

★ THE U.S. ARMY CAMPAIGNS OF THE CIVIL WAR ★

THE ARMY AND RECONSTRUCTION

1865–1877



Cover: The Freedmen's Bureau, by *Alfred R. Waud*
(Harper's Weekly, 25 July 1868)

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RECONSTRUCTION
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INTRODUCTION

Although over one hundred fifty years have passed since the start of the American Civil War, that titanic conflict continues to matter. The forces unleashed by that war were immensely destructive because of the significant issues involved: the existence of the Union, the end of slavery, and the very future of the nation. The war remains our most contentious, and our bloodiest, with over six hundred thousand killed in the course of the four-year struggle.

Most civil wars do not spring up overnight, and the American Civil War was no exception. The seeds of the conflict were sown in the earliest days of the republic's founding, primarily over the existence of slavery and the slave trade. Although no conflict can begin without the conscious decisions of those engaged in the debates at that moment, in the end, there was simply no way to paper over the division of the country into two camps: one that was dominated by slavery and the other that sought first to limit its spread and then to abolish it. Our nation was indeed "half slave and half free," and that could not stand.

Regardless of the factors tearing the nation asunder, the soldiers on each side of the struggle went to war for personal reasons: looking for adventure, being caught up in the passions and emotions of their peers, believing in the Union, favoring states' rights, or even justifying the simple schoolyard dynamic of being convinced that they were "worth" three of the soldiers on the other side. Nor can we overlook the factor that some went to war to prove their manhood. This has been, and continues to be, a key dynamic in understanding combat and the profession of arms. Soldiers join for many reasons but often stay in the fight because of their comrades and because they do not want to seem like cowards. Sometimes issues of national impact shrink to nothing in the intensely personal world of cannon shell and minié ball.

Whatever the reasons, the struggle was long and costly and only culminated with the conquest of the rebellious Confederacy,

the preservation of the Union, and the end of slavery. These campaign pamphlets on the American Civil War, prepared in commemoration of our national sacrifices, seek to remember that war and honor those in the United States Army who died to preserve the Union and free the slaves as well as to tell the story of those American soldiers who fought for the Confederacy despite the inherently flawed nature of their cause. The Civil War was our greatest struggle and continues to deserve our deep study and contemplation.

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THE ARMY AND RECONSTRUCTION 1865–1877

Strategic Setting

Within two months of Confederate General Robert E. Lee's surrender at Appomattox Court House on 9 April 1865, the Confederacy had collapsed, and its armed forces had ceased to exist. The systematic destruction of the South's transportation, manufacturing, and industrial facilities during the closing months of the war had ensured the futility of further armed resistance. It also made a swift economic recovery next to impossible, leaving ex-Confederates destitute and bitter over their harsh fate. The bloodiest war in U.S. history—final death toll estimates range from 600,000 to over 800,000 fighting men—had settled the critical issues of secession and slavery but left much else unresolved, above all the former slaves' civil, political, and economic status in the postwar South.

In the spring of 1865, the U.S. Army faced the unprecedented task of occupying eleven conquered Southern states during peacetime and administering "Reconstruction"—the process by which the former rebellious states would be restored to the Union. Two decades earlier, the Army had performed occupation

duty in Mexico both during and after the Mexican War, but that was on foreign soil, and Reconstruction was never a part of the Army's mission there. The postwar occupation of California and New Mexico did provide Army officers with some experience in "nation-building," requiring them to draft laws and constitutions for the territories recently annexed from Mexico.

During the Civil War, the Army oversaw wartime Reconstruction in areas of Virginia, Tennessee, Louisiana, and Arkansas, giving it invaluable experience in the kind of stabilization and peacekeeping missions it would later perform across the entire South. On 24 April 1863, the War Department issued General Orders 100, the Union Army's official code of conduct in the field. Drafted by Francis Lieber, an eminent legal scholar, and a panel of Army officers, "Lieber's Code" induced several European nations to draft similar documents for their armies. For all its virtues, Lieber's Code exerted little influence on the Union Army's conduct during the Civil War, in part because the Army operated under the assumption that such matters should be left to the local commanders' discretion. Given these circumstances, it is hardly surprising that the Army entered its postwar occupation duties with neither a plan nor a doctrine to govern its actions. (*See Map 1.*)

Worse yet, the U.S. Constitution provided no guidance on how the rebellious states should be restored, provoking heated debate as to what Reconstruction entailed. On 8 December 1863, President Abraham Lincoln issued his Proclamation of Amnesty and Reconstruction, offering a full pardon and restoration of rights to persons who resumed their allegiance to the Union by taking a loyalty oath and pledging to support the abolition of slavery. The proclamation excluded only a few classes of high-ranking Confederate civilian and military leaders. When those taking the loyalty oath in any Southern state amounted to 10 percent of the votes cast in 1860, the loyal minority could establish a new state government with representation in Congress, provided its constitution abolished slavery.

Deeming Lincoln's "Ten Percent Plan" too lenient, the Radical Republicans in Congress introduced their own plan—known as the Wade-Davis bill—in July 1864. Under its provisions, Reconstruction would not start until the majority of a state's white male voters pledged to support the U.S. Constitution. Only then could a state hold an election for delegates to a constitutional convention, with voting restricted to those who could

take the Ironclad Oath affirming that they had never willingly supported the Confederacy. Lincoln killed the bill with a pocket veto, fearing that it would compel him to repudiate the Southern state governments established under his Ten Percent Plan. He never intended his plan to serve as a blueprint for postwar Reconstruction, but an assassin's bullet killed him before he could develop such a program.

Lincoln's sudden death and the recess of Congress until December 1865 thrust that responsibility on the shoulders of the fallen president's successor, Andrew Johnson, a Tennessee politician who had remained loyal to the Union. During the war he had first served as a U.S. senator and then as military governor of the Volunteer State before his election to U.S. vice president in November 1864. His declaration, "Treason must be made odious, and traitors must be punished and impoverished," indicated that Johnson favored a rigorous approach to Reconstruction. At first, his actions appeared to confirm his image as a hard-liner. In April 1865, he had rejected as too generous the terms of surrender that Union Maj. Gen. William T. Sherman initially had offered Confederate General Joseph E. Johnston, and in May, he ordered the arrest and imprisonment of numerous former Confederate officials, including the ex-president, Jefferson Davis. But it remained to be seen what Johnson's Reconstruction plan would be, for he seemed in no hurry to act.

Operations

MILITARY GOVERNMENT BY DEFAULT

In the meantime, Army commanders in the South had to improvise their own occupation policy, a responsibility they preferred to leave to the authorities in Washington, D.C. On 5 May 1865, Maj. Gen. John M. Schofield, the commander of the Department of North Carolina, expressed his frustration in a letter to his immediate superior, General Sherman. "I hope the Government will make known its policy as to organization of State governments without delay," Schofield wrote. "Affairs must necessarily be in a very unsettled state until that is done. The people [of North Carolina] are now in a mood to accept almost anything which promises a definite settlement."

When that guidance failed to materialize, Schofield presented his own Reconstruction plan to Lt. Gen. Ulysses S.



MAP 1

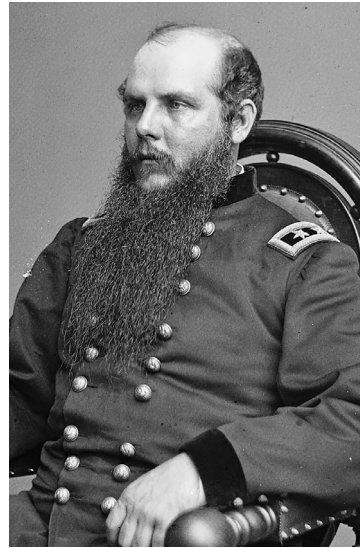


Grant, the general in chief of the U.S. Army. The department commander recommended appointing a military governor who would declare the state's antebellum laws in force if they did not conflict with the Constitution or the president's wartime proclamations. In addition to commanding the occupation force for North Carolina, the military governor would appoint temporary sheriffs and other officials, and call an election for delegates to a state convention. Schofield would require the convention to repudiate secession, abolish slavery, resume federal-state relations, and order the election of a governor and state legislature. The acts of the convention would then be submitted to the people for ratification. Should the convention fail to accomplish its requisite tasks, Schofield recommended dissolving it and placing the state once more under military government "until the people should come to their senses." Grant agreed with Schofield's plan but noted that Army commanders could only act as peacekeepers until the president unveiled his Reconstruction policy.

Schofield, however, decided that the situation called for immediate action. During his month-long tenure in North Carolina, he established an ad hoc recovery program that provided rations and transportation for paroled Confederate soldiers, fed and sheltered refugees of both races, loaned draft horses to destitute farmers, formed local police companies, created a bureau of freedmen's affairs, and issued guidelines for freedpeople and their former masters.

Similarly, Maj. Gen. George H. Thomas, the commander of the Department of the Cumberland embracing Tennessee and parts of Georgia, Alabama, and Mississippi, permitted judges, sheriffs, and other local officials to continue performing their duties according to the

General Schofield
(Library of Congress)



state laws in effect before secession. As for vacancies, Thomas encouraged “the loyal people of the neighborhood” to hold elections and select worthy candidates.

Although Thomas’ policy met with some opposition among Southern Unionists, it remained in force, but President Johnson would not allow Southern governors or state legislatures to remain in office. Acting under Johnson’s orders, Army officers arrested two of the more prominent ex-governors—Joseph E. Brown of Georgia and Zebulon B. Vance of North Carolina—and sent them to Washington, for incarceration.

PRESIDENTIAL RECONSTRUCTION

On 29 May, President Johnson issued two proclamations outlining his Reconstruction policy. Given his prior actions and statements, the conditions were surprisingly lenient. The first proclamation granted amnesty to all ex-Confederates except those who fell into fourteen classes, but the excluded persons could apply for a presidential pardon. The second proclamation appointed William W. Holden the provisional governor of North Carolina. In addition to being the longtime editor of the Raleigh-based *North Carolina Standard*, Holden had been the unsuccessful candidate of the state’s peace faction in the 1864 gubernatorial election against the popular incumbent Vance. Although an outspoken opponent of the war, Holden had stopped short of calling for North Carolina’s return to the Union. Even so, Johnson regarded him as the Tar Heel State’s most reliable wartime Unionist.

The president’s second proclamation also provided a mechanism for the state to resume its former relations with the federal government. Holden would first call a convention consisting of delegates elected by loyal citizens “for the purpose of altering or amending” the state constitution. At minimum, the convention had to declare the secession ordinance null and void and to abolish slavery. The proclamation required all voters and electors to take an amnesty oath and to meet the qualifications set forth by the state constitution in force before 20 May 1861, the day North Carolina passed its secession ordinance. This meant that no freedmen could vote for delegates. The proclamation officially restored the authority and functions of federal law, federal tax and customs collectors, federal courts, and the U.S. Post Office in the Tar Heel State. Aside from Johnson’s appointment of a civilian governor, his Reconstruction plan was almost identical to Schofield’s.

The paragraph regarding the military's role in Presidential Reconstruction was brief. The department commander and his troops were to "assist the said provisional governor in carrying into effect this proclamation." They were also "to abstain from in any way hindering, impeding, or discouraging the loyal people from the organization of a State government as herein authorized." That was all—Johnson's proclamation was silent on martial law and lacked a clear definition of the Army's role in Reconstruction. The president's vague instructions all but ensured a conflict between the provisional governor and the military commander over their respective powers. Lacking specific guidelines, the department commander regarded his authority as supreme in North Carolina pending the resumption of civil government. In the coming weeks, Johnson issued similar proclamations for Alabama, Florida, Georgia, Mississippi, South Carolina, and Texas, leaving intact the loyal governments established in Arkansas, Louisiana, Tennessee, and Virginia under Lincoln's Ten Percent Plan.

While President Johnson unveiled his Reconstruction plan, General Grant focused his attention on the volatile situation in Texas. As of mid-May, the Confederate Trans-Mississippi Department had not yet surrendered, and French imperial forces occupied Mexico in violation of the Monroe Doctrine. The previous year, the Archduke Maximilian had declared himself emperor of Mexico and had established cordial relations with the Confederate government. The Union general in chief sought to compel the surrender of the Trans-Mississippi Confederates and drive the French Army from Mexico. On 17 May, Grant sent his trusted subordinate, Maj. Gen. Philip H. Sheridan, west to take charge of the newly established Military Division of the Southwest, which included Texas, southwestern Arkansas, the Indian Territory, and most of Louisiana. Grant considered the situation in Texas so urgent that he denied Sheridan's request to participate in the Grand Review on 23–24 May. In the Lone Star State, Sheridan would have at his disposal three infantry corps and two cavalry divisions—over 30,000 troops in all.

By the time he reached his headquarters at New Orleans, Louisiana, Sheridan discovered that the situation in Texas had changed drastically. General Edmund Kirby Smith had surrendered the Confederate forces there on 2 June, resulting in the collapse of state and local authority. For weeks, lawlessness prevailed in the Lone Star State, as former Confederate troops plundered and vandalized



General Sheridan
(Library of Congress)

with impunity. In mid-June, Union forces began to arrive in eastern Texas and quickly restored order there, but owing to the vastness of the state and the lack of civilian law enforcement, stability operations had to take precedence over Reconstruction in the coming months. In the meantime, the War Department assigned Sheridan to a new geographic command, the Military Division of the Gulf, encompassing Florida, Mississippi, Louisiana, and Texas.

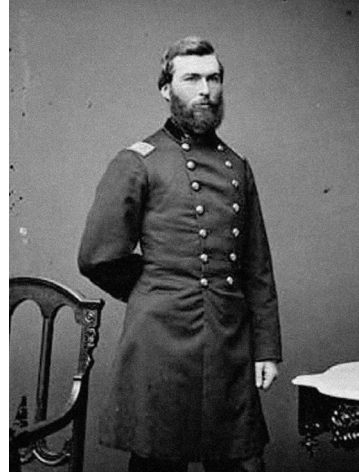
Elsewhere in the South, the occupation force executed a rapid demobilization in accordance with a plan drawn up by

the War Department and approved by Secretary of War Edwin M. Stanton and General Grant. On 29 April 1865, the aggregate strength of the Army stood at 1,052,038 officers and men, with 622,102 present for duty. By November 1865, the War Department had mustered out and sent home more than 800,000 troops, or in the case of the regulars and still-serving volunteers, transferred them elsewhere. From June 1865 to January 1866, the occupation force in the South shrank from roughly 270,000 to 87,550 soldiers.

To reduce the high cost of upkeep, the War Department wasted no time in disbanding volunteer cavalry regiments. In early May, while Confederate forces in the Trans-Mississippi remained in the field, the adjutant general issued an order to muster out all cavalymen whose enlistments would expire within four months. By the fall of 1865, only a handful of cavalry regiments remained in the Southern states. This left occupation commanders at a decided disadvantage when responding to emergencies. An Army officer in South Carolina reported that infantry stationed there “show a very credible efficiency but they frequently have to march long distances to quell disturbances and often arrive too late to do good. A small force of cavalry would be of infinite service.” An Army captain serving in Arkansas described the white population in his district as “hostile in the extreme.” He claimed that “nothing deters them from . . . the foulest crimes, but the dread of our soldiers, for

whom they entertain feelings of 'holy horror.' . . . The importance of . . . small forces of Cavalry can not be fully realized until one has had to do with these half whiped barbarians."

In many areas of the former Confederacy, the majority of troops who remained on occupation duty were black, due to the comparatively late enlistment dates of most U.S. Colored Troop (USCT) regiments. White Southerners found this state of affairs doubly humiliating, for the presence of African American soldiers not only reminded them of their defeat but also shattered the familiar stereotype of the "servile negro." In North Carolina, Governor Holden appealed to Brig. Gen. Thomas H. Ruger, Schofield's replacement as department commander, on behalf of numerous citizens who complained of abuses suffered at the hands of undisciplined black soldiers. "Now that the rebellion has been suppressed," Holden wrote, "it does seem to me that a great and magnanimous government like ours, is not obliged to keep colored troops in our midst."



General Ruger
(Library of Congress)

Although Ruger believed that "the acts complained of, if committed by white troops, would probably not have been the cause of formal or persistent complaint," he nevertheless attempted to comply with Holden's request by reducing the number of black soldiers in the state and stationing the remainder at coastal forts and other remote locales. On 8 September, the War Department ordered the discharge of all black regiments raised in Northern states, a development that no doubt pleased white Southerners everywhere. By mid-December, the men of thirteen USCT regiments stationed in the South had returned home.

