

War Crimes Committed by Federal Forces During the Civil War

We have all come been taught that Abraham Lincoln was a gentle man, “Honest Abe,” a man who advocated “malice toward none and charity for all.” We have been taught that Lincoln would have opposed the policy pursued by Radical Republicans like Thaddeus Stevens, which pushed for vengeful, retributive policies against the South. We have been taught in books, movies and documentaries that Lincoln instead preferred a policy of healing that neither punished the defeated Confederate government and Army nor average Southern civilians.

Since Lincoln was assassinated before the Reconstruction policies were put into effect, we can never know for sure if he was sincere or not.

However, we can make an informed judgment regarding his true motivations if we examine how he militarily conducted the Civil War as Commander in Chief of the Federal forces and which military policies he preferred his generals take in prosecuting the war.

Unfortunately, the sad truth is that by almost any standard – those that existed prior to the War, those that existed after the War or even by the very standards Lincoln proclaimed to be operating under DURING the war, the prosecution of it... against civilians, against POWs, against property, against slaves, against women and children, against public works used for civilian purposes... was clearly criminal.

There is even evidence indicating that, ironically given his own fate, high ranking members of the Lincoln Administration may have approved an assassination plot against Confederate President Jefferson Davis during the War.

One may be tempted to seek to give Lincoln a pass by indicating that during a conflict as vast and violent as the Civil War (a term I will use here as it is the most common name applied to the conflict, despite the fact it is a gross misnomer) he could not have been aware of every illegal act or war crime his generals or officer corps may have committed and that there is little evidence he directly ordered that war crimes be carried out.

The evidence, however, is quite stark that Lincoln often acted much as did Henry II of England who, seeking to indicate to his knights that he would prefer they “get rid of” his politically disloyal Archbishop of Canterbury Tomas a Becket by beseeching them:

“Will no one rid me of this turbulent priest?”

Henry did not have to issue a clear direct order to make his point to his knights regarding Becket; Lincoln was in a similar position with his generals regarding the military policy he preferred regarding the South.

If we consider Lincoln and his generals in this fashion, we can get a better picture of his culpability in the perpetration of Federal War Crimes against the Confederacy as a matter of implementing the Federal military doctrine of “strategic military necessity.”

This concept, as we will see, allowed the Federal Armies to elude their own rules of war as laid out in their own “Lieber Code” – a code they formed to supersede the previous, far more civilian friendly code that existed prior to the War.

Of course, there is no doubt that Confederate soldiers committed individual crimes against civilians, property, POWs, women, children, slaves and Public Works during the War.

However, these were individual crimes that were not only unsanctioned by the Confederate Government and Military Command, but were expressly forbidden and usually severely punished when they were known to have occurred.

I have organized this presentation into several parts:

Definition of Military Conduct as Understood Prior and During the Civil War / the Concept of Total War / the Lieber Code

Federal War Crimes Against Civilians

Federal War Crimes Against Public Works Used For Civilian Purposes

Federal War Crimes Against Private Property

Federal War Crimes Against Prisoners of War

Federal War Crimes Against Women, Children and Slaves

Federal Plans to Assassinate Confederate Leaders

All references to “Official Records” are to Us War Department, “the War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies,

set 3, Vo. 1 – Washington DC Government Printing Office, 1880 – 1901, hereafter cited as “Official Records.”

DEFINITION OF MILITARY CONDUCT as UNDERSTOOD PRIOR and DURING the CIVIL WAR / the CONCEPT OF TOTAL WAR / the LIEBER CODE.

The Civil War is often thought of as the first conflict to be fought as a modern Total War; that is, a war that knew no boundaries, no rules, no exceptions and no mercy; a war where all atrocities and all criminality was covered over by the concept of “military necessity” in pursuit of the over-riding objective: achieving a complete and total victory over the enemy defined as the annihilation of the enemy.

Brutality – towards civilians, prisoners, slaves and hostages in war is as old as Mankind. Ancient warfare is filled with examples where civilians were routinely mass murdered and History is replete with atrocities committed by those like Attila the Hun, Genghis Kahn and Timur, who burned cities and left mountains of civilian skulls in their wake.

The Crusades were infamous for the large scale killing of civilians on both sides.

Warfare in Europe was not much better; the 30 Years War of the 1600s was filled with atrocities against civilians and massive destruction of property.

However, by the time of the Enlightenment through the 18th and early 19th Century, Western warfare, especially in Anglo-American culture, attempted to reign in some of the more egregious aspects of war as it pertained to civilians and civilian property.

As Lance Janda writes in his article “Shutting the Gates of Mercy: The American Origins of Total War, 1860 – 1880” the Journal of Military History #59, no. 1 (January 1995) the attempt to provide some protections to civilians stemmed from the Enlightenment desire “which stressed that violence against non-combatants was barbaric and unworthy of modern military forces.”

Of course, despite such progressive ideas, individual commanders in the field still issued orders and soldiers often engaged in brutal conduct against civilians in Anglo-American warfare.

