch with Northern benevolent societies, which sent as much aid as they could, but it soon became apparent that private resources were not going to be sufficient to meet all the needs. On February 4, 1864, General Thomas ordered a camp set up to accommodate the contrabands in the city and vicinity. Army departments were ordered to issue materials and supplies as requested by the camp's commander, Captain Ralph Hunt.⁶⁶

The camp immediately was beset with a host of problems. A Senate committee investigating the status of freedmen in Tennessee concluded that "this colored refugee camp has been and is, grossly neglected in all things necessary to the reasonable care and comfort of its inmates."⁶⁷ Hunt, it turned out, had not been a successful choice for commander. He opened a store in downtown Nashville where he sold many of the supplies he had requisitioned for the camp. He was reassigned, but his successors were apparently not much better. By April there were reports that provost guards had to force blacks to go into the camp.⁶⁸

The army's efforts in relieving the physical sufferings of the blacks had not been successful, but the Senate committee investigating conditions was not convinced it had been a total failure. "The policy, or rather purpose, of the government in attempting to provide for the wants and ameliorate the condition of these unfortunate refugees is a wise and philanthropic one, growing out of individual necessities on the one hand, and the

⁶⁶*Daily Union*, December 15, 1863; Mussey to AJ, February 20, 1865, AJP; *Senate Executive Documents.*, 38th Cong., 2d sess., no. 28, 1-2.

⁶⁷*Sen. Ex. Docs.*, 38th Cong., 2d sess., no. 28, 3-5, 9, 23.

⁶⁸*Daily Times and True Union*, April 11, 1864.

highest possible public duty on the other.”⁶⁹ There was hope that things would improve, however. Mussey proposed that the army create a position to be in charge of freedmen’s affairs in Tennessee. In February of 1865, he was appointed to be superintendent of freedmen in East and Middle Tennessee. For the first time, blacks in Tennessee had a friend in a position of authority, and this boded well for their continued progress in the postwar era.⁷⁰

The army fell short in housing and feeding blacks, but it was much more successful in the realm of education. Throughout the occupied South, the army established schools for blacks, whether in occupied towns, in contraband camps, or even in black regiments. In Nashville, the foremost proponents of education for the freedpeople were Mussey and Major George Stearns. As Mussey focused on civilians, Stearns devoted his energies to ensuring that black army recruits were educated, believing it to be crucial for the advancement and opportunity of all black people. He directed chaplains in black regiments that their primary duty should be arranging for the education of the soldiers. By February 1865, every black unit in Tennessee had some kind of educational plan in place.⁷¹

Teachers from the North had established several schools in Nashville for black civilians, with help from the army and from Governor Johnson. Although there was a shortage of teachers, space, books, and other supplies, the schools were filled with hundreds of eager students. Their goals were frequently complicated by the schools’ use

⁶⁹*Sen. Ex. Docs.*, 19.

⁷⁰Mussey to Maj. C. W. Foster, October 10, 1864, OR, Ser. 3, 4:771; Mussey to Capt. C. P. Brown, February 13, 1865 and Mussey to Johnson, February 20, 1865, AJP.

⁷¹Maslowski, *Treason*, 113.

as auxiliary shelters. But Mussey worked hard to ensure that the schools could serve both purposes and the army was at least successful in providing the basics of education.⁷²

Part of the shift from slavery to freedom involved working for wages for the first time. The army stepped in to develop a contract labor system. The one in Nashville resembled other systems in occupied areas, such as New Orleans and, although less successful there, in Norfolk. In April, 1863, Johnson received a set of instructions from Washington on dealing with the labor of the contrabands. First, he was to take charge of all abandoned plantations and other lands and lease them for cultivation. All abandoned slaves whose masters had fled to the Confederacy or were “engaged in rebellion” were to be employed for reasonable wages in building fortifications or other public works projects. Those who were not so engaged were to be hired by private employers at reasonable compensation. It was Stanton’s intent in these instructions that Johnson should have blacks work on the land for wages.⁷³

Johnson’s focus was on fortifying the city. Believing he needed all the men he could get for that task, plus for the growing recruitment of black soldiers, he did not make available many black men for the proposed contract labor experiment. However, pressure increased to put all men to work. With Confederates no longer a threat, it was time for the region to once again produce crops and sustain itself agriculturally. On February 4, 1864, General Thomas issued new orders applying to the freedmen in the Department of the Cumberland. Those who were fit to bear arms were to be mustered into the army, while the rest were “required to perform such labor as may be suited to

⁷²Capt. L. Howland to Capt. John F. Isom, September 21, 1864, E-861, RG 393, NA; Mussey to Johnson, February 20, 1865, AJP; Brig. Gen. Miller to Brig. Gen. Webster, September 19, 1864, E-861, RG 393.

⁷³Stanton to Johnson, April 18, 1863, OR, Ser. 3, 3:122-123.

their several conditions, in the respective staff departments of the army, on plantations or farms, leased or otherwise, within our lines.” Upon application, loyal citizens would be permitted to hire black workers, under terms which had to be delineated in a written contract for a period of no less than one year. In addition, the employer was required to feed and treat humanely all workers. The order established a wage scale that prospective employers would have to abide by. It was anticipated that there would be sufficient numbers of loyal citizens who would qualify and be interested in hiring blacks; should that not be the case, district commanders could designate abandoned lands or plantations to be worked by blacks, “upon such terms as in their judgment shall be best adapted to the welfare of this class of people”⁷⁴ By early March, the experiment was underway.⁷⁵

The plan was only as good as the administrators. Those in charge of the contraband camp in Nashville were decidedly not interested in the project, and so hundreds of men remained idle and unemployed in dilapidated camps. But the problem was not entirely their fault. The confusion and disruption of wartime mitigated against a stable system of labor of any kind in the region. Mussey wrote to Johnson questioning what the government’s role was with respect to the freedmen. He wondered whether civilian or military authorities should be the ones exercising supervision: “the actual facts are that unless the military exercise this supervision, none will be exercised.”⁷⁶ In wartime Nashville, despite the theoretical primacy of the civilian authorities, the real power came from a military governor who was supported not by the apparatus of the

⁷⁴*Dispatch*, January 29, 1864; *Sen. Ex. Docs.*, 2-3.

⁷⁵Thomas to Stearns, March 6, 1864, E-908, RG 393,NA; Brig. Gen. and Chief of Staff to Mr. J.W. Evans, March 2, 1864, *Ibid*.

⁷⁶Mussey to Johnson, February 20, 1865, AJP.

justice system but by the army. In the postwar landscape, that balance of power would not change much.

There was another fundamental shift in the fall of 1863 besides the army's increasingly hard-line against Southerners in occupied places. The relationship between the army and the blacks under its purview also changed with the government's decision after the Emancipation Proclamation to recruit black soldiers in the Department of the Cumberland. Using blacks in any military capacity other than as laborers or teamsters was pioneered by commanders in other regions such as Generals David Hunter and Benjamin Butler, who ignored War Department orders and policy. Now, however, the paradigm had shifted.⁷⁷

Adjutant General Lorenzo Thomas arrived in the Mississippi Valley in spring of 1863 to begin raising black regiments, and the effort soon spread to Nashville under the aegis of Major George L. Stearns. Stearns was a Bostonian, a long-time advocate of abolitionism who had already enlisted black troops for Massachusetts regiments. In August, Stanton ordered Stearns to Tennessee to recruit among the mass of blacks who had congregated in the rear of Rosecrans's army.⁷⁸ Shortly after his arrival, army major Reuben D. Mussey was detailed to assist him, and he later succeeded Stearns. Mussey was also a keen proponent of black troops and believed that military service would be the best way to destroy slavery and to earn the black man full citizenship.⁷⁹

⁷⁷Louis S. Gerteis, *From Contraband to Freedom: Federal Policy Toward Southern Blacks, 1861-1865* (Westport, CT: Greenwood Press, Inc., 1973) ; LaWanda Cox, *Lincoln and Black Freedom: A Study in Presidential Leadership* (Columbia: University of South Carolina Press, 1994), 107.

⁷⁸Frank P. Stearns, *The Life and Public Services of George Luther Stearns* (New York: Kraus Reprint Company, 1969), 308.

⁷⁹Stearns, *George Luther Stearns*, 324; Mussey to Maj. C. W. Foster, October 10, 1864, OR, Ser. 3, 4:768; Mussey to C. B. Morse, August 15, 1864, E-1142, RG 393, NA.

Not everyone shared the enthusiasm for black troops. Some high-ranking army personnel, especially William T. Sherman, were opposed to black troops, believing them to be better suited for the kinds of supporting roles they had always served in.⁸⁰ In response, Stearns organized public meetings, personally advocated for the cause, wrote newspaper articles, and even employed assistants to help spread the word.⁸¹ While some converts were won among local Unionists, Governor Johnson was soon in opposition. Stearns informed Stanton that despite Johnson's initial favorable reaction to the notion of recruiting black troops, he had now begun to raise objections.⁸²

Johnson had no quarrel with the basic premise of a black regiment, but he did believe that blacks in uniform were more useful as laborers, in particular on the works to help strengthen the rear of Rosecrans's army. Johnson complained that once the blacks were organized and in camps they would be idle. "This will to a very great extent impede the progress of the works and diminish the number of hands employed. All the negroes will quit work when they can go into camp and do nothing." Fundamentally, while Stearns wanted the black soldiers to share all aspects of soldiering equally with whites, be it labor or combat, Johnson wanted them to serve as laborers, which would in turn free whites for combat duty.⁸³

Johnson also viewed Stearns as a possible threat to his political authority. Emancipation and the role of black soldiers were political issues, not just military ones.

⁸⁰W. T. Sherman to Lorenzo Thomas, June 21, 26, 1864, E-2639, RG 94, NA; Mussey to Capt. George B. Halstead, June 8, 1864, E-1141, RG 393, NA.

⁸¹Stearns to Stanton, October 24, 1863, E-1694, RG 94; Mussey to Maj. C. W. Foster, October 10, 1864, OR, Ser. 3, 4:772.

⁸²Stearns, *George Luther Stearns*, 309-310; Stearns to Stanton, September 16, 1863, OR, Ser. 3, 3:816.

⁸³Johnson to Stanton, September 17, 1864, *Ibid.*, 819.

Johnson feared that the actions of Stearns and Mussey, which were radical by any definition, would hamper the reconciliation with white citizens that Johnson felt was finally being achieved in the fall of 1863. Johnson worried how the recruiting of black regiments would play out to loyal Tennesseans who otherwise would be willing to organize a new, loyal state government.⁸⁴ Once again, the Lincoln administration took Johnson's side. Stanton advised Stearns that with regard to enlistments, Johnson's wishes were to be followed in the absence of other orders from the War Department.⁸⁵ Now secure in his political and military authority, Johnson left the actual day-to-day management of black recruiting to Stearns. Despite his initial disagreement with Stearns, he made no further attempt to stop him; in fact, Stearns reported that "Governor Johnson, as soon as he understood me, came heartily into my plans." Stearns praised Johnson for being very easy to work with and "not caring to assume authority for its sake."⁸⁶

Mussey and Johnson shared the same collegial working relationship and, in fact, Mussey went on to become Johnson's private secretary. Once Johnson delegated authority to Stearns and, in his turn, to Mussey, the affairs of the emancipated slaves were now looked after by those generally interested in improving the lot of Nashville blacks.

Stearns and Mussey recognized that the inclusion of black men into the army as full-fledged soldiers was essential. Once a black man had taken up arms, fought, and

⁸⁴Johnson to Rosecrans, September 17, 1863, AJP; Johnson to Stanton, September 17, 1863, Ibid., 819-820.

⁸⁵Stanton to Stearns, September 16, 18, 1863, Stanton to AJ, September 18, 1863, Ibid., 816-17, 823.

⁸⁶Stearns to Stanton, October 24, 1863 and Stearns to John M. Forbes, October 18, 1863, "Negro in the Military Service," RG 94, NA.

shed blood in defense of the Union, he had unquestionably earned equal treatment along with his freedom.⁸⁷

Lincoln's Proclamation of Amnesty and Reconstruction, issued December 8, 1863, resulted in a heated debate in Nashville. Its key provision, that swearing the amnesty oath gave a Southerner full political and property rights, was controversial. Bettie Blackmore, a Nashville woman, wrote that the oath had engendered "considerable excitement. Sentiment is very much divided, even among the loyal about it."⁸⁸ To conservative Unionists, the ten-percent plan seemed to promise a path back to political power, but radicals were concerned about extending the franchise beyond the ranks of unconditional loyalists⁸⁹ "If rebels are suffered for nearly three years to do all they can to break down the Government, and then when they are conquered, come forward and take a hypocritical oath to save property, an awful doom awaits the loyal portion of the American people," grimly wrote one of Johnson's correspondents.⁹⁰ It was true that taking the oath meant that indictments for treason and conspiracy were withdrawn, and any confiscation proceedings against all property not slaves could be discontinued. This was especially galling since so many were taking the oath in bad faith. This was not just a Nashville situation, but was the case in Alexandria, Norfolk, and New Orleans as well. Unrepentant rebels were swearing the oath with "wry faces."⁹¹

⁸⁷Stearns to William Whiting, April 27, 1863, Ibid.

⁸⁸Trimble, *Behind the Lines*, 67.

⁸⁹Johnson to Horace Maynard, January 14, 1864, OR, Ser. 3, 4:31.

⁹⁰William A. Lorrells to Johnson, June 23, 1864, AJP.

⁹¹*Daily Union*, January 10, 1864; *Daily Union*, February 23, 1864; *Daily Times and True Union*, May 5, 9, 12, 26, 1864, July 9, 1864.

Radicals in Nashville, unlike in the other cities, had an ally. They petitioned Johnson to make the terms of the Proclamation more stringent and, in turn, Johnson wrote Lincoln that the provisions as they stood were detrimental to establishing a loyal state government and, in fact, actually encouraged the rebel spirit. Johnson also requested that Tennessee be exempt from the Proclamation and that the pardons therein be granted individually by the president.⁹² Lincoln did not exempt Tennessee, but he did allow Johnson to make changes to how the amnesty oath was administered and its effects.

Johnson issued his own statement of the new rules. In order to vote in the county elections in March, prospective voters would have to swear not only to protect and defend the Constitution, but also to their wish for the suppression of the “present rebellion against the Government of the United States, the success of its armies, and the defeat of all those who oppose them,” including pledging their aid to loyal persons in furthering these goals.⁹³ This oath would almost completely deny suffrage to any ex-Confederates who had taken the president’s amnesty oath; in fact, many conservative Unionists would have a hard time swearing to “ardently desire “the suppression of the rebellion.” Opposition immediately arose from both conservative Unionists and those who were only ex-rebels.

Lincoln’s response to a conservative Unionist from outside Nashville is interesting. When asked whether he had to take the oath prescribed by Johnson in order to vote or would be permitted to do so under the president’s oath, Lincoln responded by saying that “In County elections, you better stand by Gov. Johnson’s plan. Otherwise

⁹²Johnson to Lincoln, May 17, 1864, AJP.

⁹³*Daily Times and True Union*, February 20, 1864.

you will have conflict and confusion.” To Lincoln, there was no conflict between the two oaths since the aim of both was “to restore the State government and place it under the control of citizens truly loyal to the Government of the United States.” The details were not that important as long as the goal was achieved. Since Johnson’s oath would deliver the same results, Lincoln would defer to him.⁹⁴

The March elections saw a very light turnout: only about 2000 votes in Davidson County, with many voters being non-resident soldiers.⁹⁵ The only conclusion that could be drawn was that even after nearly two years under control of the Federals, the city was no more loyal than it had been on the day it was occupied. It also seems possible that in their eagerness to create a loyal reconstructed state government, Johnson and Lincoln had ignored the likelihood that Johnson’s far more rigid policies would have the opposite effect.

In a meeting on New Years Day in 1864, the Nashville Union League nominated Lincoln and Johnson for president/vice president. With Johnson on the ticket, the Lincoln administration viewed the election as a referendum on the restoration of loyal government in Tennessee. In addition, Lincoln needed every electoral vote he could get to beat a popular Democratic candidate. However, the split in the Union party cast doubt on the outcome. A Constitutional Union Club, which was really a political machine for the McClellan campaign, had been established in Nashville. In addition, the Ten-Percent

⁹⁴Lincoln to Warren Jordan, February 21, 1864, Lincoln, *Collected Works*, 7:209.

⁹⁵*Daily Union*, March 8, 1864; *Dispatch*, March 6, 1864; E. H. East to Johnson, March 8, 1864, AJP; A. C. Gillem to AJ, March 11, 1864, Ibid.

Proclamation had also opened up a new pool of voters, including slave-owners who had their political rights restored when they volunteered their slaves for enlistment duty.⁹⁶

In late September, Governor Johnson issued a proclamation outlining a new loyalty test for voting. This new oath was even more rigorous than the one promulgated before the March elections. Not only would the prospective voter swear to uphold the Constitution, but he would have to vow to “sincerely rejoice in the triumphs of the armies and navies of the United States.” The vow also required opposition to any type of peace negotiation or truce with the South. Soldiers would be permitted to vote without having to take the oath or complete any registration.⁹⁷ In many ways, this was a repeat of March’s election: the electorate was winnowed down to the ultra-loyal and to soldiers while disfranchising most ex-rebels and even some Conservative Unionists.

Just in case prospective voters had not gotten the message, the radical Unionists tried more direct methods of persuasion. On October 21, McClellan supporters held a meeting in Nashville, attended by about 100 soldiers, several hundred government employees, and private citizens. Mid-meeting, without any warning, some thirty soldiers from the First Tennessee Light Artillery regiment burst through the doors with loaded weapons and bayonets fixed, effectively bringing the meeting to a halt. The men were never punished. They also claimed they had acted on their own initiative and that no one else knew of their plans.⁹⁸ Whether or not the threat of violence was real, for show, or at the behest of the radicals or Johnson himself, the conservatives were unnerved enough to

⁹⁶Mussey essay, [undated, probably August, 1864], E-1142, RG 393.

⁹⁷Lincoln, *Collected Works*, 8:65-68.

⁹⁸*Daily Union*, October 24, 26, 1864.

seek protection from Lincoln. The president dismissed their concerns, putting it down to enthusiastic electioneering. Given this unsatisfactory response, the conservatives again wrote to Lincoln. They criticized Johnson's despotic regime and the use of violence. Since they had been overmatched by military power and since the president had refused to consider their protests, they would withdraw McClellan's name from the ballot. "There will be no election for President in Tennessee in 1864. You and Governor Johnson may 'manage your side of it in your own way,'" but it will be no *election*."⁹⁹

In dismissing the complaints of the conservatives, Lincoln had again implicitly backed his military governor. The radical Unionists and their push for unconditional loyalty had won the day in Tennessee. And as in the March election, the November presidential contest in Tennessee was a charade. Although the state went for Lincoln, a handful of votes was cast for McClellan. Ballot suppression apparently had not been 100% successful, but in the end it was immaterial. Lincoln had sufficient electoral votes without the state, and Congress rejected them anyway on the grounds that the state was still officially in rebellion and therefore no legal election could have been held.¹⁰⁰

Back in the middle of 1863, when Bragg's army still threatened middle Tennessee, Nashville was nearly completely under army control, and civilian influence over the city's affairs had concomitantly decreased. Meanwhile, the people of Nashville were weary of war. After two years of army occupation, even the most sanguine resident was losing hope of eventual Confederate victory and liberation. September, 1863, saw a brief flurry of optimism following the battle of Chickamauga when Bragg's victorious

⁹⁹Lincoln, *Collected Works*, 8:58-65.

¹⁰⁰Ash, *Middle Tennessee Society*, 189-190.

army seemed poised to sweep into Tennessee. But Bragg failed to press his victory, and his successor General Joseph Johnston retreated south in the face of Sherman's advance. Johnston's successor, General John Bell Hood seemed to be made of different stuff. Despite losing battles with Sherman all around Atlanta, he had managed to maneuver around Sherman's army and begin a march through Alabama toward Tennessee, hoping to draw Sherman north. Instead of Sherman, however, Union George H. Thomas was assigned the task of halting Hood. Thomas headquartered in Nashville and immediately organized a large concentration of troops. He also oversaw a more concerted effort to build up the city's fortifications. Meanwhile, Hood suffered a decimating defeat at Franklin but moved forward in spite of that and established himself in the hills to the south of Nashville, laying siege to the city and daring Thomas to come out and attack.

Hundreds of new refugees crowded into Nashville, driven ahead of Hood's army like a bow wave. This influx strained the already-serious refugee problem and gave rise to security concerns. The citizens of Nashville for the first time in a long time were energized. They could literally see deliverance, in the form of the camps of the Confederates from the city's outskirts, and Hood's spies slipped in and out of town, sparking fears of sabotage. Those same spies were also spreading greatly exaggerated reports about the size of Hood's army, reports which raised some Unionist fears.¹⁰¹

Thomas was not concerned nearly as much about the number of troops he was facing as he was about how to deploy his cavalry in the absence of sufficient mounts. He began by seizing all the horses in Nashville, even including the livestock from a traveling circus that had the bad timing to be in Nashville at this moment. Thomas finally moved

¹⁰¹L. Howland to Capt. Hunter Brooke and Col. Mason, November 30, 1864, E-861, RG 393, NA; Handy diary, November 30, December 2, 1864.

out on December 15, engaging Hood's forces in the two-day Battle of Nashville, which was an overwhelming Union success. Nashville would remain in the hands of the Union army as their key western supply base, and the final slim hope for escaping Yankee rule slipped away from the city's Confederate sympathizers.

Rebels were now left to ponder the devastation wrought upon their home by four years of war. Hood's invasion and siege had exacerbated the destruction caused when the Confederate armies retreated and the Union army settled in for an occupation of three years. Homes were burned, yards were crisscrossed with trenches, gardens and fences dug up, and livestock gone. On the streets of the city, Union blue and mourning black mingled with the gray of deserters' uniforms as rebels entered the city and took the oath of allegiance. The only people who seemingly thrived were liquor dealers, who did a brisk business.¹⁰²

The underbelly of a military garrison was on display, too. Murder, robbery and theft were up; in fact, in early 1865, there was such a serious crime wave that one officer suspected professional criminals had gotten government jobs in order to situate themselves for their real purpose of theft. The city patrol was increased by a third, but with a permanent garrison of nearly 10,000 men and new regiments moving in and out, as well as the thousands of civilian government employees, it was a nearly impossible task to maintain order.¹⁰³

¹⁰²*Daily Union*, December 15, 1864.

¹⁰³Handy diary, December 31, 1864, January 11, February 3, 6, 19, 1865; *Daily Union*, May 6, 1865; L. Howland to Col. Mason, February 2 1865, E-861, RG 393; Brig. Gen. Miler to Hunter Brooke, March 5, 1865, Ibid.

Politically as well as militarily, events in Nashville were moving to a crescendo that last winter of the war. Johnson was frantic to restore a loyal civilian government in Tennessee before his term ended on March 3. “His ambition was to carry to Washington his own State, as a reconstructed member of the Union, and present it as a rich jewel to the nation.”¹⁰⁴ His first step in polishing that jewel was to convene a convention to write a new constitution. Hood’s siege delayed things, but the convention ultimately met in early January. The attendees were a mix of Unionists, many without political experience, and Tennessee residents in uniform. It adopted a constitutional amendment which abolished slavery, set a timeline for the restoration of civil government, nominated William G. Brownlow of East Tennessee for governor, and set a date the following month on which the people would vote for the ratification of emancipation.¹⁰⁵ On February 22, the people went to the polls and adopted the antislavery amendment. In Nashville fewer than 1500 people voted for the amendment, and the newspaper *Daily Times and True Union* scolded the citizens who turned their back on “the cause of the Union and civil law.”¹⁰⁶ On March 4, 1865, a statewide election selected a general assembly and elected Brownlow as governor. The number of voters in this election was slightly more than 10% of the number of voters in 1860, thus Tennessee had qualified for readmission to the Union.

Johnson had resigned as military governor the day before the election. He was praised by both Secretary of War Stanton and General Halleck for his work in Tennessee

¹⁰⁴Oliver P. Temple, *Notable Men of Tennessee from 1833 to 1875, Their Times and Their Contemporaries* (New York: The Cosmopolitan Press, 1912), 411.

¹⁰⁵Johnson to Lincoln, January 13, 1865, OR, Ser. 3, 4:1050; *Dispatch*, February 23, 1865.

¹⁰⁶*Daily Times and True Union*, February 28, 1865.

in establishing a loyal state government.¹⁰⁷ But that government was dominated by a small cadre of radical Unionists and the low election turnouts had shown there was no broad base of support for the Union. Johnson himself, with his harsh policies and narrow definition of loyalty, had hardly inspired love for the Union. In his own way, he was as polarizing a figure to the occupied citizenry of Nashville as General Benjamin Butler was to those in Norfolk and New Orleans.

Unfortunately, part of the problem in Nashville and Tennessee at large was that Lincoln had enabled Johnson's much stricter and more narrow definition of loyalty. In following this narrow definition of loyalty, the army's policies of wartime reconstruction had not engendered any more loyalty by 1865 than had existed in 1862. For many whose loyalty was wavering, the actions of the occupiers seemed to be more repressive than conciliatory. The loyal state government created at Nashville was controlled by a minority of radical Unionists. This lack of popular support meant not only that loyalty had not been fostered by the army's occupation policies, but that wartime reconstruction in Tennessee had not been a success.

Especially with Johnson's initially lenient terms, Nashville's Confederate supporters had ample inducement to let go of their allegiance to the South and rejoin the Union, but both the proximity of potentially liberating Confederate armies and the command disputes between senior Union officials hindered them from doing so. While there was still a chance that Bragg or Hood or some other gray-clad knight would ride in and rescue the people of Nashville from the invaders, the wavering populace of the city had no incentive to modify their behavior or their beliefs. Meanwhile, the disputes

¹⁰⁷Johnson to Stanton, March 3, 1865 and Stanton to AJ, March 3, 1865, AJP.

between Johnson and Buell and then Johnson and Rosecrans presented the opposite of a cohesive and stable Union. In fact, the infighting seemed to indicate only tentative commitment to the Lincoln administration's war goals on the part of high-ranking officials, thus bolstering morale for the enemy.