Another problem arising from demobilization was the rapid reduction of Army personnel available for duty with the Bureau of Refugees, Freedmen, and Abandoned Lands—or the "Freedmen's Bureau," as it was popularly known. Congress and President Lincoln

had established the bureau as an agency of the War Department on 3 March 1865 to protect freedpeople from injustice, to assist them in finding work and receiving fair wages, to provide them with a rudimentary education, to aid the destitute of both races, and to administer Southern lands abandoned by their owners during the war. The commissioner—or head—of the Freedmen’s Bureau was Maj. Gen. Oliver O. Howard, and assistant commissioners handled the bureau’s state-level administration. Local affairs were the responsibility of field agents, each of whom presided over several counties. Due to a lack of funding, most agents were Army officers.

The assistant commissioner of the Freedmen’s Bureau in North Carolina, Col. Eliphalet Whittlesey, soon discovered that his greatest bureaucratic headache was constant personnel turnover due to the continual mustering out of Army officers who served as his field agents. He complained that his organization had nearly been “broken up” three times during its first three months of operation. In October 1865, nearly half of all agent posts remained vacant. Whittlesey tried filling the vacancies with civilians but was disappointed with the experiment. Most civilian agents expressed open contempt for freedpeople that boded ill for their ability to deal fairly with their black charges. Compared with active-duty Army officers, even former soldiers “fail to command respect,” Whittlesey reported. “They do not inspire the freedmen with confidence.” The Freedmen’s Bureau experienced similar difficulties in other Southern states.

In the meantime, news of the Morant Bay Affair in Jamaica, in which rebellious blacks had killed more than twenty whites, followed by reports of a foiled insurrection conspiracy in Mississippi, inflamed fears of racial uprisings across the South. As early as 16 September, Freedmen’s Bureau head General Howard had written the assistant commissioner for North Carolina on the subject. While dismissing rumors of an insurrection as groundless, Howard nevertheless recommended that General Ruger reassure the white populace by stationing troop detachments where they most feared an outbreak. As had often been the case with purported slave rebellions, rumor had it that the insurrection would occur between Christmas and New Year’s Day, so Ruger deployed troop detachments at several locations along the coast—where the state’s largest proportion of blacks lived—during the holidays. The period was free of disturbances, so Ruger returned the detachments to their permanent posts

on 3 January 1866. Ruger's opinion regarding the insurrection scare manifested itself in the steady reduction of troop strength in his department until just three volunteer regiments—two white and one black—remained at the end of 1865. Between June and December 1865, roughly 42,000 troops departed from North Carolina, leaving Ruger with an occupation force of 2,209, a reduction of 95 percent. With the exception of Texas—where the Army had to patrol the western frontier and the border with Mexico—the occupation force in the rest of the South experienced a comparable downsizing.

As the Army's presence steadily shrank during the summer and fall of 1865, the Southern provisional governors called conventions and the voters elected delegates—mostly Union Whigs—who then met to amend the state constitutions. As the president had directed, the conventions voted to declare secession null and void and to abolish slavery, though not without considerable debate. In October, Johnson added a third condition: repudiate the Confederate war debt. This triggered such a violent reaction among delegates in the North Carolina convention that the president sent a pointed message to the assembly ordering the debt to be repudiated “finally and forever.” The next morning, the chastened delegates passed the repudiation measure by a voice vote.

Having fulfilled the requirements of Presidential Reconstruction, the Southern states then elected governors, state legislators, and U.S. congressmen. In the Upper South, the voters chose a mixture of wartime Unionists and ex-Confederates, but in the lower South, nearly all those elected were former Confederate officeholders. In many Southern states, it appeared that the old ruling elite had returned to power. When the Thirty-ninth Congress met in December 1865, the Republican majority in both houses demanded unmistakable proof that the South accepted the consequences of defeat, but the recent elections indicated that the former Confederate states remained openly defiant. In addition, numerous reports from the South indicated that Northerners and native Unionists were being persecuted and that violence against blacks was on the rise. As a result, the Republicans in Congress refused to seat the Southern representatives and instead established a Joint Committee on Reconstruction to investigate conditions in the postwar South.

While Congress deliberated, the Southern state legislatures enacted a series of laws known collectively as “Black Codes.” Aimed

at the freedpeople, the Black Codes conferred certain legal rights, but the laws also discriminated against them in such matters as mobility, vagrancy, apprenticeships, contracts, weapons ownership, criminal prosecution, and testifying in court. The intent of the laws was to keep the black workforce under a condition as close to slavery as the Southern legislators dared.

In early 1866, the Republican majority in Congress responded with two bills designed to protect the freedpeople from Southern white oppression. The Freedmen's Bureau bill extended the life of the agency and authorized military tribunals to try cases involving blacks who were denied rights enjoyed by whites or who faced unequal punishment for the same offense. The Civil Rights bill was even more ambitious, conferring citizenship on all native-born Americans except Indians and defining their rights under federal authority. The bill authorized judicial and law enforcement officers to prosecute state or local authorities suspected of denying citizens their rights. President Johnson vetoed both bills on the grounds that they were unconstitutional and because the bills would require "a permanent military force" in the South to enforce them. The vetoes all but guaranteed a bitter struggle between the president and congressional Republicans over Reconstruction policy.

One week after the Freedmen's Bureau and Civil Rights bills reached the Senate floor, the War Department issued General Orders 3, instructing commanders in the South to protect Army and Freedmen's Bureau personnel and native loyalists from prosecution for acts committed under military authority. The order also included blacks "charged with offenses for which white persons are not prosecuted or punished in the same manner or degree." The Army was further charged with protecting the rights enumerated in the two bills.

In the meantime, the Congressional Joint Committee on Reconstruction conducted its hearings on conditions in the South. The committee interviewed 144 witnesses, including some Army officers, and it received plenty of unsolicited advice via the U.S. mail. In one letter, a former Union colonel named George F. Granger urged Republican committee member Rep. Thaddeus Stevens of Pennsylvania to ignore white Southerners' appeals to withdraw the military and restore civil law. "In my humble opinion," Granger wrote from North Carolina, "no law can be Established here at present except that law which is enforced by United States troops, at the point of a bayonet." The committee evidently agreed with

Granger, concluding that the Southern states could not be trusted to manage their own affairs.

While the president and Congress split on Reconstruction, the civil authorities and military commanders in the South clashed over their respective powers. In August 1865, Provisional Governor William L. Sharkey of Mississippi issued a call for militia without informing Maj. Gen. Henry W. Slocum, the senior Army officer in that state. Five days later, Slocum canceled Sharkey's proclamation because he believed that the state authorities would use the militia companies to control the black workforce, much as the slave patrols had functioned before the war. Slocum's action led the governor to protest to the president that the Union occupation force in Mississippi—which numbered about 14,000 soldiers at the time—was inadequate to maintain law and order. Although Johnson advised Sharkey to call on Slocum for federal troops instead, the War Department directed Slocum to rescind the order prohibiting the formation of militia companies.

Another source of friction was the appointment of local officials. To expedite the restoration of civil government in South Carolina, Provisional Governor Benjamin F. Perry issued a proclamation in July 1865 enabling men who had held office at the end of the war to resume their duties after taking a loyalty oath. But the commander in the Palmetto State, Maj. Gen. Quincy A. Gillmore, canceled Perry's initiative because he believed the governor had exceeded his authority. As for elections, the Army attempted to remain in the background unless called on by civil officials such as Provisional Governor William G. "Parson" Brownlow of Tennessee. Concerned that the western and middle sections of the state had been rebel hotbeds during the war, the loyalist Brownlow requested that troops be stationed in strength there to deter disturbances during the July 1865 elections. The presence of federal soldiers had the desired effect, but much to Brownlow's chagrin, voters chose conservative candidates for most of the offices.

Department commanders closely monitored Southern newspapers for "seditious and treasonable language" and suspended publication in the more extreme cases. In North Carolina, General Ruger ordered the *Salisbury Union Banner* to shut down its presses on 21 July 1865, because of a "disloyal" editorial that accused him of assuming "the power to say what we shall drink and wear." The accusation referred to Ruger's orders prohibiting the wearing of Confederate insignia and regulating the sale of alcohol. An indig-

nant Ruger dismissed the editorial's assertions as "false," noting that an order "prohibiting the wearing of insignia and badges of rank, by persons lately officers of the insurgent forces, and one for the prevention of the sale of liquor, as a police regulation, cannot honestly be construed as assuming 'the power to say what we shall drink and wear.'" One week later, the owner of the *Banner* informed Ruger that his son-in-law was the editor of the paper and had published the editorial without his knowledge. He assured the general that the incident would not be repeated. Ruger accepted the owner's explanation and lifted the suspension on 31 July.

To prevent further misunderstanding, the department commander issued an order reminding North Carolinians that the state remained under martial law. "Until the restoration and full operation of civil laws," Ruger announced, "publishers of newspapers, as well as public speakers, will be subject to the restrictions existing under military rule, and will not be permitted to discuss and criticise the acts of the military authorities with that freedom allowed where civil law is in full operation." In the meantime, Ruger arrested several newspapermen for violating his restrictions, including the editor of the *Charlotte Carolina Times*, who declared that the South was languishing "under a more grinding despotism than has heretofore found a place upon the face of the earth." In February 1866, General Grant assumed the responsibility of censoring Southern newspapers, relieving Ruger and other department commanders of an unpleasant and thankless task.

No less unpleasant were the Army's efforts to administer justice in the occupied South during Reconstruction. The Army employed three types of courts. The *court-martial* tried military personnel accused of criminal offenses under the Articles of War and the rules and regulations of the Army. Acting under the authority of martial law, the *military commission* tried civilians for war crimes as well as for violations of state and local laws in areas where the civil courts either had not been re-established or had failed to dispense justice impartially. The *provost court* derived its name from "provost marshal," the name for the Army's military police commanders, and its purpose was to lighten the military commissions' caseload by handling lesser criminal charges. A fourth type of tribunal over which Army officers presided was the *Freedmen's Bureau court*, which adjudicated disputes between black laborers and their employers.

The use of military commissions to try civilians soon led to a conflict between generals and governors as state and county officials re-established civil courts in the Southern states. In North Carolina, the controversy began in late July 1865, when Ruger denied Governor Holden's request to turn over three white men accused of assaulting a freedman. "This is a matter in which I conceive the civil courts have sole and exclusive jurisdiction," Holden wrote, "and I have every confidence that strict and impartial justice will be administered." Ruger took a different view of the matter. He maintained that martial law remained in force in North Carolina, and until the "complete restoration" of civil law, "military tribunals have jurisdiction in all that relates to the preservation of order, including the trial and punishment of those guilty of acts of violence." Ruger noted that before the Army's arrest of the three assault suspects, "no civil court had taken cognizance of the matter."

The two men managed to reach an agreement on the jurisdiction of civil and military law in the Tar Heel State. Until the General Assembly revised the state law to admit freedpeople's testimony in trials involving white citizens, military commissions would try cases involving blacks, while the civil courts would try cases involving only whites. Ruger's superior, Maj. Gen. George G. Meade, approved the compromise and assured Holden, "When ever the laws of the state and the practice of the courts are such as to leave no doubt the freedman will have justice done him[,] there will be no occasion for the use of military courts, except for purely military offenses."

One of the most notable military commissions was a war crimes tribunal held in Raleigh. The defendant was John H. Gee, a former Confederate major and commandant of Salisbury Prison in central North Carolina. Gee was charged with murder and violating the laws of war in his mistreatment of more than 10,000 Union prisoners who had jammed the six-acre stockade in late 1864. One appalling statistic looms above all others: just over one-third of the inmates at Salisbury had died within its walls. No other Civil War prison could match that horrific mortality rate—not even the notorious Andersonville prison in Georgia. This chilling fact seemed to augur that Gee would share the fate of Capt. Henry Wirz, the former commandant of Andersonville. After a military commission in Washington had convicted him of war crimes, Wirz was hanged on 10 November 1865.

Gee's trial began on 21 February 1866 and consumed fifty-seven days over a four-month span, during which the prosecution and the defense cross-examined more than one hundred witnesses. The testimony generated almost 4,000 pages of handwritten trial transcripts. After weighing the evidence, the commission unanimously acquitted Gee of all charges and specifications. In its findings, the commission attached no responsibility to Gee "other than for weakness in retaining [his] position when unable to carry out the dictates of humanity." The commission instead blamed certain unnamed "higher authorities of the Rebel Government" for the appalling conditions inside Salisbury Prison. Gee thus escaped the fate of the notorious Wirz.

During the Gee trial, a presidential proclamation and a U.S. Supreme Court ruling virtually ensured that military commissions would no longer try civilians. On 2 April 1866, Johnson declared the insurrection over and peace restored throughout the United States save Texas, which he excluded because it had not yet completed the president's Reconstruction program. The proclamation further stated that martial law, military tribunals, and occupation forces were "in time of peace dangerous to public liberty [and] incompatible with the individual rights of the citizen," leading many Southerners to conclude that Reconstruction was over. Much to their dismay, they soon learned that Johnson's proclamation did not dissolve the Freedmen's Bureau and end military occupation with the stroke of a pen. Nevertheless, Army officers in the South were uncertain as to how the document affected their jurisdiction. In answer to an inquiry from the assistant commissioner of the Freedmen's Bureau for Georgia, Secretary of War Stanton notified the department commanders in the South that Johnson had authorized him "to inform you that the President's Proclamation does not remove martial law or operate in any way upon the Freedmen's Bureau in the exercise of its legitimate jurisdiction."

Stanton added, however, that it was "not expedient" for the commanders "to resort to military tribunals in any case where justice can be attained through the medium of civil authority." The secretary probably issued the above directive in response to the Supreme Court's preliminary ruling in *Ex parte Milligan*, which prohibited the trial of civilians by military commissions while civil courts were open. The Supreme Court's ruling on the Milligan case appeared one day after Johnson's proclamation and supported his statements regarding the jurisdictional limits of military courts

during peacetime. At Johnson's behest, Stanton rendered the Milligan ruling official Army policy in General Orders 26.

RACIAL VIOLENCE IN THE SOUTH, 1865–1866

The Army's most daunting task lay in protecting black people from white assailants. From May to December 1865, the Army in North Carolina recorded 113 crimes committed by whites against blacks, with 14 murders and 62 assaults heading the list. The bulk of the cases involved individual assailants, but among the accused were a Granville County mob that had lynched a freedman for rape, and a group of nine men arrested for assault and breaking up a meeting of blacks in Chapel Hill. Military commissions tended to punish theft-related crimes committed by blacks against whites more severely than the violent crimes committed by whites against blacks. In one instance, a military commission punished a white woman for murdering a former slave merely by fining her \$1,000. Within three days of the sentencing, her neighbors took up a collection and paid the fine. General Ruger condemned the military commission's verdict as "a dangerous precedent to establish . . . that a human life can be taken almost entirely without provocation . . . without fear of a greater punishment than a fine."

Left largely unchecked, violence against blacks soon escalated. By the end of 1865, groups of armed white men who rode in disguise, often calling themselves "Regulators," began to appear across the rural South. They were an outgrowth of the lawlessness that had prevailed as the Confederacy collapsed in the spring of 1865. These roving bands of night riders were forerunners of the Ku Klux Klan, and they employed similar terrorist tactics against freedpeople, using theft, arson, and murder to accomplish their racist agenda. Unlike the Klan, however, banditry was the sole occupation of many Regulator gangs; in North Carolina, some were either biracial or consisted entirely of blacks, and ex-Confederates numbered among their victims.

The Republican majority in Congress sought to protect blacks through legislation despite President Johnson's firm opposition. In April 1866, they passed the Civil Rights bill over a presidential veto and then passed a revised Freedmen's Bureau bill over yet another presidential veto two months later. Not content with his veto of the Freedmen's Bureau bill, Johnson attempted to discredit the agency by sending two Army officers, Maj. Gen. James B. Steedman and

Col. Joseph S. Fullerton, on an inspection tour to uncover widespread corruption and incompetence within the organization. The officers' scathing report led to the dismissal of several bureau personnel, but the smear campaign failed to sway Northern public opinion against the Freedmen's Bureau.