We saw this in our own country during the American Revolutionary War, when the British Legion under Col. Banastre Tarleton whose troops killed over a hundred prisoners during the so-called Buford Massacre in Virginia as well as numerous other acts of cruelty toward the civilian population.

Further, American treatment of Native American tribes, such as Andrew Jackson’s treatment of the Creeks and Seminoles, were hardly known for their gentle treatment of non-combatants.

However, what we find during the Civil War is a departure from the growing concept that such predations were to be curbed and discouraged.

Instead, we find that official policy, fully sanctioned by the highest levels of the military command of the Federal forces commanded by President Lincoln and in concurrence with the policy set by the highest echelons of the civilian leadership enthusiastically engaged in the type of war crimes that are implicit in the conduct of a “Total War.”

We must ask ourselves how this concept of Total War was seen by both sides during the Civil War and understand how this concept differed from previous conceptions of what was considered proper warfare.

“Total War” was NOT a concept taught at West Point prior to the Civil War, where war on civilians was considered anathema to “civilized warfare.” It was certainly NOT taught to cadets such as Grant, Sherman, Halleck and Sheridan when they attended the Academy.

The code of military conduct at the time was set by the Articles of War of 1806, which was in force until it was replaced in 1863 by the “Lieber Code” (also known as “General Order 100.)

The 1806 Code stated:

“Any officer or soldier who shall quit his post or colors to plunder and pillage shall suffer death or other such punishment as shall be ordered by a sentence of a general court martial.”

However, this view ran contrary to the political desire to annihilate the enemy “root and branch”, which gripped the military and political elites in the North. This was because it was not simply State Governments that were “in rebellion” against the Federal Government; it was the entire free population that was rejecting the domination of the Federal Government, which they felt had betrayed the compact they signed onto when they ratified the Constitution of 1789 by expanding Federal power over the states beyond the enumerated Constitutional limitations. Having left British rule because they felt the British ruled WITHOUT the consent of the governed, the South came to the conclusion, after a long series of political crises, that the Federal Government of 1861 was now in the same position as the government of King George III.

They were determined to exercise their right to remove themselves from the control of the Federal Government in the same manner in which they removed themselves from the control of the British government.

To prevent the South from exercising this right, the Federal Government needed to defeat and subjugate the Confederacy and to establish a new constitutional order in its place... a constitutional order where the Federal Government moved from a position where it was limited to enumerated Constitutional powers regarding the individual states to one where it was perpetual, indivisible, dominant and exalted as “sacred.”

The war aim of the Federal Government in Washington was to break the “chains” of the Constitution which placed much governing power in the hands of the States and instead create a supreme National Government with the potential to exert almost unlimited authority. Such authority would allow the backers of the Republican Party, those of the rising Northeastern Industrial and Railroad interests, to use the coercive power of the Federal Government to their own purposes over and against the power of the States to interfere.

To succeed in such a massive re-structuring of the Government meant that the South could not just be militarily defeated on the battlefield... it has to be annihilated, its culture demonized and eradicated, its economy desolated and its political will broken so thoroughly that there would never again remain any question regarding Federal dominance over the States.

As Adam Badeau , who was on General Grant’s staff and was present at Appomattox notes:

“It was not *victory* that either side was playing for, but for *existence*. If the rebels won, they destroyed a nation; if the government succeeded, it annihilated a rebellion.”

Of course, the Confederacy in no way wanted to “destroy” the United States, which would have continued, albeit in attenuated form as a Nation, after the South left.

For the South, however, the statement is entirely true: for the Federal Government to succeed in overturning the Constitution of 1879 and, in effect, create a “Second Republic” based on immensely increased Federal power, the Confederacy had to not just be defeated, **BUT ANNIHILATED.**

But if the earlier concepts of proper standards of war conflicted with those adopted by the Federal Government during the Civil War, what ARE “proper standards of war?”

Further, did the Federal Government, in adopting NEW standards of warfare, violate the very standards they adopted?

There were several standards of war that were in effect in the Western world during the time the Civil War took place:

1) “Customary use of long standing”

Customary Usage are practices that go back hundred and thousands of years not based on written treaties of conventions. To meet the criteria of “Customary Usage” it must be a custom practiced by Nations; that is, there is an unwritten agreement among nations that such practice is mandated by custom. For example, a white flag is considered to be indicating a truce by longstanding custom.

2) **The Geneva Convention of 1862** which narrowly focused on “The Amelioration of the condition of the wounded in armies in the field.”

This convention grew out of the Crimean War and was signed by 10 European States excluding Great Britain. The United States also did not sign and therefore was not bound by its articles.