Johnson himself had not been popular even before the war for his anti-secession views, and lacking a political base upon which to draw as military governor was a drawback as he attempted to solidify support across a spectrum of Unionists. In addition, the split within the Unionist ranks further doomed his chances when the lack of agreement over reconciliation and the future of the freedmen made political cooperation nearly impossible.

Without a firm political backing and with his newly-constituted appointed government unable to gain popular acceptance, Johnson's policies produced simmering, if not open, discontent. Thus, the army had to employ various measures to control the population. While this army control did prevent active rebellion by the residents of Nashville and managed to interdict most of the tangible forms of aid intended for the rebel troops, it also had the effect of engendering resentment and blocking reconciliation. When the war ended, the people of Nashville were no more affectionate toward the Union than they had been at the start of the occupation.

The army did make positive gains in Nashville in terms of cleaning up the city and preventing epidemics. In all the areas the army occupied, it assumed a municipal governance role, with more or less enthusiasm, depending on the commander. While no one was as diligent and as detail-oriented as Ben Butler, Governor Johnson saw to it in

Nashville that waste collection and disposal was managed, that refugees were housed and fed, and that policing was kept up.

The one area where wartime reconstruction in Tennessee made tremendous progress was in the status of the blacks. The Emancipation Proclamation had not applied to Tennessee, and so the eventual demise of slavery in that state was entirely attributable to the army and to Andrew Johnson. Like other occupied regions, slavery was falling apart as Union troops moved in and slaves sought refuge behind the lines. By September 1863, in line with the timing of Lincoln's Proclamation, Johnson demanded that emancipation be a prerequisite for any reconstruction of Tennessee's state government.

What most shaped wartime reconstruction in Nashville was the constant support Johnson received from President Lincoln. Any dispute between the governor and the army generals saw the president siding with Johnson. Lincoln's commitment to Johnson's authority and judgment was shown by his willingness to allow his own provisions in the amnesty proclamation to be subverted by Johnson's much stricter ones, which excluded most conservative Unionists and Confederate sympathizers from the political process, leaving it entirely in the hands of radical Unionists. It was a striking example of how commanders on the ground in all of the occupied areas – Alexandria, Nashville, New Orleans, and Norfolk – created policy on the spot, improvising and reacting to local and operational conditions.

CHAPTER 3

THE OCCUPATION OF NORFOLK IS A NECESSITY WITH US

On May 23, 1861, three slaves who were the property of a Confederate colonel by the name of Mallory slipped away from a Confederate army construction site near Norfolk and rowed a small boat across Hampton Roads to the protection of the Union army at Fort Monroe. In need of labor, Benjamin F. Butler, the commanding general, decided that he might as well put the men to use. The next day, under flag of truce, an emissary from Colonel Mallory arrived at Fort Monroe seeking the return of the colonel's property. He and Butler met, and in that meeting the emissary asked Butler if the general did not feel himself bound by the Fugitive Slave Act to deliver up the refugees. Butler responded that he considered the slaves to be contraband of war. Besides which, he told Mallory's agent, the act "did not affect a foreign country, which Virginia claimed to be, and that she must reckon it one of the infelicities of her position that in so far at least she was taken at her word." He went on to point out that in Maryland, a state which had remained loyal, fugitive slaves were promptly returned from masters. Of course, if the colonel would be willing to come to the fort and take the oath of allegiance, Butler would promptly deliver up the men and then offer to hire their services. In the meantime, the escaped slaves, since they belonged to those in rebellion against the United States and

had been used to assist their masters in that treasonous cause, would be considered contrabands of war, just as any other confiscated property.¹

Butler's decision was one with far-reaching implications for the war. No policy was in place with respect to escaped slaves, and Lincoln's goal at this early stage of the war was to woo the South back, if possible without additional bloodshed. Interference with slavery was a sure way to inflame Southern feeling and possibly even cause the border states to join the Confederacy. Butler, the consummate political general, recognized the dilemma he was in. However, he was from Massachusetts, that hotbed of abolitionist sentiment. Given the fine line he had to walk, Butler's solution was a stroke of genius. He managed to free slaves in effect without actually changing their status as property, thereby avoiding the fraught question of emancipation. With one stroke, he made Norfolk a place of intense interest.

In 1860 Norfolk was a fairly young city, having only been incorporated sixteen years earlier. Noteworthy for sitting alongside one of the largest harbors on the Atlantic seaboard, it was a nexus of trade and its shipyard made it of strategic importance for both the Union and the Confederacy. With Norfolk, the Union could control the Chesapeake Bay and the James River (the approach to Richmond) and acquire a key link in its blockade. The Confederacy also needed to control the James for access to its capital and to hold on to a major port. The city's strategic importance was solely water-related. Because of its location, Norfolk lacked effective rail or road connections to the rest of the

¹Benjamin F. Butler, *Autobiography and Personal Reminiscences of Major-General Benjamin F. Butler; Butler's Book* (Boston: A. M. Thayer, 1892), 256, 257; United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: U.S. Government Printing Office, 1880-1901) 2:593 [hereinafter cited as OR; all volumes in Series 1 unless otherwise noted].

state and its population in the pre-war years had remained relatively static, numbering about 15,000 (two-thirds white; one-third black) in the 1860 census.²

The news of secession was welcomed by most residents. Even before the final vote in Richmond, a militia company had been mobilized which, once war was officially on, posed an immediate threat to the Gosport Naval Yard in Norfolk. The Federal commander ordered the Yard destroyed and the ships scuttled, but the operation was carried out with less efficiency than haste and after the Union troops had fled, the Confederates were able to salvage many of the guns and stores. The navy yard became an arsenal for the Confederate army and navy.

Jefferson Davis had ordered the confiscation of all Federal property within the Confederacy, and he viewed the continued occupation of Fort Monroe, a well-armed fortress just across Hampton Roads from Norfolk, as a breach of Virginia's sovereignty. Fort Monroe provided a nearly impregnable outpost for protecting the Northern blockade fleet, which was stationed a few hundred yards offshore, as well as controlling the entrances to Chesapeake Bay and the James River. Union General Winfield Scott understood that the foothold at the fortress would be instrumental in both holding the blockade and in suppressing the rebellion in Virginia and he made reinforcing the fort a priority. It sat, implacable and menacing, its guns trained on Norfolk just across the water.³

²The 1860 census showed a white population of 10,290, 1,046 free blacks, and 3, 284 slaves. U.S. Department of Interior, *Eighth United States Census, 1860* (Washington, DC: Government Printing Office).

³Edward Longacre, *Army of Amateurs: Ben Butler and the Army of the James* (Mechanicsburg, PA: Stackpole Books, 1997), 45.

In fact, the guns of Fort Monroe remained in Union hands throughout the war, and the commander sent there at war's outset was the infamous General Benjamin F. Butler of Massachusetts. A prominent Democratic politician who aspired to the governorship of his New England state, Butler was both an asset and a liability to Lincoln. He was a member of the opposition party but was outspokenly loyal to the Lincoln administration. Nevertheless, should he become disillusioned with the administration's policies or their prosecution of the war, his defection could mean a break in bipartisan support for the war. He was outspoken and brash: his use of Federal troops to occupy Baltimore against commanding general Winfield Scott's wishes had been taken as bold gesture to prevent Maryland's secession. For his initiative, he was reassigned to where the administration assumed he would be less likely to be able to make any more bold gestures. However, barely had Butler settled in at Fort Monroe when the arrival of Colonel Mallory's three fugitive slaves indicated that the Norfolk area was not going to be the insignificant area Lincoln and Scott had expected.

For Butler's part, he realized that this case was only one instance of what could be expected to be a continuing issue with respect to fugitive slaves, and he asked Scott for general direction on how to handle slaves coming into Union lines. He pointed out that since the blacks in the vicinity were being used by the enemy in construction, it seemed only logical that the Union be allowed also to make use of the same labor. Scott forwarded the letter on to Secretary of War Simon Cameron with a favorable endorsement.⁴ There was, however, no official change in policy. After a cabinet meeting, Cameron wrote back to Butler approving the latter's actions but issuing no

⁴OR, 2:652.

general orders or instructions.⁵ Meanwhile, news spread through the slave population of Butler's policy on contrabands, and slaves flocked to the fort. Most able-bodied men were put to work, but many had come with wives and children, for whom food and shelter had to be found. This was a problem which would grow only more serious when Federal troops occupied Norfolk.

On February 8, 1862, Union General Ambrose Burnside's expedition captured Roanoke Island, situated in North Carolina between Albemarle and Pamlico Sounds. The Union now controlled the coast as far south as Wilmington and, more ominously for the citizens of Norfolk, the southern approaches to Norfolk and the region from which the city derived the vast percentage of its food and other supplies. Slowly, daily life became grimmer as supplies dwindled and the excitement of the early days of the war dimmed. As McClellan's army swelled the ranks of Union soldiers at Fort Monroe, the Confederates responded by imposing martial law on the city on March 5, 1862. The Confederates exercised greater military control on Norfolk, even closing all liquor stores and bars, which had the inevitable effect of rousing sellers and consumers alike into a frenzy of creative scheming to avoid the regulations.⁶

The populace reacted with apprehension: "throughout March and April we saw and heard enough to make us realize that there was a grave prospect that Norfolk might at any time be evacuated, and our home left within the Union lines." The writer, resident John Wise, saw the "immense shipment of government stores and munitions" leaving

⁵OR, 1:243.

⁶Thomas J. Wertenbaker, *Norfolk: Historic Southern Port* (Durham, NC: Duke University Press, 1931), 211.

Norfolk and this confirmed his suspicions that the Confederates were on the point of abandoning the city, notwithstanding the military's efforts to keep their intentions secret.⁷

His suspicions were justified. In May, 1862, General George S. McClellan's slow advance up the Peninsula forced General Robert E. Lee to order the Confederate forces to abandon Norfolk, leaving it vulnerable to the Union Army. On the morning of May 10, a force of some 5,000 Union troops landed and, dispatching some token resistance, reached the city limits. Accompanying the troops' commander, General John E. Wool (who had replaced Butler in command at Fort Monroe the previous summer) was Secretary of Treasury Salmon P. Chase. Late in the afternoon, a small delegation of civilian officials from Norfolk, including Mayor W.W. Lamb and members of the city council, met the Union commander under a flag of truce and formally surrendered the city.⁸ The mayor reported that the Confederates had evacuated Norfolk and he promised that there would be no opposition in the city from civilians. In return, he requested protection for citizens and property. Along with Wool, Secretary Chase, and General Egbert L. Viele, the civilian officials rode back to City Hall, where the mayor addressed the assembled crowd, asking them to refrain from violence and disorder. After accepting the surrender of Norfolk, General Wool appointed General Viele to be military governor.⁹

One of the first matters which Wool had to deal with was defining the relationship between the Federal authorities and the civilian population. Wool had no desire to govern Norfolk with the military; his main concern was preserving the civil government

⁷John Sargeant Wise, *The End of an Era* (Boston: Houghton Mifflin Company, 1899), 206.

⁸OR, 11, pt. 3: 162-3.

⁹OR, 6, pt. 1: 634; William H. Osborne, *The History of the Twenty-Ninth Regiment of Massachusetts Volunteer Infantry* (Boston: Albert J. Wright, 1877), 131-132.

in the city. On May 15, he called on Norfolk's city council to "ascertain in what light I was to consider the citizens – whether as a conquered city, belonging to the so-called Confederate States, or citizens of the United States. I presented the question in order to know how to treat them if they acknowledged themselves citizens of the Union." Wool anticipated that the port would soon be reopened and trade with the North re-established. It was not his intention to allow benefits from that reopened trade to flow to those who openly claimed continued allegiance to the Confederacy. The reply was clear. General Wool was assured that there would be no resistance to the occupation, but in return citizens expected protection for both their persons and property.

As to their status as loyal or rebel, conquered or neutral, the city council unanimously voted that Wool be informed that they had "no power or means by which to furnish a fair answer to his question." Finally, after pressure for a more definitive response, the council declared that the surrender of Norfolk meant "overpowering of the people; to overpower the people is to conquer them, and to conquer them is but to subject them to the rule of the conqueror. Thus, the status of Norfolk is plain." By declaring they would rather be considered a "conquered people," the city officials were making clear that they were not going to cooperate with the Union army. In response, Wool demanded that as public officials, the councilmen take the oath of allegiance: they refused. He considered this refusal akin to declaring open support for the Confederacy and promptly embargoed trade between civilians and the North, as well as instituting martial law.¹⁰ As military governor, General Viele therefore stepped into a role where he

¹⁰OR, 11, pt. 1: 634-5; Ibid., 51, pt. 1: 617, 627; Letter of John Wool to Edwin Stanton, May 15, 1862, Records of the Adjutant General's Office, Record Group 94, National Archives, Washington, DC [hereinafter cited NA].

had to assume the functions of civil as well as military administration. He was immediately faced with many problems: a deteriorating municipal infrastructure and lack of finances; the scarcities and inflation caused by the blockade; the growing numbers of slaves fleeing to Union lines; and civilian resistance to and conflict with the military authorities.

While the retreating Confederates had focused most of their destructive energies on the naval base, the other parts of city were slowly crumbling as public buildings fell into disrepair, bridges began to deteriorate, and streetlights burned out or were broken. The fire department became nearly impotent, with much of its equipment either broken or stolen. Animals roamed the streets, in particular dogs, but also pigs and goats, let loose by owners fleeing to the safe haven of Confederate control. A military surgeon who was sent to inspect the prisons in Norfolk and at Fort Monroe reported to his commander the need for “more thorough policing of the cities of Norfolk and Portsmouth. The streets of these cities are far from being in a healthy condition, and in my opinion, the prevalence of diseases peculiar to the locality can only be prevented by the cities before named being immediately put in a sanity condition.”¹¹

The blockade was an effective tactic against a city controlled by an enemy but Norfolk was now in the hands of the Federals, and the privation and suffering caused by it were not mitigated by any accompanying financial or economic advantage. Almost all the stores were closed, making food scarce for those who remained, although farmers still traveled in to the city to sell chickens, eggs, vegetables, and fruit to those who could

¹¹R. H. Gilbert to Brig. Gen. H.M. Nagler, August 12, 1863, Records of the United States Army Continental Command, 1821-1880, Record Group 393, NA; Wertenbaker, *Norfolk*, 243.

pay.¹² The Union blockade had cut the shipping trade, leaving Norfolk isolated. The decision to lift the blockade was in the hands of Lincoln's cabinet, which so far had refused to act since Stanton had heard that Norfolk was a hotbed of rebellion. Dix estimated that at least half of Norfolk's remaining citizens were Unionists and urged the blockade be lifted.¹³

As the blockade grew more efficient, food supplies and other necessities grew scarcer. The military commander found himself faced with hungry poor clamoring for assistance. "There are two questions connected with the administration of affairs in this city and Portsmouth which have become a source of embarrassment to me," wrote Viele to his new commander, General John A. Dix. "The one is the procurement of supplies for those who have the means, and the other the supplying of those who have not the means. We are, in point of fact, holding here in custody about 20,000 people; we must either let them feed themselves or we must feed them."¹⁴ Viele argued for an open port in order to alleviate the women and children "begging daily at my headquarters for food." Viele also pointed out that his main aim in Norfolk was to keep the peace and that this had been secured; there was indeed little open resistance. However, he warned Dix that in the absence of sufficient provisions, he could not guarantee that such a state of affairs would continue.¹⁵

Dix moved swiftly, asking Stanton that vessels be cleared from Northern ports to carry supplies to Norfolk. Stanton relayed the request to Chase, who authorized "reliable

¹²Wertenbaker, *Norfolk*, 244.

¹³Maj. Gen. John A. Dix to Simon Cameron, June [illegible], 1862, RG 94, NA.

¹⁴OR, 2, pt 3: 207.

¹⁵OR, 18: 382-4.

and loyal persons” to ship cargoes of provisions and clothing only, with the proviso that the secretary of war certify each shipment’s contents to be related to military necessity.¹⁶ This raised a legal question as to whether a nation at war could blockade a port in its own possession and permit its own citizens to trade even under that blockade. Under recognized international case law, the occupation of a hostile port nullified the blockade of that port. The United States was now proposing to move forward with allowing trade to Norfolk by its own ships, while still closing the port to foreign ships. And the Union continued to break the rule recognized in case law that occupation nullified a blockade, as it sometimes blockaded ports long after they had been occupied.¹⁷ Chase had spent much time weighing the complications inherent in trade, including the issue of blockade, in light of his consuming ambition for the presidency. As a result, the Treasury regulations were a complex and often contradictory set of rules and exceptions to rules that all had one underlying theme: Chase was doing his best both to evade responsibility, preferably by shifting as much as possible to Stanton, and to cultivate those who might be useful.¹⁸ Among those was Assistant Secretary of the Navy Gustavus Fox, who was not only connected to the political influential Blair family but also was a lifelong friend of the popular Ben Butler. Fox had requested the easing of the blockade to permit farmers in eastern Virginia to send in grain. Chase forwarded a favorable endorsement to Stanton,

¹⁶Salmon P. Chase to J. Z. Goodrich, June 5, 1862, Letters Sent by the Secretary of the Treasury, 1861-1887, NA; Robert F. Futrell, “Federal Trade with the Confederate States, 1861-1865: A Study of Governmental Policy” (Ph.D. diss., Vanderbilt University, 1950), 176.

¹⁷Ludwell Johnson, “Blockade or Trade Monopoly? John A. Dix and the Union Occupation of Norfolk” *Virginia Magazine of History and Biography* 93 (January 1985), 59.

¹⁸Howard K. Beale, ed., *The Diary of Edward Bates, 1859-1866* (Washington, DC: Government Printing Office, 1933), 310; Johnson, “Trade Monopoly,” 59.

suggesting that said grain be considered a “military measure.”¹⁹ Chase had become comfortable with the idea that military necessity was a concept which could be interpreted broadly enough to cover feeding hungry civilians in occupied territory.

Meanwhile, with Stanton’s blessing, Dix and his subordinates were allowing more trade and Dix was angling to obtain sole authority over commercial enterprise in Norfolk. This put him in conflict with Secretary of the Navy Gideon Welles, who was staunchly in favor of a rigorous and complete blockade. When Admiral Samuel Lee, the new commander of the North Atlantic Blockading Squadron, reported that several ships were asking to clear the blockade, including one which had been authorized by the army provost marshal in Norfolk, Welles acted decisively to suspend all trade in or out of parts of the country under blockade. “There must be no favoritism or license for trade given to any one or more of our countrymen to traffic within the blockaded region. . . . No officer of the Army or navy is authorized to grant permits and you will seize all vessels that are engaged in illegal traffic. . . . The blockade is intended to interdict all trade whatever with the country blockaded during its continuance, and should be rigorously enforced.”²⁰ In contrast to Chase and Stanton, Welles was following the strict legal definition of blockade.²¹

Dix persisted, writing to Stanton that the definition of Norfolk as a blockaded port was incorrect. Because the law said an occupied port could not be blockaded, and

¹⁹Chase to Seward, May 21, 1862; Chase to Seward, June 23, 1862, RG 393, NA.

²⁰United States Navy Department, *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Series I, 27 vols. (Washington, D.C.: Government Printing Office, 1894-1922) 8:19 [hereinafter cited ORN].

²¹Gideon Welles, *Diary of Gideon Welles, Secretary of the Navy Under Lincoln and Johnson*, 3 vols. (Boston: Houghton Mifflin Company, 1911), 1:172-74.

because the secretary of the treasury had already authorized ships previously to sail into Hampton Roads with supplies, obviously the government had already acknowledged the blockade's illegitimacy. Dix argued that the laws of war sanctioned trade intended to succor an occupied people and that those laws also required the military commander of such a district to issue such permits.²²

Closer to home, Dix also took on Admiral Lee, who was strictly following Welles's absolutist ban on trade and who shared Welles's view that army commanders lacked authority to clear vessels through the blockade. Lee's ships were consistently halting any trading vessels that bore permits from Dix's subordinates. Lee himself not only had sent Dix a written copy of the order but also called upon him to read it to him in person. Dix agreed to comply, just as soon as some efficient and workable system was found to provide for Norfolk citizens. Cranky correspondence flew between the two men, with Dix complaining the Navy was following inconsistent rules and Lee suggesting that Dix's superiors would be happy to explain "any part of the printed instructions not distinct to you."²³ Meanwhile, Lee stationed one of his men-of-war directly under the walls of Dix's headquarters at Fort Monroe and then accused one of the sentries of firing upon the vessel. A court-martial found the private guilty only of firing at ducks who had the misfortune to be swimming near the naval vessel.²⁴ Dix apparently had had enough and informed Lee that he would issue permits for vessels to carry return

²²ORN, 8:36-7.

²³Ibid., 8:31.

²⁴Ibid., 18:437-8.

cargoes in open defiance of the Navy. This was reported to Welles, while at the same time letters filled with complaints from Dix were landing on Stanton's desk.

The matter now became the subject of a cabinet discussion. Chase argued for opening the port of Norfolk completely or at least easing the blockade, while Stanton argued that trade to a place so close to Confederate territory would inevitably wind up helping the rebels. Welles reiterated his intention to enforce the blockade strictly, arguing that any suffering of the population was the purpose of the blockade. "I was doing all in my power to make . . . the whole insurrectionary region suffer until they laid down their arms and became loyal – that the case was not one of sympathy but of duty."²⁵ In a meeting with Dix, Welles reminded the general that the port had been blockaded by a presidential proclamation and, therefore, the argument that the blockade did not apply to an occupied city was not legitimate. Welles told Dix that in his view, since the army occupied the city, lifting the blockade was undoubtedly the humane thing to do and would also have the effect of promoting commerce as well as encouraging those in other rebel localities to seek privileges and protection from the Union. However, Welles also pointed out that the blockade had to be lifted for all; Dix apparently "thought it unnecessary to tell the world the blockade was modified or removed." The general clearly wanted the control of the port to lie in his hands, with the Navy there to secure that control for him.²⁶

In a November 5 cabinet meeting, Seward brought up the blockade again, perhaps with an eye on developments in Europe with respect to recognition of the Confederacy.

²⁵Welles, *Diary of Gideon Welles*, 1:165-66; David Herbert Donald, ed. *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase* (New York: Longmans, Green, 1954), 170.

²⁶Welles, *Diary of Gideon Welles*, 1:172-74.

Giving a sense of urgency to these proceedings was the threat of foreign intervention. An extra-legal blockade might serve to inflame tensions in Europe. The British government was pressing France to recognize the Confederacy. Having promised the British early in the war that the Northern blockade was intended to keep out not only foreign ships but also American commerce, Seward would be in an untenable position. If the holes in the blockade were allowed to continue, England could legitimately claim that U.S. actions had nullified the blockade once their own citizens commenced trade with Norfolk. In response to a suggestion that cotton be permitted to be exported out of Norfolk, Attorney General Edward Bates restated the legal requirements of a blockade. “I reminded him (to make him explicit) that my proposition was that the taking possession of the blockaded port by us . . . does *ipso facto* put an end to the blockade.” Seward, however, did not agree²⁷

Finally, November 12, President Lincoln relaxed the blockade, ordering that domestic produce and other “necessities” be allowed to enter and leave Norfolk for any port not under blockade by the U.S.²⁸ In the wake of the president’s order, requests for permits skyrocketed, and a steady stream of goods flowed into and out of Norfolk, a situation General Dix claimed to be doing his utmost to prevent, along with the increased “lawlessness of a large number of the parties engaged in trade in Norfolk.”²⁹ His efforts were apparently unsuccessful, as a Treasury agent reported in late 1863 to Secretary Chase that at least 100 stores in Norfolk were doing a booming business. He also noted a

²⁷Johnson, “Blockade,” 61; Howard K. Beale, ed., *The Diary of Edward Bates, 1859-1866* (Washington, DC: Government Printing Office, 1933), 266.

²⁸OR, 18:452.

²⁹Ibid., 28:523.

“considerable immigration from the North and an expectation that Northern Enterprise will gradually occupy the field.”³⁰

While this solved the problem of shipment, Viele still had to figure out financing for incoming supplies. He had received no budget for this, and Norfolk municipal revenues were nearly nonexistent. One-third of the citizens had fled the city in the wake of the Confederate abandonment and their property had been seized by the Federal authorities. Thus, the tax base had shrunk and with it tax revenues.³¹ There was a small revenue stream accounted for by license fees and fines, but that was a pittance and could not make a dent in paying for the food, fuel, and other needs of those who crowded Viele’s office seeking help. This problem was never completely addressed and indeed grew worse. Only when General Benjamin Butler returned to Norfolk was an effort made at an organized program of relief to resolve many of the logistical and financial dilemmas Viele had confronted

The challenges of procuring food and fuel for Norfolk’s population were exacerbated by the swelling of that population as contrabands streamed into the city. The absence of a clear policy toward contrabands caused considerable anxiety and confusion both for blacks and whites. Although they had had a champion in Butler, the contrabands remained wary of their reception into Union lines.³² Army procedures for dealing with contrabands had been piecemeal from the beginning, and with the departure of Butler,

³⁰Quoted in Johnson, “Blockade,” 56.

³¹*New Regime*, March 7, 1864.

³²Osborne, *Twenty-Ninth Regiment*, 136.

they collapsed completely. However, winter was approaching and some sort of provision had to be made for the refugees crowding the city.