Congress' next assault on Presidential Reconstruction came in June, when it passed the Fourteenth Amendment, which constituted the victorious North's peace terms to the defeated South. The first section of the amendment restated the Civil Rights bill in terms that established the supremacy of the federal government in defining and protecting the rights of its citizens. The second section allowed the states to continue determining voter eligibility but reduced congressional representation in proportion to the number of adult males denied the franchise. The amendment thus penalized any Southern state that prohibited freedmen from voting. The third section barred from federal or state office persons who had supported the rebellion after taking an oath to uphold the Constitution. This affected most of the South's political leadership, for nearly every Southerner who had held any civil or military office before the war had taken the oath. The fourth section renewed the government's commitment to pay the federal debt, repudiated the Confederate debt, and denied compensation for the loss of slave property. The fifth section granted Congress the power to enforce the amendment.

Congress' actions only intensified the growing unrest. On 1 May 1866, white policemen in Memphis, Tennessee, attempted to disperse several recently discharged black soldiers accused of being drunken and disorderly. Some of the ex-soldiers and police exchanged gunfire, resulting in several casualties on either side. The disturbance soon escalated into a full-blown riot. That evening, an all-white mob consisting of police and civilians rampaged through South Memphis, the city's black residential area, indiscriminately shooting black men. On the following night, the white mob targeted black women and children as well as men, and looted and burned numerous homes, schools, and churches.

At the start of the riot, the sheriff had called on Maj. Gen. George Stoneman, the department commander, for assistance in quelling the disturbance, but Stoneman had refused to comply. He stated that the civic authorities had asked him to remove all troops from Memphis because the city police could handle any

emergency that might arise. Stoneman further informed the sheriff “that the question should first be tested whether they were capable of taking care of themselves, before the United States troops should be called.” The general had stated that he had only 150 soldiers available for duty, barely enough men to guard the government property in his care. He also confessed to fears that if he committed the white soldiers, they might join the mob rather than oppose it. Stoneman’s refusal to intervene induced the sheriff to organize a posse of white citizens—with disastrous consequences for the residents of South Memphis.



General Stoneman
(Library of Congress)

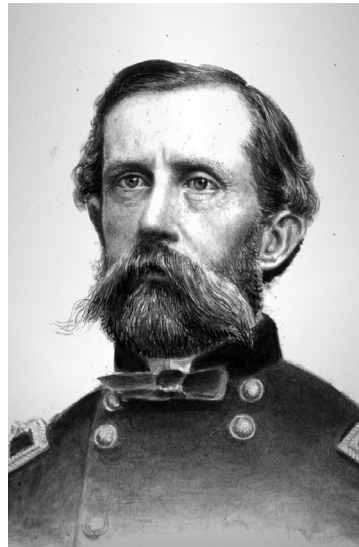
On 3 May, Stoneman declared martial law and his troops soon restored order, having been reinforced by the Nashville garrison. By then, forty-six black people were dead and at least seventy others were injured. In South Memphis, the mob had burned four churches, twelve schools, and over ninety homes. A military investigation later estimated that the damages amounted to \$72,000. On 5 May, Stoneman issued a stern warning to the mayor of Memphis: if the people of that city “cannot govern themselves as a law-abiding and Christian community, they will be governed.”

The Memphis riot prompted General Grant to ensure that Army officers in the South had the authority to protect freed-people from white aggression without a request to do so from civil authorities. On 6 July 1866, he issued General Orders 44 directing soldiers in the South to arrest persons charged with crimes against “officers, agents, citizens, and inhabitants of the United States” when civilian law enforcement either could not or would not do so. Bearing in mind the intent of General Orders 26, Grant made no provision for military tribunals but instead directed that suspects be held “until such time as a proper judicial tribunal may be ready and willing to try them.”

Two months after the Memphis riot, a major racial disturbance occurred in New Orleans, Louisiana, that convinced the Northern public of the necessity for protective legislation. The incident stemmed from the passage of the Fourteenth Amendment, which encouraged freedmen and white Radicals in the Bayou State to press for amending the state constitution to allow black suffrage. This required the president of the constitutional convention of 1864 to issue a call for reconvening the original delegates. When the presiding officer refused to cooperate, Radical delegates to the convention met and elected a president pro tem, who then issued a proclamation calling the convention back into session on 30 July at the Mechanics Institute in New Orleans. The Radicals enjoyed the support of Louisiana Governor James Madison Wells, a former political foe who now advocated disfranchising Confederate veterans and giving blacks the vote.

Nearly every other state and local official, including Lieutenant Governor Albert Voorhies and Attorney General Andrew S. Herron, opposed the new convention. The most vociferous opponent was the mayor of New Orleans, John T. Monroe, a wartime political prisoner who had refused to take the oath of allegiance to the Union. On 25 July, Monroe informed Brig. Gen. Absalom Baird, the commander of the Department of Louisiana, that he intended to arrest the delegates if they attempted to meet, because they sought to overthrow the lawful state government. Baird replied that the delegates had a right “to meet peaceably and discuss freely questions concerning their civil government.” He noted that his superior, General Sheridan, had directed him “to protect those who, having violated no ordinance of the State, are engaged in peaceful avocation”—a pointed reference to General Orders 44. Baird assured Monroe that

General Baird
(Library of Congress)



federal troops would be available should the convention become disorderly or come under attack and the police prove unable to quell the disturbance.

On the evening of 27 July, the Radicals held a mass rally in New Orleans to promote the cause of black suffrage. Alarmed by the opposition's strong showing, Mayor Monroe and Lieutenant Governor Voorhies called on Baird, requesting that he allow the sheriff or the police to arrest the convention delegates. The general reiterated his intention to prevent the arrests unless the president ordered him to step aside. Voorhies and Attorney General Herron then telegraphed President Johnson, describing the convention as an illegal assembly bent on overthrowing the legitimate state government. They then asked if he intended to allow General Baird to interfere with the civil judiciary. Johnson sent the two officials an immediate reply: the Army "will be expected to sustain and not to obstruct or interfere with the proceedings of the courts." Baird received no copy of the president's telegram; when the text appeared in the local papers, he found it "ambiguous as to the wishes of the [Federal] government in relation to the convention." He therefore wired Secretary of War Stanton for guidance but received no reply. Regardless of Stanton's reasons for not sending instructions, the secretary left Baird free to act according to his own judgment.

On 29 July, Baird placed a regiment each of black troops and white troops on standby, ready to move at a moment's notice. He met again with Voorhies at 1100 on 30 July and assured him that the Army's mission was simply to keep the peace. The lieutenant governor conceded that perhaps Baird should station a small detachment of soldiers at the Mechanics Institute, but the general stated that he planned to hold four companies at the Canal Street wharf a few blocks from the convention site, where they would be less conspicuous. When Baird returned to his headquarters, he was shocked to discover that the convention had begun at 1200—as the local newspapers reported—rather than at 1800, as he erroneously thought. In short, his troops were not posted where they should have been—a blunder that would have fatal consequence for many of the convention delegates and their supporters.

Soon after his arrival, Baird received word from Voorhies that a large crowd of freedmen and whites was converging on the Mechanics Institute. The general ordered the four companies en route to the wharf to proceed directly to the institute, but they

took a detour that doubled the distance they had to travel. In the meantime, the situation at the convention site rapidly deteriorated. About 1300, a procession of more than one hundred blacks arrived to lend their support to the convention. A crowd of white onlookers—including a sizeable contingent of heavily armed New Orleans police—confronted the marchers, and the two sides began to exchange taunts and then blows. As the police opened fire, the outgunned marchers fled into the convention center and barricaded the doors. After the whites had surrounded the building, the police broke through the barricades and fired into the delegates and their supporters, many of whom attempted to escape into the street. The violence continued for more than an hour, with the police briefly halting at one point to replenish their ammunition. By the time Baird's four companies reached the Canal Street wharf at 1440, the shooting had ceased. The soldiers proceeded up Canal Street to the institute, dispersing the lingering crowds along their route. The Army reported 38 killed and 147 wounded; most of the casualties were black. The police-led contingent sustained just one fatality.

On the evening of 30 July, Baird declared martial law, posting two infantry regiments and one artillery battery in New Orleans. When General Sheridan returned to the city on 1 August, he found that the troops had restored order but recommended maintaining martial law until the Army had fully investigated the riot. Later that day, he wired Grant that the New Orleans police had acted “in a manner so unnecessary and atrocious as to compel me to say that it was murder.” The receipt of additional information on 2 August led Sheridan to conclude: “It was no riot; it was an absolute massacre by the police which was not excelled in murderous cruelty by that of Ft. Pillow.”

Sheridan's allusion to the “Fort Pillow Massacre” was apt. On 12 April 1864, roughly 2,000 Confederate cavalry under Maj. Gen. Nathan Bedford Forrest had captured Fort Pillow, Tennessee, and had proceeded to shoot or bayonet most of the federal garrison, which consisted of 600 black artillerymen and white Tennessee cavalrymen. The racial violence in New Orleans had likewise been ruthless and overwhelmingly one-sided, with the police—mostly Confederate veterans—giving no quarter to the convention supporters, many of whom were former Union soldiers. Likewise, just as the rallying cry “Remember Fort Pillow!” had spurred war-weary Northern civilians into renewing their support for the Union

Army, so too did the Memphis and New Orleans riots convince Northerners that President Johnson's Reconstruction policy was too lenient. It is ironic—but hardly surprising—that just three weeks after the New Orleans riot, Johnson chose to declare the insurrection over in Texas and civil authority restored throughout the United States.

In September 1866, Maj. Gen. Daniel E. Sickles, the commander of the Department of the South (then embracing the Carolinas), reacted to the growing disorder by issuing General Orders 7 prohibiting ad hoc “organizations of white or colored persons bearing arms” from acting as paramilitary units or exercising extralegal authority. The order warned that the Army would treat Regulators as guerrillas and summarily punish them upon capture, and it authorized post commanders to use civilian posses to apprehend the bandits. In eastern North Carolina, General Orders 7 failed to intimidate the outlaws. If anything, they became even bolder. Among other crimes, one gang burned a cotton gin and thirty bales of cotton belonging to a Northern planter, and a second band raided the Greene County jail at midnight, kidnapped six black men and one white man charged with raping a white woman, and murdered them.

The debate over Reconstruction greatly affected the fall midterm elections. In an effort to forge a bipartisan coalition of moderates and conservatives, Johnson formed the National Union Party to oppose the Republicans in the fall midterm elections. To attract Northern voters, he undertook a late-summer campaign tour of eastern and midwestern cities. Johnson's three-week “Swing around the Circle” was a fiasco, his speeches often degenerating into incoherent diatribes. Although the president's tirades cost him at the polls, they did not determine the outcome of the election. Instead, the results indicated Northern voters' dissatisfaction with Presidential Reconstruction and their belief that the Fourteenth Amendment offered the best hope for a just and lasting peace in the South. In the election of 1866, the Republicans secured better than a two-thirds majority in both Houses of Congress, more than enough to override Johnson's vetoes and supplant the president's Reconstruction program with their own.

MILITARY RECONSTRUCTION

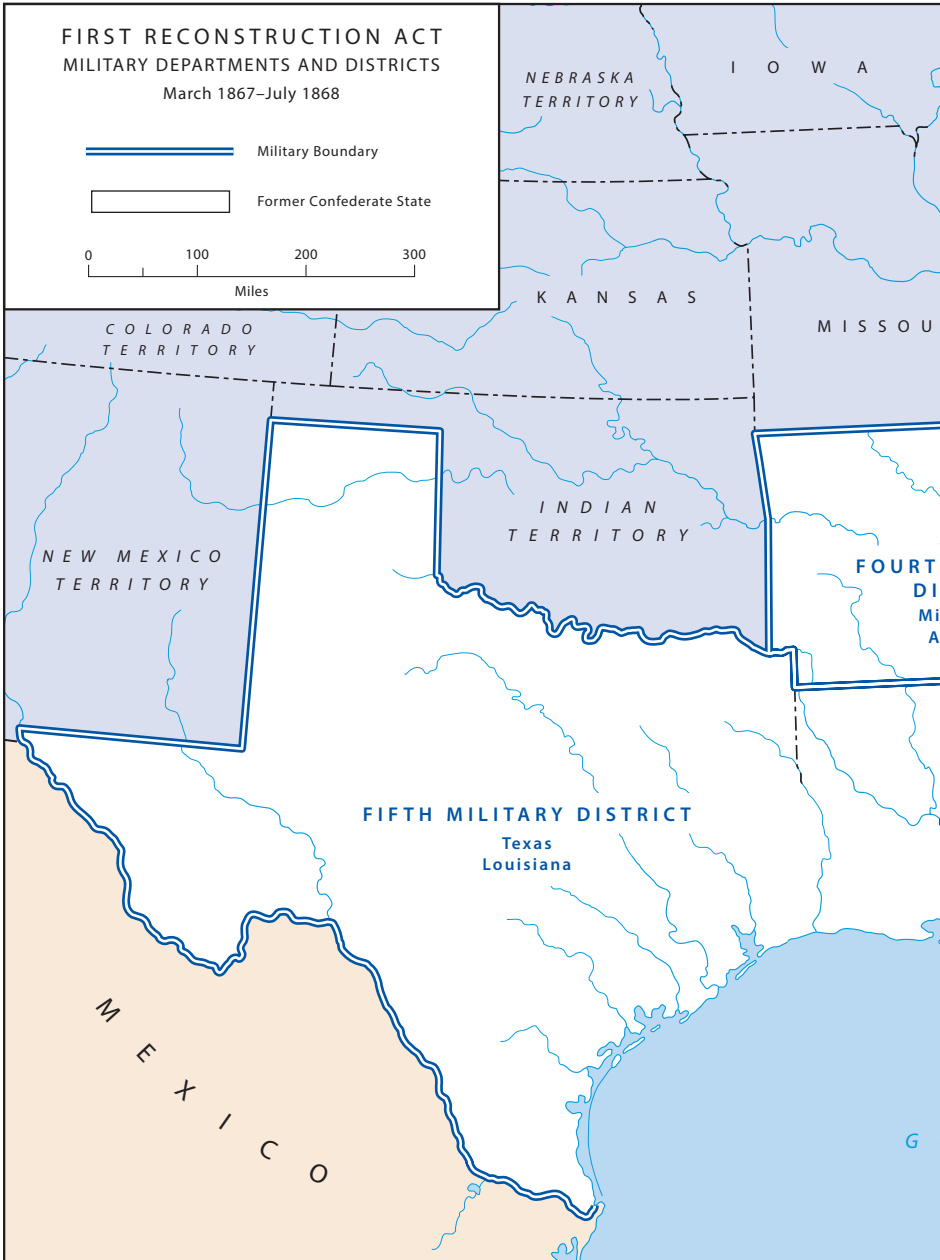
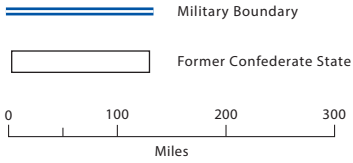
On 2 March 1867, the Republican-controlled Congress launched a new chapter in Reconstruction by passing the First Reconstruction Act. Imposed over Johnson's veto, it placed ten

former Confederate states under military rule—the penalty for the states’ failure to ratify the Fourteenth Amendment and to protect blacks and loyal whites from the kind of organized violence perpetrated by the Regulators as well as the Memphis and New Orleans police. Tennessee was exempted because it had already ratified the amendment and rejoined the Union. The act divided the South into five military districts and directed the president to appoint an Army general to command each district. Each commander received sweeping powers to protect persons and property, to replace incompetent or disloyal public officials, and to transfer cases from civil courts to military tribunals. The affected state governments were merely provisional and subject to Army rule until they could establish “loyal, republican governments.” In addition, a rider to the Army Appropriation Act of 1867 disbanded the white militias in all of the former Confederate states except Tennessee (*Map 2*).