3) **Emmerich de Vattel (1714-67) “The Law of Nations”**

Historically, the government of the United States had adhered to the international law code of the Swiss jurist, Emmerich de Vattel (1714-67), author of *The Law of Nations*, on the proper conduct of war. As late as 1862, the U.S. Supreme Court in rendering its opinion in the “Prize Cases” cited Vattel. Because of the emphasis it placed on the protection of non-combatants, the Vattel code was repudiated by Lincoln who issued a new law governing warfare that lacked international standing – **GENERAL ORDERS No. 100**, known as the “**Lieber Code**” of 1863.

Joesph Fallon, E-book “**Lincoln Uncensored**” endnote 21 (**LINK AVAILABLE?**)

4) **The Lieber Code**

Francis Lieber was a German-American legal scholar, jurist and political philosopher; the code that bears his name (AKA **General Order 100**) was a series of 156 articles published in 1863. Lincoln signed it as part of his Constitutional duty under Article II, which states that the President must supply the rules and regulations for the governance of the military.

It read: “The following ‘Instructions for the Government of Armies of the United States in the Field,’ prepared by Francis Lieber, LL.D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned. By order of the Secretary of War: E. D. TOWNSEND, Assistant Adjutant-General, Washington, April 24, 1863.” *The War of the Rebellion: a Compilation of the Official Records of the Union and Confederate Armies*, also known as *Official records of the Union and Confederate armies* or *OR*, Series III, Volume III, p. 148.

From the outbreak of the Civil War, Lincoln’s strategy was to defeat the Confederacy by targeting Southern civilians. One of his first acts was to order a blockade of Southern ports on April 19, 1861 to deny food and medicine, among other items, to civilians.

Because such acts violated traditional U.S. military rules of conduct, Lincoln needed a new code to “legalize” his actions.

Lieber was the perfect choice for this task. The Prussian immigrant was contemptuous of the Constitution. He dismissed the federal system it had established as a “confederacies of petty sovereigns” based on the “obsolete ideas” of Thomas Jefferson. He shared Lincoln’s drive to centralize political power in the executive branch of the federal government. They alleged implied powers in the Constitution grant the president in wartime authority to enact legislation as well as to interpret the Constitution — to deny or suspend constitutional rights as the chief executive sees fit.

In 1904, the Geneva Convention with which we are most familiar adopted the Lieber Code almost word for word.

However, the Code contains conflicts within its articles.

Article 15 discusses “military necessity” and its definition allows “destruction of property” – that is, all property can be destroyed if determined to be of “military necessity.”

However, Article 22 states “The principle has been more and more acknowledged that they unarmed citizen is to be spared in person, property and honor as much as the exigencies of war allow.”

Further, Article 23 of the Code states “Private Citizens are no longer murdered, enslaved or carried off to distant parts and the inoffensive individual is as little disturbed in his private relations as the commander of hostile troops can afford to grant in the overruling demands of vigorous war.”

But the Code allows for an ultimate “out”: Article 5 states “To save the country (that is, the Union as conceived by the Federal Government) is paramount to all other considerations.”

Therefore, the Lieber Code, provides both the rationale AND the cover for Federal ambition.

The rationale for Total War conducted against the South was the concept of “military necessity.”

Military necessity was defined by General David Hunter in 1862 as “those measures which are indispensable for securing the ends of the war” (Burrus M. Carnahan, “Lincoln, Lieber and the Laws of War: The Origins and Limits of the Principle of Military Necessity” – The American Journal of International Law 92, no.2 April 1998, page 215)

In 1863, Lincoln approved the Lieber Code which contained Article 14 that states:

“Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war; and which are lawful according to the modern law and usages of war... military necessity admits of all direct destruction of life or limb or armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contest of the war... of the appropriation of whatever an enemy’s country affords necessary for the subsistence and safety of the army.”

In approving the Lieber code, Lincoln essentially was given the power to do whatever he deemed necessary to win the war, which was defined as the subjugation of the seceding states and establishing total control over them via the authority of the Federal Government’s new vision of the Constitution – that is, one that rejected the voluntary Union established in 1789 for the counter-revolutionary vision of a “perpetual” and “sacred” Union from which its separation was IMPOSSIBLE.

When urged by an Illinois congressman that he should “maul” the South, Lincoln replied “Tell the people of Illinois that I’ll do it” (Donald E. Sutherland, “Abraham Lincoln, John Pope, and the Origins of Total War” – The Journal of Military History, no 4 (October 1992) Page 581)

Given the ferocity of the Battle of Shiloh in April 1862, Ulysses S. Grant decided that the depth of Southern determination to break free of the control of the Federal Government was so deep that simple military victory would be insufficient to defeating it; he decided that to defeat the South he would follow a strategy that would annihilate the South. He would “consume everything (of civilian property) that could be used to support of supply the armies. (Janda page 13)

He and his generals proved themselves in sync with the views of the political leadership in the summer of 1863 when they proceeded to demonstrate how the doctrine of military necessity would be enforced.