In October, 1861, General Wool issued an order to establish formal procedures for dealing with contrabands. All those who were able-bodied would be put to work, either as servants to individual officers or in the Quartermaster's or Engineer's Departments. Men would be paid \$8 a month (\$4 for women), plus all workers would receive full rations for themselves and half-rations for their non-laboring dependents. Their wages would not be paid to them directly, however, but would be placed into a fund that would provide food and shelter for those unable to work.³³ The clear assumption underlying these measures was the belief in the inability of the blacks to take care of themselves in a competent manner. Not surprisingly, in the absence of any incentive, the arrangement ended up not working. Wool moved to raise the wages of contraband laborers by 25% and gave the workers a small percentage of their wages for discretionary spending. The rest of the money was turned over for support of those who could not work.³⁴

By the spring of 1862, slaves were flooding into Union lines every day, driven there by the impact of General George B. McClellan's push up the Peninsula. The influx was mostly assigned to contraband camps around the harbor, the largest of which was on Craney Island in the Elizabeth River. They had little shelter and only the clothes they arrived in. Almost 2,000 blacks tended make-shift gardens they carved out of every open plot of land, while depending on government rations to survive day to day. Many went to

³³General Orders No. 29, October 21, 1861, RG 393, NA.

³⁴General Orders No. 34, November 1, 1861, OR, Ser. 2, pt. 1: 774; Louis S. Gerteis, *From Contraband to Freedmen: Federal Policy toward Southern Blacks, 1861-1865* (Westport, CT: Greenwood Press, 1973), 20-21.

work for the army, as laborers or cooks and about 175 black men were attached to the fire department.³⁵

Transforming the refugees into self-sufficient farmers, and ultimately landowners, was the most important and most challenging task. The army began moving many blacks from Norfolk to abandoned farms and plantations in surrounding counties. Removing the contrabands out of the city relieved overcrowding and allowed the education of the freedmen to continue in a safer, quieter environment. These so-called “government farms” provided space where blacks could experience autonomy and fostered the hope on the part of blacks that they would be able to keep lands they had worked after the war. However, the program was not as successful as hoped. Access to an increased flow of army supplies made Norfolk more attractive. In addition, many blacks hoped that by remaining in the city, they would more easily be able to reunite with loved ones. Most importantly, no specific proposals or overtures were made for setting into motion a process to enable freedmen to own outright the land they were working.³⁶

Especially in comparison to Butler, Viele moved cautiously in his treatment of the contrabands in his department. With no policy in place from the Lincoln administration, Viele first announced that all of the slaves in his Norfolk command were free. That was countermanded since the government was not about to forcibly confiscate the slaves of

³⁵Thomas C. Parramore, *Norfolk: The First Four Centuries* (Charlottesville: University Press of Virginia, 1994), 213.

³⁶Cassandra Newby, “The World Was All Before Them: A Study of the Black Community in Norfolk, Virginia, 1861-1884” (Ph.D. diss., The College of William and Mary, 1992), 87; Benjamin H. Trask, “A Gift from God: Missionary Teachers and Freedpeople in Southeastern Virginia,” in William C. Davis and James I. Robertson, Jr., eds. *Virginia at War, 1863* (Lexington: The University Press of Kentucky, 2009), 45; Gerteis, *Contraband*, 35.

Norfolk residents. In further retreat, Viele told Dr. Orlando Brown, the superintendent of Negro Affairs, that he dared not build schools for the contrabands in Norfolk.³⁷

Despite the best intentions of Wool and his generals, there were no significant improvements in contraband affairs. Complaints reached all the way to Washington, where the House of Representatives requested an investigation. The subsequent report revealed that blacks were paid only a small fraction of the money they were earning; in addition, rations could be and in some cases were withheld from them. One officer had been selling some of the earmarked provisions on the black market, leaving the contrabands to go hungry. Some reforms were made, but the abuses continued.³⁸

The legal status of the former slaves remained open to debate and the government seemed reluctant to exercise full responsibility for them. In short, they were left vulnerable to the varying attitudes of the whites around them, from the “little northern ladies with their lofty ideals and paternalistic ways who came south as missionaries” to the unscrupulous who would withhold wages or, allegedly, sell escaped slaves back to their masters.³⁹ Contrabands needed protection not only from Confederate sympathizers but also from antagonistic Union soldiers. A riot between blacks in Portsmouth and New York soldiers in 1862 left up to ten black men dead and scores wounded. Some contrabands discovered that fleeing into Union lines meant only exchanging one master for another. One Norfolk man, happily liberated by Union forces after First Manassas,

³⁷James Marten, “A Feeling of Restless Anxiety: Loyalty and Race in the Peninsula Campaign and Beyond” in Gary Gallagher, ed., *The Richmond Campaign of 1862: The Peninsula and the Seven Days* (Chapel Hill, 2000), 138, 141-142.

³⁸Bell Irvin Wiley, *Southern Negroes, 1861-1865* (Baton Rouge: Louisiana State University Press, 1938), 201.

³⁹Tommy Lee Bogger, “The Slave and Free Black Community in Norfolk, 1775-1865,” (Ph.D. diss., University of Virginia, 1976); Marten, “Restless Anxiety,” 138-139.

ended up in Alexandria, where after his injuries were treated, he was assigned to work as a teamster for the rest of the war.⁴⁰

In the Hampton area, the August, 1862, decision to permit blacks to enlist in the Union army inspired some Union commanders to conduct impressment raids. Men were dragged off to army camps, where they were ordered to enlist or incarcerated if they refused.⁴¹ Viele himself may not have been as protective of the blacks in his command as he appeared. In May, 1863, Alston Whipple, the commander of the 19th Wisconsin, part of Viele's command, reported a kidnapping ring that was picking up blacks and sending them into Confederate territory. The report reached Stanton and included accusations attested to by Whipple in a sworn statement that Viele had sold passes, embezzled private property, and consorted with prostitutes. Viele took a month-long leave and, after a reassignment, was ultimately transferred to Cleveland to oversee recruitment there. He was never tried on the charges alleged by Whipple.⁴²

The Emancipation Proclamation did not clear up any confusion as its provisions did not apply to any of the slaves currently in Norfolk, Portsmouth, or Hampton, all of which were under federal control. Although slaves in Union-held areas were excluded from its provisions, blacks in the Norfolk area interpreted the Proclamation as heralding their eventual freedom. Even though they recognized that it had no immediate effect for them, the local blacks enthusiastically celebrated with a parade on Main Street on New Year's Day. The jubilant procession was led by a group of wagons filled with black

⁴⁰Bogger, "Black Community," 72.

⁴¹Robert Francis Engs, *Freedom's First Generation: Black Hampton, Virginia, 1861-1890* (Philadelphia: University of Pennsylvania Press, 1979), 42.

⁴²H.S. Olcott to C.A. Dana, February 9, 1864, RG 94, NA; OR, Ser. 3, 3:708.

women, many of whom proudly wore Union colors. In another wagon, two women danced atop the Confederate flag. The parade headed for the residence of General Viele, where they were greeted by the general and his wife. After Viele's brief speech to the crowd, they continued on to the cemetery, where Jefferson Davis was burned in effigy.⁴³

On the day of the parade, Dix warned Viele of a citizen who was suspected of inciting soldiers to murder blacks. He ordered Viele to keep a close eye on the parade and to halt it if necessary. Viele took all possible precautions to avoid a disturbance. "I know the procession will be a source of deep mortification to the insolent secessionists here, but I have not felt like pleasing them by stopping it," he wrote. Occupied citizens were not to be pandered to; as far as Viele was concerned, they would have to adjust to the sight of blacks marching in the streets.⁴⁴ Viele stationed plenty of Union troops along the parade route. Afterward, he reported with satisfaction that "the procession passed off without any disturbance."⁴⁵

However, white civilians were growing increasingly restless as the summer of 1862 wore on. The newly-consolidated Army of Virginia came under the command of General John Pope, who, with the full support of President Lincoln, issued several orders that reflected a shift in military-civilian relations. General Order No. 5 gave soldiers leave to "subsist upon the country," without regard to the property rights of noncombatants. General Order No. 7 mandated the torching of the house of any civilian found to be interfering and attacking Union troops. General Order No. 11 directed the

⁴³Bogger, "Black Community," 304.

⁴⁴OR, 18:501, 502.

⁴⁵Ibid.

arrest of all disloyal (that is, those who refused to take the oath of allegiance) male citizens within the purview of Union commanders. Those who violated their oath by participating in illegal activities would be shot and have their property confiscated.⁴⁶

As Viele had worried when pressing Dix for poor relief, the possibility of civilian resistance remained very real. Never a hotbed of Unionism in the way that Alexandria had been at the outset of the war, Norfolk citizens were potentially more troublesome. The Norfolk city fathers' assertion to Wool that they preferred to be considered as "conquered people" further implied the potential, if not the outright possibility, for civil resistance. In June, 1862, Viele suspended civil rule and ordered that provost marshal courts try all offenses, civil and criminal, civilian and military.⁴⁷ Despite the general leniency of the courts, Norfolk's citizens resented them as well as their guards, who tended to be blacks. Viele suggested to the city council president, George M. Bain, that he would reinstate civilian rule if the council would change their minds and agree to take the oath of allegiance to the United States. The council refused, declaring that "It would involve no moral turpitude to swear allegiance to the principles embodied in the Federal Constitution . . . Martial law, for which no constitutional authority can be found, has already effected much in this direction wherever the Federal arms are triumphant. . . . In a word, 'Military Necessity' overrides the Constitution by 'Martial law' and the sword alone is its expounder."⁴⁸

⁴⁶OR, 11, pt. 3:359; 12, pt. 3:500-501, pt. 2: 50, 51, 52.

⁴⁷Ibid., 18:503.

⁴⁸Quoted in William H. Stewart, *History of Norfolk County, Virginia, and Representative Citizens* (Chicago: Biographical Publishing, 1902; reprint, Salem, MA: Higginson Book Company, 1997), 393.

To Norfolk's white residents, the suspension of civilian rule and Federal actions toward the blacks were fanning the fires of resentment. Every parade, every show of support for the Union cause, only further inflamed the feelings of the secessionists. For the most part, they blamed President Lincoln. One diarist wrote after the war that "Federal tyranny was fiercest in Norfolk long before the President was shot. Much of the cruelty here he condoned if he did not encourage. We regret to record that President Lincoln was deaf to every appeal for justice from Norfolk." However, local commanders were not immune to their vitriol: Viele was a "tyrant," and members of the city council, who had refused Wool's insistence to take the oath, were cheered for not becoming traitors to their cause.⁴⁹

The soldiers stationed in the Tidewater looked upon the citizenry as rebels while, for their part, the citizens despised the Yankee invaders patrolling their streets. Posted orders were ripped down; some women even presented the soldiers with bouquets that held needles hidden among the flowers, ready to prick the unwary man who raised the gift to his nose to inhale the scent. At the same time, Union supporters welcomed the arrival of Yankee troops. William Osborne of the Massachusetts 29th remembered how the entire town of Portsmouth seemed to be decked in bunting, which had been hidden "under carpets, in attics, and cellars. One old gentleman stated that his had been boxed up tightly and buried in his garden."⁵⁰

⁴⁹Wise, *End of an Era*, 107.

⁵⁰Osborne, *Twenty-Ninth Regiment*, 134; Robert W. Daly, ed. *Aboard the USS Monitor: 1862, The Letters of Acting Paymaster William Frederick Keeler, U.S. Navy to his Wife, Anna* (Annapolis, MD: United States Naval Institute Press, 1964), 240.

As a Northern woman in Norfolk teaching the blacks wrote, pro-secession feeling was “rampant” and the women especially were “often noisy and disagreeable.” One woman was overheard on a ferry wishing that “all the Unionists had one neck, that one blow might sever the neck from the body.” Another equally bloodthirsty Southern belle, disgusted at the white Northerners who had come to teach the contrabands, vowed, “I’d poison a Yankee in a moment if I got the chance.” Feelings ran high in the town. The suppression of civil government promoted a backlash of resistance from the whites remaining in town.

As in other places, the women seemed to be the most daring and derisive. Women defiantly wore small Confederate flags pinned to their dresses as they strolled the streets, holding aside their skirts when passing a Union soldier.⁵¹ During July 4 festivities in 1862, a black child waved a small U.S. flag in the face of a young white woman, who grabbed the flag out of the child’s grasp and stamped on it. She was promptly arrested and reprimanded.⁵² The Union men in Norfolk, aware of the female antipathy toward the flag, hung the Stars and Stripes across various streets, forcing the rebel supporters to walk beneath them. At the same time, a Confederate flag was laid out in the narrow gateway to the ferry, forcing people to walk upon it when boarding and debarking. One intrepid young Confederate miss swooped down upon the flag, concealed it under her cloak, and disappeared in the crowd, avoiding capture by the squad of soldiers immediately called out in pursuit. One officer who called on some Unionist friends discovered a lady caller already in the parlor, who rose upon his entrance and

⁵¹Osborne, *Twenty-Ninth Regiment*, 135.

⁵²*Richmond Enquirer*, July 15, 1862.

declared, “I wish I had a pistol, and I would shoot you.” The officer replied, “You must excuse me if I do not know exactly how to respond to such a salutation. It is a style unknown among the ladies at the North, and I have never been educated how fitly to meet such advance.”⁵³ Another soldier plaintively wrote that the ladies of Norfolk were “proof against the charms of brass buttons. They care nothing for sash or sword. You may get yourself up exquisitely and they won’t deign you a look, except through the blinds.”⁵⁴ Such instances of resistance and retaliation by Norfolk’s women were legion.

In other incidents, resentment and disloyalty on the part of white citizens moved from words to actions. On the night of March 26, 1863, one of the prisoners at Fort Norfolk withdrew his parole and asked to be confined. General Viele became suspicious and doubled the pickets. About an hour later, they were fired on, while attempts were made to burn many of the warehouses scattered around the city. Neither attack was successful but the presence of the rebel army within four miles of Norfolk no doubt had given these saboteurs courage to begin helping in their own deliverance, confident that support was near at hand.⁵⁵ Residents of Norfolk all along were providing aid to the Confederates, from sheltering rebel soldiers who slipped through the lines to visiting relatives to pass along information. Some resistance was so open that it almost was comical. The gas company’s directors were engaged in what was essentially open sabotage: they had refused to take the oath of allegiance which cut them off from fuel

⁵³Henry L. Swint., ed., *Dear Ones at Home* (Nashville: Vanderbilt University Press, 1966), 70, 68.

⁵⁴Quoted in Wertenbaker, 241.

⁵⁵OR, 18:568; Francis H. Pierpont, *Letters to his Excellency the President and the Honorable Congress of the United States* (Washington, DC: McGill and Witherow, 1864).

imports, and they also neglected needed repairs. Their passive neglect led inevitably to the lights going out around the city. Viele, who lacked Butler's resolve, did nothing.

Violence erupted in the summer of 1863. Dr. David M. Wright was a much respected Norfolk doctor, who had earned a great deal of acclaim for his work during the city's yellow fever epidemic some eight years earlier. Although he was known for having Union leanings at the start of the war, he apparently deplored the sight of the black troops in town. On July 11, 1863, on Main Street, a fateful encounter occurred between the doctor and a squad of black soldiers led by a white officer, Second Lieutenant A. L. Sanborn, 1st Regiment Colored Volunteers. The exact details of the altercation that followed vary. However, witnesses were in agreement that the word "coward" was uttered, although by whom is not clear. What is clear is that the men's struggle moved them from the street into a nearby drug store, where Sanborn was fatally shot. Some reports say that Sanborn approached Wright with a drawn sword, others that Wright used his own gun, borrowed a gun from a bystander, or wrestled Sanborn's own weapon away and used it. In any case, Sanborn lay dead and Wright was immediately arrested and, in accordance with the order requiring all offenses to be tried by a military court, a commission was empanelled for this case.⁵⁶

The defense argued that the military commission had no jurisdiction over the case because a properly-constituted civilian government existed in Norfolk. Furthermore, murder was a state crime not a federal offense, which should rightfully fall under the jurisdiction of the circuit court. Military authorities were convinced, however, that a civilian jury would acquit Wright. Part of their certainty may have derived from the

⁵⁶Ervin L. Jordan, "A Painful Case: The Wright-Sanborn Incident in Norfolk, Virginia, July-October 1863" (M.A. thesis, Old Dominion University, 1979); OR, Ser. 2, 6:212.

deluge of delicacies which the Norfolkiens showered upon the incarcerated physician. In any case, Judge Advocate Major John A. Bolles argued that the War Department's General Orders No. 100, which had placed under martial law any territory occupied by Confederates, would apply. In addition, he pointed out, a military tribunal was the only competent protection lest "malignant secessionist traitors shoot down . . . every soldier and civilian,"⁵⁷ Wright was duly tried by the military. His defense was that he acted out of fear that the "Southampton menace," a reference to the rebellion of Nat Turner, would be rekindled by arming blacks. He also claimed his honor had been insulted: "Is it to be supposed that a citizen of Norfolk, himself an owner of slaves, not knowing but what even one of my slaves was in that company, would submit to be arrested by negroes? No, sir, I could not submit to that."⁵⁸ In testimony damaging to his case, bystanders testified that he had been heard vowing to shoot the first white man whom he saw with black troops.⁵⁹ The doctor was found guilty and sentenced to death.

The sentence was greeted with protest from Norfolk's citizens: Dr. Wright was considered a public hero for his medical work, and many sympathized with his inability to accept the reality of black soldiers patrolling the streets of his home. He became the personification of a Southerner martyred by the Union army. His attorneys immediately appealed to the president for a pardon or at least for a meeting at which they could "present the mass of testimony" which would prove that Dr. Wright was insane.⁶⁰

Meanwhile, military authorities pressed Lincoln to uphold the sentence, arguing that the

⁵⁷ Jordan, "A Painful Case," 22.

⁵⁸Ibid.

⁵⁹OR, Ser. 2, 6:216.

⁶⁰Ibid., 187.

continued recruitment and morale of both black soldiers and their white officers demanded that the murderer of a white officer be swiftly punished.⁶¹ Lincoln, although convinced of the doctor's guilt, was less sure of his sanity and ordered Wright examined by a prominent New York doctor who worked with the insane. Unfortunately for the defense team and Wright's supporters, Dr. John P. Gray, superintendent of the New York State Asylum in Utica, believed that the insanity defense had come to be overused in capital cases, and after examination, proclaimed Wright sane. Beyond extending the execution for a week to allow Wright time to wind up his affairs, Lincoln let the sentence stand. Wright was hanged on October 23, 1863.

In refusing to pardon Wright and permitting the execution to take place, Lincoln may not have appreciated the larger issue the case represented. Dr. David Wright was only one piece in a larger jigsaw of shifting and conflicting claims to sovereignty over Norfolk. For the past fourteen months, the civil and military authorities in Norfolk had clashed over who should rule the city. This impacted the residents, who, whether they acted out in violence, as in the case of Wright, or suffered economically, as a result of the blockade, were assuredly caught in the middle. The continuing Union blockade had resulted in scarce provisions which, when available, were too expensive for the mostly destitute population. The nighttime streets were unlit, making passage along broken pavement dangerous for the unwary pedestrian. Arguably, however, while military authorities were partly to blame, the civilian leaders of Norfolk owned some part of the responsibility. Their refusal at the outset to take the oath of allegiance when requested by

⁶¹Jordan, "A Painful Case," 74.

General Wool and their decision to be regarded as a “conquered people” set up the city to be placed under martial law.

Added to that pressure was outside political pressure from Francis H. Pierpont, the newly-elected governor of restored Virginia. As originally constituted, this political entity had jurisdiction only over the parts of the state under Federal control, Alexandria and most of what is now West Virginia. When Norfolk and Portsmouth were occupied, Pierpont assumed they, too, were subsumed into his control. He insisted that civil government be restored in Norfolk as soon as possible. However, he met with opposition from Mayor Lamb and the council, whose pro-Southern leanings had impelled them to request to be considered a conquered people and who were not at all interested in being having their municipal authority interfered with by Pierpont. His influence was thwarted until June, 1863, when elections for the council were held, judges appointed to the civil courts, and Norfolk’s civil government was once again up and running. Voters had to take the oath of allegiance and only candidates with proven Union sympathies were permitted. The new mayor, William H. Brooks, a protégé of Pierpont, and his city government clashed frequently with military authority. Viele, who lacked Butler’s political connections, but also his arrogance, walked softly, realizing that the army had to give at least the appearance of fostering respect and adherence to civil authority.

The mayor and council passed ordinances to help improve the financial condition of the city. New taxes were laid on places of public entertainment and establishments selling liquor (\$30 per annum to sell beer; \$150 per year for a license to sell whiskey). Two other ordinances reflected the anti-slavery sensibilities of the Pierpont Government. The first repealed an ordinance passed on January 1, 1861, prohibiting blacks from

smoking tobacco in public and the second revoked an ordinance permitting the flogging of blacks.⁶² The new revenue measures, however, did not raise enough to cover the politicians' salaries, let alone help provide for essential municipal services.⁶³ Mayor Brook's administration managed to survive because of support from Viele and from Pierpont. When Viele was transferred from his command in August of 1863, Brooks' position was in jeopardy as Pierpont was now his only protector, and he would prove to be no match for Ben Butler.

The institution of a fully-functioning municipal government and the departure of Egbert Viele ended the first phase of Norfolk's military occupation. At first shocked by the Confederate abandonment of the city, the citizens continued to resist, albeit weakly, the Union occupiers. That resistance only made life in Norfolk more difficult as the white populace responded to the relatively mild authority exercised by Viele with open contempt for Union troops and a stubborn refusal to cooperate, even at the cost of making their city more livable. Viele was able to handle these overt threats to his authority but he was not able to suppress the underground sympathy and active support for the Confederacy by Norfolk's citizens. They engaged in espionage, open resistance to the military authorities, and even concealed rebel soldiers home on leave to visit relatives.⁶⁴

Viele was perhaps too easygoing to be an effective military governor, and yet he was too inflexible in coping with the host of problems which he confronted, problems for which his training and experience had left him woefully unprepared. Viele, a West Point

⁶²Judge R. W. Hughes to Sally Preston, July 31, 1864, Robert Morton Hughes Papers, Old Dominion University, Norfolk, VA.

⁶³*New Regime*, August 7, 1864.

⁶⁴OR, 29:397.

graduate, spent only a short time in uniform before leaving the army for a civilian career as an engineer. After being called back to the army in 1862, he had served briefly in Alexandria and then was transferred to Norfolk. An engineer by training, he was the opposite of a political general like Ben Butler. He received little or no guidance from Washington on dealing with relief for the poor, the city's empty coffers, the rampant inflation, and the sullen population.⁶⁵

Upon learning that Viele had been transferred, Dix conveyed his concerns over the failure to promptly name his replacement as military governor of Norfolk, a position of "greatest importance and delicacy," which required a man of "promptness, decision, prudence, integrity, and capacity to bear labor and annoyance."⁶⁶ He certainly got his wish, for there were few generals in the army more decisive than Ben Butler, and definitely few who were more comfortable with annoyances. Some Southerners believed Butler actively sought out new ways to annoy them: even before his arrival, Norfolkins were in a tizzy over his supposed cruelty in New Orleans.

On November 11, 1863, General Benjamin Butler again assumed command at Fort Monroe, Virginia. He immediately began to change Norfolk's civil administration, commercial procedures, court system, as well as other municipal functions, including policy, schools, poor relief, and the treatment of the freedmen. Things were indeed in a sad state in the city, and Norfolk's *New Regime* lost no time in editorializing at length about the shortcomings of Norfolk's civilian government. As a Union paper and, under Butler's command, his personal mouthpiece, the *New Regime* lingered lovingly over the

⁶⁵Ezra J. Warner, *Generals in Blue: Lives of the Union Commanders* (Baton Rouge: Louisiana State University Press, 1964), 207.

⁶⁶OR, 18:567.

“disturbed state of society” and the failures of the mayor and council to make up revenue shortfalls or carry out even the most basic of municipal functions. Its ineffectiveness, the paper argued, provided proof that city government would be best in the hands of the military. After all, the military had already managed to get the Gas Works up and running while prisoners had been put to work repairing streets and collecting trash.⁶⁷

Butler was appalled by the conditions in Norfolk and immediately issued General Order No. 40, which imposed a 1% tax on merchandise brought into the military department. Along with the already-existing license fees, a sufficient revenue stream might then be produced to enable the government to pay its expenses. Objections from merchants and traders fell on deaf ears. His next step was to require that all officeholders and those seeking public assistance take the oath of allegiance to the United States. In addition, he ordered that soldiers and officers show due respect and offer all assistance possible to those who had come to the area to assist the former slaves.⁶⁸ Howls of outrage rose from rebel sympathizers, who called Butler a tyrant and those who took the oath “scalawags” and “army bummers.”⁶⁹ Inexorably, Butler marched on in extending military authority. Pierpont as nominal governor of loyal Virginia received scant notice from the general, who acted as though the entire Provisional Government did not exist, and civilian rule in Norfolk was gradually reduced in importance and effectiveness over Butler’s first seven months in command.

⁶⁷*New Regime*, March 7, 1864.

⁶⁸OR, Ser. 3, 3:1144; Henry C. Lind, ed., *The Long Road for Home* (Cranbury, NJ: Associated University Presses, Inc., 1992), 149.

⁶⁹Harrison W. Burton, *A History of Norfolk, Virginia* (Norfolk: Norfolk Virginian Job Print, 1877), 86.

One of his first steps was the arrogation of judicial functions. Courts were an essential element of a civilian government and were the first and most vulnerable target of Butler's offensive. The provost marshal ignored both the police and the civil courts, prompting a letter of complaint and rebuke from Pierpont only two short months after Butler's arrival. After a tour of Norfolk, "I found . . . officers . . . were intermeddling with the civil authorities . . . in a most licentious manner, . . . placing civilians in jail for nonpayment of debts to out-of-state creditors, releasing prisoners charged with felonies and misdemeanors before trial by civil courts, ordering tax collectors not to sell personal property levied on for taxes, trying cases called 'ejectments,' rendering judgment for possession in five or ten days, and were sending to the clerk of the court for copies of abstracts of deeds, with the view of selling real estate for debts."⁷⁰ Butler remained impervious to Pierpont's complaints. The Union army continued to interfere in civilian rule and the clash between civilian and military authority over jurisdiction escalated until it came to a head in the summer of 1864.