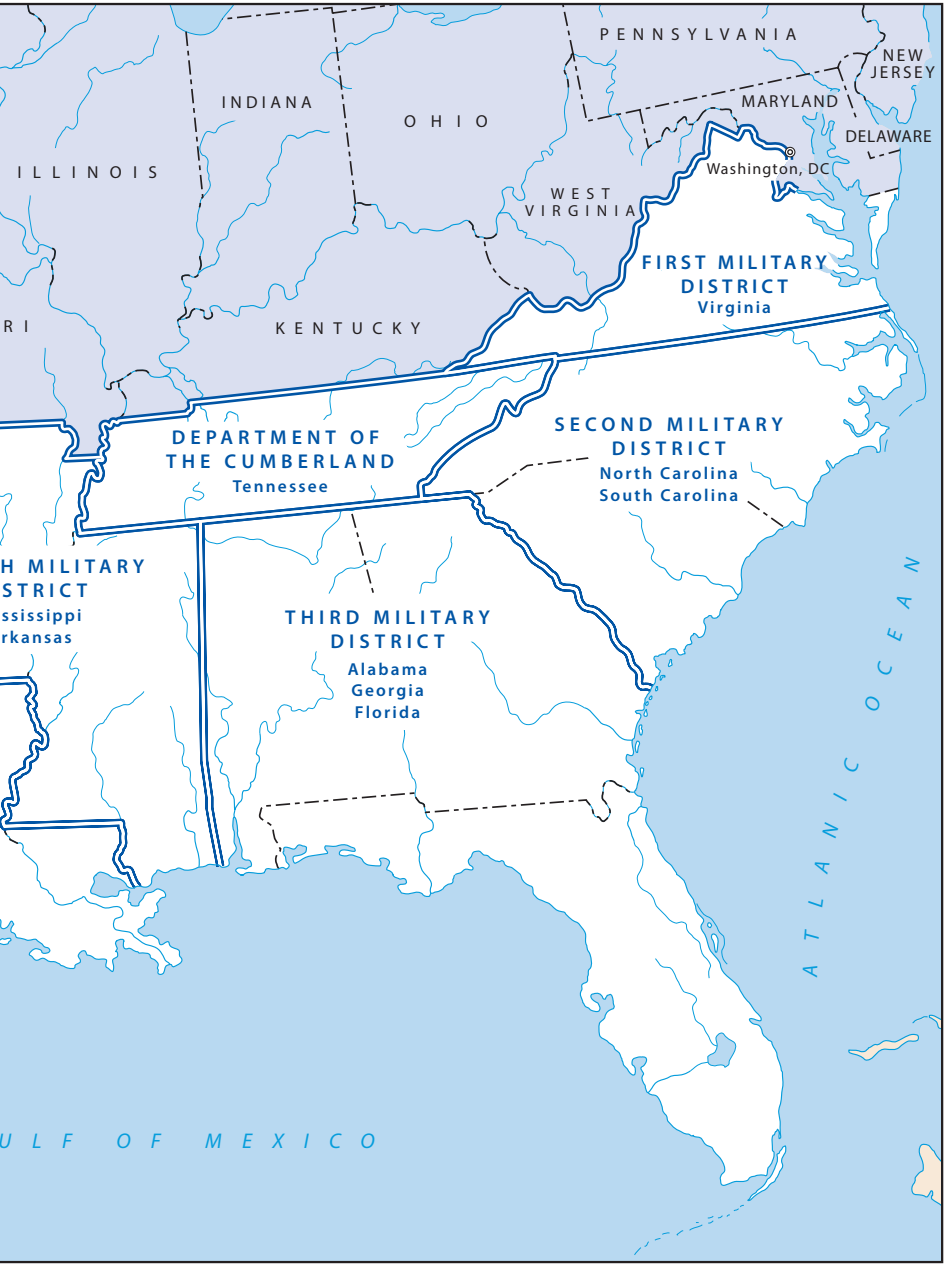
Opponents of the Reconstruction bill noted that it provided no mechanism for ending military rule. On 23 March, Congress therefore passed the Second Reconstruction Act over a presidential veto, specifying the procedure that the ten Southern states had to follow to rejoin the Union. The act authorized district commanders to call elections in each of the states they controlled to establish conventions for drafting new state constitutions. The commanders would oversee voter enrollment, monitor elections, and convene the constitutional conventions. The law granted suffrage to males twenty-one or over, excepting those disqualified by the Fourteenth Amendment or a felony conviction. All voters had to take an oath affirming their qualifications. The law further mandated that the new constitutions must guarantee suffrage for freedmen. Once the state had ratified the constitution and the Fourteenth Amendment, Congress would review its action. If approved, that body would seat the state’s U.S. representatives and senators, signifying readmission to the Union. At that point, Congress would declare Military Reconstruction finished in that state.

His vetoes of the Reconstruction Acts notwithstanding, Johnson appointed five Army generals as district commanders: General Schofield, the First Military District (Virginia); General Sickles, the Second Military District (North Carolina and South Carolina); Maj. Gen. John Pope, the Third Military District (Georgia, Florida, and Alabama); Maj. Gen. Edward O. C. Ord, the

FIRST RECONSTRUCTION ACT
MILITARY DEPARTMENTS AND DISTRICTS
March 1867–July 1868



MAP 2



Fourth Military District (Mississippi and Arkansas); and General Sheridan, the Fifth Military District (Louisiana and Texas). Of the five generals, Schofield, Sickles, Ord, and Sheridan had considerable experience as occupation commanders in the South—the latter two also happened to be Grant protégés—while Pope was a relative newcomer. These five men would supervise the law enforcement, political process, and administration of justice in their respective districts. If the powers that Congress had vested in the district commanders were great, the forces granted them were woefully inadequate. They had about 20,000 soldiers to police an area roughly the size of Western Europe with a total population of over 8 million.

The shortage of occupation troops resulted in numerous incidents of violence against blacks and white loyalists across the South, as the Freedmen's Bureau's monthly reports of racially motivated murders and assaults amply attested. Even so, the presence of Army units in the principal towns and cities of the region—combined with the ability of commanders to act on their own initiative—helped to keep a lid on large-scale disturbances.

The only major disturbance under military rule occurred at Mobile, Alabama, on 14 May 1867. That evening, local Republicans gathered at a busy intersection in downtown Mobile to hear a speech by Congressman William D. Kelley, a Radical Republican from Pennsylvania. The atmosphere was highly charged following several incidents that had induced the local post commander, Col. Oliver L. Shepherd, to issue an order recommending that blacks not ride the city streetcars to avoid clashes with ex-Confederates.

Kelley heightened tensions to the breaking point by exhorting his black listeners to ignore Shepherd's advice as an infringement on their civil rights. During Kelley's speech, white hecklers hurled abuse at the speaker and called out, "Pull him down!" Kelley replied, perhaps unwisely, that the federal soldiers stationed nearby were his guarantee of free speech. In the meantime, the police chief tried to arrest a heckler, and during the ensuing scuffle, the latter fired an "errant" shot at the speaker's stand, followed by several more shots from an unknown source aimed in the same direction. Heavily armed blacks in the audience fired their pistols in the air in an apparent attempt to intimidate their white antagonists. Chaos reigned as the crowd panicked and fled the scene. During the mad

scramble, one white man and one freedman were shot to death, and several others were wounded.

Colonel Shepherd was present and immediately summoned his troops, who were stationed about a mile and a half from town. The soldiers arrived soon afterward, having ridden part of the way on horse-drawn streetcars, and they quickly restored order. Shepherd kept three eight-man squads on hand to maintain order and ensure the safe departure of Congressman Kelley. The colonel also reported the disturbance to his superior, Maj. Gen. Wager Swayne, commanding the Department of Alabama. Swayne directed Shepherd to suspend the civilian police force, to keep troops posted in the city to maintain order, and to summarily punish agitators. Secretary Stanton responded to the Mobile riot by instructing the district commanders to prevent disturbances by stationing troops in towns and cities rather than on the periphery, where they would be less visible and slower to react to crises.

Stanton's directive prompted General Pope, whose district included Alabama, to issue General Orders 25, specifying the procedure for holding political rallies. Post commanders were to

General Pope
(National Archives)



ensure that mayors and police chiefs received advance notice of rallies, and that they provided a sufficient force to prevent disturbances. For rallies outside city limits, sheriffs were to assemble posses for the same purpose. Should the situation require it, the post commanders were to augment civilian law enforcement with federal troops. Pope closed his order with a warning to civil officials that, in the event of a riot, if they failed to perform their full duty—which included being present at the rally—“such officers will be deposed from their offices” and otherwise held accountable for any negligence or wrongdoing on their part. He made an example of the mayor

and the police chief of Mobile, directing Swayne to remove them for their culpability in the 14 May riot.

In Tennessee, where civil government held sway, a riot occurred at Franklin on 6 July 1867, when ex-Confederates opened fire on a procession of black Union Army veterans, who returned the fire. During the exchange, one man was killed and over thirty were wounded. The local authorities took no action, but the commander at Nashville sent a detachment to Franklin the next day, only to find that peace had already been restored. Had the incident occurred in one of the military districts, the mayor and the police chief probably would have been dismissed for failing to intervene.

As commander of the Fifth Military District, Sheridan labored under no such disadvantage, and he made free use of the removal power. On assuming command of the district, the general had announced his intention to avoid the wholesale removal of civil officials unless the authorities failed “to carry out the provisions of the law or impeded reorganization.” But he soon decided that a number of officials had to go. Displeased with the civil authorities’ handling of the New Orleans riot the previous summer and their failure to bring the perpetrators to justice, Sheridan dismissed Mayor Monroe, State Attorney General Herron, and Judge Edmund Abell from office and replaced them with Republicans whom he believed would faithfully execute their duties. He also removed an aide to the New Orleans police chief for intimidating black voters and annulled a law designed to prevent former federal soldiers from serving on the New Orleans police force, stipulating that in the future one-half of the policemen be Union Army veterans.

In the meantime, Brig. Gen. Charles Griffin, commanding the Department of Texas, informed Sheridan that he deemed it necessary to remove “the chief civil officers of this state” on the grounds of disloyalty, starting with Governor James W. Throckmorton. Griffin complained that he had repeatedly notified the governor of “outrages and murder on loyal men,” but had yet “to ascertain a single instance in which the offender has been punished.” Sheridan forwarded Griffin’s letter to Grant along with the comment that he not only concurred with Griffin but also believed that he would have to depose Governor Wells of Louisiana, because he was “impeding me as much as he can.” Grant cautioned his impetuous subordinate against removing the governors due to the question-



General Griffin
(Library of Congress)



General Sickles
(Library of Congress)

able legality of the removal power. Soon afterward, Grant reconsidered and decided that district commanders could remove civil authorities but should do so sparingly. On 3 June 1867, Sheridan deposed Governor Wells due to his ongoing recalcitrance. But the general chose to leave Throckmorton in office for the time being, mindful that the president's hostility to Military Reconstruction could result in his own ouster.

In the Second Military District, General Sickles also removed a number of civil officials—including the mayor and nearly every other officeholder at Fayetteville, North Carolina, for obstruction of justice in a controversial murder case. The resulting trial led to the conviction of three white men for the murder of a freedman indicted for attempting to rape a young white woman. Despite abundant eyewitness testimony to the contrary, the verdict of the coroner's inquest was that the victim had been killed "by the hands of some person unknown to the Jury." The civil authorities of Fayetteville made no further investigation of the murder, prompting Army officers and Freedmen's Bureau officials to bring the case before a military commission. After a lengthy trial, the commission found three of the defendants guilty and sentenced them to hang, but they were freed by a presidential pardon.

Sickles also issued a series of orders that indicated a willingness to intervene in matters unrelated to Military Reconstruction. General Orders 3 established a quarantine of all ports in the Carolinas, while General Orders 25 prohibited the manufacture—but not the sale or consumption—of grain alcohol within the Second Military District. He based both orders on sound reasons: the former to prevent the spread of infectious diseases, and the latter to lessen the hardship resulting from a poor grain harvest the previous year. For all of Sickles' good intentions, the two orders met with a hostile reception—especially the ban on alcohol production, which proved both difficult and dangerous to enforce in some areas. Claiming that it was “altogether unsafe to attempt breaking up” illegal stills in his district, the collector for the Bureau of Internal Revenue in western North Carolina requested—and promptly received—a detachment of the 5th U.S. Cavalry to assist him.

Two more of Sickles' orders provoked bitter controversy and divided Carolinians along both class and racial lines. In General Orders 10, Sickles introduced several far-reaching economic and legal changes that ranged from debt relief to gun control. The order also abolished the death penalty for burglary and larceny and prohibited “the punishment of crimes and offences by whipping, maiming, branding, stocks, pillory, or other corporal punishment.” General Orders 32 was no less sweeping. The order removed all property qualifications for public office and made all taxpayers eligible for jury duty if they were not disfranchised under the Reconstruction Acts. Perhaps the most controversial regulation of all prohibited racial and class discrimination on public transportation, rendering violators liable to civil lawsuits and trial by military commissions.

To underscore the supremacy of his edicts, Sickles declared in the final paragraph of General Orders 10 that any civil law in force in his district “inconsistent with the provisions of this General Order, is hereby suspended and declared inoperative.” Many Carolinians shared the viewpoint of former North Carolina state legislator John M. Perry regarding Sickles' assumption of legislative authority. “All our laws are only laws as far as Gen. Sickles chooses,” Perry lamented, “and I confess that I don't care to participate in legislation that may be annulled at the caprice of the military.”

In response to the actions of Pope, Sheridan, and Sickles, President Johnson directed U.S. Attorney General Henry Stanbery

to draft an opinion defining the powers of the district commanders in the South under the First Reconstruction Act. Stanbery issued his opinion on 12 June 1867. He argued that the act merely granted district commanders the power to maintain law and order and punish criminals by means of civil courts or military tribunals. But he contended that the actions of some of the commanders indicated that they believed the act endowed them with unlimited authority. “The military commander is made a conservator of the peace, not a legislator,” the attorney general wrote. “He has no authority to enact or declare a new code of laws for the people within his district under any idea that he can make a better code than the people have made for themselves.”

Both Stanton and Grant regarded Stanbery’s opinion as just that—a mere opinion lacking the force of law. Sickles nevertheless believed that the attorney general’s ruling rendered his position untenable, for it challenged his authority to remove recalcitrant public officials. “The military force under my command is insufficient to meet the essential requirements of the Reconstructing Acts,” Sickles maintained, “unless by the exercise of control over all civil functionaries I can have their prompt and certain cooperation.” On 19 June, Sickles asked to be relieved of command, and he demanded a court of inquiry to answer the accusations made against him in Stanbery’s opinion. For reasons known to him alone, Johnson passed up the opportunity to replace Sickles with a more acceptable general. Instead, he directed the Army adjutant general to reject Sickles’ resignation and to deny his request for a court of inquiry.

In another opinion on the Reconstruction Acts issued in May 1867, Stanbery focused on voter registration. He limited disfranchisement to a relative few former Confederate high officials and ruled that registration boards could not challenge voters’ qualifications. The opinion appeared after Generals Ord, Pope, and Sheridan had already issued orders denying the franchise to persons the attorney general deemed qualified to vote. In a public letter to Republican Senator Lyman Trumbull, the chairman of the Senate Judiciary Committee, Sickles explained the dilemma that he and other district commanders faced: “If I proceed now and disregard the instructions of the President,” he wrote, “my action would be regarded as insubordination. If I follow [his] instructions, many would probably be registered [who are] not eligible according to the true interpretation of the acts of Congress.”

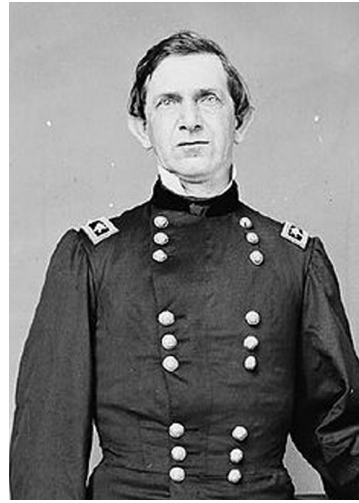
Sickles proposed a simple solution: “declare Universal Suffrage and Universal Amnesty. . . . Now, more than ever,” he argued, “men of ability & experience in public business are needed for the State government[s] in the South.” Although Southerners applauded Sickles’ proposal, Trumbull and the vast majority of his Republican colleagues in Congress chose to ignore it. The general therefore delayed voter registration in his district pending congressional response to Stanbery’s opinions.

Sickles did not have long to wait. On 19 July 1867, Congress passed the Third Reconstruction Act over Johnson’s veto. The legislation overruled Stanbery’s narrow interpretation of the first two Reconstruction Acts by specifying what the previous acts had merely implied. The Third Reconstruction Act declared the Southern state governments established during Presidential Reconstruction illegal, yet it retained them on a provisional basis under the supervision of Congress and the district commanders. As agents of congressional authority, the district commanders could remove civil officials and appoint replacements. The act listed a broad range of former officeholders who were ineligible to vote or serve in public office, and it authorized registrars to reject anyone suspected of perjuring himself under the oath specified in the Second Reconstruction Act. To forestall future legalistic assaults, the act declared that neither the district commanders nor the registration boards were bound “by any opinion of any civil officer of the United States.” Sickles and his fellow district commanders could thus conduct voter registration without fear of presidential interference.