Grant wrote to his subordinate commanders (Sherman and Sheridan) that the South was getting what it deserved and that “We are not only fighting hostile armies, but a hostile people, and we must make old and young, rich and poor, feel the hard hand of war. (Janda page 18)

Acting in a manner his commander – and Commander in Chief – would approve, on July 23 1862, General Pope issued Order No. 11, which ordered the US Army Commanders to ‘proceed immediately to arrest all disloyal male citizens within their lines or within their reach in rear of their respective stations.’ If such citizens did not swear an oath of allegiance to the US government, they would be expelled from their homes; if they returned to their homes, they were to be shot as spies; for him who took an oath and violated it “he shall be shot and his property seized...”

The result of this order was that Pope's troops went on a rampage throughout Tennessee and parts of Virginia, citing his orders to justify acts of plunder and indiscriminate destruction.

A Union general in Stafford Country Virginia observed "our men... now believe they have a perfect right to rob, tyrannize, threaten and maltreat any one they please, under the orders of Gen. Pope." (Janda page 12)

Further, there were numerous charges of rape and violence against both Black and White women.

Again, the Lieber Code is filled with restrictions that are obviated by the over-riding requirement of "military necessity" which in reality justifies violating all its more humane rules.

As we list the myriad violations of the code to come, keep in mind that the General Order 100 purports to be a document which on the one hand places limits on military actions and on the other absolves all violations of such limits under the doctrine of "military necessity."

The code states:

"All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offence."

What is left unsaid by this unequivocal statement was nonetheless not lost on Lincoln or Grant or his subordinates: EXCEPT WHEN REQUIRED BY MILITARY NECESSITY, which undid virtually ALL the protections for civilians and non-combatants that were written in the code.

The fatal contradictions in the Lieber Code allowed for all its apparent protections to be subverted. All Southerners were to be treated as rebels and traitors and as such deserved no protections beyond what the commanders in the field found convenient to grant them.

Paragraph 151 of the code defined the Southern states as ineligible for the very protections the code was supposedly written to enforce:

"The term rebellion is applied to an insurrection of large extent, and is usually a war between the legitimate government of a country and portions of its provinces of the same who seek to throw off their allegiance to it and set up a government of their own."

Of course, the great historical irony here is that this is the PRECISELY the concept of Liberty that the colonial governments had in 1776 when they adopted the Declaration of Independence and created the very Union that was now, in a curious case of national patricide, trying to overthrow and destroy.

By defining the Southern position as “rebellion” rather than “secession” the Lieber Code becomes a self-annihilating document, which allows the Federal armed forces to make war on civilians; that is, it considers them “disloyal citizens.”

Paragraph 156 of the Code states that the commander in the field:

“will throw the burden of the war as much as lies within his power on the disloyal citizens” – that is, the very citizens whose place in the “sacred, perpetual union” the Lincoln Government was waging a very bloody and destructive war to preserve.

Lastly, the Code considers any sort of resistance, “armed or unarmed,” to be war against the Federal Government of the United States and therefore an act of treason.

Before leaving the codes of warfare as they were understood by the opposing armies, we should take a look at the code that was understood to be in force by the Confederacy.

The South, whose military commanders were from families steeped in military tradition, took the codes of conduct towards civilians that were taught in West Point and other military colleges in the South very seriously. They did NOT operate under the doctrine of “military necessity,” which over-rode all other humanitarian considerations in pursuit of victory.

The Confederacy did NOT seek to annihilate the North, nor exercise their influence upon it, nor foist its cultural and social values on it, nor rule it; they sought to LEAVE IT.

Robert E. Lee gives us a clear view of how the South understood the rules of war in his General Order 73, issued in 1863 during the Pennsylvania campaign:

“No troops could have displayed greater fortitude or better performed the arduous marches of the past ten days.

Their conduct in other respects has with few exceptions been in keeping with their character as soldiers, and entitles them to approbation and praise.

There have however been instances of forgetfulness on the part of some, that they have in keeping the yet unsullied reputation of the army, and that the duties expected of us by civilization and Christianity are not less obligatory in the country of the enemy than in our own.

The commanding general considers that no greater disgrace could befall the army, and through it our whole people, than the perpetration of the barbarous outrages upon the unarmed, and defenseless [sic] and the wanton destruction of private property that have marked the course of the enemy in our own country.

Such proceedings not only degrade the perpetrators and all connected with them, but are subversive of the discipline and efficiency of the army, and destructive of the ends of our present movement.

It must be remembered that we make war only upon armed men, and that we cannot take vengeance for the wrongs our people have suffered without lowering ourselves in the eyes of all whose abhorrence has been excited by the atrocities of our enemies, and offending against Him to whom vengeance belongeth, without whose favor and support our efforts must all prove in vain.