Butler's encroachment upon the civil functions of government also extended to the person of the mayor. Brooks, a Pierpont protégé, became one of Butler's particular targets. In early May, he was arrested for beating his wife and escorted to jail by four soldiers. The *New Regime* reported extensively on the mayor's trial. Pretending to be indignant over his public humiliation, the paper lingered over every detail.⁷¹

Finally, Pierpont had had enough. Outraged by Butler's dismissal of his authority, the governor wrote a 55-page letter to Lincoln on April 18, 1864, presenting a

⁷⁰OR, Ser. 3, 3:1139.

⁷¹*New Regime*, May 2, 1864; Parramore, *Norfolk*, 215.

case of abuse of military power on the part of the Butler administration that accused Butler of a “capricious exercise of power outside of the rules of war,” which was harmful to the Union cause.⁷² He accused Butler of embezzlement of taxes, fines, and licenses. He then employed theories of political philosophy and forms of government in order to argue for the supremacy of his own authority. He also criticized Butler for having spies crawling all over the city, claiming that Butler’s order that any disrespectful language directed at or concerning the Army or its soldiers be punished with a fine or imprisonment had made spying and informing lucrative for Butler and his henchmen. Because of this, Pierpont complained that “men, who six months ago, stood erect and talked like freemen . . . [were] now dejected and disheartened. . . . When they came into my room to talk with me, they would look around the room to assure themselves that there was no spy concealed, and see that the doors were closely shut.”⁷³ Finally, as an aside, he noted that the “city of Norfolk, for instance, with fifteen hundred women congregated there ‘who are no better than they ought to be’ is not the place for soldiers and officers, who are expected to do efficient work in the field.”⁷⁴

The Brooks government was already shaky when Butler arrived and all of the general’s actions in levying taxes and fees as well as taking over the court system were done without input or consultation with the civilian government. On June 24, 1864, Butler announced that a referendum on the continuation of civil rule would take place as part of the election scheduled for that date. Only citizens who had taken the oath would

⁷²Pierpont, *Letter*, 1.

⁷³Pierpont, *Letter*, 49.

⁷⁴Pierpont, *Letter*, 48.

be permitted to vote. The merchants of Norfolk were opposed to the continuation of rule by the Pierpont government because of what they perceived as onerous taxation. On June 18, several dozen businessmen held an anti-tax protest, during which they agreed to stop paying taxes, claiming that they owed no monies to a government which was not recognized by the United States authorities.⁷⁵ The *New Regime* had encouraged them: “These gentlemen have already paid heavy taxes to the military government and they justly complain that it is a great hardship to be obliged to pay for the support of ‘Governor’ Pierpont and ‘Mayor’ Brooks and their seedy followers.”⁷⁶ Two weeks later, the paper published an appeal to the people of Norfolk to “crush out” the civil government. With a warning, entitled “One Word to the Wise,” the same issue cautioned anyone against causing a disturbance at the polls – they would be hastily punished by being put to work paving the streets. Meanwhile, Pierpont urged those loyal to the restored government and his authority to boycott the polls. He “knew of no authority in the State or Federal laws authorizing the people to abrogate the civil laws of the State in any city or county, and such an act can only be considered revolutionary, therefore no loyal citizen will be expected to vote on the propose question.”⁷⁷

When the votes were counted, only sixteen citizens had opted for a continuation of civil government, while 330 voted for suspension. Butler had won. It took him only a week to put an end to any remaining vestiges of civil authority. On June 30, 1864, Butler ordered that “all attempts to exercise civil office and power under any supposed City

⁷⁵*New Regime*, June 21, 1864.

⁷⁶*Ibid.*, June 13, 1864.

⁷⁷*Ibid.*, June 25, 1864.

Election . . . must cease, and the persons pretending to be elected to civil office at the late election . . . must no longer attempt so to do, the Military Command at Norfolk will see to it, that the persons so acting are stayed and quieted.” He later observed that the order was received with “singular unanimity and acquiescence.” His action recognized how difficult it was for civilians to effectively govern a place occupied by military troops.⁷⁸

Pierpont was not ready to give up so easily. He proposed that Judge Edward Snead of Virginia’s First District order a court session to begin early in August as a way to define the legal limits of Butler’s authority. Attorney General Bates approved the action, to Butler’s disgust.

Butler reacted to the opening of the court term by ordering Judge Snead to appear at his headquarters, where he interrogated the judge at length about his intentions with respect to the subordination of civil to military authority. Dissatisfied with what he felt to be Snead’s evasiveness and convinced Snead was acting on orders from Washington, he had Snead detained in the guardhouse. “They have laid a trap for me at Washington, to see if I cannot be caught on the Civil Government at Norfolk,” he wrote a friend. “I have arrested him, and shall hold him in spite of the Government’s Attorney General.”⁷⁹

Butler also wrote to Lincoln to complain about what he perceived as Bates’s unwarranted interference: “It is not for the Commanding General to use words of epithet upon the conduct of the Attorney General. If the learned Attorney General has a fancy for

⁷⁸Ibid., June 20, 1864; Butler, *Butler’s Book*, 509.

⁷⁹Richard S. West, *Lincoln’s Scapegoat General: A Life of Benjamin F. Butler, 1818-1893* (Boston: Houghton Mifflin, 1965), 271; Benjamin F. Butler, *Private and Official Correspondence of Gen. Benjamin F. Butler during the Period of the Civil War*, ed. Jessie A. Marshall (Norwood, MA: The Plimpton Press, 1917), 3:475, 575-76.

intermeddling with the affairs of a disloyal people in a state, it might be suggested that Missouri opens a fine field for the exercise of his talents in that direction.”⁸⁰

While Lincoln apparently did not take the entire issue seriously enough to send a response to Butler, he did draft one. In that draft, he clearly expressed his views as to the responsibilities and expectations for military government:

Coming to the question itself, the military occupation of Norfolk is a necessity with us. If you, as a department commander, find the cleansing of the city necessary to prevent incendiarism among your men and stores; wharfage necessary to land and ship men and supplies; a large pauperism, badly conducted, at needlessly large expense to the Government, and find also that these things, or any of them, are not reasonably well attended to by the civil Government, you rightfully may and must take them into your own hands. But you should do this on your own avowed judgment of military necessity, and not seem to admit that there is no such necessity, by taking a vote of the people on the question. Nothing justifies the suspending of the civil by the military authority but military necessity, and the existence of that necessity the military commander and not a popular vote is to decide. And whatever is not within such necessity should be left undisturbed.”⁸¹

Although the president did not send the letter, he did send Butler a telegram on August 20 requesting that Judge Snead be released or else sufficient reason for his continued incarceration be forwarded to the president.⁸² Butler extracted a promise from Snead not to hold court and then released him.

While Lincoln had mandated Snead’s freedom, the president neither restored the judge’s authority nor placed any limits upon Butler’s. Several months later, when Butler again planned a referendum, Lincoln moved more forcefully: “I now learn, correctly I suppose, that you have ordered an election similar to the one [in August] to take place on

⁸⁰Butler, *Correspondence*, 4:585.

⁸¹Lincoln to Butler, August 9, 1864, John George Nicolay and John Hay, eds., *The Complete Works of Abraham Lincoln* (New York: The Century Col, 1890), 9:443.

⁸²Butler, *Correspondence*, 5:87.

the Eastern Shore of Virginia. Let this be suspended, at least, until conference with me, and obtaining approval.”⁸³ Lincoln’s decision to halt Butler’s proposed plebiscite may have been influenced by the then very different political atmosphere: in August, the chance of Lincoln holding on to the presidency against the Democrats had seemed slim. Indeed, even obtaining the Republican nomination unopposed was questionable, and Butler had enough political clout to be a leading candidate for the vice presidency. Lincoln could ill afford to alienate the influential Massachusetts abolitionist vote that Butler represented. By December, however, Lincoln could afford to take a firmer hand with the irrepressible general.

Butler’s regime was marked by a pattern of conflicting and oft-times murky jurisdictional disputes. Given his personality, it was inevitable that the general would assume, rightly or wrongly, as much power as he felt he needed. Having now solidified his hold on the political arena, he moved to the commercial one. Butler had imposed a system of taxes, licenses, and permits in order to control and monitor all trading within his command, not only within the city of Norfolk but also the surrounding areas in northeastern North Carolina and the Eastern Shore. Shops in these areas were able to trade with Norfolk and the countryside by means of permits issued by the military authorities in Norfolk. Many of those who received these permits were friends or relatives of Butler himself and other headquarters’ personnel. These permits were issued under an act of Congress on July 13, 1861, which empowered the president to grant special licenses for restricted trade with the states in rebellion. Treasury Secretary Salmon Chase oversaw the licensing duties and customs officers were in charge of

⁸³Nicolay and Hay, *Lincoln*, 9:444.

issuing permits for the shipment of non-contraband goods. Northern traders were paying gold for their purchases, thereby aiding the Confederates. On September 28, 1862, Chase forbade the purchase of cotton with gold except in exceptional circumstances, but by the next year such payment had become once again widespread.

In February, 1863, Congress authorized Chase to take charge of all confiscated, captured, and abandoned Confederate property. Treasury agents were to negotiate the purchase and sale of confiscated cotton and other property. In so doing, however, they clashed with the military, who complained that the agents' actions were interfering with military rule. These complaints prompted the administration to issue a new policy. As of January, 1864, department commanders were authorized to permit Confederate cotton to enter their lines in exchange for immediate payment of 25% of its value in Treasury notes and the balance at the end of the war.⁸⁴

In one case, a Treasury agent appointed by Butler himself requested clarification of his status and advice as to what course of action to take. Butler ordered the man to stop issuing permits to purchase. "All special agencies save your own are, I believe, revoked in your district by the Treasury, and you will take care of captured and abandoned property. The system established in Norfolk is a simple one: everybody can buy what they wish – everybody must have a permit to sell; no goods can be brought in or taken out of the district without a permit and one per cent tax. Indorsement of Mr. Chase is not necessary." When the agent asked for further clarification, Butler replied shortly: "You are mistaken about the Treasury agents over there. Stop them all. They have no right to issue any permits to trade. Have no hesitation upon the subject.

⁸⁴Harold M. Hyman, *Era of the Oath* (Philadelphia: University of Pennsylvania Press, 1954), 41.

Anything that we, the military, permit to go into Eastville can be bought and sold as free as water can be drunk, for all the Treasury.”⁸⁵

While select individuals were certainly benefiting financially from their status as sole permit holders to trade, the citizens of Norfolk were also benefitting. Although they lacked many of the comforts and amenities of pre-war life, and prices were higher for what goods were available, the runaway inflation common throughout the Confederate-controlled South was absent in the Tidewater. The military established an official price list for wood and coal that, as of February 1864, was said to be only about 50% more than those in a Northern city. Persons selling for more than the official price would be punished by the provost marshal. Farmers sympathetic to the Union were allowed to trade cotton for farm implements; such a brisk trade sprang up that a small network of stores arose in the surrounding area of the Tidewater and northeastern North Carolina, their business controlled by permits issued by the military. Prices were also set for steak, bacon, ham, eggs, oysters, and hardwood.⁸⁶ One Norfolk woman wrote that her family seemed to have a sufficient quantity of necessities laid in and admitted that “if we continue to be supplied as we have been, I shall not grumble.”⁸⁷

Miss Moore’s satisfaction with her family’s lot was not shared by the poor of Norfolk. “The poor,” wrote Butler later, “whether black or white, unfed and uncared for . . . were clamorous at the Commissaries and Quartermasters for fuel, provisions, and clothing, which appeals we were obliged to answer.”⁸⁸ To aid them, Butler had organized

⁸⁵Butler, *Correspondence*, 3: 424, 509.

⁸⁶*New Regime*, March 18, 1864; Wertenbaker, 227.

⁸⁷*New Regime*, April 26, 1864.

⁸⁸Butler, *Correspondence*, 3:456.

an Office of Commissions for the Poor, and this office was responsible for about 3,000 families of strained means.⁸⁹ Butler said that the office would address “the needs of the poor white people in Norfolk, Elizabeth city and Princess Anne counties who are a charge upon the United States. The employment of all will have a two-fold benefit – the laborer will receive his just hire . . . and the cities and towns will be relieved of the large sidewalk committees which now disgrace them.”⁹⁰

In May, 1864, the *New Regime* estimated that approximately 16,000 of the 25,000 people in the military department lived on farms abandoned by former owners that had been seized by the Federal government. Of these, 3,500 were families of Northern soldiers and another 3,500 were previously unemployed blacks. The latter group was distributed among thirty-five farms under the supervision of experienced farmers, detailed for this duty from the various regiments in the vicinity of each farm. One of these farms had belonged to the former governor of Virginia, Henry A. Wise. Here lived about 100 blacks, who raised mainly corn, also meat and vegetables, to feed the tenants. The children were taught in the main house, which had been converted into a school where about 100 pupils, both adults and children, attended class in mornings and afternoons.⁹¹

Provost marshal guards performed not only military but also civilian policing duties. They enforced dress and conduct regulations for soldiers as well as maintained civil order, replacing the town watch which had been under the auspices of the city

⁸⁹*New Regime*, May 8, August 10, 1864.

⁹⁰John C. Emmerson, Jr., “Some Aspects and Incidents of Military Rule in Portsmouth, Virginia, 1863-1864: From the Letter Book of Captain Daniel Messinger, provost marshal of Portsmouth” ([Norfolk:] n.p., 1946), 25.

⁹¹*New Regime*, May 30, 1864.

government until Butler abrogated civilian rule. Arguably, the military alone gave the guard sufficient trouble to keep them busy without the added duties. Ships undergoing repairs at the busy naval yard disgorged companies of bored and restless sailors into the streets of Norfolk, where they often got drunk and frequently fought with the provost guard when arrested. The provost marshal banned the carrying of side arms by enlisted personnel while in the city limits and alcohol sales after midnight were halted, but that did not stop the violence. Many of the guard were black soldiers, and racial tension was undoubtedly a primary cause of a large riot incited by drunken sailors on September 13.⁹²

Enhancing conditions for violence in the streets was the lack of lighting. The Norfolk gas company's directors refused to take the oath of allegiance. Butler had ordered that those who wished to have their rights protected must swear allegiance to the U.S. As a consequence of their refusal to take the oath, the directors were not allowed to import any supplies. When their coal finally ran out, the lights of Norfolk went out. Although the officers finally agreed to take the oath and planned to bring the works back up, Butler stopped them. Pierpont complained to Lincoln that the men should have been allowed to continue, even though "all these people were disloyal," because such an allowance would have fostered a better relationship between the rebellious citizens and the occupying authorities. Butler, never one to be overmuch concerned with civil-military relations, sent for an engineer from Massachusetts and after six months, the city had lights again.⁹³

⁹²*New Regime*, March 7, April 11, September 14, 1864.

⁹³ Pierpont, *Letter*, 23-24.

After four years of military occupation by troops of both sides, Norfolk in 1864 was, in Butler's opinion, "the filthiest place I ever saw." In between his stints in the Tidewater, Butler had forced the citizens of New Orleans to clean up their own city. He did the same thing when he returned to Norfolk. Determined to prevent a recurrence of the yellow fever epidemic that had proved to be so deadly in 1855, Butler began a war on filth, which he was able to fund thanks to the taxes and fees he had levied on trade.⁹⁴ On April 14, he ordered that all building owners or occupants clean their premises and place the detritus in a place from which it could be easily removed. "Hereafter they are forbidden to put any dirt, filthy, and sweepings of stores, ashes, or any animal or vegetable matter of any kind into any street, lane, yard, or court; all such matter must be placed in a proper vessel that shall be easy to handle and empty, and put in a convenient place (not obstructing the public travel), to be taken away when called for."⁹⁵ Residents were under order to clean up their own premises and all trash was to be deposited in a proper receptacle for removal by the city. Rounding up 250 inmates from the military prison at Fort Norfolk, Butler set them to work cleaning the streets and collecting residential trash. They were outfitted with a uniform from a Massachusetts correctional facility and a scarlet cap "so that they could not desert." When citizens caught heckling the working parties were ordered to be impressed into uniform, the heckling ceased. Butler's next project was a program of street paving: by the end of the summer of 1864, two of the busiest downtown streets had been completely paved.⁹⁶

⁹⁴Butler, *Butler's Book*, 395-410; *New Regime*, April 26, May 23, 1864.

⁹⁵*New Regime*, April 14, 1864; General Order, April 14, 1864, RG 393, NA.

⁹⁶*New Regime*, August 10, 1864.

Having made strides in cleaning up the city's streets, Butler turned his attention to those using them, in particular the large population of animals, including cattle, horses, and pigs, which wandered at will through the roads and yards. Acting for Butler, Brigadier General Wild, commander of the Provost Guard, issued General Order No. 6 on March 7, 1864. The order proposed a one-fourth reduction in the number of stray dogs, which were an especially large proportion of the wild animal population. Unfortunately, Wild's phrasing ordering that "every fourth dog" be destroyed was taken out of context and used widely through the South as evidence of Northern military stupidity and cruelty.⁹⁷ As it was, the order was clarified by a directive issued the next day ordering that all residents of Norfolk register, number, and license their dogs with the provost marshal office. Unlicensed dogs found at large after March 14 would be destroyed. In addition, the order called for all licensed dogs to be muzzled from May 1 to October 1 as a precaution against the "dog days," which were thought to be the cause of rabies.⁹⁸

While these measures were all helpful in making Norfolk a cleaner place, they were not entirely successful in eradicating disease. Some residents refused to report their illnesses or seek treatment, lest they be sent to the racially-integrated hospital. Smallpox, in particular, remained a significant threat. Nevertheless, Butler's efforts did improve general living conditions in spite of resistance by part of the citizenry, especially Pierpont supporters. A visitor in 1865, despite noticing the dilapidated condition of many houses and building, marveled at the "streets [which] thronged with people," and the stores which seemed to be doing a thriving business: "the wharves were crowded with steamers

⁹⁷*New Regime*, March 6, 1864; General Order, March 6, 1864, RG 393, NA.

⁹⁸*New Regime*, March 7, 1864.

and sailing vessels – and altogether there is evidence abundant that Norfolk is commencing to revive.”⁹⁹

Butler next turned his attention to aiding the blacks within his command and to restoring public education to Norfolk. In this way, he began laying the foundation for post-war Reconstruction. The Freedmen’s Bureau Bills of 1865 and 1866, the Civil Rights Act of 1866, and the three Reconstruction Acts of 1867 all contain elements of the policies that Butler implemented while in command at Norfolk. Butler’s policies illustrate that national policy was less influential in determining the treatment and condition of local blacks than the attitudes and actions of the local commander. In Norfolk, Butler, unlike some other Union military commanders, was willing to act to alleviate issues and concerns for the population in his department.

Recognizing the importance of educational opportunities for blacks, Butler closed Norfolk’s public schools with the intention of replacing them with free schools for blacks staffed by Northern teachers. On November 20, 1864, Butler issued an order organizing the school system under a Superintendent of Public Education and calling for renovated schools and mandating compulsory school attendance until the age of 16. Over 3,000 students were enrolled in the schools for blacks, taught by black and white teachers from the North.¹⁰⁰ The Superintendent of the Committee for Colored Schools suggested that some of the instructors could be teaching evening classes “for the large number of adults desirous of attending school, who are unable to leave their occupation during the day.”¹⁰¹

⁹⁹Newby, “World,” 66-67; *New Regime*, January 6, 1865.

¹⁰⁰ Bogger, “Black Community,” 292.

¹⁰¹ Swint, *Dear Ones*, 68.

The schools for the blacks were the source of great resentment among whites, especially those who were former slaveowners. One former master said the schooling was destroying the value of his “property” to the tune of \$50,000. Another woman called it disgusting and silly that Northerners would come to Norfolk to teach the blacks.¹⁰²

By the time Butler returned to the Norfolk area in November of 1863, Federal policy toward the treatment of blacks had solidified. Where previously each commanding officer developed his own policy, in late 1863, the Federal Government had officially instituted a policy of black recruitment. The Conscription Act of 1863 subjected every able-bodied male citizen in Union-held territory to the draft and assigned a quota to each department. If sufficient volunteers did not step forward to fill the quota, a draft was authorized. Butler authorized a bounty of \$10 for black recruits for a three-year enlistment, equal rations, arms and equipment, and subsistence for the recruit’s family. Pay was to be \$10 a month, \$3 a month less than for white soldiers. Butler noted acerbically of this disparity: “[I] can see no reason why a colored soldier should be asked to fight upon less pay than any other. The colored man fills an equal space in the ranks while he lives, and an equal grave when he falls.”¹⁰³

Butler’s order also forbade any white officers or men from impressing blacks as personal servants and laid down punishment for any who impeded or threatened those blacks attempting to come through Union lines. “The recruitment of colored troops has become the settled purpose of the Government. It is, therefore, the duty of every officer and soldier to aid in carrying out that purpose, by every proper means, irrespective of

¹⁰²Ibid.

¹⁰³General Order No. 77, May 8, 1864, RG 393, NA; *New Regime*, May 9, 1864.

personal predilection.” The order also declared that the presumptive status of any individual black was that he was free. Courts martial of black soldiers were to be comprised of a majority of black officers, and any offenses against citizens committed by blacks were to be tried in the Provost Court. The order was protested vigorously in the South, where it was seen as yet more evidence of Butler’s beastliness.¹⁰⁴

Butler also demonstrated concern for the civil rights of the freed blacks. One of the Northern teachers now living and working in Norfolk heard of indignities visited upon black passengers by a packet boat officer and wrote to a New York newspaper detailing the outrages. The *New Regime* reprinted the letter, under the heading “Butler the Just.” A young black woman, Clara Duncan, was traveling from Baltimore with two white missionary teachers. The three had come from New York and were headed to Norfolk to teach the freedmen there. En route from Baltimore on the Norfolk boat, the three went into the dining room together. Afterwards, a ship’s officer told the male missionary that regulations permitted only whites to eat in the dining room and that Ms. Duncan would have to be confined to her cabin for the entire voyage, where she remained until arrival in Norfolk, despite the protests of her traveling companions. Upon arrival, the teachers complained to military authorities and Butler held a hearing which resulted in the ship’s officer being fired.¹⁰⁵

One Norfolk woman in a letter published in the *New Regime* reflected the anger of some whites over the changing conditions and treatment of blacks, as well as the assertion of rights by the newly-empowered blacks. She related how two well-dressed

¹⁰⁴Quoted in Lenoir Chambers, “Notes on Life in Occupied Norfolk, 1862-1865” *The Virginia Magazine of History and Biography* 73 (April 1863): 141.

¹⁰⁵Bogger, “Black Community,” 305-6.

black women had refused to leave the ladies cabin on the Portsmouth ferry when asked by a ferry employee. Quoting Butler's order to the man, they threatened to report him to the authorities. The writer, a Miss Moore, expressed the desire to take them by the nape of the neck and drop them overboard for their presumption. Although on the whole she allowed that "the negroes have been behaving remarkably well," still "this new decree may make fools of a few" – apparently, those few who had the temerity to insist on their hard-won civil rights.¹⁰⁶

Unfortunately, as happened all over the occupied South, it was not only the average citizen who was resistant to military authority and the changing social landscape. Each Sunday morning, many ministers preached disloyalty either openly or through the omission of the prayer for the President and other, more covert, means. In reaction, Butler ordered that the churches were henceforth under military control of the provost marshals, "who shall see the pulpits properly filled by displacing, when necessary, the present incumbents, and substituting men of known loyalty and the same sectarian denomination, either military or civil, subject to the approval to the Commanding General." All were to be open and welcoming to both white and black soldiers; not by "word, look, or gesture" were there to be any insults aimed at the Union men in the congregation.¹⁰⁷

In neighboring Portsmouth, the Reverend J.H.D. Wingfield refused to take the required oath, claiming he was obeying the will of his parishioners, and also left out of his services the prayer for the president of the United States. The reverend was arrested

¹⁰⁶*New Regime*, April 26, 1864; Bogger, "Black Community," 306.

¹⁰⁷General Order, February 11, 1864, RG 393, NA; *New Regime*, February 11, 1864.

and sentenced to work for three months sweeping and cleaning the streets of Norfolk. His parishioners wrote a letter to Butler pleading for clemency and Butler eventually remitted the clergyman's sentence, not "from respect for the man, or for his acts, or because it [the incarceration] was unjust, but because its nature may be supposed to reflect upon the Christian Church, which by his connection with it has been much disgraced."¹⁰⁸ This only incited his parishioners, including one Mrs. Williams who, during the morning service, behaved in a "very improper and disrespectful manner." She was arrested and required to write an apology which was read from the pulpit on the next Sunday.¹⁰⁹

All ministers had been required to take the oath of allegiance. However, as one said, the proper way to abide by the oath was to follow it up by metaphorically spitting upon the "Northern Yankee" on the steps outside. The Reverend George D. Armstrong, pastor of Norfolk's Presbyterian Church, was a well-known Confederate sympathizer, who had actually penned a pre-war Bible-based defense of slavery as a Christian doctrine. Like other men of the cloth, in Norfolk and elsewhere, his openly-expressed sympathies landed him in trouble. Butler, who had heard that Armstrong was repeating the spitting suggestion as a way to encourage others to take the oath in a similar non-compliant spirit, had Armstrong hauled in for questioning.

Under Butler's close questioning, Armstrong admitted that he had taken the oath in order to gain amnesty but felt no obligation or intention to comply with the oath's

¹⁰⁸*New Regime*, March 4, 1864. On March 11, a letter appeared in the paper, signed "E Pluribus Unum," protesting the release of Wingfield and arguing that honesty of purpose was no excuse for the treasonable conduct of ministers. Butler order, March 1, 1864, Record Group 393, NA.