In their haste to emasculate Stanbery’s legal opinions, the authors of the Third Reconstruction Act neglected to insert a clause that made the president’s appointment and removal of district commanders contingent on Senate approval. Keenly aware of the omission, Johnson sought to weaken the impact of the Third Reconstruction Act by suspending Stanton, the chief architect of the act—which he did on 12 August 1867—and by removing the district commanders most likely to exploit it. In July, Johnson sent Brig. Gen. Lovell H. Rousseau to New Orleans as his special representative—in effect serving notice that Sheridan was under presidential scrutiny.

Despite Rousseau’s menacing presence, Sheridan continued to exercise his authority as he saw fit. On 30 July, he removed Governor Throckmorton of Texas and replaced him with

Elisha M. Pease, the Unionist gubernatorial candidate that “Throcky”—so dubbed by his Republican opponents—had routed at the polls a few months earlier. Nor did Sheridan stop there. In just over a week, he removed twenty-two New Orleans city councilmen and the city treasurer, installed a former Union Army officer as police chief, and dismissed the mayors and other civic officials of Lake Charles and Shreveport. Fearing that Sheridan intended to depose every public official under his authority, on 17 August, Johnson relieved the general as commander of the



General Canby
(Library of Congress)

Fifth Military District over the strenuous objections of General Grant, now the acting secretary of war as well as general in chief.

Sickles' dismissal followed on 26 August, the result of his decision to uphold a subordinate's directive prohibiting a deputy U.S. marshal from enforcing a federal court order that conflicted with Sickles' debt relief regulation. President Johnson replaced him with Brig. Gen. Edward R. S. Canby, who had run afoul of Sheridan while commanding the Department of Louisiana. This fact alone may have impressed Johnson that Canby was the right man for the job. But Canby soon disappointed both the president and North Carolina Governor Jonathan Worth, who branded the general “an extreme Radical” for refusing to revoke several of Sickles' more objectionable orders.

Likewise, the situation in the Fifth Military District remained largely unchanged following Sheridan's departure. His replacement, Maj. Gen. Winfield Scott Hancock, appeared to be in no hurry to assume command there, no doubt due to a recent outbreak of yellow fever. That left General Griffin in charge temporarily, and he wholeheartedly supported Sheridan's Reconstruction policy. But Griffin succumbed to yellow fever on 15 September, and his sudden death left Col. Joseph A. Mower in command. It soon became apparent that “Fighting Joe” Mower and Sheridan

were alike not only in temperament but also in their activist approach to Reconstruction. During the vote for the constitutional convention in late September, Mower sent troop detachments to several Louisiana parishes to preserve order at the polls and prevent voter intimidation. He also removed a host of Democratic civil officials including the lieutenant governor, the secretary of state, and the state treasurer on the vague charge that they were “impediments to Reconstruction.” The acting district commander’s actions prompted Louisiana governor Benjamin F. Flanders to appeal to Grant, who then ordered Mower to suspend all removals pending General Hancock’s arrival. Mower duly complied with the general in chief’s order.



*Colonel Mower, pictured as a
major general
(Library of Congress)*

Hancock assumed command of the Fifth Military District on 29 November 1867. On the same day, he issued General Orders 40, announcing that “the military power should cease to lead and the civil administration resume its natural and rightful dominion.” This simple declaration indicated that Hancock, a Democrat firmly opposed to Military Reconstruction, intended to bring his district more in line with President Johnson’s plan of Reconstruction. Not surprisingly, the order made Hancock extremely popular with most of the white citizens of Louisiana and Texas. His subsequent actions only increased his popularity. He proceeded to revoke a Sheridan order that allowed blacks to qualify as jurors if they were registered voters, asserting that such matters should be left to the state legislature. Hancock nullified another Sheridan directive on voter eligibility intended to prevent as many ex-Confederates as possible from voting in order to strengthen the Republican Party. Longstanding fears of black insurrections at Christmastime spurred whites to appeal to Hancock for protection, and he in turn requested that Grant send at least a regiment of white soldiers to keep the peace. “Black troops,” Hancock maintained, “are



General Hancock
(Library of Congress)

unsuited for the performance of this peculiar service.” Much to Hancock’s chagrin, Grant sent him just three companies of white soldiers from the Third Military District.

Hancock also sought to minimize Colonel Mower’s influence. He requested that Col. Robert C. Buchanan, the commander of the 1st U.S. Infantry, replace Mower as the commanding officer in Louisiana and the state superintendent of the Freedmen’s Bureau. Grant authorized Hancock’s request, and Buchanan assumed command at New Orleans on 2 January 1868. Mower nevertheless remained in Louisiana as commander of the

39th U.S. Infantry, a regiment of black soldiers. Hancock also had an opportunity to appoint a new governor of Louisiana after the incumbent, Governor Flanders, resigned when it became apparent that he and the new district commander could not get along. The general chose Joshua Baker to replace Flanders. Baker was a conservative Unionist and a supporter of Johnson’s mild Reconstruction program.

Hancock clashed with Grant over the removal of two white and seven black New Orleans city councilmen—all Sheridan appointees—for violating the Second Reconstruction Act. After initially permitting the ouster, Grant reconsidered and ordered Hancock to reinstate the deposed councilmen. Hancock complied but requested that he be transferred from the Fifth Military District after Grant refused to reverse his decision. The general in chief—who incidentally continued as acting secretary of war—was only too happy to oblige him. Before departing New Orleans on 16 March 1868, Hancock directed Col. Joseph J. Reynolds, commanding the Department of Texas, to replace him until the president could appoint a permanent successor.

Nevertheless, Hancock had been less than pleased with Reynolds’ handling of affairs in the Lone Star State. Between Griffin’s death and Hancock’s arrival, Reynolds had removed

400 Democrats from office and replaced them with Republicans. Bombarded with complaints from angry Texas conservatives, Hancock had ordered Reynolds to explain his actions and make no more removals. Reynolds had justified his course by citing Sheridan's injunction of 27 August 1867 to Griffin to remove all disloyal men from office. However, before Reynolds could undertake a similar purge of Democratic officeholders in Louisiana, orders from Washington arrived placing Buchanan in temporary command of the Fifth Military District. Contrary to Hancock's belief, Buchanan was senior to Reynolds.

The 57-year-old Buchanan proved to be an effective commander at a crucial time in the Bayou State's history. In April 1868, the colonel held an election for numerous local, state, and national offices, and to decide the fate of the new Louisiana state constitution. To preserve order, Buchanan kept troop detachments near the polls, including the three companies on loan from the Third Military District. The voters elected a fiery young Radical, Henry Clay Warmoth, governor and gave him a Republican majority in both houses of the state legislature; they also ratified the new constitution. While there was a large turnout of black voters, there were few disturbances. Several days after the election, Buchanan directed the troops from the Third Military District to return to their permanent posts.

By the end of 1867, Johnson had decided to remove Pope from command of the Third Military District. The president had been contemplating such a move for some time. The tipping point came when Pope authorized the Georgia constitutional convention's requisition of \$40,000 on the state treasury to cover its expenses, but State Treasurer John Jones refused to issue payment without Governor Charles J. Jenkins' endorsement, which Jenkins withheld on the grounds that the convention itself was illegal. In April, Pope had nearly removed Jenkins over his public opposition to the Reconstruction Acts, but the governor had pleaded ignorance and promised to be more cooperative in the future. Once again, Jenkins had taken an obstructionist stance, but Pope hesitated to act for fear that deposing the governor might well result in his own dismissal. On 26 December 1867, Pope appealed to General Grant for guidance, warning that "without the means to pay its daily expenses, there is every probability that the Convention must dissolve." But the time for advice had passed. On 28 December, the War Department removed Pope from command of the Third Military District.

As had happened in the removal of Sheridan and Sickles, President Johnson replaced Pope, only to be disappointed by his successor, General Meade. The conservative Meade must have struck Johnson as a safe choice, but the new district commander soon displayed a willingness to topple high-ranking officials that left the president “mortified and chagrined.” On 8 January 1868, Meade issued General Orders 12 removing Jenkins, Jones, and the Georgia state comptroller from office for obstructing the Reconstruction Acts. In doing so, Meade had Grant’s full support—something that Pope had seldom enjoyed. To ensure cooperation, Meade replaced the civil officials with Army officers, appointing Colonel Ruger as governor and Lt. Charles F. Rockwell as state treasurer.

The same order that relieved Pope also reassigned General Ord, who wished to be transferred from command of the Fourth Military District. Ord freely admitted that he was not in sympathy with the Reconstruction Acts—especially the provision that granted voting rights to blacks—and sought a command which did not require having to enforce them. Writing from his headquarters at Holly Springs, Mississippi, Ord asked General Grant: “Would it not be well . . . to have an Officer here who . . . believed in the *Policy*[?]” Grant took the hint and secured a transfer for his longtime friend, appointing him commander of the Department of California. The previous commander of that department, Brig. Gen. Irvin McDowell, exchanged places with Ord.

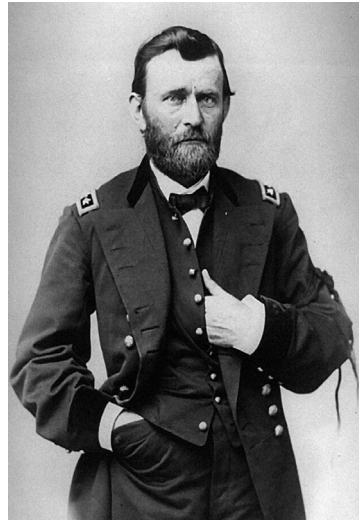


General Ord
(Library of Congress)

THE PRESIDENT IMPEACHED

While Louisiana and several other Southern states held their constitutional conventions in early 1868, Republicans in the House of Representatives sought to end President Johnson’s

efforts to obstruct Military Reconstruction by impeaching him. They based their case on the president's violation of the Tenure of Office Act in removing Secretary of War Stanton from his cabinet. Passed over Johnson's veto in 1867, the act prohibited the president from removing appointed officials without congressional approval. The impeachment trial before the Senate began in March 1868. Meanwhile, the Republicans' anxiety over Johnson began to fade as one Southern state after another ratified a new constitution and elected a Republican government. Other factors further reduced the likelihood of the president's ouster, including the assurance of Johnson's chief counsel that his client, if acquitted, would cease to impede Military Reconstruction. The Senate decided the president's fate in May 1868, the conviction vote falling one short of the necessary two-thirds majority. Though acquitted, Johnson did not receive the Democratic presidential nomination that July. His acquittal likewise spoiled the Radical Republicans' prospects, all but ensuring that General Grant, a moderate Republican and the most popular man in the North, would be nominated.



General Grant
(Library of Congress)

SEVEN SOUTHERN STATES REJOIN THE UNION

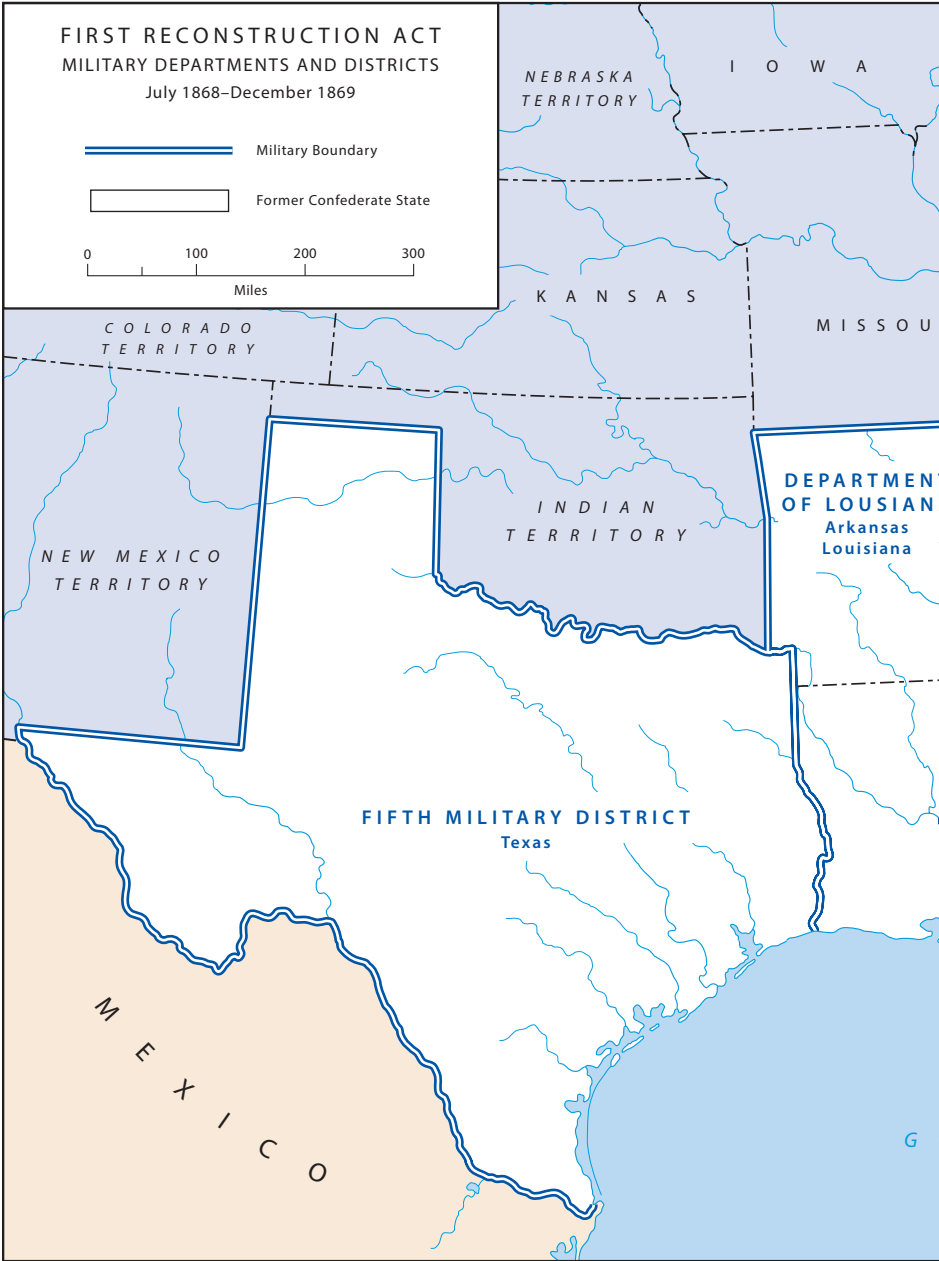
In June and July 1868, the state legislatures of Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, and South Carolina ratified the Fourteenth Amendment and submitted their new constitutions to Congress. In the meantime, General Canby, the commander of the Second Military District, discovered that many recently elected state officials in his district could not take office until Congress restored their qualifications. In a letter to Grant, Canby explained that in North Carolina, the governor, lieutenant governor, and numerous legislators were disqualified under the Fourteenth Amendment, and still more incoming officials

could not take the Ironclad Oath. Grant sent Canby's letter to the secretary of war, who then passed it on to Congress. On 25 June 1868, congressional Republicans restored the qualifications of 700 Republican officials in North Carolina, including Governor-elect Holden, who had been the Tar Heel State's provisional governor in 1865. Holden was inaugurated on 4 July; his predecessor, Governor Worth, vacated the office under protest. Congress, meanwhile, approved the constitutions and seated the senators and representatives of the seven Southern states, thereby readmitting them to the Union.