The commanding general therefore earnestly exhorts the troops to abstain with most scrupulous care from unnecessary or wanton injury to private property, and he enjoins upon all officers to arrest and bring to summary punishment all who shall in any way offend against the orders on this subject.” – (The Wartime Papers of R. E. Lee (New York: Bramhall House, 1961, pages 533-534)

Writing in his book, “April 1865” (which was called “A superb piece of history” by ultra-pro Lincoln court historian Doris Kearns Goodwin, author of her own hagiographical book “Team of Rivals,” upon which the Steven Spielberg movie “Lincoln” was based) author Jay Winik documents the Lee’s views on warfare:

“But as great a fighting man as he was, Lee had had his flaws, with many of the virtues of a man becoming vices as a commander... he was not stern enough with his men... Nor was he cruel enough. In contrast to a Sherman or a Sheridan, he refused to burn or plunder enemy property, or engage in selective assassination, declaring it ‘Unchristian’ and ‘atrocious,’ even though the South could have greatly benefited from such tactics.”

Facing certain military defeat should he continue to fight by conventional means, Lee’s young Chief of Artillery E. Porter Alexander recommended that the Confederate armies in the field evaporate into the Hills where they could wage guerrilla warfare for as long as it took to force the North to sicken of the cost, Lee opposed the idea.

Winik writes:

“Lee, however, principled to the bitter end, was thinking not about personal glory, but along quite different lines. What is honorable? What is proper? What is right? ...he quickly reasoned that a guerrilla war would make a wasteland of all that he loved. Brother would be set against brother, not just for four years, but for generations. Such a war would surely destroy Virginia, and just as surely destroy the

country as well. Even if it worked, and perhaps especially if it worked... For Lee, that was too high a price to pay. No matter how much he loved the Cause... there were limits to Southern Independence.

However, there were no limits that the Federal forces recognized regarding what should be sacrificed to Lincoln's mythical concept of a "perpetual sacred Union."

Contrast Lee's view of warfare with those of marauding incendiary Huns like Sherman and Sheridan; compare Lee's concern for his troops with Grant, whose callous use of his men as cannon fodder to be sacrificed in their tens of thousands on the altar of Union Victory earned him the title "the Butcher" by pro-Union newspapers in the North when he lost over 50,000 men during the Wilderness campaign – a staggering number when one considers that the same Army lost only twice that, 100,000, in all the previous three years of the war.

Lincoln's own wife Mary stated:

"Grant is a butcher and not fit to be at the head of an army... He loses two men to the enemy's one. He has no management, no regard for life." (Winik, "April 1865" page 98)

This is not to say that there were not acts of individual criminality or even reprisal raids in response to Northern attacks on Southern civilians and civilian property.

In July 1864 in the Shenandoah Valley, Confederate General Jubal Early's troops had recently defeated Union General David Hunter's forces and then managed to approach the forts defending Washington D.C. before falling back in the face of Union reinforcements.

Earlier that summer, General Hunter had permitted his troops to loot and burn private property in the Shenandoah. To retaliate, General Early decided that "it was time to open the eyes of the people of the North to this enormity, by example in the way of retaliation." General Early decided that the object of his retribution would be the town of Chambersburg Pennsylvania.

Before he acted, he demanded that the town's residents hand over \$100,000 in gold or \$500,000 in currency to compensate people in the Shenandoah Valley for the loss of their homes.

The Confederate raid was led by General John McCausland, and consisted of his own brigade as well as that of Bradley Johnson; perhaps 2,800 men and 4 cannons in all.

Around 5:30 a.m., the Confederate artillery fired about six rounds over the city. Leading his cavalry into the town square, McCausland and his chief officers had breakfast at the Franklin House. McCausland ordered the arrest of the town's leading citizens, including attorney J. W. Douglas. Douglas was provided with a copy of General Early's order and

was sent to inform the townspeople that Confederate troops would burn the town if they did not provide the required ransom.

Other detainees had told McCausland that bank funds had already been removed and sent north for safekeeping. When Douglas informed McCausland that he could find no money, the general called the townspeople into the square and then ordered his troops to burn Chambersburg.

Confederate soldiers rampaged throughout the town, broke into houses, evicted their occupants, smashed furniture, heaped the pieces into piles and then set them on fire. By eight a.m. the city was in flames. Renegade soldiers robbed citizens, looted stores, and drank whatever liquor they could find while the fire burned. Some soldiers demanded ransom money to spare a home, and then torched it anyway after the ransom was paid.

Not all Confederate soldiers participated in the sacking of Chambersburg. An officer who was a Mason himself prevented The Masonic Temple from being torched by posting guards to prevent its burning. One colonel of the 21st Virginia Cavalry refused to obey the burning order, for which he was arrested and his entire unit sent out of town.

Other Confederates tried to help frantic citizens retrieve household goods before their homes were burned. In the end, perhaps 550 buildings went up in flames. In spite of the widespread arson and looting, Confederate forces killed only one civilian, an elderly African American. In retaliation for the attack on their town, angry citizens killed at least five Confederates by the time the raiders had withdrawn.

The Confederate act of vengeance at Chambersburg had no impact on the military outcome of the war, nor had Early expected it to. However, when graphic photographs of the ruined city circulated widely across the North it led to calls for retaliation against the South.