¹⁰⁹Emmerson, "Military Rule," 37.

injunction to support, protect, and defend the Constitution of the United States.

Armstrong said that the statement he had circulated was born out of the natural feelings of oppression engendered in a conquered people¹¹⁰ Butler suggested that a congregant in Armstrong's church who presented himself for communion while admitting to a belief in Satan rather than God would be denied and therefore it followed that the reverend should also be denied amnesty. He sentenced Armstrong to solitary confinement at Fort Hatteras and assigned the chaplain of the 27th Massachusetts volunteers as the new preacher for Norfolk Presbyterian.¹¹¹

Butler's actions argue that he was well aware that the mere act of swearing an oath did not instill loyalty or allegiance to the Union cause. Arguably, he was using the oaths as a means of controlling the authority of the clergy, teachers, and others in positions of influence. Ministers especially had considerable sway over their flocks. To allow them to incite resistance from their pulpits was to invite civil disorder. Therefore, the general acted by silencing, punishing, and even, in egregious cases, banishing those who proved to be vocally and contumaciously contemptuous of Federal authority.

He was not always harsh, however. A school teacher in Accomac County on the Eastern Shore wrote to Butler asking him to rescind his order which had closed her school because of her refusal to take the oath. She asked whether "passive obedience" was sufficient, as interpreted by a local Union officer. She said that she could comply with passive obedience but if more were required, she would have to refuse because her "sympathies are with the South." Butler replied that the oath did indeed involve more

¹¹⁰Butler, *Correspondence*, 4:45-55.

¹¹¹*New Regime*, March 8, 1864; West, *Scapegoat*, 266-67.

than just passive obedience and that if she were “loyal at heart,” she should have no trouble supporting and defending the Union, and teaching her students to love and protect it. “The oath of allegiance means fealty, pledge of faith to love, affection, and reverence for the government.” But since she did not seem to understand that herself, she obviously could not teach it to her pupils and therefore he was happy that her school had been closed and it would remain so “until you change your sentiments, and are a loyal woman in heart.”¹¹²

One of Butler’s subordinates wrote that Butler knew “hatred of the old Government could not be quelled simply by military occupation. He knew that loyalty to the Union was to be fostered by other means than the bayonet. . . . The policy of Major General Butler, therefore, was to interest every man in business, so that he might come to have a pecuniary regard in the stability and success of the Government of the United States . . . and by taking the oath of allegiance required . . . and by depending on the protection of our flag, they must more and more become interested in our cause.”¹¹³

While Butler realized that he could not force people to change their minds, he could prevent them from retaining positions from which they could disseminate disloyal opinions. Those who refused to promise loyalty and obedience to the Union would simply be denied the privileges and amenities of daily life.

Butler was true to his policy, even in cases of religious conflicts. Norfolk’s Jehovah’s Witnesses refused to take the oath of allegiance to the United States or to any “earthly government.” They argued that “all governments were evils, though necessary

¹¹²Butler, *Correspondence*, 3:452; *New Regime*, March 20, 1864.

¹¹³Quoted in Harold Hyman, *To Try Men’s Souls* (Berkeley: University of California Press, 1959), 175.

ones,' that 'government for a time is permitted to exist only by the wisdom of Jehovah,' and "the time set for the termination of its existence was at hand but not yet come."

Butler's response was typical of his lawyerly analysis. He told them that "First, because although an evil, you admit it to be necessary. Second. Although an evil, you admit that it is permitted by the wisdom of the Jehovah, and it is not for His creatures to question the wisdom of His acts. Third. You only claim to be excused when Jehovah's government is substituted, which period has not yet arrived."¹¹⁴

Lincoln insisted that there had to be a nucleus of loyal voters to form a reconstructed state government after the war. These voters were required to display their loyalty by swearing the oath of allegiance, which also granted them amnesty from any punishment for their role in the rebellion. As military control spread over the South, the need for loyal administrators and a complaisant citizenry became important. In February, 1862, Lincoln moved the supervision of and responsibility for internal security from the State to the War department, leaving each military department commander to go about things in his own way. Butler was certainly one of the most rigorous. He established civil order in New Orleans and by the end of his tenure there in late 1863, more than 60,000 Louisiana residents had sworn allegiance to the United States.¹¹⁵ Even Pierpont, who spent a section of his long letter of complaint to Lincoln excoriating Butler's rigorous enforcement of the oath, required merchants, tavern keepers, municipal officers, ministers, bank officials, clerks, and professional men to take an oath.¹¹⁶

¹¹⁴Fred Albert Shannon, *Organization and Administration of the Union Army* (Cleveland: The Arthur H. Clark Co., 1928), 251-52; OR, Ser. 3, 4:29-30.

¹¹⁵Hyman, *Era of the Oath*, 35-40, 38.

¹¹⁶*Ibid.*, 41.

The provost marshal in Norfolk, as in other occupied areas, exercised considerable power. Besides presiding over oaths of allegiance and issuing paroles, he exercised most legal and administrative functions in the absence of a civilian government. It was impossible to reside in Norfolk and not be affected by the power of the provost marshal. Therefore, the increasing numbers of Norfolk residents who took the loyalty oath represented a reaction to the omnipresence and inescapability of the power of the provost marshal. Arguably, Butler recognized this and hence his insistence on loyalty oaths was an insightful way to take advantage of people's natural impulses for survival. Especially as the war dragged on, more and more Norfolknians willingly took the oath, even those who had begun the war with the most hostility toward Union troops. "[T]he young ladies and gentlemen are marching up to the city hall in fine style, and many persons who thought that they would die first, take the oath as cheerfully as a child would take candy."¹¹⁷ The Reverend Wingfield, who had lost his pulpit over his refusal to swear allegiance, bemoaned the apparent eagerness with which his former parishioners flocked to the provost marshal's office. "One man in his eagerness to reach the Provost marshal's office fell and broke his neck on the granite staircase of the Custom House in Norfolk. There was indeed such an unexpected rush that Butler had to protract the period allotted for the administration of the oath. At the end of this time there remained only five male persons in the City of Portsmouth who failed to call at the office and ask the privilege of having the oath administered to them."¹¹⁸

¹¹⁷*New Regime*, October 6, 1864.

¹¹⁸John C. Emmerson, *The Emmersons and Portsmouth, 1773-1965* ([Norfolk:] n.p.), 251.

Once Butler was replaced by Major General E.O.C. Ord in January, 1865, the black population lost a champion. Ord was less than enthusiastic about protecting the rights of the freedmen, and perhaps sensing they had a more sympathetic figure with whom to deal, Norfolk whites made attempts to have civil government restored. Up to this point, the rights of voting and participating in the political process had been topics of discussion with the black community; however, the move to replace Union military rule under which “they had been protected in the full enjoyment of the rights and liberties of loyal men” alarmed them. Blacks felt that the few freedoms and privileges they currently enjoyed would be threatened. A mass meeting was held on February 27, where resolutions were passed protesting the restoration of civil government, especially one which lacked safeguards for the freedmen. These were sent both to Lincoln and to Ord.¹¹⁹

After the war, a pardon and full restoration of civil rights were extended to all rebels, with some exceptions, who took the oath. For those who had fled the city, this represented an opportunity to regain their lost homes and property. “I have understood that all property will be restored to those who will be home by the first of June,” wrote one exile to his friend who had remained in Portsmouth.¹²⁰ But the Norfolk that the exiles returned to was a different city: “the stores presented a more stirring aspect; the wharves were crowded with steamers and sailing vessels – and altogether there is evidence abundant that Norfolk is commencing to revive from the rebellion stagnation,” wrote a

¹¹⁹Bogger, 310.

¹²⁰Emmerson, *Emmersons and Portsmouth*, 270.

visitor from Baltimore.¹²¹ Streets that had been rutted and impassable in rain or mud were now paved and cleaner than ever before. At night, streetlights illuminated most thoroughfares, now free from roving dogs and other animals and patrolled regularly by the provost guard. The fire department had new, working equipment, and other signs of repair and renovation were evident.

Repatriated Norfolk and Portsmouth whites also had to adjust to an open school system and a newly-freed black race whose subservient demeanor was a thing of the past. One returnee's longing for the pre-war days was evident when he wrote that the city "has altered very much and will take many years to make it socially what it was four years ago."¹²² In addition, there was a tangible Northern influence in both business and government. However, in spite of what seemed to some former Confederates as revolutionary changes, for the black community, much of the promise seemed dim. They would soon lose political power, and economically, too, they faced losses. Most had presumed that the land they had been working throughout the war years was to be given them. Now, they often found themselves dispossessed by returning rebel soldiers.¹²³

The military presence was nearly invisible once the war ended. The military no longer had any involvement with civilian government and in fact, Norfolk was almost without a government in the period between the end of the war and the first election day. On June 24, voters elected a new government and approved a new city charter. In the intervening period, competing political factions jockeyed for control and a whiff of

¹²¹*New Regime*, January 6, 1864.

¹²²John H. Core to Amanda Edmonds, June 14, 1864. Chappelle Papers, Virginia Historical Society, Richmond, Virginia.

¹²³Gerteis, *Contrabands*, 43.

violence was in the air. Ord did not share Butler's benevolent attitude toward the freedmen which, combined with the lessening of military authority after Butler's departure and its near complete absence post-Appomattox, facilitated a return to pre-war conduct. It was perhaps inevitable that things would boil over as defeated rebels returned home. Unable to abide the sight of free blacks exercising their rights, some returned veterans incited a riot on June 22 which lasted for four days. Many blacks and some whites were shot, several blacks lynched, stores were looted, and white civilians and soldiers mocked and taunted every black man they saw. "The rioters are taking advantage of the divided, and somewhat obscurely defined, responsibilities resting upon the associated military and civil authorities; responsibilities which the civil authorities shirk, when the interests of the colored man or of union citizens are at stake," wrote one Northern teacher. The mayors of Norfolk and Portsmouth refused to act to end the violence and were able to get away with ignoring the pleas of the black citizens for protection because of the absence of the provost marshal.¹²⁴

The riot signaled an end to the reforms of the Butler era in Norfolk. A four-day spate of violence was impossible to imagine under Butler's strict regime. More importantly, the riot showed that his advancements in civil rights and in education were not going to stand. Although the people of Norfolk had been willing to accept the economic benefits accruing to them from trade with the hated Yankees, they were not able to accept the progressive social changes. It did not take long for Norfolk to revert back to the standards which preceded the war and which remained in place for another century.

¹²⁴Swint, *Dear Ones*, 165-9.

While the war brought undoubted privation and suffering to Norfolk residents, in many cases, white residents brought a great deal of pain upon themselves by their refusal to accept the realities of their position. By refusing to take the oath of allegiance, declaring that they would rather be treated as a conquered people, the city fathers set the stage for complete martial law. In its turn, military occupation and rule exacerbated civilian resentment of the Yankees in their midst, leading to confrontations both petty and tragic, with the Wright affair being a prime example. David Wright's martyrdom was emblematic of the Norfolk's citizenry's refusal to embrace the Union.

Though unquestionably caustic and sarcastic, Butler worked hard to improve the lot of Norfolk's residents. His relief program fed and housed the thousands of refugees, both black and white, who fled to Norfolk. He was successful in getting the gas company up and running again in the face of the obstreperous refusal by its board of directors. Streets were cleaned and paved, the fire department furnished with working equipment, and general sanitation and health care improved. Butler overestimated the support he had from the general population, however, and when the election he had called for did not deliver the results he wanted, that was all the excuse he needed to dismantle the last remnants of civil government in Norfolk.

Certainly Viele and Butler both did good for the city of Norfolk, feeding the hungry and restoring city services and trade while improving infrastructure. However, Norfolk's citizens remained hostile, choosing to ignore the good done to and for them. Instead, they railed against the cruelty of punishing a murderer (albeit a respected physician), the horror of seeing blacks in uniform patrolling their streets, and the

necessity of swearing obedience and peaceful behavior in return for practicing their trade and earning a livelihood.

Yet, the army was not simply a force for good. Officers were clearly at a loss at how to care for the escaped slaves and freedmen, demonstrating at times a clear unwillingness to do so. Even in the Tidewater, with its skilled black community, the army demonstrated preconceived notions about inferiority and incompetence. They tended to ignore the prewar skills of the free population. Blacks who had skills were nevertheless shunted into common labor. Even after emancipation, blacks were treated as free people only insofar as orders from Washington were insisted upon by local commanders such as Ben Butler. Contrabands were treated paternally at best, and too often abusively, as Union soldiers were frequently as prejudiced as their Confederate counterparts.

Butler took significant steps in ending slavery through his actions in the Tidewater. His strong insistence on loyalty to the occupying government and fealty to the Union may have caused the white population to vilify him but at the same time made him remarkably successful in pacifying and maintaining order in occupied Norfolk. Not all of his remedies for poor relief, schools, and generally reconstructing society worked in solving the problems of Norfolk residents. However, conditions in Norfolk throughout the war remained comparatively beneficial, especially in comparison to other places under Union and certainly under Confederate control. His efforts arguably facilitated a smoother transition for Norfolk from wartime occupation to Reconstruction, even if his name “will ever be infamous in Norfolk.”¹²⁵ Butler knew quite well what Southern

¹²⁵ *Journal*, January 4, 1867.

whites thought of him. When a Mrs. John Latrobe of Baltimore wrote to him inquiring about a prisoner of war, Butler replied, thanking her for her kind words about him. “I am so often called a ‘Brute and a Beast’ that it seems somewhat singular that a Southern lady can remember any politeness of conduct.”¹²⁶

¹²⁶Butler, *Correspondence*, 3:342.

CHAPTER 4

NEW ORLEANS: CONQUERED BUT NOT SUBDUED

The lieutenant from Connecticut was a little the worse from drink when he climbed onto a public omnibus in New Orleans that September day in 1862. When one of the women riding the bus flounced off, grimacing and switching her skirts, the officer boozily mumbled, “Sit still, old girl. You needn’t rise on my account.”¹ This was the fifth month of the Federal occupation of New Orleans and the women of the city were no more enamored of their occupiers than their peers in Alexandria, Nashville, and Norfolk. And, just as in those cities, women were bearing the brunt of the occupation. In New Orleans, however, that impact was felt a little more personally, thanks to Union General Benjamin F. Butler. Butler’s actions in New Orleans became infamous, and women were his first target. The young lady who alighted from her car rather than share with a Union soldier was undoubtedly horrified by Butler’s response to repeated female insults to his troops.

New Orleans was first and foremost a strategic asset to the North, giving it a base from which to conduct military operations in three directions. As the largest city in the Confederacy and the busiest port along the Mississippi, its commercial ties with the upper Mississippi Valley and the west made it a place of strategic significance to both the Union and the Confederacy. Although its importance for Union military operations

¹John W. De Forest, *A Volunteer’s Adventures: A Union Captain’s Record of the Civil War*, ed. James H. Croushore (New Haven: Yale University Press, 1947), 45.

remained the primary focus during the Union occupation, with the associated concerns for military security, Lincoln also envisioned New Orleans as a critical proving ground for reconciling the disaffected Confederate states. Thus, the occupying army had to retain a somewhat conciliatory mien toward civilians, and this meant that, despite Butler's confrontational and aggressive style, the residents of New Orleans enjoyed a mild experience of occupation in comparison to the other occupied cities.

The largest city in the Confederacy, New Orleans was also the most polyglot. Its climate and reliance on staple-crop agriculture sustained by chattel slavery made it a Southern city, but the pervasive French influence and the large presence of foreign consuls gave it a more cosmopolitan air than any other American city of the time. Among its nearly 200,000 residents were native-born whites, a significant black population, both slave and free, transplanted Northerners, German and Irish immigrants, and consuls from a wide variety of nations. Although by the time of the surrender of the city, many whites had left, either to fight or to flee from the Yankees, a multicultural mixture remained to greet Butler and his men.

In general, those who were native-born were the most resistant to the occupation; those who were Unionist or became so were mainly northern transplants or German or Irish immigrants. However reluctant to secede they were at first, many in that population had become loyal supporters of the Confederacy. By the time of the Union arrival, however, some frustrations had already begun to build. New Orleans had been under martial law imposed by Confederate General Mansfield Lovell and the economy was already suffering thanks to the Union blockade. Although the blockade was lifted in the spring of 1862 after the city's capture, the economic situation remained dire as the

Confederates imposed a blockade from the north. After Vicksburg fell in the summer of 1863, the economy revived due to renewed commercial dealings with the entire Mississippi Valley, but Federal spending and policies were always at the heart of New Orleans' prosperity.²

As in Alexandria, and to a lesser extent, Nashville, sentiment in New Orleans was not in favor of secession. The city's prosperity derived from its trade with the west and its busy port on the Mississippi: war threatened both those. In the 1860 presidential election, a plurality of votes, 48%, went to the pro-union candidate, John Bell. However, a few months later, the voters changed their minds and sent a clear majority of pro-secession representatives to the state secession convention. In the interim, the election of Lincoln and the Senate's rejection of the Crittenden proposal had cast Northerners as intransigent enemies to the South and increased support for secession in New Orleans.³ Even the moderate *Picayune* encouraged the martial spirit in the city. Once the formal ordinance of secession was passed on January 26, 1861, the *Picayune* editorialized that "The Union is dead; and with it all the hopes and all the fears which divided and agitated our people We bury all differences of opinion, all names which betoken divided views, all questions of mooted policy, in the grave over which the black Republicans have furled the once honored flag, never more, perhaps to wave over the Union as it

²Major General. J. L. Lewis to Brigadier General A. G. Powell, April 2, 1863, Benjamin F. Butler, *Private and Official Correspondence of Gen. Benjamin F. Butler, During the Period of the Civil War*, ed. Jessie A. Marshall (Norwood, MA: The Plimpton Press, 1917), 1:422; United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: U.S. Government Printing Office, 1880-1901), 6:597 [hereinafter cited as OR; all volumes in Series 1 unless otherwise noted].

³Ted Tunnell, *Crucible of Reconstruction: War, Radicalism, and Race in Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1984), 17.

was.” For the most part, citizens of New Orleans seemed to take these words to heart. Those who hesitated were either forced out or pressured to keep silent.⁴

The ordeal of New Orleans began with the arrival of Admiral Farragut and his fleet up the Mississippi River from the Gulf. After a prolonged bombardment, the Union ships easily cleared Forts Jackson and St. Philip which guarded the river approaches to the city, and dropped anchor directly in front of New Orleans in the early afternoon of April 25, 1862, in the heart of the city. Because of that spring’s unusually high water levels in the Mississippi, the ships rode nine feet higher than street level and their guns had a commanding sweep of the entire downtown. The waterfront was a scene of destruction: warehouses filled with cotton, sugar, and tobacco ready for export had been set ablaze by the retreating Confederates, as had sundry vessels in the harbor. A pall of smoke filled the air, which could not hide the guns of Farragut’s ships nor muffle the sound of the bell of Christ Church tolling the arrival of the Yankee invader. The sense of menace was palpable. Hundreds of onlookers gathered on top of the levee overlooking the river, alternately glum and defiant.⁵

Captain Theodorus Bailey and Lieutenant George Perkins were dispatched ashore to demand the surrender of the city. They immediately attracted a crowd which, brandishing weapons and waving Confederate flags, followed them to City Hall. Mayor John T. Monroe refused to surrender, however, saying that since the city was under martial law, he would have to wait for General Lovell. Lovell, busy superintending the transfer of Confederate property out of the city, refused to surrender, saying that since he

⁴New Orleans *Picayune*, January 27, 1861; James M. Morgan, *Recollections of a Rebel Reefer* (Boston and New York: Houghton Mifflin Company, 1917), 53.

⁵*Picayune*, April 27, 1862.

had given the order to pull his men out of the city, the responsibility was now with Mayor Monroe. The mayor and council still hesitated to formally surrender the city. Farragut, disgusted and out of patience with the mayor's delays, quickly ended the standoff. On April 29, he sent ashore a detachment of soldiers and a battalion of marines to take formal possession of the city. Cowed by the two howitzers the landing party had brought along, a sullen crowd watched quietly but made no overt resistance. The troops proceeded to City Hall, where they lowered the Louisiana state flag. The occupation of the city of New Orleans had begun.

On May 1, General Benjamin F. Butler and his wife disembarked, along with 1400 troops, into a quiet city. All bars and hotels, along with most stores, were shuttered. Citizens watched the occupiers pass to the strains of Yankee Doodle, played by the regimental band. One eyewitness remembered that, at the first sight of Butler, "every epithet which could be applied to the vilest was heaped upon him." It was "evidence . . . of the invincible determination that is unanimous here never to cease struggling until the Federal power, root and branch, is extinguished." There were small hopeful signs for an easy occupation, however. One man heckling a company as they formed up was roundly chased off by a "ragged Irishman," who then doffed his hat to salute the flag. Others followed his lead in honoring the colors, while whispered offers of support and readiness to join up were exchanged with various officers.⁶

New Orleans had become the de facto capital of the occupied state of Louisiana. The majority of the state's residents subject to Federal control lived within the city, which also held the headquarters of the commanding general of the Gulf Department, as

⁶Marion Southwood, *Beauty and Booty: The Watchword of New Orleans* (New York: published for the author by M. Doolady, 1867), 43; *Picayune*, April 30, 1862; De Forest, *Volunteer's Adventures*, 18-19.

well as officials from several cabinet-level departments. Representatives from the War and Navy departments were joined by those from Treasury and State to help enforce trade regulations, collect duties, handle confiscated property, and deal with issues arising from the presence of foreign consuls. Lincoln himself kept a close eye on the situation, frequently involving himself in specific policy decisions of the commanding general and the military governor.

At the outset, Butler made it clear to Mayor Monroe that the goal of the occupation was to restore Louisiana to the Union. His experience at Fortress Monroe in Virginia had already prepared him for the difficulties he was about to encounter. While he did not expect to be hailed as a liberator, he was irked by the defiant and unruly spirit in New Orleans exemplified by Mumford's actions, and it confirmed his decision to exercise his authority with an iron hand.⁷ He wasted no time in issuing General Order No. 1, which made clear to the citizens of New Orleans what they could expect from the no-nonsense Butler. All citizens were to renounce their allegiance to the Confederacy and to take the oath to the United States. Proper respect would be shown to the U.S. flag and all other flags were prohibited. Proprietors of "public houses, coffeehouses, and drinking saloons" had to obtain a license from the provost marshal, and they would be held responsible for any disturbances originating in their establishments. All other businesses were to remain open as usual and religious services would continue as before. Demonstrations and assemblies were prohibited in order to facilitate commerce and maintain order. Trials for all offenses except misdemeanor violations of local law would be tried in military court. Martial law was instituted as a temporary measure until an

⁷Butler to Stanton, April 29, 1862, Butler, *Correspondence*, 1:428.

appropriately loyal municipal government could be installed. Citizens were warned that, though it would be administered “mildly, . . . it must not be supposed that it will not be rigorously and firmly administered as the occasion calls for it.”⁸

When Butler took command, he inherited an administrative nightmare. Angry citizens, including many from the ranks of the city’s numerous foreign consulates, confronted him with a long list of grievances, and those seeking special treatment or favors beseeched him to attend to their pleas. Even opportunistic convicted criminals incarcerated in the Parish Prison wrote to Butler complaining of mistreatment by their guards and proclaiming their unwavering loyalty to the United States, as well as their complete innocence of all of the crimes for which they were being punished.⁹

But Butler had bigger problems to deal with. In the spring of 1862, New Orleans faced a severe food shortage, and to make matters worse, the start of the dreaded yellow fever season was just weeks away. Military operations had slowly cut off shipments into the city, as access to Tennessee was lost, the blockade tightened, and Union control of the Mississippi kept out the crops of Texas and the Red River Valley. Never one to let a propaganda opportunity pass, Butler attempted to incite class resentment in order to spark Union loyalty by claiming that the “wealthy and influential . . . leaders of the rebellion” had joined forces with “the vile, the gambler, the idler, and the ruffian” to destroy the stocks of sugar and cotton that could have been exchanged for expensive and hard to

⁸May 1, 1862, Records of the United States Army Continental Command, 1821-1880, Record Group 393, National Archives, Washington, D.C.[hereinafter cited NA]; Benjamin F. Butler, *Autobiography and Personal Reminiscences of Major-General Benjamin F. Butler; Butler’s Book* (Boston: A. M. Thayer, 1892), 379-82.

⁹The Prisoners of Parish Prison to Benjamin Butler, May 6, 1862, in Butler, *Correspondence*, 1:445.

come by food and fuel.¹⁰ He issued a series of orders meant to reassure people that flour, meat, and other provisions would be available, and then he established a food distribution network, which eventually was feeding 40,000 whites. Next, in order to feed the refugee slaves who were fleeing to his lines, he redirected to them some of the provisions intended for his own troops. The food situation gradually improved, and with the lifting of the Union blockade on June 1, the danger of famine receded for good. A week later, a reporter for the *Picayune* saw wheelbarrows filled with once scarce ice and excitedly announced to his readers that it was time for “juleps and cobblers!” The spirit of the city apparently was restored. But prices on most staples remained high, and while widespread famine had been averted, people still went hungry.¹¹

Long-term measures were needed, but money had to be found to pay for them. City coffers were empty, and Union funds were earmarked for support of the army. Butler, however, developed a plan which hinged on his belief that the plight of the poor was the responsibility of the upper classes who had deluded their underlings into following them into a lost cause. Therefore, it was only right that the guilty parties pay the bills. In order to determine who specifically that should be, Butler perused records of those who had purchased the city bonds issued to raise monies for the defense of the city, and he levied an assessment of 25% of the sum they had pledged “to aid treason against the United States.” He also imposed a levy on the cotton brokers, who he pointed out had published a broadside in the newspapers in October, 1861, discouraging planters from

¹⁰General Orders No. 25, May 9, 1862, *Correspondence*, 1:457-459.