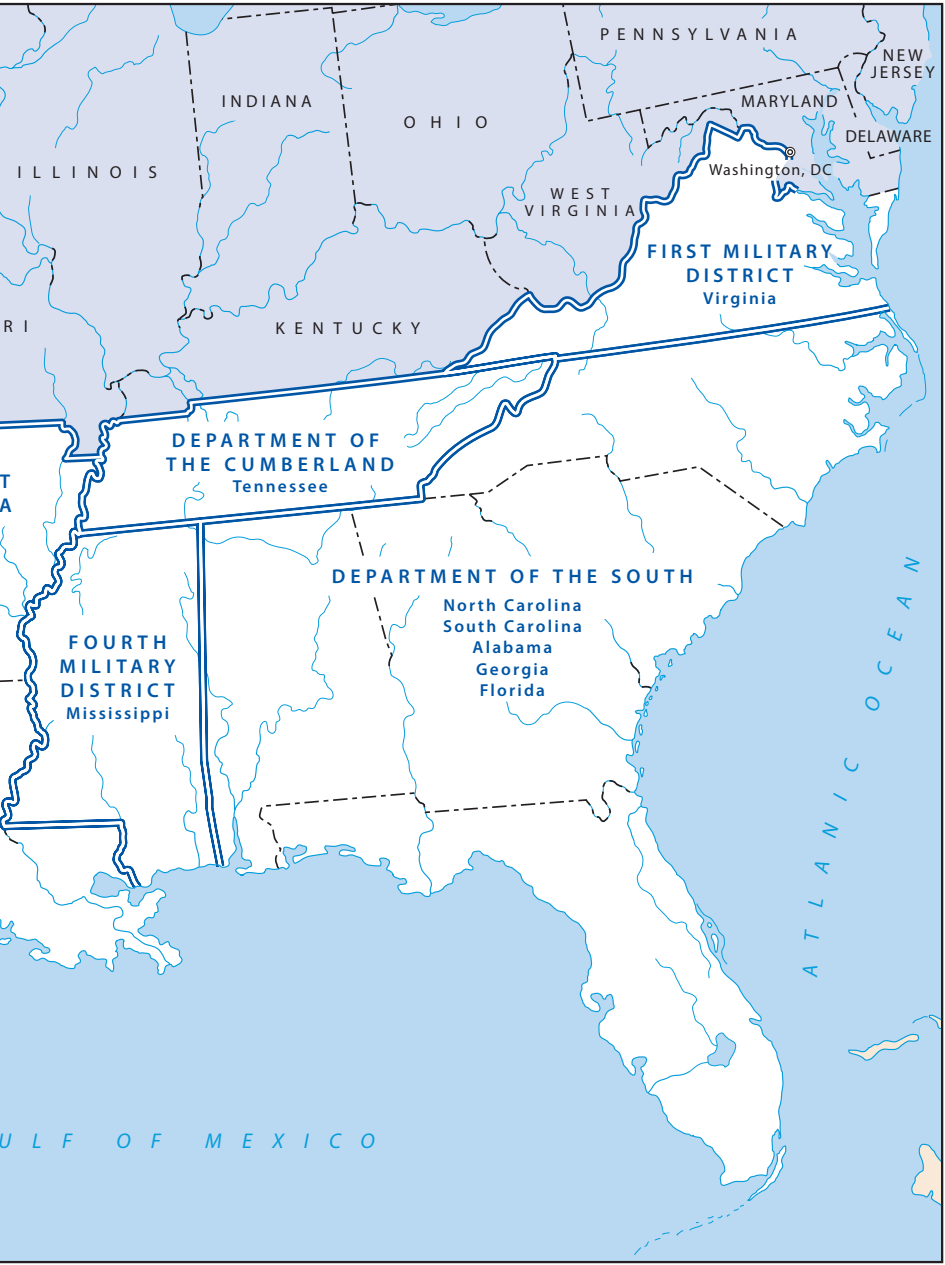
With the return to full statehood, the district commanders remitted their powers under the Reconstruction Acts to the civil authorities within their commands. They could no longer arrest civilians, try cases by military commission in lieu of civil courts, appoint and remove officials, or intervene (at least in theory) in disturbances without a request for aid from the civil authorities. Within a month of readmission, the War Department realigned the geographic commands in the South. The "unreconstructed" states of Virginia, Mississippi, and Texas were designated the First, Fourth, and Fifth Military Districts, respectively, in which commanders retained their broad powers under the Reconstruction Acts. In June, Col. George Stoneman succeeded General Schofield—who became secretary of war—as commander of the First Military District, Col. Alvan C. Gillem replaced General McDowell as commander of the Fourth Military District, and Colonel Reynolds assumed command of the Fifth Military District. The Carolinas, Georgia, Florida, and Alabama combined to form the Department of the South under General Meade, and Arkansas and Louisiana joined to become the Department of Louisiana under Colonel Buchanan. Readmitted in 1866, Tennessee remained in the Department of the Cumberland under General Thomas (*Map 3*).

THE REIGN OF TERROR BEGINS

As the seven states rejoined the Union, the Army in the South had to contend with a strange new adversary that may have lacked the strength of the Confederate Army but would soon prove surprisingly formidable due to its elusiveness. The rise of Republicanism in the Southern states led to the formation of the Ku Klux Klan and other secret paramilitary organizations dedicated to preserving white supremacy and restoring the Democrats to their former political dominance. Formed in 1866 as a social club in Pulaski,



MAP 3



PENNSYLVANIA

NEW JERSEY

INDIANA

OHIO

MARYLAND

DELAWARE

ILLINOIS

Washington, DC

WEST VIRGINIA

FIRST MILITARY DISTRICT
Virginia

KENTUCKY

DEPARTMENT OF THE CUMBERLAND
Tennessee

DEPARTMENT OF THE SOUTH

North Carolina
South Carolina
Alabama
Georgia
Florida

FOURTH MILITARY DISTRICT
Mississippi

ATLANTIC OCEAN

GULF OF MEXICO

Tennessee, the Klan mobilized statewide a year later under the leadership of its reputed “Grand Dragon,” Nathan Bedford Forrest. A former Confederate general and a brilliant cavalry commander, Forrest had earned widespread notoriety for his involvement in the Fort Pillow Massacre. Forrest later claimed that the early Klan was defensive in nature, but the organization turned aggressive during the first four months of 1868, as it expanded beyond the borders of the Volunteer State into every Southern state from Virginia to Texas. This phenomenal growth occurred largely through Forrest’s proselytizing efforts. His position as a railroad executive and part-time life insurance salesman who traveled the South—coupled with his peerless reputation and extensive contacts—made him an ideal spokesman for the Klan.

But neither Forrest nor anyone else, for that matter, exercised overarching control. The Klan consisted of numerous independent cells called “klans” or “dens,” organized at local and county levels. Even the name “Ku Klux Klan” merely served as a convenient generic designation. In North Carolina, members referred to the Klan as the Constitutional Union Guard in the east, the White Brotherhood in the central Piedmont, and the Invisible Empire in the west. Similar organizations coexisted with the Klan, such as the Knights of the White Camellia and Seymour Knights in Louisiana, the Knights of the Rising Sun in Texas, the Knights of the Black Cross in Mississippi, and the Young Men’s Democratic Clubs in Florida.

The Klan made its first appearance in North Carolina during the campaign preceding the election in April 1868. The emergence of the Ku Klux Klan and other white supremacist organizations prompted General Canby to issue General Orders 61, warning that conspiracies to obstruct the execution of federal law or to prevent voting would be severely punished. Canby further announced that he would order a new election for any precinct in which he found evidence of fraud or interference. Tar Heel Klansmen, meanwhile, limited their actions to parading at night in fantastic costumes and posting crude signs containing skull and crossbones imagery and ominous messages such as, “The hour is arrived—the graves are opened, and Hell yawns.” The apparent intent of these actions was to frighten superstitious blacks into not voting.

Judging from the election returns, the night riders failed miserably. Voter turnout was 84 percent, the new constitution was

ratified by a comfortable margin, and the Republicans captured all the state offices and gained a substantial majority in both houses of the General Assembly. Nevertheless, in Camden County—a Republican stronghold due to its large black population—a freedman named Albert Rogerson was murdered about a week before the election. The local Freedmen’s Bureau agent maintained that the killers sought “to terrify the Col[ore]d people, and thus prevent them from voting.” One freedman stated that Rogerson’s murder and threatening Klan posters had induced many blacks to keep away from the polls.

The most notorious Klan-related incident during the spring of 1868 occurred in Columbus, Georgia. On 31 March, a band of disguised men assassinated George W. Ashburn, a leading “scalawag” or native white Republican. The coroner’s jury found that Ashburn had been killed by persons unknown, and the case would have ended there had General Meade not intervened. He assigned Capt. William Mills to investigate the murder, and when told that the mayor, board of aldermen, and other officials were uncooperative, immediately replaced them. The Army arrested thirteen men, including three blacks, in connection with the Ashburn murder, and Meade directed

that the defendants stand trial in Atlanta by military commission. The political stakes were such that the prosecution included former Confederate governor of Georgia and future state supreme court chief justice Joseph E. Brown, while the ex-vice president of the Confederacy, Alexander H. Stephens, headed the defense team.

The trial began on 29 June and ended inconclusively just one month later. On 21 July, the state legislature approved the Fourteenth Amendment, ending military rule in Georgia. Three days later, Meade suspended the trial, and he turned over the court records to the civil authorities. The defendants posted bond

General Meade
(National Archives)



and returned in triumph to Columbus. While no one was ever convicted of Ashburn's murder, the Klan made no further appearances in Columbus.

In addition to the Klan, Meade had to deal with a riot that occurred near Camilla, Georgia, stemming from the conflict between black political organizations such as the Union League and the "white man's government" clubs formed to oppose them. In an effort to defuse the tension, on 14 September 1868, Republican Governor Rufus B. Bullock of Georgia issued a ban on either side assembling under arms. Ignoring the governor's proclamation, Republican leaders in southwestern Georgia summoned area blacks to a political rally in Camilla on 19 September. On the nineteenth, about 300 freedmen, some of them armed, gathered near Camilla. When the sheriff ordered the group to disperse in accordance with the governor's prohibition on armed assemblies, the spokesman replied that they intended to conduct a peaceful meeting. Determined to stop the marchers, the sheriff returned to Camilla and formed a large posse. They confronted the freedmen on the outskirts of town; a drunken member of the posse ordered the marchers' band to stop playing and opened fire on the musicians. The two sides then traded shots until the outnumbered and outgunned blacks fled into the woods. For the rest of the day, the posse hunted down freedmen and shot them in cold blood. By nightfall, nine blacks lay dead and another thirty-five were wounded.

Meade directed Captain Mills to investigate the Camilla riot. On 23 September, Mills reported that the sheriff bore much of the responsibility for the bloodshed, having failed to control the drunken man and allowing the posse to believe that the blacks intended to attack them. The captain also indicated that the mayor had made no effort to investigate the incident and appeared content to let the perpetrators escape punishment. Meade, however, noted that the blacks' insistence on exercising their right to assemble at Camilla in defiance of Bullock's ban had given the sheriff and his posse sufficient justification to fire on them. He therefore decided to take no action, deeming it a matter for the civil authorities to handle. Following the restoration of civil government in his five-state department, Meade had steadfastly refused to intervene in disturbances unless civilian law enforcement proved unable to restore order. The general turned over the report of the Camilla incident to Governor

Bullock, and Bullock recommended that the legislature request the federal government to send troops there. After paying a visit to the town, a special committee of the legislature determined that no troops were required there.

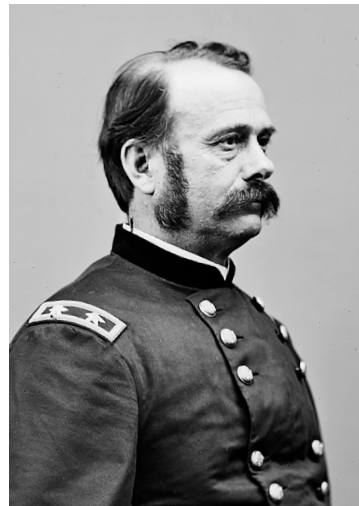
The “Camilla Massacre” nevertheless convinced Meade to modify his troop deployments. Instead of concentrating his forces in the larger towns and cities, he stationed numerous small detachments throughout his department to deter lawlessness and violence. The upcoming presidential election provided him with the legal justification for doing so. Meade cited an 1865 act of Congress that granted Army officers discretion to use federal troops “to preserve the peace at the polls.” In North Carolina, where the Klan had begun to raid black communities in several eastern and central counties, the soldiers’ presence resulted in a quiet Election Day on 3 November. As a result, the Republican Party enjoyed another triumph at the polls. In the presidential race, General Grant carried the state with 96,939 votes compared with Democratic candidate Horatio Seymour’s total of 84,560, and Republicans won six of the state’s seven congressional seats. “The Ku Klux—who is afraid of them now?” Holden gloated at a victory celebration in Raleigh. “The truth is, we were never afraid of them in North Carolina.” The governor would soon regret those words.

Throughout the South, the Ku Klux Klan’s influence depended on local circumstances. In Virginia, Klan activity was scattered and of brief duration because the Republican Party never gained control of the Old Dominion. As a result, Democrats there did not feel sufficiently threatened to terrorize their political opponents. In Tennessee, the Klan attempted to topple Governor Brownlow, but he proved to be a formidable foe. To combat the night riders, Brownlow requested additional federal soldiers, and General Thomas obtained seven companies of the 29th U.S. Infantry from the Department of Washington. Deeming the federal reinforcement insufficient, the governor called up the 1,600-man state guard. By early 1869, the Tennessee-based Klan had largely ceased its depredations. Forrest later claimed that he disbanded the night riders in the Volunteer State at this time, perhaps owing as much to the Democratic leaders’ alarm at the Klan’s atrocities as to Brownlow’s show of force. In Arkansas and Texas, meanwhile, the Klan had all but vanished, whereas the night riders in Georgia continued to use terror, intimidation, and violence to restore that state to the Democratic column.

Nowhere was the situation confronting Southern Republicans during the latter half of 1868 more desperate than in Louisiana. Just ten days after his election, Governor Warmoth had received a crudely worded warning from the “Bloody Knights Klu Klux Klan” that read: “Villain Beware Your doom is sealed *Death* now awaits you.” Since then, the Knights of the White Camellia and other secret organizations had embarked on a campaign of terror across the state. Emulating antebellum slave patrols, armed gangs of whites rode through black districts day and night. One such band assassinated William Meadows, a black delegate to the state constitutional convention, and a group of disguised men entered a hotel in the town of Franklin and killed the Republican sheriff and judge of St. Mary Parish. On 1 August, Warmoth sent an appeal to President Johnson for more troops, in which he stated that 150 persons had been murdered in Louisiana since mid-June. (A subsequent investigation revealed that the governor had underestimated the death toll by one-half.) Johnson referred Warmoth’s letter to the War Department “for consideration and suggestion.” In other words, he would send no reinforcements for the present.

On 15 September, Colonel Buchanan relinquished command of the Department of Louisiana. To his credit, the Bayou State had held an election, sworn in a governor, convened the legislature, and rejoined the Union during his tenure. Buchanan’s replacement, General Rousseau, happened to arrive as the presidential campaign was heating up. A Kentucky Democrat and a friend of President Johnson, Rousseau was no supporter of Radical Reconstruction. Barely a week after he had assumed command, a riot erupted, when two rival political processions clashed on Canal Street in downtown New Orleans. Three blacks were killed and an unknown number on both sides were wounded. Federal

General Rousseau
(Library of Congress)



soldiers and city police responded quickly and thus prevented the riot from spreading. On 26 September, Rousseau sent a pessimistic report to President Johnson. "The condition of affairs here . . . could not be much worse," he wrote. Although Rousseau promised to do all he could to keep the peace, he likened the local populace to "a volcano ready for an explosion at any moment."

The "volcano" erupted in St. Landry Parish a few days later. On 28 September, three members of the Seymour Knights severely beat Emerson Bentley, a freedmen's school teacher and Radical newspaper editor. The incident infuriated local blacks, who began to assemble under arms to demand that Bentley's assailants be punished. Alarmed by what they deemed a freedmen's uprising, the white Democrats swiftly mobilized and seized the town of Opelousas. They next confronted the blacks and demanded that the latter surrender their arms. The two sides opened fire, and during the exchange, four blacks were killed and three whites were wounded. The sheriff arrested and jailed several freedmen for disturbing the peace. One night later, white vigilantes removed the prisoners from jail and shot them. For the next two weeks, gangs of armed whites patrolled the countryside, and according to the *New Orleans Times*, more than one hundred freedpeople were killed during that period. Rousseau sent a staff officer to investigate the incident but took no further action.

In the meantime, the violence spread into the neighboring parishes, inducing Rousseau to send a company of federal troops to St. Bernard Parish near New Orleans. He also requested additional troops and received six companies of infantry from Mississippi. In response to an appeal from Governor Warmoth, Rousseau posted most of the reinforcements in and around New Orleans during the 3 November election, and he issued a proclamation on 28 October prohibiting political processions and unauthorized bands of armed men. After conferring with Rousseau, Warmoth decided to reassure anxious whites by advising blacks not to vote. While the general later maintained that the idea was entirely Warmoth's, he defended the measure as necessary and apparently had no qualms about denying freedmen their voting rights.