In a series of battles in September and October, General Philip Sheridan's Union army badly defeated Early's outnumbered forces in the Valley and then proceeded to effectively destroy the agricultural life of the Valley's residents by extensive burning of barns and crops.

I mention this attack on civilians since this action, unsanctioned by the Confederate government as well as being a violation of Robert E. Lee's express prohibition of such actions, is the most egregious action taken by Confederate troops against a civilian population during the war.

By way of comparison, let us examine the results of the officially sanctioned policy of the Lincoln Administration as well as the actions undertaken by top Union military commanders, as part of the Leiber Code's doctrine of "military necessity."

FEDERAL WAR CRIMES AGAINST CIVILIANS, PUBLIC WORKS USED FOR CIVILIAN PURPOSES AND PRIVATE PROPERTY

Family Deportations in Memphis, September, 1862:

In an early application of the Total War doctrine justified by ‘military necessity,’ General William T. Sherman issued Special Order No. 254, which assigned collective responsibility to civilians by way of guilt by association, location or happenstance.

Order No. 254 reads:

“Whereas many families of known rebels and of Confederates in arms against having been permitted to reside in peace and comfort in Memphis, and whereas the Confederate authorities either sanction or permit the firing n unarmed boats carrying passengers and goods, for the use and benefit of the inhabitants of Memphis, is ordered that for every boat so fired on TEN FAMILIES MUST BE EXPELLED FROM MEMPHIS...”

At a minimum, this violated the constitutional guarantee against unreasonable search and seizures as well as the taking of private property without due process. Remember, it was the Federal position that the South COULD NOT LEAVE a “perpetual” Union; therefore, under their OWN RULES, Southern citizens should still have been considered protected by the US Constitution, whose rules and regulations the Federals considered them UNABLE to separate from.

Burning of Randolph Tennessee

On October 4, 1862, Sherman had the fairly large town of Randolph Tennessee burned because sharpshooters in the vicinity of the town fired on Federal steamboats supplying his army. In a written report to Grant, Sherman revealed the essence of his policies, which he later carried out even more viciously.

He said that that the Southern population “cannot be made to love us, (they) can be made to fear us, and dread the passage of troops through their country... We must make the people feel that every attack on a road here will be resented by the destruction of some one of their towns or plantations elsewhere. All adherents of their cause must suffer for these cowardly acts.” (John Bennett Walters, “General Sherman and Total War” The Journal of Southern History 14, No.4, November 1948, pages 462 – 463)

Expulsion of Jews and other Anti-Semitic Actions – December 1862

The fact that a large scale anti-Semitic pogrom was conducted by Federal Military Authorities is one of the great un-mentioned Union atrocities committed against civilians during the War.

In a supposed attempt to root out corruption in the cotton industry as part of a Union campaign against a black market in Southern cotton, which Grant thought was being run “mostly by Jews and other unprincipled traders” he issues General Order No. 11, which covered his military district of operation including Holly Springs, Oxford, Mississippi, and Paducah, Kentucky.

While permitting some trade, the United States licensed traders through the United States Army, which in turn created an unlicensed underground “Black Market.” Union military commanders in the South were responsible for administering the trade licenses and trying to control the Black Market in Southern cotton.

General Order No. 11 dictated that Jewish traders and their families in Holly Springs, Oxford, Mississippi and Paducah, Kentucky leave the territory. Grant may not have intended such results; his headquarters expressed no objection to the continued presence of Jewish merchants, as opposed to cotton traders. But, the wording of the order addressed all Jews, regardless of occupation, and it was implemented accordingly.

The Orders stated:

“1. The Jews, as a class violating every regulation of trade established by the Treasury Department and also department orders, are hereby expelled from the Department [of the Tennessee] within twenty-four hours from the receipt of this order.

2. Post commanders will see to it that all of this class of people be furnished passes and required to leave, and any one returning after such notification will be arrested and held in confinement until an opportunity occurs of sending them out as prisoners, unless furnished with permit from headquarters.

3. No passes will be given these people to visit headquarters for the purpose of making personal application of trade permits.” (“Judaic Treasures of the Library of Congress: Order No. 11,” Jewish Virtual Library - <http://www.jewishvirtuallibrary.org/jsourceloc/abe2.html>)

In Paducah, 30 Jewish men were rounded up and sent to Cincinnati Ohio, two of which had already served in the US Army. House to house searches were carried out looking for Jews who might be in hiding.

A group of Jewish merchants from Paducah, Kentucky, led by Cesar J. Kaskel, sent a telegram to President Abraham Lincoln in which they condemned the order as “the grossest violation of the Constitution and our rights as good citizens under it”. The telegram noted it would “place us . . . as outlaws before the world. We respectfully ask your immediate attention to this enormous outrage on all law and humanity” Throughout the Union, Jewish groups protested and sent telegrams to the government in Washington, D.C.