¹¹General Orders No. 25, May 9, 1862, OR, 15:425; General Orders No. 35, May 28, 1862, *Ibid.*, 447; *Butler's Book*, 393; OR 6:421, 717-21, 725; *Picayune*, June 8, 1862.

bringing their produce into the city, which had had a deleterious impact not only on the farmers but also the consumers of the city.¹²

As he would later do in Norfolk, Butler turned his attention to sanitation and cleanliness. New Orleans in 1862 was acknowledged to be an unhealthy place. Its damp subtropical climate bred mosquitoes, and yellow fever outbreaks were common. Yet even the virulent yellow fever epidemic of 1853 had not moved the authorities to keep the city clean. The “Saffron Majesty” was such a regular visitor that Confederates consoled themselves upon New Orleans’ capture that the Federals would not last one season there. In an effort to demoralize the Union troops, one enterprising citizen began carrying around a measuring tape and a notebook and taking measurements of the Union soldiers. When questioned, he said that he had gotten the contract from army headquarters to manufacture coffins in advance of the arrival of the Yellow Jack. Warnings and such ploys by native Orleanians were no doubt to blame for a dramatic increase in requests for furloughs and sick leave, even among officers. Butler, however, had little sympathy for his men’s fears, and since his signature was required on every pass, no one was going anywhere.¹³

Although he was aware most of the fear was driven by local propaganda, he also knew the citizens were hoping for a recurrence, and so he determined to learn more about the disease. A local physician refused Butler’s offer to become a consultant to the army, citing political inexpediency, but he did refer the general to the latest reference book, which Butler studied carefully. Medical knowledge of the day was limited as to the

¹²General Orders No. 55, August 4, 1862, OR, 15:538-539.

¹³Butler, *Correspondence*, 1:309.

causes of and best practices in disease prevention, but Butler hit upon what was the most effective strategy. He identified quarantine and cleanliness as the most important deterrents and acted quickly on his findings. “In order to allay the hopes of the bad and the fears of the good and timid, the commanding general gives notice that the strictest health regulations have been established . . . against the importation of all epidemics,” reported the *Daily Delta* in May, 1862. A ten-day quarantine was already mandated by state law on all vessels arriving from Caribbean and South American ports. Butler went further and ordered that all ships arriving from infected ports be held below the city for forty days. Although a few scattered outbreaks occurred, a full-scale epidemic of yellow fever did not hit New Orleans during the Federal occupation.¹⁴

General public health was also a concern. The waterways and streets of the city were clogged with filth, and the various markets so dirty as to give Butler cause for concern about the health of his troops. He immediately hired and assigned men to cleaning teams, each of which would be responsible for scouring the streets and removing waste daily from a designated area. Residents were forbidden from dumping even the smallest bit of waste into the street. When a tradesman deliberately discarded a piece of paper to test the order, Butler had him jailed for ninety days. Men were also put to work cleaning out the canals and improving the drainage and sewer systems.¹⁵

The Union occupiers had waged a battle for public health in Alexandria and Nashville, and Butler would continue his assault on dirt and lack of sanitation upon his transfer to Norfolk the next year. However, most citizens regarded the Union troops as

¹⁴*Daily Delta*, May 9, 1862; *Ibid.*, August 17, 1862; *Picayune*, May 4, 1862; *Butler's Book*, 399, 403.

¹⁵*Butler's Book*, 404-406; OR, 15:462, 538-539.

interlopers and had a distinct lack of gratitude for their efforts. The governor of Louisiana warned that Butler was underestimating the intelligence of the citizens of the Crescent City if he thought that they would not see through Yankee generosity, which was meant only to “excite the poor against the more wealthy.” A Southern woman wrote anonymously to Butler that she was eager to see “our gallant Beauregard” chase out the “Yankee rabble infesting our city.” The efforts to provide relief and improve living conditions had little to no effect on their loyalty and fidelity to the Union. The people may have sullenly submitted to Union occupation, but their loyalties remained with the Confederate cause and clean streets were not enough to sway them.¹⁶ A series of events, beginning with an incident involving a flag, helped to make Unionism even less popular.

The first incident had its roots before Butler even set foot in New Orleans. While Mayor Monroe and Farragut haggled over the details of the surrender, the commander of one of the Union ships, on his own initiative, had sent a party ashore to raise the American flag over the U.S. Mint. New Orleans resident William B. Mumford took offense to this. Echoing the Ellsworth-Jackson incident in Alexandria 11 months earlier, although with a reversal in the Union and Confederate roles, Mumford led a small group through the building to the roof, where they tore down the Stars and Stripes and shredded it to bits. They emerged from the Mint as heroes to their fellow Louisianans, but not to Butler. One of his first acts after taking command was to begin the search for Mumford and his associates. Butler pledged to Stanton that the miscreants would be found and

¹⁶Governor Moore, undated address, Butler, *Correspondence*, 1:459-463; Wife of a Southern Planter to Butler, May 7, 1862, *Ibid.*, I:449.

punished in such a way that will cause them to “fear the Stripes if they do not reverence the Stars.”¹⁷

Mumford was captured and charged by a military commission with attempting to incite resistance to the lawful authority of the federal government. On May 30, he was found guilty and sentenced to death. The people of New Orleans refused to believe he would actually be executed, however, and when on June 5 Butler issued the order for Mumford’s hanging, an uproar ensued. Just as in the case of Dr. David Wright in Norfolk, the accused’s wife and friends eloquently pleaded for his life, but Butler was determined that only by making an example out of Mumford could he convince Southern sympathizers of his firm intention to have law and order prevail.¹⁸

One week later, in a place possibly chosen as Butler’s way of discouraging similar exploits against Federal property, Mumford was hanged outside the Mint. The large, sullen, and angry crowd gathered to witness the execution was packing both guns and whiskey. However, when the hanging had been carried out, they dispersed without incident. The execution solidified Butler’s notoriety throughout the South.¹⁹

Butler’s own assessment that the execution “caused the greatest excitement throughout the whole Confederacy” was an understatement of the antipathy it unleashed

¹⁷OR 6, 505.

¹⁸OR, 6:505; *Picayune*, June 8, 1862; *Butler’s Book*, 440-443; Special Order No. 70, June 5, 1862, Butler, *Correspondence*, 1:374.

¹⁹OR, 15:465, 469; *Butler’s Book*, 441, 443, *Picayune*, June 8, 1862; Wickham Hoffman, *Camp, Court and Siege: A Narrative of Personal Adventure and Observation During Two Wars: 1861-1865, 1870-1871* (New York: Harper Brothers, 1877), 22. Much of the indignation about the case derived from the Confederate’s claim that the city had neither surrendered nor been occupied when the flag was torn down, and that Farragut had had no right to raise the flag there before the Union was formally in charge. Proponents argued that Mumford was punished for an act that occurred while New Orleans was not under Federal authority. Although Butler does not explain his actions, in 1869 he paid off a lien against Mumford’s widow’s home in Virginia and later helped her get a government job. *Butler’s Book*, 443-445.

against him personally as well as the Union troops in New Orleans. Mumford had joined Alexandria's James W. Jackson as yet another martyr tragically slain for a symbolic act of resistance. That such symbolic defiance resulted in death seemed to be ample evidence of Butler's personal barbarity. Letters poured in to the general decorated with various threatening pictures of skulls and crossbones, pistols, and coffins. Louisianans quickly dubbed him "Beast" Butler. The execution provided ammunition for Southern propagandists and galvanized resistance to the occupation in New Orleans. Early that month, six ex-Confederate soldiers had been arrested and charged with recruiting men to join the rebel forces upriver. Their plot fueled Northern fears of a mass uprising among the citizens of New Orleans, yet Butler commuted their death sentence four days before Mumford's execution²⁰ No action Butler later took could or would quell the implacable resistance.

As in the case of Mumford's actions, however, most defiance was symbolic rather than violent. Citizens sang rousing renditions of patriotic Southern songs. President Lincoln, Union soldiers, and Northerners in general all became targets of insults. In the first days of the occupation, Confederate sympathizers pressured store owners and other businesses to refuse service to Union troops. When one of Butler's aides visited the St. Charles Hotel on May 2, 1862, to arrange accommodations for the general and senior officers, the clerk in charge attempted to turn him away, claiming that the hotel was closed. The officer demanded to see a room anyway, and once behind closed doors, the clerk whispered, "It would be as much as my life is worth, sir to offer to accommodate

²⁰OR, 15:469.

you here. . . . But if you choose to send troops and open the hotel by force, why, we will do our best to make you comfortable.”²¹

Objections to the occupation stemmed not from the behavior of the soldiers, but mainly from what the residents perceived as curtailment of their civil liberties. The execution of Mumford was the most blatant example, but a host of other Federal policies fueled resentment: General Order No. 28, Butler’s famous “Woman Order,” the restrictions on freedoms of assembly and speech, the forced oaths, confiscation of property, suspension of municipal government and the installation of a Union officer as mayor, and, finally, the establishment of black regiments and the “placing of the negroes on a level of the white man in courts of justice.” In short, the anger of the people of New Orleans was directed against acts that were, for the most part, justified by military necessity. However, the power of symbolism was either not realized or ignored by Butler and, later, by his successor, Nathaniel P. Banks. Hanging Mumford and issuing his Woman Order were just as powerful incentives to resistance as any overt mistreatment would have been.²²

As in Alexandria, Norfolk, and Nashville, women bore the brunt of the occupation and were the public face of resistance and defiance. As one woman wrote to Butler: “Our cities you may steal [but] our hearts you can never, never subdue.” Women engaged in a variety of actions to harass, annoy, insult, and demoralize Union troops. One day while out riding, Butler saw a group of women on a balcony above him. As he

²¹Hoffman, *Camp, Court and Siege*, 28.

²²W. C. Corsan, *Two Months in the Confederate States: Including a Visit to New Orleans under the Domination of General Butler* (London: Richard Bentley Publisher, 1863), 39.

passed, they all ostentatiously turned their backs on him. The general turned to his aide and commented that the women “evidently know which end of them looks best.”²³

While their commander was unfazed by the contemptuous/dismissive treatment, most of his troops were not as sanguine. In the street, women turned up their noses at passing soldiers, often crossed to the other side, or histrionically held aside their skirts, lest the hems be soiled by contact with a blue uniform.²⁴ Just as Butler’s correspondent had declared an aversion to Yankees so intense that she wanted to spit upon all those in blue, so also did many other women.²⁵ The women’s actions so incensed the soldiers that, when two officers complained to the military government that a group of children, with the full encouragement of their mothers, had spat on them, Butler made a fateful decision. He could not arrest and jail every woman who demonstrated her Southern partisanship by insulting soldiers, such a course of action well might have touched off a riot. So he hit upon another method which, along with Mumford’s execution, would prove to define his public image. On May 15, 1862, in response to the open defiance of New Orleans’ female population, Butler issued General Orders No. 28, which became known as his “Woman Order”:

As the officers and soldiers of the United States have been subject to repeated insults from the women (calling themselves ladies) of New Orleans, in return of the most scrupulous noninterference and courtesy on our part, it is ordered that hereafter when any female shall, by word, gesture, or movement, insult or show

²³Butler’s *Book*, 416.

²⁴George N. Carpenter, *History of the Eighth Regiment Vermont Volunteers* (Boston: Deland and Barta, 1886), 34, 38.

²⁵Wife of a Southern Planter to Butler, May 7, 1862, in Butler, *Correspondence*, 1:448.

contempt for any officer or soldier of the U.S., she shall be regarded and held liable to be treated as a woman of the town plying her avocation.²⁶

The order offended Victorian sensibilities and infuriated Southerners. “I cannot express . . . the indignation this thing awakened,” wrote young diarist Clara Solomon. Her older contemporary Mary Chestnut agreed, suggesting that “only a “hideous, cross-eyed beast” would have the temerity to equate the respectable women of New Orleans with prostitutes and would further give his men leave to treat them as such.”²⁷

Butler forwarded a copy of the order to Stanton, along with a letter in which he pointed out that he had received no instructions from Washington except on the most routine matters. In typical Butler fashion, he expressed appreciation for the compliment on his initiative and judgment expressed by being left to his own discretion, but pointed out that he had therefore had to be guided by his own wisdom in issuing the order.²⁸

Although the order caused outrage, it was effective. “The forbidden outrages ceased. . . . There was an end to the insults . . . and it proved very useful as one means of restoring quiet,” wrote George Carpenter of the 8th Vermont Infantry. As to the conduct of the women, a visitor from England, W.C. Corsan, wrote that they were “less guarded than the gentlemen,” but that beyond refusing any social contact with Union

²⁶General Orders No. 28, May 15, 1862, OR, 15:426; *Butler's Book*, 416-417; Hoffman, *Camp, Court and Siege*, 28.

²⁷Clara Solomon, *The Civil War Diary of Clara Solomon: Growing Up in New Orleans, 1861-1862*, ed. Elliot Ashkenazi (Baton Rouge: Louisiana State University Press, 1995), 49; Mary B. Chestnut, *A Diary from Dixie* (Boston: Houghton Mifflin, 1949), 165.

²⁸Butler to Stanton, June 10, 1862, Butler, *Correspondence*, 1:569.

soldiers, he saw or heard nothing “of which any gentleman would take cognizance.”²⁹

One newspaper declared that the Garden District was as quiet as Sleepy Hollow.³⁰

By issuing the Woman Order, Butler may have defused what could have had deadly consequences. The order, along with the execution of Mumford, established Butler’s resolve to govern with an iron hand and may have presented more civilian-initiated conflict. The harassment of Union soldiers had the potential to escalate beyond mere insults and the occasional assault by saliva: it had the potential to escalate into a violent confrontation. Many pro-secessionists openly insulted the Union soldiers, hoping to be arrested. They calculated that their arrest would then inflame the passions of like-minded Confederate patriots and the paroled Confederate soldiers and would thereby erupt in open rebellion against the occupiers. Butler himself recognized that the position of his troops was tenuous and that he had insufficient numbers with which to suppress such a revolt.

Among those who spoke out against the Woman Order was Mayor Monroe, who was still nominally in charge of city government. He protested this apparent war on women and children, who in his mind had done nothing more than show their displeasure at enemy occupation.³¹ This was not the mayor’s first confrontation with the Union army. From the first days of the occupation, he had been an obstacle. Butler accused him of hindering the sanitation drive and selling food to the Confederates. His open condemnation of a legally constituted military order was for Butler the last straw. When

²⁹Corsan, *Two Months in Confederate States* 28-29; Henry A. Shorey, *The Story of the Maine Fifteenth* (Bridgeton, ME: Bridgeton News Press, 1890), 24.

³⁰*Bee*, November 18, 1862.

³¹Monroe to Butler, May 16, 1862, Butler, *Correspondence*, 1:497-498.

called to Butler's office and threatened with being sent to Fort Jackson, Monroe signed an apology. He then subsequently asked twice to rescind the apology; at the second request, Butler, tired of Monroe's games, ordered him, along with the chief of police and a judge, to be sent for confinement at Fort Jackson. He then appointed Brigadier General George F. Shepley as military commandant of the city. He also dismissed the police chief and a judge for their failure to cooperate.³²

Butler's goal with the hanging of Mumford and the issuing of his Woman Order was to maintain order and discipline in an occupied area. But there was a higher war aim for the occupation than simply keeping the peace. The Lincoln administration was not aiming just to subdue the rebels and conquer the South but to persuade the wayward Southerners that they should rejoin the Union. This delicate balancing act meant that for Butler, as for all commanders on the ground, the first step was to ascertain who was ready to rejoin the Union and who would need more persuading. Butler's first order had assured those New Orleanians who repudiated the Confederate cause that they would be left unmolested. By early June, though, Butler was realizing that he needed to draw a more clear distinction between Unionist and rebel than merely the absence of overt support for the enemy. He therefore ordered that within five days, all public officials had to formally swear allegiance to the United States and vow their support for the Constitution. All citizens who wished the protections and benefits of the United States would also have to take the same oath.³³

³²Monroe to Butler, May 17, 1862, Butler, *Correspondence*, 1:499; "Minutes of Interview between General Butler and the Mayor of New Orleans," May 19, 1862, *Ibid.*, 499-501; OR, 6:724.

³³General Orders No. 41, June 10, 1862, Butler, *Correspondence*, 1:574-576.

In the wake of Shepley's appointment as a replacement for Mayor Monroe, the requirement for oaths was opposed by the rest of the city's officials. The next city council meeting featured only a handful of councilmen present amidst a wave of resignations. Shepley declared municipal legislative functions suspended until sufficient loyal citizens (by definition, those willing to take the oath) could be found to fill the vacancies.³⁴ Few private citizens stepped up to take the oath, either. By the end of August, only approximately 20,000 – or one-third of New Orleans residents – had taken the oath. Undoubtedly some were concerned about reprisals from the remaining two-thirds.³⁵ Thanks to Congress, however, an additional incentive appeared to make the oath-taking suddenly more palatable.

In July, 1862, Congress passed the Second Confiscation Act, which mandated the immediate confiscation of property belonging to officials of the Confederacy, but also gave private citizens sixty days in which to affirm their allegiance to the United States or also face confiscation. As day sixty approached, those in New Orleans who had not yet taken the oath became nervous. Butler had already shown that he had no qualms about confiscation; he had taken property belonging to prominent rebels immediately upon his arrival in the city, and the army had continued to confiscate numerous private dwellings and businesses for various military ends. So, to no one's surprise, promptly on day sixty-one, September 24, Butler ordered that every person over the age of 18 who had not

³⁴*Butler's Book*, 473.

³⁵Gerald M. Capers, *Occupied City: New Orleans under the Federals, 1862-1865* (Lexington: University of Kentucky Press, 1965), 123.

heretofore taken the oath register themselves, along with a description of their property, as enemies of the United States.³⁶

The penalties that Butler had imposed on residents were retaliation for resistance to the various measures enacted by the occupiers. These measures had a military purpose, and those who were not willing to cooperate with the Federals after the first month under Butler's regime were left with no doubt as to what the result would be. Butler's objective in requiring the oath was to dampen down hopes for rescue "from our sainted Beauregard," and, in pacifying the city, to free up more of his troops for active duty in the field. Citizens flocked to take the oath although no doubt many (if not most) did so, as was true of their fellows in other occupied cities, with tongue firmly in cheek. However insincere they were, it was enough to keep their property from being confiscated. Absentee rebels, on the other hand, had their property seized and sold at auction. The sight of their neighbors' furniture, silver, jewels, and clothing being sold off engendered even more bitterness toward the Yankee invader. And perhaps many assumed Butler and his men were personally pocketing the proceeds. The sobriquet "Spoon" was added to the collection of other epithets directed at the general.³⁷

Butler used less draconian means to foster Union sentiment. He encouraged the formation of Union associations and saw to it that the Fourth of July was celebrated with much pomp and ceremony. The words "The Union must be preserved" were carved onto the base of the statue of Andrew Jackson which prominently occupied the Place d'Armes. Though Union sentiment remained less than strong that first summer of the occupation,

³⁶Butler, *Correspondence*, 1:602.

³⁷Wife of Southern Planter to Butler, May 7, 1862, Butler, *Correspondence*, 1:448.

there was some support and cooperation with Butler's regime. And, as in every conflict, there were those who blew with the wind. The sign over one bakery's door read "United States Bakery" until it changed to "Confederate States Bakery" after the vote for secession. Shortly thereafter, the word "Confederate" was crossed out and the sign simply said "States Bakery," leaving a blank for whatever or whoever might turn up in charge next. Such a lack of conviction may be no more surprising than disingenuous oath-taking in a situation where benefits accrued only to those who were willing to publicly declare their loyalty.³⁸

The challenges of post-war reconstruction were clearly foreshadowed in that first summer of the occupation of New Orleans. Despite Butler's efforts to keep them out, refugee blacks continued to stream into the city and by autumn, 10,000 of them needed support. Their arrival was greeted with consternation from most of the white residents, and the newspapers were full of accounts of various "outrages" of the former slaves who were allegedly flouting the law. They were clashing with police and were armed and insolent, the papers warned. Butler himself shared some of these worries, both about the conduct of blacks in the city and about a general insurrection.³⁹

His attitude reflected a larger uncertainty about the position of blacks vis-à-vis the army. As late as July, 1861, both houses of Congress had passed resolutions which affirmed that the war was not one of emancipation. But from almost the first day of the war, the question of slavery had become entangled with the Union Army's prosecution of the war, primarily in the person of slaves fleeing their masters. In the absence of a clear

³⁸*Daily Delta*, May 4, 1862.

³⁹*Picayune*, July 4, 22, August 14, 1862; *Bee*, July 2, August 5, 1862; Butler to Mrs. Butler, July 25, August 12, 1862, Butler, *Correspondence*, 2:109, 186.

directive from the administration in Washington, it was up to the discretion of individual commanders how to proceed, and this ultimately led to a patchwork of improvised approaches. Although Butler's actions with respect to contrabands at Fort Monroe had been approved by Washington, that had been a localized event. No formal or, more importantly, unified policy existed.

As he had done in Virginia, Butler sought guidance from the secretary of war as to what to do with the slaves arriving daily into the city, especially in light of the March 13, 1862, act of Congress that prohibited military officers from returning slaves to their masters. Stanton replied vaguely that it was not felt necessary to burden Butler with specific instructions. This reluctance was a reflection of Lincoln's hesitation to set forth a clear policy, and possibly, part of his waiting for a more propitious moment in which to announce the Emancipation Proclamation. In any event, once again, as in Norfolk, Butler was left on his own to handle the thorny issue of refugee slaves.⁴⁰

Butler acted more circumspectly in New Orleans than he had at Fort Monroe. The situation Butler faced in Louisiana was different than in the Tidewater: there were far more potential refugees and the means to feed them were even more lacking in New Orleans, given that Butler was further away from Northern sources of supply. In addition, encouraging slaves to leave the nearby plantations would, paradoxically, mean there would be fewer left to work on the land who could plant and ultimately harvest crops, which would in turn mean less food for those under Union protection.

Butler, however, could not afford to wait for a clear signal from Washington. Those refugees whose services could be utilized within the Union lines were accepted

⁴⁰Butler to Stanton, May 25, 1862, OR, 15:441-442; Stanton to Butler, June 29, 1862, Butler, *Correspondence*, 1:518; Stanton to Butler, June 23, 1862, OR, 15:493.

and, as he had done at Fortress Monroe, Butler hired some contrabands as cooks, nurses, launderers, and laborers. He once again used refugees as spies against their former masters. At the same time, however, an owner who could prove he was loyal to the Union had his fugitives returned to him. Finally, Butler also issued orders excluding all unemployed persons from entering Union lines without passes.⁴¹

Butler soon had to deal with General John W. Phelps. An ardent abolitionist, Phelps was acting in the kind of brash fashion that had hitherto characterized Butler. For those slaves who had not gotten the message that their liberation was at hand, Phelps was sending out parties of soldiers to plantations in the countryside around New Orleans encouraging those slaves still in place to desert their masters. Complaints flooded in to Butler: slaves were being accepted into Phelps's lines regardless of the loyalty status of their erstwhile masters and, even worse, were being actively enticed away from their plantations by roving bands of Phelps's men. Despite Butler's direct orders to discontinue sending his troops around the countryside and to abide by the rules in place regarding fugitive slaves, Phelps continued his policies.⁴²

Shortly after Butler took control, he was called upon by a group of officers from a black regiment, the Native Guards of the Louisiana militia. The purpose of their visit was to verify their status, but they also offered their services to the Union war effort. Without making any definitive promises, Butler addressed the issue with Stanton. In fact, with refugee slaves pouring into the city, the fears of insurrection were not confined to white Southerners; Union officers also recognized the potential for trouble. In the end,

⁴¹Special Orders No. 24, May 26, 1862, OR, 15:444; Special Orders No. 45, May 27, 1862, Ibid., 446.

⁴²*Picayune*, May 15, 1862; De Forest, *Volunteer's Adventures*, 35; Butler to Stanton, June 18, 1862, OR, 15:485-6; Phelps to R. S. Davis, July 30, 1862, Ibid., 534-535; Butler to Phelps, August 5, 1862, Ibid., 542.

the threat of a counterattack from Confederate forces and the lack of reinforcements from the North persuaded Butler to activate the Native Guards in August, 1862. He assured Stanton as to their loyalty and their status as free blacks. With the Guards as a nucleus, 1000 men enlisted within two months, forming the first black regiment to be mustered into the United States army. In his correspondence with Stanton, Butler referred to the recent order by General David Hunter in South Carolina, which had organized a regiment of blacks in that Department. Butler continued to press Washington for affirmation, and in the absence of a reply, he finally informed Stanton that he would assume silence meant approval.⁴³

General McClellan had earlier warned Butler to station the majority of his troops across the river from the temptations of the city and to rely on the Unionist sentiment in town to keep the peace: “It may be necessary to place some troops *in* the city to preserve order, though if there appears sufficient Union sentiment to control the city, it may be best for the purposes of discipline to keep your men out of the city.”⁴⁴ McClellan was perhaps overly optimistic in counting on Union sentiment to be of any use, but he certainly was correct in his assessment of the various diversions available to the soldiers. While Northern troops remarked unfavorably on the oppressive heat they found in New Orleans and were awed by the number of free blacks, they were also overwhelmed by the “open sin” of the city.⁴⁵ Nevertheless, Butler had a firm hand and was not afraid to use it. He believed that he had been successful in restraining his men from the “temptations and

⁴³*Picayune*, August 21, 1861; Butler to Stanton, May 25, 1862, Butler, *Correspondence*, 1:518; Stanton to Butler, June 29, 1862, *Ibid.*, 2:10; OR, 15:556.

⁴⁴George McClellan to Butler, February 23, 1862, Butler, *Correspondence*, 1:361.