Because of the presence of federal soldiers and the scarcity of blacks at the polls, Election Day passed peacefully in New Orleans and the surrounding parishes. For the next two years, relative calm and good order would prevail in the Crescent

City. But this tranquility came at the expense of black rights, and it reinforced what the New Orleans riot of 1866 had already confirmed: white vigilante and paramilitary groups could intimidate Republican voters—above all, blacks—and the Army either could not or would not intervene. The night riders' terror campaign enabled Seymour to carry the Bayou State with 80,225 votes to Grant's 33,225. In contrast, Warmoth had received more than 69,000 votes in the April 1868 gubernatorial election. Despite the drubbing in Louisiana, Grant won the election by a comfortable margin, receiving 3,013,421 popular votes and 214 electoral votes to Seymour's 2,706,829 popular votes and 80 electoral votes. Grant succeeded President Johnson on 4 March 1869.

THE ARMY TAKES ON THE KLAN

If the Democratic electoral triumph in Louisiana ushered in a period of comparative peace and stability, no such moratorium followed in Georgia, the only other Southern state that went to Seymour. In May 1869, Republican Senator Henry Wilson of Massachusetts sent an urgent letter to President Grant requesting military intervention to prevent further "political murders" in Georgia, "the worst of all the States, for the security of the friends of the country." Grant referred Wilson's appeal to General Sherman, the new general in chief of the U.S. Army, who then passed it on to Brig. Gen. Alfred H. Terry, Meade's successor as commander of the Department of the South. After a two-month investigation that included confidential interviews with numerous eyewitnesses, on 14 August 1869, Terry reported to Secretary of War John A. Rawlins: "There can be no doubt of the existence of numerous insurrectionary movements known as the 'Ku Klux Klans,' who, shielded by their

General Terry
(Library of Congress)



disguise[s], by the secrecy of their movements, and by the terror they inspire, perpetrate crime with impunity.”

Eager to combat the Klan, Terry proposed that Congress withdraw its recommendation of June 1868 that Georgia be readmitted to the Union and then resume Military Reconstruction in that state. Terry argued that Georgia had violated several conditions for readmission by seating ineligible former Confederates in the state legislature and by expelling legally elected black representatives (such as Henry M. Turner, a former USCT chaplain) from the same body. He further justified military intervention on the grounds that the Klan’s crimes extended beyond violations of state law to include violent obstruction of the Fourteenth Amendment.

On 22 December 1869, Congress imposed tough new requirements for Georgia’s readmission, but it stopped short of restoring military rule. First, all legislative delegates who failed to affirm their eligibility would be removed, and second, the legislature had to ratify the Fifteenth Amendment prohibiting the denial of the right to vote on the basis “of race, color, or previous condition of servitude.” In January 1870, President Grant went one step further than Congress had in order to ensure the success of Georgia’s “second Reconstruction.” He made the state a military district and put Terry in command with the same powers as those given district commanders under the Reconstruction Acts.

Terry wasted no time in making use of his increased authority—and some of his actions smacked of illegality. Shortly after assuming command, he removed nineteen members of the Georgia legislature on the grounds of ineligibility. Although the Senate Judiciary Committee later ruled that Terry lacked the authority to make the removals, it recommended that Congress take no action in the matter because all of the expelled delegates were indeed ineligible. During Terry’s tenure, conditions improved markedly across the state, though the Klan still rode from time to time. At the request of the civil authorities, Terry sent troop detachments to various locations across the state. But he avoided becoming entangled in the details of Reconstruction, refusing at one point to compel the civil courts to select blacks for jury duty in accordance with state law. On 15 July 1870, Georgia was readmitted to the Union, joining Virginia, Mississippi, and Texas, which had rejoined in early 1870. The Union thus stood fully restored in fact if not in spirit.

While Terry battled night riders in Georgia, the situation in North Carolina was becoming critical, for the Klan had virtually seized control of two Piedmont counties. Shortly after midnight on 26 February 1870, a force of over one hundred Klansmen lynched Wyatt Outlaw, a black Union Army veteran and Union League leader, in the town of Graham, the Alamance county seat. Three months later, the Klan struck again at Yanceyville about thirty miles north of Graham. On 21 May, a group of Klansmen lured John W. Stephens, a white Republican state senator, into the basement of the Caswell County courthouse and stabbed him to death. Governor Holden declared the two counties in a state of insurrection, called up the state militia, and appealed to President Grant for federal troops to restore order and bring the perpetrators to justice.

Unlike his predecessor President Johnson, Grant was more than willing to lend his support. In addition to providing federal soldiers, he offered to arm, clothe, and equip the state troops. This was more than a symbolic gesture, for the Army's presence in the South was reduced by more than one-third after a budget-minded Congress had passed an Army manpower reduction act on 3 March 1869. The number of troops on Southern occupation duty thus fell from 17,657 in October 1868 to 11,237 exactly one year later. That was not the worst of it, however, for most of the cavalry was posted on the western frontier, leaving infantry and artillery units to pursue the night riders on foot. The lack of mounted troops in the South enabled the Klan to strike with impunity and then vanish without a trace.

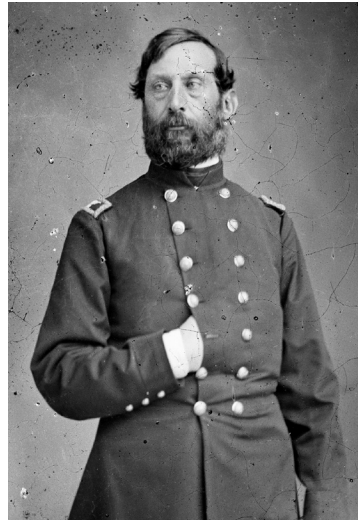
Holden formed two regiments of state troops. One regiment consisted of white soldiers from the wartime Unionist stronghold of western North Carolina and eastern Tennessee. Their commander was Col. George W. Kirk, a Tennessee native and onetime Union officer. The other regiment was composed of black troops under Col. William J. Clarke, a former Confederate officer. As Kirk's militia occupied Graham and Yanceyville and began arresting suspected Klansmen, Grant ordered Secretary of War William W. Belknap to send six companies of federal troops to North Carolina. At the president's behest, General Meade, the commander of the Military Division of the Atlantic, established the temporary District of North Carolina on 27 July 1870, and he placed Col. Henry J. Hunt in command. Hunt's force consisted of ten companies of infantry and artillery totaling roughly 700 soldiers, twice the number of troops

in the state during the previous year. They were stationed at Raleigh, Graham, Yanceyville, and several other towns in central North Carolina. As a result, Klan outrages abruptly ceased in the Piedmont, ensuring a peaceful Election Day on 4 August.

But the night riders' baleful influence was all too apparent in the statewide election returns, which indicated a resounding triumph for the Conservative Party. Due to a 13,000-vote drop-off in the Republican tally from the presidential election of 1868, the Conservatives managed to elect their candidate for attorney general with just a

3,000-vote increase. The Conservatives also gained six of the state's seven congressional seats and almost a two-to-one majority in the state legislature. Of the fifteen counties added to the Conservative column, ten had experienced considerable Klan activity.

On 31 May 1870, Congress had passed the Enforcement Act to provide Grant with the means to suppress the Klan. The act upheld the Fifteenth Amendment and made it a felony for two or more persons "to band or conspire together, or go in disguise upon the public highway or upon the premises of another" with criminal intent. Kirk's militia used the act to arrest and jail over one hundred suspected Klansmen. To Holden's mortification, the accused were released when it came to light that the arresting officers had denied them bail and had formally charged only some of them. A federal judge issued writs of habeas corpus for all the prisoners, which Kirk ignored on the grounds that the accused were to be tried by a military tribunal. Unwilling to challenge the federal judiciary, Holden directed that the colonel turn over the prisoners to the district court. Although the guilty went unpunished, the militia and the Army had ended the Klan's reign of terror in the insurrectionary counties. In September 1870, the governor



Colonel Hunt
(Library of Congress)

disbanded the militia, and Meade discontinued the District of North Carolina.

The following December, Holden himself became the target of an attack launched from within the Conservative-dominated state legislature. The sponsor of the impeachment resolution was Frederick N. Strudwick, a local Klan leader and freshman representative from Orange County. Among other things, the eight articles of impeachment accused Holden of using the militia to oppress the people on the pretext of quelling a nonexistent insurrection and of suspending the writ of habeas corpus in violation of the state constitution. After a three-month trial, the legislature voted to convict Holden and expel him from office. He thus earned the dubious distinction of being the first state governor ousted by impeachment. A victim of political assassination, Holden was both the last and the highest-ranking casualty of the so-called Kirk–Holden War against the Klan.

During the impeachment proceedings against Holden, Congress undertook an investigation of the Ku Klux Klan in North Carolina. On 16 December 1870, the U.S. Senate passed a resolution requesting that Grant submit all the information in his possession regarding the Klan. On New Year's Day 1871, Holden sent Grant a sheaf of papers that included official state acts and proclamations, outrage casualty lists, trial transcripts, victims' affidavits, and Klansmen's confessions. Grant sent the documents to Congress along with a stack of Army reports and official correspondence.

On 19 January, the Senate appointed a select committee to conduct the investigation. The seven-member committee—consisting of five Republicans and two Democrats—decided to focus on the two insurrectionary counties, Alamance and Caswell. Fifty-two witnesses testified, including Conservatives and Republicans, blacks and whites, civil officials and Army officers, Klansmen and Klan victims. On 10 March, the committee released its findings. The majority report found that the many organizations known collectively as the Ku Klux Klan were indeed political in nature and employed intimidation, whipping, and murder to benefit the Conservative Party. The report further stated that the organizations routinely ordered members to break the law and then shielded them from criminal prosecution. Thus far, the report noted, not one Klansman in North Carolina had been convicted of a crime.

ENFORCING THE KU KLUX ACT

The select committee's report spurred congressional Republicans into passing the Third Enforcement Act on 20 April 1871. (Congress approved the Second Enforcement Act two months earlier, in order to curb Democratic election fraud in Northern cities.) The law answered Grant's request for legislation to "secure life[,] liberty[,] and property" in the South. Aptly dubbed "the Ku Klux Act," the measure targeted secret organizations that used violence and intimidation to deprive citizens of their rights under the Fourteenth and Fifteenth Amendments. Whenever a Klan conspiracy proved too powerful for the civil authorities to suppress, the Ku Klux Act authorized the president to declare the affected area in a state of rebellion against the United States. After issuing a proclamation commanding the insurgents to disperse, the president could then declare martial law, call in the U.S. military and/or the state militia, and suspend the writ of habeas corpus. To silence critics eager to accuse him of establishing a military dictatorship, Grant suggested that his extraordinary powers be given an expiration date; the bill's authors duly inserted a clause stipulating that those powers would cease at the end of the next regular session of Congress. U.S. Attorney General Amos T. Akerman thought the Ku Klux Act at last put the federal government's efforts to suppress the Klan on the right footing. "Really these combinations amount to war," Akerman wrote, "and [they] cannot be effectually crushed on any other theory."

Grant wasted no time in putting the Ku Klux Act to work. On 3 May 1871, he issued the mandatory proclamation ordering "combinations of lawless and disaffected persons in the late theater of insurrection and military conflict" to cease their criminal actions and disperse. Because he lacked the forces to mount a large-scale campaign across the South, Grant decided to make an example of the Klan in one of its bastions, hoping that a successful application of the Ku Klux Act there would hasten the demise of the night riders elsewhere. The president adopted this strategy at the suggestion of General Terry, still commanding the Department of the South, who advised that the northwestern counties of South Carolina be the focus of the operation. Two major disturbances had recently occurred in that region. In October 1870, thirteen men had been killed and several hundred wounded in a riot at Laurens, and in January 1871, night riders had lynched eight black militiamen at Unionville.

Maj. Lewis Merrill, the commander of the Army post at Yorkville, South Carolina, made a thorough investigation of the “Invisible Circle”—as the Klan was known in South Carolina—and in June 1871, he presented his findings to Terry. In the upcountry counties of the Palmetto State, Merrill reported, roughly three-fourths of the white men were members of the Klan. Yorkville alone had about 120 Klansmen, and the order there included several law enforcement officials as well as a judge. Informants at area telegraph offices and railroad stations kept the Klan posted on federal troop movements, and the local judiciary would not convict the few night riders actually indicted for crimes.



*Major Merrill, pictured as a colonel
(Library of Congress)*

Impressed by Merrill’s report, President Grant sent Attorney General Akerman to confer with the major and to examine the situation firsthand. Akerman traveled to Yorkville in mid-September and reviewed the evidence that Merrill had collected. Convinced that Merrill had indeed uncovered a widespread conspiracy, Akerman advised the president to suspend the writ of habeas corpus in South Carolina. Grant agreed and issued the requisite preliminary proclamation on 12 October. Specifying nine northwestern counties, the proclamation commanded all those involved in “unlawful combinations and conspiracies” to disperse within five days and surrender their weapons and disguises. On 17 October, a second proclamation appeared, suspending the writ of habeas corpus for persons in the insurrectionary counties arrested under the Ku Klux Act.

The arrests began on 19 October, after the arrival of 600 reinforcements, raising the number of federal troops in South Carolina to over 1,000. Most of the soldiers belonged to the 7th U.S. Cavalry or the 18th U.S. Infantry. General Terry instructed Merrill to divide his force into detachments of one or two companies each

and station them at Yorkville and four other upcountry towns. To meet a requirement of the Ku Klux Act, Terry placed the U.S. marshal for South Carolina in nominal charge of the operation but left Merrill, an experienced guerrilla fighter, in command of the troops in the field. Under Merrill's capable direction, the soldiers arrested about 600 suspects during the first month. By early 1872, however, only fifty-four had been convicted and sentenced in district court. The federal judiciary simply lacked the means to dispense swift justice to so many defendants. "The machinery for the execution of these [laws] . . . is wholly inadequate to the task," Major Merrill lamented. "The United States courts are choked with a quantity of business which amounts practically to a denial of a hearing of four-fifths of the cases." And yet there were few Klan chieftains among the prisoners, for most had fled the Palmetto State at the first sign of trouble.

By dispersing the leaders and arresting hundreds of the rank and file, the Army and the federal courts disrupted the Klan's insurrection in northwestern South Carolina but did not end it. Continuing reports of Klan outrages indicated that the upcountry night riders were still on the rampage in 1872. In western North Carolina, the federal military and judiciary enjoyed greater success in suppressing the Klan and in bringing the ringleaders to justice. By early 1872, the Ku Klux Klan had virtually ceased to exist in the Tar Heel State, but the organization had served its purpose. Thanks in large part to the Klan's three-year reign of terror, a Republican governor, Holden, had been ousted from office and his successor, Tod R. Caldwell, had been stripped of any real power, while the state legislature was once more solidly Conservative—or Democratic—and would remain so for many years to come. To ensure that no Klansmen would stand trial, the Democrats passed the Amnesty Act in 1873 absolving night riders of all crimes committed while in disguise.

FROM RECONSTRUCTION TO REDEMPTION

During the presidential election year of 1872, the Republican Party split into two new factions, supplanting the moderate and Radical wings that had held sway since the Civil War. The Stalwarts supported the incumbent Grant, still the most popular man in the North. The Liberal Republicans, a diverse group that included former Radicals and ex-Democrats alike, united in condemning the corruption associated with the Grant administration and

opposing its Reconstruction policy. The Liberals espoused local self-government—what Democratic politicians in the South liked to call “home rule”—amnesty for ex-Confederates, and civil service reform. They nominated as their presidential candidate the noted newspaper editor Horace Greeley—a onetime Radical who now sought to conciliate the Southern Democrats. Even with the endorsement of the Democratic Party, Greeley was no match for Grant, who won by a greater margin than he had enjoyed in the previous election.

The factionalism that beset the national Republican Party led to disputed elections and rival governments in Louisiana and Arkansas. In the Bayou State’s 1872 gubernatorial election, both the Stalwart candidate, William P. Kellogg, and his Fusionist (Liberal-Democratic) opponent, John McEnery, claimed victory. Although President Grant recognized Kellogg as the winner, he refused to sanction the use of force against McEnery. On 6 January 1873, the rival state legislatures convened at New Orleans—Kellogg’s in the statehouse and McEnery’s in a nearby hall. To prevent a repetition of the 1866 street battle, Brig. Gen. William H. Emory—the federal commander in Louisiana—posted over 400 troops in the city, nearly his entire force, and the day passed without incident. One week later, the two governors were inaugurated in separate ceremonies, and Emory deployed just one company at the state house. Once again, no disturbances occurred in the Crescent City.