The issue attracted significant attention in Congress and from the press. Northern Democrats condemned the order as part of what they saw as the US Government's systematic violation of civil liberties; they introduced a motion of censure against Grant in the Senate, attracting thirty votes in favor against seven opposed. Some newspapers supported Grant's action; the Washington Chronicle criticized Jews as "scavengers ... of commerce". (Robert Michael, A Concise History Of American Anti-Semitism, p. 91)

After the war, Grant said:

"I do not pretend to sustain the order. At the time of its publication, I was incensed by a reprimand received from Washington for permitting acts which Jews within my lines were engaged in ... The order was issued and sent without any reflection and without thinking of the Jews as a set or race to themselves, but simply as persons who had successfully ... violated an order."

Lincoln initially ignored the protests and the claim was made that his secretaries had simply set it aside. Once the uproar became an issue of public outrage, Lincoln reversed the order.

However, this awful event did not prevent Jewish population of Memphis Tennessee from suffering other indignities in December 1863, when Gen. Stephan Hurlbut issued General Order No.162, which required that all clothing stores in Memphis not having his permission to keep and sell military clothing had to immediately ship such stocks of clothing North.

This Order was not only in violation of the 5th Amendment but also of the Liber Code paragraph 46 (Neither officers or soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate.)

Of the 17 clothing stores in Memphis, 15 were owned by Jews; the two non-Jewish stores were found "innocent" of violating Hurlbut's orders.

Earlier in 1862, Sherman complained of having to deal with "Swarms of Jews" in Memphis; Gen Benjamin Butler, the Federal Commander of New Orleans wrote Secretary of War Stanton that of the "treachery" of the Jews in New Orleans and compared their profitable businesses to Judas' 30 pieces of silver.(Official War Records, Series 1 vol. 17, page 141 and Official War Records, Series 3, vol.2, page 724)

The Attack on Yazoo Valley Mississippi May 1863

In December 1862, General Sherman left Memphis with 32,000 men on steamboats intending to bring his now perfected doctrine of Total War to Mississippi. To intensify the destruction impact of his forces, Sherman issued General Order No.7, which allowed that any boats shot at from the riverside could stop and burn the nearest houses and farms.

Union troops routinely raided the surrounding areas for all wood found in houses, fences and barns to be used for fuel.

In the Spring of 1863, Sherman ordered Gen. Frank P. Blair to “strip the Yazoo Valley” and in carrying out the order Blair burned a ½ million bushels of corn and stole 1000 head of cattle along with 300 horses and mules. Even though there was little Confederate resistance to the Union forces in the Valley, Union troops carried out “retaliations” against the civilian population by destroying every grist mill in the area.

This specifically violated Paragraph 22 of the Lieber Code, which distinguishes between “the private individual belonging to a hostile country and the hostile country itself, with its men in arms” along with the already tattered Fourth and Fifth Amendment to the Constitution... the very law of the land that the Federal Forces were fighting to prevent the South from leaving.

The Siege of Vicksburg, Mississippi, May – July 1863

Prior to the War, Vicksburg was a vibrant town and a commercial hub with a population of 4200. During the long battle for control of the town, Grant subjected the civilian population, whose place in the Union the Federal forces were ostensibly fighting to preserve, to incessant bombardment. Grant turned the town into a battlefield where civilians were indiscriminately starved into submission. After eating all the horses and mules, the starving population turned to eating rats.

The bombardment of Vicksburg again violated the Lieber Code, which protects civilians, “especially women and children” from bombardment. Paragraph 25 of the code protects civilians from the type of “privation” Grant’s forces subjected it to.

Destruction of Jackson Mississippi – July 1863

With Vicksburg subdued, Grant ordered Sherman east to take the state capital of Jackson. On July 16, the Confederate Army evacuated the city allowing for Sherman to take the city without resistance.

Instead, during a 3 day rampage, Union soldiers destroyed the town while Sherman gave his officers a banquet in the governor’s mansion. A Northern journalist reported that:

“They left the entire business district section in ruins, burned most of the better residences, dragged furniture into the street to be demolished and looted homes, churches and the state library....in summing up his impression of the sack of the town, he stated that such complete ruin and devastation never followed the footsteps of any army before” (Waters, page 468)

Once again, this violated the Lieber Code. Paragraph 38 states that “private property, unless forfeited by crimes or by offences of the owner, can be seized only by military necessity, for the support or other benefit of the Army of the United States.”

Obviously, the burning of private businesses, homes and churches has nothing to do with military necessity but rather with retribution and the expression of pent-up rage... which, of course, can always be excused as a “military necessity” which, by terrorizing the population, demoralizes its will to fight and thus aids the war effort.

Destruction of Meridian Mississippi, February 1864

In early 1864, Sherman moved his troops from Chattanooga (where they had imposed a brutal occupation on civilians) back to Vicksburg and moved east. Although it was an important supply center and railroad hub, the weakening Confederate forces withdrew from Meridian Mississippi.