⁴⁵Hoffman, *Camp, Court and Siege*, 26.

inducements of a large city.” His other motive was undoubtedly to forestall retaliation on the part of his men against any provocations from the disgruntled citizens. He later asserted that “no officer or soldier did any act to interfere with life, limb, or property of any person in New Orleans, unless acting under perfectly explicit orders so to do.”⁴⁶ Any incipient trouble that might have been brewing amongst his men was put to rest with the very public hanging of a handful of soldiers who had been found looting.⁴⁷

While the Union troops were probably not all as obedient and disciplined as Butler would have liked, their relatively orderly conduct was noteworthy to English visitor W.C. Corsan, who wrote that the soldiers were “certainly very well behaved and free from disorder.” Treasury agent George S. Dennison, a confidant of Samuel P. Chase’s and no friend to Butler, even praised his men for being “quiet, orderly & gentlemanly.” Provost marshal reports in the fall of 1862 show few arrests among soldiers; most involved violations of military rules (desertion and insubordination) rather than offenses against the property or persons of New Orleans.⁴⁸

One group of New Orleans residents who demanded protection and probably caused Butler more trouble than all the others was the foreign consuls and other foreign nationals, numbering approximately 4,000 people at the beginning of the occupation.⁴⁹ Some were sympathetic to the Confederacy, even covert supporters, and were therefore

⁴⁶*Butler’s Book*, 414; General Orders No. 15, May 1, 1862, Butler, *Correspondence*, 1:435-436.

⁴⁷OR, 6:717; Ibid. 15:476-77, 478.

⁴⁸Corsan, *Two Months in Confederate States*, 36-37; Denison to Salmon P. Chase, “Diary and Correspondence of Salmon P. Chase,” *Annual Report of the American Historical Association for the Year 1902*, 2 vols. (Washington, DC: Government Printing Office, 1903), 1:305; Provost Marshal Records of Arrests and Seizures, RG 393, NA.

⁴⁹Estimate from New Orleans *Bee*, May 3, 1862, quoted in Capers, *Occupied City*, 98.

not entitled to treatment as neutral parties. However, in reality, all were able to claim the protection of their governments and had no hesitation in so doing any time they felt Butler had exceeded his authority. For his part, Butler viewed their neutrality with considerable skepticism and in fact suspected various consuls of helping conceal Confederate property and providing other tangible aid to the rebellion. The situation called for diplomacy and tact, not qualities Butler was noted for. His disputes and clashes with the consuls not only drew the attention of Washington but also ultimately resulted in his being relieved of command in New Orleans.

Acting on information received, Butler seized the consulate of the Netherlands and confiscated about \$800,000 in Mexican silver coins, claiming they were the property of the Confederacy. The money was found to belong to a Dutch bank, and Secretary of State William Seward was forced to formally apologize to the Dutch ambassador. He censured Butler, but that did not stop the headstrong general. Again claiming that he was preventing goods from falling into the hands of the enemy, Butler seized more than 3000 hogsheads of sugar which belonged to British, French, and Greek citizens. This time it was Lincoln who ordered Butler to return the sugar and apologize.⁵⁰

As a further source of tension, Butler's quarantine restrictions to prevent yellow fever was delaying foreign commerce, and his order that all civilians turn in any arms drew protests from the French consul in particular, who adamantly argued that the weapons were the private property of foreign citizens and could not therefore be seized. Butler was insistent, however, and the French relinquished their arms along with everyone else. Many of the foreigners resident in New Orleans owned slaves, despite the

⁵⁰Harold P. Johnson, "New Orleans under General Butler," *Louisiana Historical Quarterly* 24 (April 1941), 512-16.

laws of their respective nations forbidding slavery. Butler ordered that any slaves owned by English or British subjects were free, and a number of these newly-freed men were promptly enrolled in Butler's black military unit.⁵¹

So far, then, Butler had seized their money, sugar, arms, and slaves. With his General Order No. 41 of June 10, 1862, he further provoked the consuls. All those in the city who were foreign-born and had lived in the United States for at least five years without seeking the protection of their government would be considered to be U.S. citizens and would therefore be required to take the oath of allegiance. A delegation of consuls wrote a six-page letter of protest to the general, but Butler's response was only to go into more detail to explain his order. If anyone opposed the laws or the way in which they were being administered, he pointed out, they had

an immediate, effectual, and appropriate remedy in his own hands, alike pleasant to him and to us, and that is not to annoy his consul with complaints against those laws or the administration of them, or his consul wearying the authorities [by] verbose protest, but simply to go home. 'Stay not on the order of his going, but go at once.'

Butler's Shakespearean flights of fancy further inspired him to inform the consuls that it was not part of their duties to send "argumentative protests" against his orders.⁵² He revised the original order to require a simple oath that had been required of the officers of the European brigade by the Confederates in April 1861. He then sent copies of the exchange to Secretary of War Stanton, along with his recommendation that the

⁵¹*Butler's Book*, 566, 571.

⁵²Butler to Immanuel Callejon et al., June 16, 1862, Butler, *Correspondence*, 1:600-604.

diplomatic credentials of the complainers be revoked on account of violations of neutrality.⁵³

The administration did not back Butler. Seward told Butler to stop requiring foreigners to take the oath and pointed out that it was preferable that misconduct on their part not be anticipated but instead dealt with if and when it should actually occur.⁵⁴ Both the president and General Henry Halleck recognized the dangers in alienating the consuls, especially those of England and France. In the summer of 1862, European recognition of the Confederacy was still a very real possibility. In this case, the needs of Butler in the field dealing with the problems of his own department in an attempt to carry out his mission of reconciling the city were outweighed by the Lincoln's administration reluctance to permit any action which might unnecessarily offend any European nation. Butler's refusal to recognize their diplomatic immunity, especially his incursions into their consulates, outraged and alienated the European community. His conflict with the foreign consuls led to Butler's recall. Seward had reached the limits of his patience with the general, given the pressure on him from England and France. In November, Lincoln selected Major General Nathaniel P. Banks to replace Butler as commander of the Department of the Gulf.

Butler had found New Orleans to be a challenging post. From the outset, the citizenry had failed to welcome him with open arms, and the conduct of the mayor and civilian authorities was hardly one of cooperative acquiescence. While Butler was

⁵³Butler to Stanton, June 17, 1862, Butler, *Correspondence*, 1:595-596; Stanton to Butler, June 29, 1862, *Ibid.*, 2:9-11; General Orders No. 82, OR, 3, pt. 2:234-235.

⁵⁴General Orders No. 41, June 10, 1862, Butler *Correspondence*, 1:574-576; Callejon et al. to Butler, June 16, 1862, *Ibid.*, 1:597-600.

undoubtedly severe, he did manage to restore and maintain order, keep his troops under control, and prevent looting and other malfeasance. His actions were similar to those undertaken by Andrew Johnson in Nashville with the goal of establishing and maintaining Federal authority: he restricted civil liberties, confiscated property, imposed restrictions on speech, and closed churches and newspapers for promoting treason. Despite his lack of patience and growing frustration with those whom he considered traitors, he was fair toward those who were willing to repudiate the rebellion and pledge genuine allegiance to the United States.

Though the majority of citizens remained loyal to the Confederacy, enough of them demonstrated Union loyalty to enable elections to be held by the end of the fall. Lincoln believed that new representatives in Congress from a seceded state would send a powerful message of Unionism in the South and might encourage other states to repudiate the Confederacy and return to the Union. An election day was scheduled for December 2, 1862, to select representative to Congress from the two districts which made up the area under Butler's control. Benjamin F. Flanders, a New Hampshire native and staunch Unionist, was elected from the First district. Threats of violence had forced him to flee the city shortly after secession, but he returned when Butler arrived and served as city treasurer until his election to Congress. Michael Hahn, a German immigrant, was elected from the Second district. He, too, had opposed secession from the outset. The House of Representatives declined to seat Flanders and Hahn, claiming that the election had violated local and state laws. The arrival of the two men as representatives of an occupied state highlighted the question of what to do with Confederate states which were still under military jurisdiction. Many Radicals were now second-guessing their tacit

approval of Lincoln's military governments. Military government was also a thorn in the side to the Democrats, made even worse by the Emancipation Proclamation, which led a coalition of Democrats and conservative Republicans to accuse Lincoln of changing the objective of the war from preserving the Union to freeing the slaves. On the recommendation of the House Committee on Elections, Hahn and Flanders were ultimately permitted to take their seats in the House, but many in Congress remained wary of the power this implicitly gave to military rule in the South.⁵⁵

A few days after the election, General Banks arrived to take charge of the Department and, on December 17, Butler relinquished his command, to the limited sorrow of the citizens of New Orleans. No love had been lost between him and the people living in his command, but "the Beast" had not been all bad. His job had been to demonstrate unquestionably to the citizens of Louisiana that Federal authority had been permanently restored, and that required insistence on pledging allegiance, as well as removal of uncooperative and disloyal civil authorities. Butler's trials demonstrated the difficulty of constructing a wartime reconstruction and reconciliation.

In his farewell proclamation to the people of New Orleans, Butler expressed his frustration with those who had failed to welcome their conquerors and still refused to abjure their rebellion: "Commanding the Army of the Gulf, I found you captured, but not surrendered; conquered, but not orderly; relieved from the presence of any army, but incapable of taking care of yourselves. I restored order, punished crime, opened commerce, brought provisions to your starving people, reformed your currency, and gave you quiet protection, such as you had not enjoyed for many years. While doing this, my

⁵⁵William C. Harris, *With Charity for All: Lincoln and the Restoration of the Union* (Lexington: The University Press of Kentucky, 1997), 79-80.

soldiers were subject to obloquy, reproach, and insult.” Having gotten off to a rousing start, Butler then continued by listing the things he had done for the city, from preventing the spread of yellow fever to allowing free elections. “You have seen, therefore, the benefit of the laws and justice of the government against which you have rebelled. Why then will you not all return to your allegiance to that government – not with lip service but with the heart?”⁵⁶

Like Butler, Banks was a former Massachusetts politician. Unlike the blunt Butler, though, Banks had broader political experience, including terms as a state legislator and governor of Massachusetts, as well as speaker of the House in Congress. He was by nature more conciliatory, but his nature and his policies would be no more successful in terms of restoring Louisiana to the Union than had Butler’s. The shift from Butler to Banks meant a shift from force to conciliation. However, the timing of this shift meant it was unlikely to work. Coming right after Butler’s iron hand, the change to a more lenient policy appeared to be a sign of retreat or weakness on the part of the Union.

Banks arrived in New Orleans with two preconceptions. First, he held vastly oversimplified ideas about what to do with the slaves. Second, like Johnson in Nashville, he believed that the majority of Southerners, while naturally sympathetic to the Confederacy, were at heart loyalists and a small minority of planters and merchants had forced secession and war on that loyal majority. Like other politicians, again notably Johnson in Nashville, Banks distrusted the elite planter class, and he hoped to isolate them politically.⁵⁷

⁵⁶Butler, *Correspondence*, 2:554.

⁵⁷Fred H. Harrington, *Fighting Politician: Major General N. P. Banks* (Philadelphia: University of Pennsylvania Press, 1948), 97, 104.

While some in New Orleans were no doubt thrilled to be rid of Butler, Gideon Welles expressed reservations about Banks. He thought Banks, though “less reckless and unscrupulous” than Butler, lacked his predecessor’s energy, and he doubted whether Banks would be able to maintain control over the citizens of New Orleans.⁵⁸ Although Lincoln gave orders and advice to his commanding generals, it was the general on the scene who set the tone of the occupation. When Banks arrived, citizens immediately recognized the new, more lenient tone.⁵⁹ For their part, the people of New Orleans were delighted to welcome their new commander, whose first actions indeed seemed to herald the arrival of a more lenient regime.

On Christmas Eve, churches Butler had closed for refusing to include the prayer for the president once again opened their doors. Clergy were warned that they were “subject to the restrictions imposed upon all other men. . . . No appeal to the passions and prejudices of the people or to excite hostility to the Government . . . can be allowed.” Registered enemies were given another chance to take the oath and, if they refused, were granted permission to leave. Banks ordered the release of all political prisoners. He halted the public auctions of private property, and many Federal officers were ordered to move out of the private homes they had seized. Recognizing that the army was operating “an immense military government, embarking every form of civil administration . . . in

⁵⁸Gideon Welles, *Diary of Gideon Welles, Secretary of the Navy under Lincoln and Johnson* 3 vols. (Boston: Houghton Mifflin, 1911), 1:159.

⁵⁹Julia E. Le Grand Waitz, *The Journal of Julia Le Grand, New Orleans, 1862-1865* ed. Kate Mason Rowland and Agnes Croxall (Richmond: Everett Waddey Co., 1911), 55-56.

addition to the ordinary affairs of a military department,” Banks continued most of Butler’s public works programs and relief.⁶⁰

Like Butler, Banks had aspirations for higher office and thus hoped to make wartime reconstruction a smooth process. His first declaration was a detailed plea for the people of Louisiana to return to the Union. He pointed out that Louisiana was represented in Congress and that all loyal men could expect compensation “for losses by acts of the United States, including slaves.” He assured his audience that the war’s purpose was preservation of the Union, not abolition; the Emancipation Proclamation did not apply to Louisiana and was only a “declaration of purpose.” Slaves were distinctly discouraged from leaving their plantations and attempting to enter Union lines.⁶¹

As Banks had assured worried residents, Lincoln’s Emancipation Proclamation specifically exempted the conquered portions of Louisiana. However, he soon realized that the Emancipation Proclamation was having an impact even in New Orleans. The migration of blacks to Union lines threatened the security of the troops, as it did in other Union-occupied regions. Not only were the former slaves a public health problem, but local conditions as well as a misunderstanding of the range and import of the order (which specifically excluded New Orleans) had the potential to incite insurrection.⁶²

Banks ordered that all unemployed blacks who did not join the army were to be sent to work on private or government-confiscated plantations. They would serve under a one-year contract and, in exchange for their labor, would receive housing, food, medical

⁶⁰General Orders No. 118, December 24, 1862, OR, 15:624; Banks to Henry W. Halleck, January 7, 1863, OR, 15:639-40; Special Orders No. 66, March 7, 1863, OR, 15:1111.

⁶¹General Orders No. 111, December 17, 1862, OR, 15: 611.

⁶²Banks to Stanton, January 19, 1863, Banks Papers, Essex Institute, Salem, MA.

care, and wages. The army would supply supervisors to ensure blacks received fair treatment, both in the contractual agreements and at work. The army ended up employing approximately 50,000 workers on 1,500 estates. This program was arguably one of the most successful of its kind in the occupied regions. Much-needed food was produced for the urban dwellers in New Orleans as well as cotton for export. At the same time, troops who were needed to fight at the front were freed up by the employment of blacks. Although the system was not particularly popular, Banks had accomplished his main goal, which was to prevent a large population of under-employed refugees from congregating in the city and becoming a burden on the army.⁶³

After putting the adults to work, Banks took care of the children. Monies from a dedicated property tax and taxes on cotton, sugar, and molasses were diverted to the education of black children. Although the subject of some hostility and opposition from New Orleans citizens, nearly 100 schools were set up, enrolling about 10,000 students. Most of the teachers were white women, from Unionist families in New Orleans, in sharp contrast to other areas of the occupied South, where the teachers in black schools were almost uniformly from the North. Banks also opened night schools for black adults, and a white teacher was assigned to each black regiment.⁶⁴

Banks was not as progressive as Butler had been in all respects. The Union occupation was an opportunity for free blacks to press for political and social concessions. For the first time, public transportation and the court system were

⁶³General Orders No. 12, January 29, 1863, OR, 15:666-67; Harrington, *Fighting Politician*, 105; Louis S. Gerteis, *From Contraband to Freedom: Federal Policy toward Southern Blacks, 1861-1865* (Westport, CT: Greenwood Press, Inc., 1973), 7, 82-83; General Orders No. 23, OR, 36, pt. 2:227-28.

⁶⁴Harrington, *Fighting Politician*, 108-110.

desegregated under Butler. Banks, however, worried about rumors of insurrection and how the white citizens in his command would react if the rumors were not silenced. He began arresting blacks for violations of the curfew and assembling in public without a proper pass.⁶⁵

In appointing Banks, Lincoln had recognized the general's political instincts, but Banks's actions toward the blacks in his department lacked political savvy. While the contract labor system he set up was an important step in dismantling slavery in Louisiana, and while it did provide some protection for blacks, antislavery men considered it an unnecessary conciliation to Confederate sympathizers. They ignored Banks's own often-stated antislavery sentiments and called him a "slavocrat." This action by Banks helped produce a rift between Unionists in Louisiana, a similar division to that in Nashville between conservative Unionists and more radical Union supporters. At this point, with emancipation not yet a primary war aim for Lincoln, the president ignored the controversy that later would weaken attempts to restore a loyal government.⁶⁶

Lincoln's main goal was to ensure that civil government was restored. Since Banks faced a New Orleans under decidedly military control, that was the general's first priority. The question was how to turn over governance to civilians and keep it out of the hands of the planter class while at the same time accruing planter support for the reconstruction policies which were being enacted. Now the repercussions of the Unionist factions came into play. The moderate Unionists such as Hahn, who supported Lincoln, clashed with those who were more radical. This clash between radical and moderate

⁶⁵OR 15:1122.

⁶⁶Harris, *With Charity for All*, 114.

Unionists meant that in New Orleans, as elsewhere in the occupied South, a space was created for conservative Unionists and even those who paid only lip service to the Union to grab power.

Meanwhile Banks's more accommodating demeanor did not go unnoticed among the people of New Orleans. Such measures appeared to be working, according to the *Picayune*, which wrote that Banks's policies were "eliciting the approbation of our citizens. People begin to breathe more freely." Banks himself displayed almost none of Butler's personal disdain for the "rebel" civilians, as he proved by a succession of concerts, dances, and parties at which he hoped to "dance the fair creoles to loyalty." He wrote his wife that "Everyone says if I could have been here earlier the State would have been for the Union. It will be now."⁶⁷ However, Banks misjudged the New Orleanians, who took advantage of what they perceived as leniency to express openly more disloyal and anti-Union sentiments. Newspaper editors began refusing to print Northern military propaganda, while ministers of newly-opened churches once again refused to honor proclamations for days of fasting and prayers for Northern political and military success. Treasury agent George Denison told Secretary Chase in disgust that the city was "less a Union city now than when General Banks came here . . . The policy of conciliation, in whatever form, is useless, absurd, and hurtful."⁶⁸

The new commander's promotion of balls and concerts had the effect of emboldening once again the most outspoken resisters to Union rule, women. They

⁶⁷*Picayune*, December 28, 1862, January 16, 1863; Harrington, *Fighting Politician*, 92-95; Banks to wife, January 11, 30, 1863, Banks Papers.

⁶⁸*Picayune*, December 28, 1862, Waitz, *Journal of Julia LeGrand*, 55-56, 77; Denison to Chase, January 31, 1863, "Correspondence of Salmon Chase," 1:362.

resumed their verbal insults on “Lincoln’s hirelings,” wore Confederate colors in an overt act of solidarity, and even began smuggling medicine and intelligence across military lines. Teachers again began singing Southern patriotic tunes, including *Dixie* and, perhaps incongruously, the *Marsellaise*. Finally, on February 20, 1863, an act of open rebellion occurred. A crowd numbering about one thousand, mostly women, gathered on the riverfront to cheer on a contingent of captured Confederate officers being taken upriver to be exchanged. The women in the crowd waved handkerchiefs, flags, and their parasols, while shouting epithets at the Union troops and voicing expressions of support for Jefferson Davis and the Confederacy. Soldiers ordered the mob to disperse and, with their bayonets fixed, began to move them along. Although there were no casualties, the melee seemed convincing evidence that rebel sentiment was as strong in New Orleans as it had ever been.⁶⁹

Banks was reluctant to do more than just issue orders condemning harassment of the troops and censuring the press. He knew what had happened to his predecessor who had taken a more openly condemnatory track and, ever the politician, was sensitive to Washington’s interest in a conciliatory policy. The provost courts imposed some light fines on the most egregious violators, and some of the more enthusiastic pro-Confederate teachers were fired for inciting treason. Despite that, over half the students walked out of school rather than sing mandated Northern patriotic songs. Just like their children,

⁶⁹Waitz, *Journal of Julia Le Grand*, 137-144; O.S. Clark, *The 116th Regiment of New York Volunteers* (Buffalo, 1868), 49; John C. Gray, *War Letters* (New York, 1927), 354; Gerald M. Capers, “Confederates and Yankees in Occupied New Orleans, 1862-1865,” *Journal of Southern History* 30 (November, 1964), 415.

grown-up rebel sympathizers ignored the new penalties. Clearly, Banks's turn to suppression worked no better than his earlier conciliation or Butler's harsh measures.⁷⁰

Banks shifted to a new strategy as his departure for the summer Vicksburg campaign neared. Concerned with the possibility of rebellion in his absence, he signed a series of orders in late April, 1863, which banished registered enemies from the Department, required the oath of allegiance, and made trading with the Confederates a capital offense. In a further blow, those rebels in the city who had not already taken up Butler's order to evacuate the previous autumn were now ordered to either take the oath of allegiance or leave. In addition, large fines and imprisonment were imposed for disloyal expressions.⁷¹

He set up a commission to investigate loyalty among schoolteachers, which discovered that Confederate sympathies were not uncommon among the ranks of both administrators and faculty. Many schools, including all of the Catholic institutions, refused to even cooperate with Banks. Despite this and the findings that patriotism toward the Union was most definitely not on the lesson plans, Banks did not follow through on his threat to close any schools.⁷²

Although these actions were primarily taken with the goal of supporting a purely military objective, they signaled a retreat from conciliation. At least the first few months in New Orleans had apparently convinced him that conciliation would not work.

Unfortunately, Banks was so often absent from the city on military campaigns that he

⁷⁰Emily H. Reed, *Life of A.P. Dostie* (New York: W.P. Tomlinson, 1868), 47-50; Harrington, *Fighting Politician*, 94-95.

⁷¹OR, 15:57.

⁷²Banks to wife, August 1, 1864, Banks Papers; Reed, *Dostie*, 49; Capers, *Occupied City*, 189.

was unable to supervise the military administration as closely as Butler had done. As a result, when he attempted to institute more stringent policies, such as upon his departure for the Vicksburg campaign in the spring of 1863 and the Red River campaign in 1864, he was far less successful than Butler had been. And Bank's prestige was dimmed by his defeat in the 1864 campaign, as was his reconciliation plan for civil government. It was opposed by both of the Unionist factions and voting in the 1864 election dropped sharply. The Union army setbacks in Louisiana in 1864, along with the peace platform of the Northern Democratic party in the presidential election, were a boon to local hopes for an eventual Confederate victory which, turn, strengthened resistance to efforts to reconcile the community back into the Union.

The capture of Vicksburg was a turning point in the Federal occupation of New Orleans. It stimulated economic recovery and it also dampened Confederate hopes of victory. Just as in other occupied cities, the responses of residents to the occupation policies of the Union army was dependent upon one key variable: the military situation in the surrounding area. With the city cut off from river trade and with Confederate forces close by to the north, rebel sympathizers were inspired to continue with passive resistance to Unionization. The loss of the fortress-like Vicksburg, however, convinced many that Federal occupation would be permanent. Cooperation with military authorities, specifically in the effort to establish a civilian government, increased.⁷³

One of the main goals of wartime reconstruction was the reestablishment of civil government in the occupied areas. Both Butler and Banks had encouraged local Unionists to participate in forming a new loyal government, even in advance of the

⁷³Waitz, *Journal of Julia Le Grand*, 246; OR 15:1157.

December, 1863, Ten Percent Plan. However, reliance on the Unionists in the city to form the committed nucleus of a new loyal government was problematic once the Unionists had split into three political factions, conservative, moderate, and radical. The radicals, generally following the lead of Military Governor Shepley and many former Butler men, were opposed to Banks and remained so, even after he had taken a harder line against the rebels. This left Banks to align himself with the moderates, led by Michal Hahn. The alliance actually was workable since the moderate position was, by the end of 1863, more closely aligned to Lincoln's position. All three factions supported the Union and Louisiana's restoration to it, but they diverged when it came to slavery and rights for blacks.⁷⁴

In early December of 1863, Lincoln issued the "Proclamation of Amnesty and Reconstruction." All Confederates except upper-echelon military and civilian leaders were eligible for amnesty upon swearing an oath of future loyalty. When ten percent of the number of voters in the 1860 presidential election had taken the oath, a new state government could be formed. That government would be considered reconstructed when it abolished slavery. Congressmen or senators elected by the new government were eligible for admission to Congress. The plan clearly reflected Lincoln's belief that the executive should be in charge of reconstruction. With its strong Union core, Louisiana would be a test case.⁷⁵

⁷⁴Joe Gray Taylor, *Louisiana Reconstructed*, (Baton Rouge: Louisiana State University Press, 1974), 21-22; T. Harry Williams, "General Banks and the Radical Republicans in the Civil War," *New England Quarterly* 12 (June 1939), 268-80; Peyton McCrary, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton: Princeton University Press, 1978), 159-185.

⁷⁵Presidential Proclamation, December 8, 1863, Abraham Lincoln, *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, NJ: Rutgers University Press, 1953-55), 7:53-66.