The situation in New Orleans took a sudden violent turn in late February, when McEnery formed his own militia and placed it under Fred N. Ogden, a former Confederate officer. On 5 March, Ogden led an assault on the state arsenal, which was defended by both city police and state militia under James Longstreet, an ex-Confederate general-turned-Republican official. During the attack, Ogden’s force suffered several

General Emory
(Library of Congress)



casualties, including one fatality. Acting under orders “to preserve the peace,” Emory sent in three companies of the 19th U.S. Infantry to intervene. Under a flag of truce, the federal officer in command ordered Ogden’s militia to disperse, and they reluctantly complied.

If the Republican government in New Orleans appeared secure, the situation in Grant Parish proved to be a different matter. On Easter Sunday, 13 April 1873, the political conflict erupted into a battle at Colfax, the parish seat, between a paramilitary force numbering several hundred white Democrats and a somewhat smaller contingent of black Republican militia. The militia held the courthouse at Colfax, and the vigilantes were determined to take it from them. Shortly after the militia commander rejected the paramilitaries’ surrender demand, the latter launched an assault on the blacks, who were stationed behind earthworks that ringed the courthouse. After more than an hour of continuous fighting, the vigilantes succeeded in driving the militia into the courthouse or the surrounding fields.

What followed can only be described as a massacre. During the pursuit, the paramilitaries—many of them armed with Winchester repeating rifles and mounted on horseback—shot down most of the fugitives and captured about forty others. That evening, the white guards executed their black prisoners by shooting them in the back of the head. A few of the victims survived and later testified against their captors. The exact number of militia casualties is unknown, but at least sixty were killed and another twenty-five wounded in what is reputedly the deadliest incident to have occurred during Reconstruction. In addition, three vigilantes died of their wounds, two apparently the result of friendly fire.

The Colfax Massacre was only the beginning. In the months to come, Fusionist leaders across the state would attempt to oust Republican officeholders by force or intimidation. As for Grant Parish, though it had been a Republican enclave during the elections of 1870 and 1872, it became a Democratic stronghold following the massacre and remained so for almost a century.

Lacking a firm directive from Washington, General Emory had decided not to intervene in the Colfax dispute, deeming it a local affair. A few days after the massacre, he sent a troop detachment to Colfax to arrest suspects, and the soldiers apprehended ninety men, only nine of whom stood trial in 1874 for violating the Ku Klux Act. The trials resulted in no convictions.

A few years later, the Supreme Court's ruling in *United States v. Cruikshank* (1876) that the Ku Klux Act and the Fourteenth Amendment applied only to state governments, not private individuals, ensured that no one else would be tried in connection with the Colfax Massacre.

A similar standoff occurred in Arkansas following the 1872 gubernatorial contest. After Stalwart candidate Elisha Baxter narrowly defeated his Liberal-Democratic opponent, Joseph Brooks, the latter disputed the election results. By 1874, the Republicans had abandoned Baxter because he refused to back a pet project of theirs—state aid for railroads—and they instead threw their support to Brooks. The result was the so-called Brooks-Baxter War, in which each of the rival claimants led his own militia. On 15 April 1874, Brooks, backed by the local sheriff and a force of armed supporters, evicted Baxter from the Arkansas state house at Little Rock and took possession. By the next day, Baxter had assembled a force of several hundred men and prepared to retake the state house by force.

In the meantime, the War Department instructed Capt. Thomas E. Rose, the Army post commander at Little Rock, “to take no part in the political controversy in . . . Arkansas unless it should be necessary to prevent bloodshed or collision of armed bodies.” General Emory, whose command included Arkansas, ordered Rose to place his entire force—two companies of the 16th U.S. Infantry—on standby but cautioned him to maintain a stance of “strict non-interference” pending further orders. On 17 April, Rose stationed his troops between the contending forces, thus denying Baxter's numerically superior militia the opportunity to recapture the state house. Tensions mounted over the next few days, culminating in a heated confrontation between Rose and one of Baxter's supporters on the twenty-first. This led to a brief exchange of gunfire that resulted in several casualties. Rose thereupon ordered his men to clear the streets, and they soon dispersed the crowd. The next morning, Rose directed his men to build a barricade between the Baxter and Brooks camps to prevent further bloodshed.

Over the next few weeks, as President Grant and U.S. Attorney General George H. Williams met with representatives of the rival governors, numerous clashes between the forces of Baxter and Brooks erupted across Arkansas, resulting in about 200 killed on both sides. On 15 May, Williams issued his opinion that Baxter was

the legal governor, followed by a presidential proclamation stating that, as the legitimate state government had requested federal aid in suppressing insurrectionary forces, Grant would provide the needed assistance, and he ordered all opponents of that government to disperse at once. Brooks and his supporters immediately vacated the state house, and Baxter returned in triumph on 19 May. In restoring Baxter to the governor's office, Grant not only ended the Brooks-Baxter War, but he also effectively terminated Reconstruction in Arkansas.

Success emboldened white vigilantes across the South. They abandoned the clandestine tactics of the night riders and formed ad hoc militia units, or rifle clubs, that paraded in broad daylight to intimidate blacks and white Republicans. Dubbed the "White League" in Louisiana, the "White Line" in Mississippi, and the "Red Shirts" in South Carolina, these sworn enemies of Reconstruction had no qualms about using violence to depose Republican officials and return Democrats to political power.

In December 1874, White Liners seized control of Vicksburg, Mississippi, prompting Republican Governor Adelbert Ames to appeal to President Grant for assistance. Grant immediately complied, issuing a proclamation ordering the insurgents to disperse and sending federal troops there to restore order. He also directed his old protégé, General Sheridan, to "visit" the Department of the Gulf, which included Louisiana and Mississippi, and to assume command if necessary. The situation that greeted Sheridan on his arrival at New Orleans was tumultuous, to say the least. In September, Republican Governor William P. Kellogg had been toppled from power after a large force of White Leaguers defeated city police and state militia under Longstreet in what proved to be the bloodiest of New Orleans' many street battles. A few days later, General Emory sent in federal troops to restore order and put Kellogg back in the governor's office. After that, more than 1,000 U.S. soldiers had occupied the Bayou State, including four troops of the 7th U.S. Cavalry under Major Merrill. Despite the influx of bluecoats, the White Leaguers were more brazen than ever, Emory reported. In one parish they had even jailed an Army lieutenant and a U.S. marshal because the two men had arrested several of their members. Although Emory remained in nominal command, he did so under Sheridan's direction.

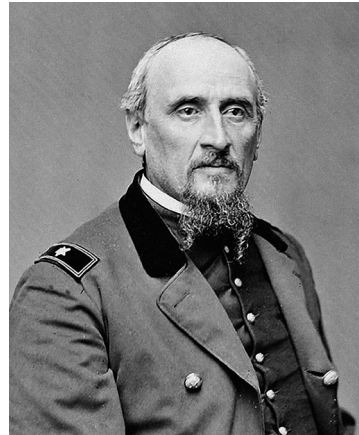
On 4 January 1875, Sheridan faced his first test since returning to New Orleans. The legislature opened that day, so he instructed

Emory to send a large force into the city to keep the peace. Col. Régis de Trobriand commanded the company of the 13th U.S. Infantry posted in front of the state house. In response to a request from Governor Kellogg conveyed via Sheridan and Emory, Trobriand entered the chamber at the head of his troops, removed five Democratic representatives who lacked proper credentials, and departed. The rest of the Democrats stormed out of the hall in protest, leaving the Republicans free to make their own choices for the vacant seats and to elect a speaker from their ranks.

The Louisiana state house intervention marked Sheridan's final triumph on behalf of Reconstruction. Flushed with success, he assumed command of the Department of the Gulf. He also advised Grant to declare the White League ringleaders banditti and asked that Congress authorize their arrest and trial by military commission. But what Sheridan requested was far more than the Northern people were willing to support in 1875, and Grant was painfully aware of this. The days when martial law and military government in the South were deemed acceptable had passed.

Although the Senate approved the Army's intervention in New Orleans and recognized Kellogg as the "lawful governor," it left Sheridan without the legal means to suppress the White League's insurrection against the legitimate Republican government. In February 1876, Kellogg was impeached but reached a compromise with the Democrats by conceding all the disputed senate seats to them if they abandoned the impeachment effort. But this did not change the fact that the Kellogg regime was powerless to act without the presence of federal troops.

In Mississippi, White Liners seized power in Yazoo City on 1 September 1875, following a meeting of black Republicans which ended in a gun battle with Democrats, resulting in one man killed and several others wounded. The local White Liners chose to use



*Colonel Trobriand, pictured as a
brigadier general
(Library of Congress)*

the disturbance as the pretext for an armed takeover of Yazoo City. Three days later, black Republicans held a barbecue outside Clinton, Mississippi, which attracted a large number of heavily armed white men. During a political speech, white onlookers began to heckle the black speaker, and then gunfire erupted. Several men were killed or wounded, and the audience soon scattered—the whites to summon reinforcements waiting nearby while the blacks tried to melt into the landscape.

Starting on the morning after the barbecue, squads of White Liners went on a murderous rampage in the countryside around Clinton, killing between thirty and fifty blacks and prompting an exodus of hundreds more to Jackson, the site of the nearest Army post. Word soon reached Governor Ames of the disturbances at Yazoo City and Clinton. On 8 September, he appealed to President Grant for federal assistance. Uncertain as to the course he should take, Grant was slow to respond, at one point complaining that “the annual autumnal outbreaks and calls for troops are getting to be nauseating to the American people.” But as a necessary prelude to sending in federal troops, Grant went so far as to draft a proclamation, which he left—undated and unsigned—in the hands of his recently appointed attorney general, Edwards Pierrepont, along with instructions to send a reply to Ames. No friend of Reconstruction, Pierrepont informed the governor that he must “take all lawful means and all needed measures to preserve the peace by the forces in your own State.” Pierrepont’s missive left Ames no choice but to form a militia composed of blacks if he hoped to suppress the White Liners.

The terrorist campaign against black Republicans was only part of the so-called Mississippi Plan hatched by James Z. George, the head of the state Democratic Party, and L. Q. C. Lamar, the first Democratic congressman from Mississippi since the war. Their plan consisted of toppling the Magnolia State’s Republican government by using conventional, nonviolent means as well as the White Line’s terrorist tactics. In the days leading up to and including Election Day, 2 November 1875, Mississippi Democrats employed a combination of violence, intimidation, bribery, and fraud to secure favorable results at the polls. A few months later, the heavily Democratic state legislature voted to impeach Ames and several other Republican officials. As a native New Englander, a former Union general, and the son-in-law of the notorious Radical politician Benjamin F. Butler, the governor could count on the support of blacks but few

other Mississippians. Seeing the handwriting on the wall, Ames resigned the governorship on 28 March 1876, after the legislature agreed to drop the impeachment charges if he voluntarily stepped down. Mississippi now rested firmly in the hands of the Democrats.

In South Carolina, the “Hamburg Massacre” ranked as the most notorious of the periodic clashes between black militia and white rifle clubs, or “Red Shirts.” The disturbance stemmed from a legal dispute between two white men and a local militia company from the predominantly black town of Hamburg. The white complainants’ lawyer was Matthew C. Butler, a former Confederate general and the leader of the area Red Shirts. On 8 July 1876, several hundred Red Shirts gathered in the town center with Butler at their head, demanding that the militia members surrender their weapons to him. The militia refused and withdrew into a large brick warehouse. The Red Shirts opened fire, but seeing that their bullets had little effect, they obtained a small cannon and blew a hole in one wall of the building. As the Red Shirts stormed the warehouse, some of the militia fled, but most of them remained inside and surrendered. Seeing that one of their comrades was dead, the Red Shirts executed six blacks in reprisal. They next ordered the rest of the militia to break for the woods and opened fire on them.

A subsequent investigation of the Hamburg Massacre resulted in numerous indictments, but no one stood trial for the murders. Soon afterward, Republican Governor Daniel H. Chamberlain appealed to President Grant for assistance in suppressing the Red Shirts. Though Grant pledged to provide “every aid for which I can find law or constitutional power,” the president once more expressed his frustration with Southern Republicans. A “government that cannot give protection to the life, property, and all the guaranteed civil rights in this country,” he lectured Chamberlain, “is insofar a failure.”

By October 1876, the Democrats in South Carolina had organized 13,000 men into sixty-eight rifle clubs to intimidate the black militia and support the gubernatorial candidacy of Wade Hampton, a former Confederate general and the leading Democrat in the Palmetto State. Alarmed by the Red Shirts’ show of strength, Chamberlain renewed his appeals to Grant for federal aid, and this time, the president did not disappoint him. On 17 October, he issued a proclamation branding the rifle clubs as “combinations too powerful to be controlled by the ordinary course of justice,” and ordered them to disband within three days. Grant also sent

reinforcements to augment the 683 federal troops already in South Carolina. Hampton shrewdly advised fellow Democrats to welcome the U.S. soldiers as “the best friends we have in the North. Treat them kindly.” When the bluecoats arrived at Columbia, the state capital, on 4 November, a crowd of whites was waiting at the railway station to welcome them. At first the soldiers appeared surprised by the unexpected cheers, but as the acclamation continued, surprise turned to embarrassment.

Hampton’s confidence in the face of what was the last federal troop intervention in the Palmetto State proved well-founded. In the election of 1876, disputed vote totals in South Carolina, Florida, and Louisiana—the last three Republican bastions in the South—left rival claimants in both the presidential and gubernatorial races. To punch his ticket to the White House, Republican candidate Rutherford B. Hayes agreed to recognize the Democratic governments in the three contested states in exchange for their electoral votes, giving him a one-vote majority. Contrary to legend, President Hayes did not remove all federal soldiers from the South at once, but he did refuse to use them to prop up faltering Republican regimes. This political bargain became known as the Compromise of 1876, and it marked the end of Reconstruction in the South. The eleven former Confederate states were thus “redeemed”—redemption constituting the restoration of white Southern Democrats to political dominance. As a result, blacks in the South would have to wait nearly a century before they could exercise their full civil and political rights.

Analysis

The Reconstruction era was a unique period in American history. For a dozen years, the Southern states remained under military occupation, and for a portion of that time, they were ruled by military government. In addition, the U.S. Army assumed peacekeeping and law enforcement roles in the postwar South that would otherwise have been the responsibility of state and local civil authorities. Among its many duties as the main instrument of the federal government’s Reconstruction policy, the Army guarded polling places, patrolled city streets and country roads, and provided posses for U.S. marshals and local sheriffs making arrests. The last function in particular raised the ire of congressional Democrats and led to the passage of the Posse Comitatus

Act in June 1878, prohibiting any authority other than the president from summoning federal troops to enforce the law. In effect, military commanders could no longer act on their own responsibility but had to await orders from Washington.

Army officers were, by and large, conservative men and therefore reluctant agents of civil, social, and political change in the postwar South. Most of them would have agreed with General Sherman that “no matter what change we may desire in the feelings and thoughts of the people [in the] South, we cannot accomplish it by force.” The failure of Reconstruction reinforced the officers’ perception of the pitfalls of using military force to impose fundamental change—no matter how noble the intent—on a hostile populace.

While their years of occupation duty in the South had taught Army officers some valuable lessons, they neglected to formulate a doctrine from the experience, no doubt in the belief that it was an anomalous situation unlikely to occur again. Some officers proved adept at negotiating the political minefield of Reconstruction duty, but they found it an unpleasant experience that confirmed their traditional aversion to politics. Recalling his transfer to the western frontier after several years as a Freedmen’s Bureau director in North Carolina, then-Col. Nelson A. Miles had found it “a pleasure to be relieved of the anxieties and responsibilities of civil affairs, to hear nothing of the controversies incident to race prejudice, and to be once more engaged in strictly military duties.” Most officers shared Miles’ desire to forget the ordeal of Reconstruction along with the lessons they had learned from it.

Although the circumstances changed over time, the Army’s peacekeeping role remained more or less constant throughout Reconstruction. Almost from the start, the Army in the South lacked the force to fill that role adequately. By the 1870s, peacekeeping invariably meant protecting blacks and white Republicans from the night riders and the rifle clubs. While the results were uneven at best, the Army was all that stood between the freedpeople and the Democratic terrorist organizations. The withdrawal of federal troops in 1877 thus ensured the triumph of white supremacy in the South. Nevertheless, the use of the U.S. Army to enforce the Reconstruction Acts had established a precedent that would resonate eight decades later, when President Dwight D. Eisenhower would deploy units of the 101st Airborne Division to enforce the federally mandated desegregation of Central High School in Little Rock, Arkansas.



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For more information on the U.S. Army in the Civil War, please read other titles in the U.S. Army Campaigns of the Civil War series published by the U.S. Army Center of Military History (www.history.army.mil).



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