Banks began a voter registration effort and set the election for governor and other offices for February 22, 1864. Hahn won the governorship, which pleased Banks. What also pleased him was that the number of voters was twice as high as the minimum numbered required by Lincoln's 10% plan. Banks confidently wrote Lincoln that within two years, Louisiana would have one of the most loyal state governments in the nation. Unfortunately, in making this prediction, he joined Butler and the president in underestimating the amount of resistance to reconstruction in New Orleans.⁷⁶

That resistance became more evident in the drafting of a new constitution. Voters had overwhelmingly elected moderates to the constitutional convention, which met in early April of 1864. There was near universal agreement that slavery should be abolished, but sharp division over the rights to be extended to the freedmen. The convention did provide for the possibility of future black suffrage, as well as a public but segregated school system. Minimum wages were also set for those employed on public works.⁷⁷

While the convention was meeting, General Banks was embarked on the Red River campaign in northern Louisiana. As part of Lincoln's and Halleck's grand strategy, this campaign of 1864 was intended to be one in a string of Union victories that would help to bring an end to the war, preferably before the fall election. The Confederates had other ideas: Banks was thoroughly trounced and forced to retreat back to where he had begun the campaign. No territory was gained. In reaction, Lincoln

⁷⁶Proclamation, January 11, 1864, OR, Ser. 3, 4:22-23; General Orders No. 35, March 11, 1864, Ibid., 170-72; Banks to Lincoln, February 25, 1864, OR, Ibid., 133-34; Joseph P. Dawson, *Army Generals and Reconstruction: Louisiana, 1862-1877* (Baton Rouge: Louisiana State University Press, 1982), 57.

⁷⁷McCrary, *Lincoln and Reconstruction*, 253-67.

consulted with Grant and appointed Major General Edward Canby as commander of the new military District of West Mississippi, which would include Arkansas, the Texas coast, and all of Louisiana west of the river. Banks would remain as commander of the Gulf but would be subordinate to Canby.⁷⁸

Banks supervised an election on September 5 for state legislators, congressmen, and ratification of the new constitution, which was approved by a 6-to-1 margin. Lincoln ordered Banks to Washington after the election in order to lobby in Congress for the acceptance of the document and for the seating of the new state representatives. Banks was gone from New Orleans for six months. In his absence, Lincoln appointed Major General Stephen A. Hurlbut, a native South Carolinian and Illinois Republican politician, as his replacement.

The ink on Hurlbut's orders was barely dry before he and Governor Hahn clashed. The general set new restrictions on gambling halls and houses of prostitution, including closing them on Sundays. Hahn argued that the army was now crossing the line into the domain of civil government, but Hurlbut denied that civil government had supreme authority, and he wrote Canby seeking approval. In that letter, Hurlbut referred to the civil government as "an experiment likely to be cut short at any time by military orders." In the absence of a specific order from Congress, the state remained "wholly within the scope of martial law" and it would be better for Louisiana if that should continue. As for Canby, he was perhaps more cognizant of the peculiar nature of the government of New Orleans and its importance in the president's plans for reconstruction. That said, he did agree with Hurlbut that "all attempts at civil government, within the territory declared to

⁷⁸Halleck to E.R.S. Canby, May 7, 1864, OR, 24, pt. 3:491-92; Dawson, *Army Generals and Reconstruction*, 57.

be in insurrection, [were] the creation of military power, and of course subject to military revisions and control,” such control even extending to suspending any action taken by the legislature, should it be necessary.⁷⁹

An outraged Hahn demanded that Lincoln order the army to stop interfering in civil affairs, which an equally angry Lincoln did not hesitate to do. In a letter to Hurlbut, Lincoln expressed his irritation with military resistance to the newly-constituted civilian government of Louisiana. He acknowledged that avowed rebels and slavery advocates would of course desire it to fail, but expressed astonishment that Canby and Hurlbut would be joining their side. He told Hurlbut that “the military must not be thwarted by the civil authority” in its military operations but by the same token, it should not interfere in civilian matters. Although Canby attempted to justify and explain his actions, Lincoln was insistent on the need for his military commanders to facilitate the restoration of civil government. Small disputes over turf remained, but in general, the military authorities in Louisiana managed to curb their hostility to the Hahn government.⁸⁰

Developments during the 1864 presidential election confirmed Hurlbut’s and Canby’s views. Although Lincoln received Louisiana’s electoral votes, Congress refused to count them (albeit they were not needed to ensure Lincoln’s victory), thus implicitly undermining the legitimacy of Louisiana’s civilian government. Hurlbut and Canby continued to preside over a purely military government. The constitution of 1864 remained merely words on paper, and Hahn barely had the power to appoint men to boards and commissions. This was far from Lincoln’s vision for a government putting

⁷⁹Hurlbut to Assistant Adjutant General C.T. Christensen, October 22, 1864, Canby to Hurlbut, October 29, 1864, OR, 41, pt. 4:412-13; Harris, *With Charity for All*, 194.

⁸⁰Lincoln, *Collected Works*, 7:69; OR 41, pt. 4:413.

Louisiana back into “proper practical relations with the nation.” Congress, however, was not very anxious to have relations of any kind with Louisiana. After much debate, the body refused to seat the newly-elected representatives from Louisiana. Despite this setback, Hahn resigned the governorship and was elected to the state’s vacant Senate seat. Of course, since the House had previously declined to seat the Louisiana delegation, the Senate followed its lead and refused to allow Hahn to take up his seat.⁸¹

The conflict between civilian and military government took a new turn in the fall of 1864. Rumors about corruption and graft in the Department of the Gulf, specifically involving disputes between the army and the Treasury Department over the issuance of trading permits, prompted Lincoln to act. He appointed a commission to look into the Department’s affairs, going back to the beginning of the military occupation and looking at trading across the lines. Under Butler, merchants had been accustomed to trading through enemy lines, mostly because the area around New Orleans actually subject to Union control was so limited. However, such trade required a pass or license from the commanding general or from Treasury officials, mostly in order to prevent sensitive intelligence from being shared with the Confederates, as well as to ensure taxes were collected. Such trade was actually encouraged: keeping European mills supplied with cotton would remove an incentive for their recognition of the Confederacy.

The Treasury Department clashed with Butler as it sought to exercise sole control over both trade and sequestered property. Once Banks arrived and attempted to embargo such trade, the Treasury began to encourage it. According to the *Picayune*, however, it

⁸¹Taylor, *Louisiana Reconstructed*, 54; Lincoln to Hurlbut, November 14, 1864, Lincoln to Canby, December 12, 1864, Lincoln, *Collected Works*, 7:107, 164; Hahn to Hurlbut and Hurlbut to Hahn, December 1, 1864, OR, 41, pt. 4:735-38.

was already too late for many New Orleanian merchants, whose empty storefronts served as memorials to a once-thriving business community. “A few have been enriched,” the newspaper complained, “but tens of thousands have been ruined.” And the cause of that ruin was unquestionably speculators, most prominently Andrew J. Butler, brother of General Butler. Although not in the army himself, Andrew Butler arrived in New Orleans hot on its heels and set himself up in business immediately.⁸²

From the outset, rumors swirled around the Butler brothers. They were accused of stealing property, embezzling confiscated funds, and any other pecuniary abuse that could be imagined. Finally, in December, 1864, the president appointed a special commission, headed by Major General William F. Smith and James T. Brady, to investigate the situation in New Orleans. Although the commission’s mandate was to investigate violations of army regulations, it exercised considerable latitude. It reviewed cotton permits, followed the history of the conflicts between the Treasury and the commanding generals, and investigated the elections, the constitutional convention of the previous year, and the trading activities of a few large operators like Andrew Butler and Dr. Issachar Zacharie, an English podiatrist whom Banks had used as a spy. The commission found widespread corruption at all levels of the Federal administration. Officers and Treasury agents at the Customs House had accepted bribes to issue business and trading permits. Evidence implicated Hurlbut and his aide, Colonel Harai Robinson, provost marshal general of New Orleans, in the disappearance of sequestered silver from

⁸²*Picayune*, November 6, 1862; Ludwell Johnson, *Red River Campaign: Politics and Cotton in the Civil War* (Kent, OH: Kent State University Press, 1993), 52-53.

the Custom House.⁸³ Butler admitted to facilitating Andrew's path in obtaining capital and credit, but he denied providing any official aid. Smith arrested Robinson, who resigned his commission to avoid court martial, and recommended that Hurlbut also be court-martialed for drunkenness and corruption.⁸⁴ The commission summed up their findings in a letter to Stanton by declaring that the entire Department of the Gulf had been riddled with "oppression, peculation, and graft."⁸⁵

Matters further declined when Hurlbut resigned his commission. Canby had been focusing on the Mobile campaign, but he knew that in his absence New Orleans and the state as a whole would need a firm hand. What the Pelican State got was Banks again, to Canby's disappointment. However, while Banks was still on his way, news of Lee's surrender and the assassination of Lincoln arrived. Any concern Canby and others may have had about Bank's lack of firmness faded as attention now turned to the transition of power at Washington.⁸⁶

The Union army had arrived in New Orleans believing that the majority of citizens had been loyal in 1861. The vote on secession in January, 1861, had been close, but that was not necessarily an accurate representation of ongoing sentiment, and many of those who voted against secession were not in fact Unionists. Like moderates in Virginia and Tennessee, they had no hesitation in swinging their support to secession when it

⁸³Report of Smith Brady Commission, E-736, RG 393, NA. Of all people, no doubt Ben Butler appreciated the irony of this discovery, as the one forever labeled a thief of spoons by the vituperative residents of New Orleans.

⁸⁴Report of Smith Brady Commission, RG 393, NA.

⁸⁵ Ibid., 77-79; James G. Hollandsworth, *Pretense of Glory: The Life of General Nathaniel P. Banks* (Baton Rouge: Louisiana State University Press, 1998), 155-156.

⁸⁶Canby to U. S. Grant, March 5, 1865, OR, 18, pt. 1:1092, Special Orders No. 132, March 18, 1865, Ibid., 1206; Hurlbut to Canby, April 23, 1865, Ibid., pt. 2, 163.

came time to defend their homeland. The fact was that neither leniency nor harshness was going to woo Southerners back to the Union. Lincoln's underestimation of the amount of latent loyal sentiment meant that the army could not achieve its goals of reuniting the seceded occupied areas since the premise that there was merely a small minority of rebellious troublemakers was incorrect. Policies that relied upon tapping a great silent reservoir of loyalty were therefore doomed to fail.

Merchants suffered heavy losses as a result of their loyalty to the Confederacy. However, those losses were not the result of Union action against them. Declines in trade as a result of the Confederate embargo on cotton and their own contributions to the rebel cause significantly impacted their fortunes. Most of the destruction of assets like real property and crops and other provisions was the result of Confederate action, not that of Farragut's troops. Indeed, there were several factors that made the occupation less onerous in general. Butler worked to ensure order in the city, including clamping down on his own troops. Provost marshal ledgers record only a few arrests among soldiers under Butler's command, and those were mostly for violations of military rules rather than crimes against property or persons.⁸⁷

In the spring of 1862, New Orleans faced a crisis brought on by a widespread shortage of food and the imminent arrival of yellow fever season. Butler responded by employing the same tools used by commanders in Alexandria and Nashville. He curtailed civil liberties. The Army confiscated property, imposed restrictions on freedom of speech, demanded loyalty oaths, shuttered churches and newspapers, and imprisoned people who resisted or even, in some cases, complained about any of these regulations.

⁸⁷Provost Marshal Records of Arrests and Seizures, RG 393, NA.

Butler embarked on an ambitious program to feed the poor and to clean up the city and prevent, as much as possible, an epidemic. He established a network of food distribution which fed civilians and refugee slaves. His orders regarding urban sanitation cleaned up the city.

Federal policy was not to mistreat civilians and it met with a fair measure of success. A visitor to New Orleans noted that the citizens he met objected to military rule not because of the conduct of the occupying troops but the restriction on civil liberties. Their primary complaints were with the execution of Mumford, the Woman Order, and restrictions on speech, as well as requirements for oath-taking. Also mentioned frequently as an issue was the “placing of the negroes on a level of the white man in courts of justice.”⁸⁸ In short, citizens became angry over acts which were mostly the result of military necessity rather than vindictive attempts to commit atrocities or abuse human rights. Despite the enmity directed at him, Butler would have probably remained in New Orleans longer had he not irritated the foreign consuls to the point that Secretary of State William Seward grew weary of the barrage of complaints he was receiving.

Subsequent commanders did not deviate too far from Butler’s model although Banks did take a more conciliatory approach at first. However, Banks spent much of his command out of the city on military campaigns and was unable to exercise as complete authority over his subordinates as had Butler. Nor was he as effective in controlling the civilian population. Recognizing this, he did clamp down on his departure for the Vicksburg campaign, but that succeeded only in arousing more resentment.

⁸⁸Corsan, *Two Months in Confederate States*, 37-38.

Both Butler and Banks had something in common with their commander in chief. Like Lincoln, they maintained a weather eye on their political futures. Their political ambitions influenced the ways they conducted the occupation. As the president assessed his actions in light of public opinion, the two generals both anticipated a long career in politics after the war and also measured their actions in that light. Butler's harsh policies were not only militarily sound but were also reflective of his wish to win favor with the Radical Republicans and with the Northern public. Banks let fear of criticism keep him from establishing and carrying out programs to benefit blacks. Although reluctant to secede and in some respects not typical Southerners, the residents of New Orleans had remained solidly in favor of slavery.⁸⁹

Arguably, Banks was a failure as a leader of reconstruction, a failure which resulted probably in large part from his military defeats. Had he been able to overwhelm the Confederate forces and establish an occupation of more than a few parishes in Louisiana, his wartime reconstruction program could have been more stringent. Instead, he combined Lincoln's orders with a more moderate labor program and eased the restrictions Butler had imposed in an effort to ally Confederate sympathizers with Unionists. The resulting civil government was ineffective and, unsurprisingly, dominated by the army, which would make most of the political decisions in Louisiana until long after the war. In most of the South, political reconstruction did not start until the war ended. In New Orleans, in contrast, these issues had been debated and voted on well before Appomattox.

⁸⁹Harrington, *Fighting Politician*, 361.

After the war, former Mayor Monroe and other Confederates easily slipped back into the powerful roles they had held previously. Given that, it is not likely that occupation policies had any permanent effect on the city. That said, the occupation did succeed in ensuring less violent and less fraudulent elections than those in pre-war New Orleans. The Yankees may have stolen spoons and dishonored women, but they could not be accused of bringing corruption to an innocent Eden because, as carpetbagger Reconstruction Governor Henry C. Warmouth once declared, “Why damn it, everybody is demoralizing down here. Corruption is the fashion.”⁹⁰

⁹⁰Quoted in Tunnell, *Crucible of Reconstruction*, 175.

CONCLUSION

In June, 1846, Secretary of War William Marcy sent instructions to Colonel Stephen Kearney who was poised to lead a force to take possession of Upper California. Kearney was ordered to ensure that the local government was comprised of only those residents who would swear an oath of allegiance to the United States. He was also instructed to assure the population that the American military forces were there to provide them with the same freedom-guaranteeing government as existed in all its territories. “It is foreseen,” wrote Marcy, “that what relates to civil government will be a difficult and unpleasant part of your duties.”¹ Marcy wrote with prescience; fifteen years later, the United States army once again found itself exercising difficult and unpleasant duties as it attempted to govern occupied Southern cities during the Civil War.

Americans have historically been wary of military government. The colonists who resisted British occupation during the Revolutionary War and the delegates who drafted the Constitution cherished individual liberty and civilian control of the military. The military had no business interfering in civilian affairs. In the 1846-1848 Mexican War, however, that line had to be crossed. General Winfield Scott was the first American general to confront the necessity of ruling civilians as U.S. forces swept into Mexico City. His General Order No. 20, issued in February of 1847, set forth a body of regulations which respected the rights and property of noncombatants and encouraged

¹ Secretary of War William L. Marcy to Colonel Stephen F. Kearney, June 3, 1846, California and New Mexico Messages and Documents, *House Executive Document 119*, 30th Congress, 1st Session, 237.

military governors to exercise their rule through local authorities wherever possible. While the code was professional and restrained, Marcy's negative characterization of military occupation and its concomitant interference in civil functions was shared by many professional army officers. To its dismay, when the Union army found itself during the Civil War once again in charge of an occupied civilian population, its role had expanded. The army had to restrain an unruly and uncooperative population, cope with runaway slaves, encourage any friendly Unionists, and also keep essential municipal services running.

This dissertation examines Union military government policies in four cities occupied for almost the entire war and seeks to understand how the U.S. army's occupation policies balanced war aims and peacekeeping. It soon became apparent that the army was in a situation for which it was both unprepared and inexperienced. In Alexandria, Nashville, New Orleans, and Norfolk, circumstances forced the military authorities to focus their attention on reviving the moribund functions of municipal government, feeding the population, and ensuring the public health. In the abstract, these tasks seemingly should have created a situation in which residents were grateful, or at least neutral, towards their occupiers. Yet the opposite occurred. The Union army faced resistance both outright and clandestine from white residents. Far from serving as a model for Unionist-led civil governments setting a path to reconciliation, the occupied cities teemed with civilians who were assisting rebel forces, refusing to turn out for elections, and demonstrating open contempt for the army in their midst.

Women in particular found that Victorian social mores allowed them to openly express to their resistance. In the four cities, Union commanders dealt with women

differently. Butler's notorious woman order became infamous and each of the commanders expressed exasperation with how women were subverting their goals, fostering hatred for the Union, and generally causing trouble. Although one young lady in Alexandria agreed to play patriotic songs for a Union lieutenant who had taken to calling upon the family, a larger number of her peers took an oath that they would never consort with a Unionist as they joined the Society of the Golden Knights. Societies like this, whether formal like the Knights or informal, kept women on the forefront of resistance to reunification.

For Union soldiers, Southern resistance exposed them to a new view of their fellow Americans. The Alexandria apothecary who seemed to take delight in cruelly prolonging a tooth extraction and the Norfolk woman who expressed a desire to slit the throats of Union officers seemed to represent an uncivilized people and pushed many of the occupiers to favor harsher action and reprisals. The soldiers cheered the expulsion of those who refused to take oaths and wrote home that it was hardly surprising that "resentment sometimes got the better of prudence" when dealing with the citizens under their watch.²

Despite the tribulations of many a Southern diarist or the zealous policing by Union soldiers, army policies and practices in Alexandria, Nashville, New Orleans, and Norfolk represented a balance between military necessity and civilians' rights. However unpleasant military occupation was for the residents of these cities, none of the actions of the army constituted a war crime. Restrictions on movements, speech, and requirements for oaths were inconvenient but hardly draconian measures taken by Lincoln's

² George N. Carpenter, *History of the Eight Regiment Vermont Volunteers* (Boston: Deland and Barta, 1886), 35.

commanders. Although some individual soldiers undoubtedly committed criminal acts, as a perusal of army arrest records indicates, the war was never carried to civilians in these occupied cities. Commanders worked hard to maintain normal conditions as much as was practicable. Nevertheless, they were met with often unreasoning resistance by irrepressible rebel sympathizers.

Four general conclusions can be drawn from this dissertation. First, it is clear that Lincoln failed to achieve his goals for reconciliation, based largely on flawed assumptions about the nature and extent of Unionism in the South. He was not alone, however. Andrew Johnson in Nashville and Nathaniel Banks in New Orleans shared the view that establishing a stable Union presence would win over the majority who, they believed, were still loyal to the Union. This premise was the foundation for an early policy of restraint and leniency in all four of the occupied cities. In Alexandria, William Montgomery was excoriated by his men in their diaries and letters for being too easy on the rebels, while the townspeople resented the Union soldiers from the outset, believing they came only to plunder and to destroy. In Nashville, Johnson's known dislike of the planter class prevented them from embracing his policies and widespread arrests of openly disloyal citizens created a situation of resentment.

In Norfolk and in New Orleans, the figure of Ben Butler loomed large. Butler had no preconceptions about the loyalty of the citizens in each of the cities he governed. Perhaps for this reason, he did not embrace the same lenience as shown by the commanders in Alexandria and Nashville. When the overall Union shift in 1862 to a more hardline policy came about, Butler was already on his way out in New Orleans, to be replaced with Banks, who did in fact relax some of Butler's harsh restrictions. After

six months of Butler, however, this was viewed by New Orleanians not as conciliation but as weakness and retreat. In both New Orleans and Norfolk, the people's loyalties were not won over by the efforts of the Union army to provide them with economic relief and improved living conditions.

In all four occupied cities, the situation was fluid and changes were happening faster than the Lincoln administration could react. This points to a second conclusion: that the shifting realities of what was happening on the ground in each area were perhaps too great for central control. Lincoln may have given his commanders flexibility to react as they saw fit, but unfortunately that flexibility resulted in confusion and a lack of clarity that in turn fostered resentment and hindered reconciliation. Citizens endured shifts from permissiveness and its resulting disorder to harshness. In Alexandria, when John Slough arrived to take control after a period of leniency under the previous commanders, the general was shocked at the atmosphere of lawlessness. Rowdy troops were frequently incarcerated for drunkenness, jailed next to citizens they previously had arrested for trifling offenses that smacked more of harassment than of peacekeeping.

More seriously, in Nashville and New Orleans, the absence of clear guidance from Washington on how to manage a hostile citizenry meant that those who sympathized with the rebellion could exploit disagreements between the Union commanders. Friction among those who governed occupied areas provided an example of dysfunction that kept the occupation from achieving Lincoln's goals of conciliation. Butler himself pointed out in a letter to Stanton that leaving commanders to their own devices meant that they would of necessity have to be guided by their own judgment in matters such as how to treat the women of the city or what to do with escaped slaves.

The status of slaves became a major issue in power relations that emerged within these occupied cities. The more conservative Unionists grew uneasy with the new landscape as the war shifted social groups around. Old assumptions about Whigs and Unionism were no longer valid. The old Whigs, who were the more conservative Unionists, were the established businessmen and some small farmers. The new groups embracing Unionism were more diverse, made up of those who had been previously marginalized, politically and ethnically. In New Orleans, this included German and Irish immigrants, and in all four cities, artisans, skilled workers, and small businessmen. Those whom Lincoln had counted on as solid Unionists began to clash with these “new” Unionists. Thus, in a third conclusion, it is apparent that as the façade of solid Unionism split, the reality of military occupation crumbled a bedrock assumption as to how war aims would be fulfilled.

In all four cities, Union associations were formed by those who took the oaths of allegiance. In Alexandria and in Norfolk, these organized Unionists were influential in calling for new elections through which they would control the levers of power. In this, they had the complete support of the military authorities. In Norfolk, however, that support was limited to the Unionists of whom Butler approved. Although there was a nominal loyal state government in Virginia, Butler did his best to ignore and marginalize Francis Pierpont, and the influence of the Pierpont government and indeed civilian government in general gradually waned during Butler’s tenure.

In Nashville, the situation was complicated by a three-way power struggle between late converts from secessionism, conservative Unionists, and radical or “new” Unionists, touched off in the fall of 1863. In Tennessee, Johnson realized Buell’s

moderate stance was alienating his radical supporters. At the same time, the Second Confiscation Act and Preliminary Emancipation Policy provoked anxiety among conservative Unionists who deplored the shift in war aims from restoration to reconstruction. The Emancipation Proclamation was opposed outright by the conservative wing and ended any hope of a cohesive Union party in Tennessee. The radical Unionists were firmly in control but without widespread support from other Unionists.

Lincoln believed that a Confederate state sending elected congressmen to the House of Representatives would symbolize reconciliation and act as a beacon lighting the path back to the Union for other seceded states. In Louisiana, after much debate, moderates Benjamin Flanders and Michael Hahn were elected and took seats in the House. Similar strains erupted here as in Nashville when Democrats and conservative Unionists exploited the rift between radicals and moderates that opened with Hahn's support of Lincoln's policies. Ultimately the conservatives were able to grab power and hold on into the post-war years. The army's occupation policies had failed to create a loyal wartime reconstruction in Virginia, Tennessee, or Louisiana, and this had significant repercussions for what would happen once the war was over.

Ulysses S. Grant and Robert E. Lee may have shaken hands and parted peaceably, but their civilian counterparts proved to be harder cases. In each of the occupied cities, the bitter factionalism between the old and the new Unionists foreordained postwar Reconstruction, especially the rise of Radical Reconstruction. In Nashville, Andrew Johnson was in undisputed charge, but battles over the limits of his authority and over who should constitute the loyal state government had created a divided command

structure that foreshadowed the post-war political climate. The stated charter of the radical Union Club was a design for post-war Reconstruction, and now President Johnson would play a major role once more.

In Norfolk and New Orleans, a more positive foundation for post-war Reconstruction was laid by Butler as he restored and expanded public education in both cities and attempted to improve the situation of the blacks in his jurisdiction. In these cities, as well as Alexandria, Northern teachers arrived to staff newly opened and repurposed schools from which white pupils had fled. In addition, Banks and Butler both attempted to create a wage labor system for the freedmen. Neither reform lasted beyond the summer of 1865, as in each place former Confederates took back the reins of power and the advances in education and in civil rights did not last. Except for paved sidewalks, few tangible improvements derived from the army's occupation had any permanency.

This dissertation focused on four major cities and concentrated on the army's perspective. Other areas were occupied for significant lengths of time and the geographic scope of this inquiry could be expanded to include, for example, Memphis, Little Rock, and eastern North Carolina and Virginia's Eastern Shore. In addition, more work can be done to recover the experiences of those living under the occupation. While historians such as Stephen Ash and Gerald Capers look at daily life and resistance in Nashville and New Orleans, further research would uncover more voices of Alexandria and Norfolk residents. Norfolk in particular has been overlooked by historians and represents an interesting case study. Additional research is needed to answer some questions concerning the motivations behind its city fathers' choice to be treated as a conquered city and what they understood that to mean.

The conclusions herein, however, are likely to be reinforced by such expanded research. Lincoln's acknowledged flexibility resulted in a lack of leadership from Washington and left each military governor on his own. Military occupation began in each of these four cities with the same assumption, mainly that the strength of pro-rebel sentiment was tenuous and that the presence of the Union army would encourage Unionists to step forward and reassert their control over civic functions, providing a base from which Unionism could spread and weaken Confederate nationalism and bring the war to successful conclusion. The Union army, expecting pro-Union sentiment, found scarcely any and proceeded to enact policies that created a situation in which post-war Reconstruction would become more punitive.

The conclusions herein suggest that the experience of military occupation and the rule of the military in a democratic society is inherently destabilizing. This has implications for our ways of understanding other wars, as well as future policies with respect to the unpleasant necessity of military government

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