Sherman occupied the city without a fight on Feb 14 and then had his troops spend 5 days unofficially destroying the town.

In his report, Sherman noted:

“For 5 days 10,000 men worked hard and with a will in that work of destruction, with axes, clawbars, and with fire, and I have no hesitation in pronouncing the work as well done. Meridian with its depots, store-houses, arsenal, hospitals, offices, hotels and cantonments no longer exists.” (Walters Page 471)

The Lieber Code paragraph 34 specifically exempts hospitals and churches from military use let alone destruction; Grant is as guilty as Sherman in this account since he did nothing to halt or punish Sherman when he gleefully reported such destruction to him.

During this period, much civilian private property – farms, homes, livestock, villages and towns were subjected to systematic pillage by federal forces, all of it in violation of the Lieber Code which, under paragraph 43, states “all robbery, all pillage or sacking... are prohibited under penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.” (Walters page 472)

Of course, given the fact that Sherman could always fall back on the need to satisfy “military necessity” where everything that was “prohibited” was actually “permissible” under the ultimately empty strictures of the Lieber Code.

Executions of Civilians by the US Army in Fayetteville Tennessee – June 1864

Since Federal supply lines were under constant attack in Tennessee, it is likely that both regular Confederate troops as well as civilians were involved. Gen. Eleazer A. Paine decided that retaliation would provide information as to the attacker’s location. His

forces marched into Fayetteville, seized hostages, dragged them to the town square and announced he would execute four of the hostages unless someone came forward with information regarding the location of those who had been carrying out the attacks.

One was released; three others were shot. Murder of civilians is, of course, expressly forbidden by the Lieber Code paragraph 44. Paragraph 148 forbids the proclamation of infamy on civilians and states: “The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority.”

However, Paine was not punished either for this incident or for the many allegations of a similar nature made against him; he was reputed to have hanged so many uniformed Confederate prisoners that he earned the nickname ‘The Hanging General.’ (Michael R. Bradley “With Blood and Fire” 2003, Pages 78-80)

Kidnapping and Murder North Georgia 1864

The most heinous mass-casualty crime committed by the Federal forces occurred in Roswell Georgia in 1864, where approximately 500 hundred women and their children were grossly maltreated.

After burning several cotton mills, Union Gen. Kenner Garrard notified Gen. Sherman that he had several hundred civilian women and children who had worked there under his control. Sherman ordered the arrest of the owners of the mills, have them charged with treason and then have them hanged without trial should “the impulse of anger” overcome Gen. Garrard. Sherman also ordered that the women and children be sent on a 10 mile forced march to Marietta Ga.

He wrote Garrard:

“I repeat my orders that you arrest all the people, male and female, connected with those factories, no matter what the clamor, and let them foot it, under guard, to Marietta, whence I will send them by (railroad) cars to the North... the poor women will make a howl. Let them take along their children and clothing, providing they have the means of hauling or you can spare them.” (Official Records, series 1, vol. 38 pages 39, pages 76 – 77)

In October 1864, Sherman ordered the indiscriminate murder of civilians near Calhoun Georgia. He wrote to his subordinate, Gen. Louis Watkins:

“Cannot you send over about Fairmount and Adairsville, burn ten or twelve houses of known secessionists, kill a few at random, and let them know that it will be repeated every time a train is fired on from Peace to Kingston!” (Official Records, series 1 Vol. 39, page 494.

Despite the Lieber Code mandating severe punishment for such actions, Gen. Garrard was never punished and Gen. Watkins died on active duty without any disciplinary action

being taken. Sherman, of course, simply moved on to his Masterpiece of Atrocity: the pillage and burning of a large Southern city, Atlanta Georgia.

Sherman's March to Atlanta and March to the Sea 1864

From Mid-November to the end of December 1864, General Sherman's infamous March to the Sea encompassed numerous war crimes and atrocities which Sherman and the subordinates carrying out his orders committed. Neither Sherman nor any of his officers were charged with the multiple and flagrant violations of the Lieber Code that they committed. Even the malleable Lieber Code, which gave wide berth for anything justified under the elastic concept of "military necessity" had conceived of the type of Total War that Sherman had now perfected.

Before beginning the March, Sherman told one of his commanders "I am going into the very bowels of the Confederacy, and propose to leave a trail that will be recognized fifty years hence." (Official Records, Series 1, Vol. 39, page 358)

Sherman indiscriminately confiscated and destroyed civilian property; property was taken without payment or even with any accounting for it or providing receipts as was the tradition of civilized warfare. Homes and buildings with absolutely no military value were destroyed as a matter of course and he even his sympathetic biographers indicate he "winked" at abuses committed by his soldiers. Farm fields were trampled and livestock was taken for food. In a report to General Halleck, Sherman relished the destruction he was about to unleash on South Carolina saying: "The truth is the whole army is burning with an insatiable desire to wreck vengeance upon South Carolina. I almost tremble at her fate, but feel that she deserves all that seems in store for her." (Official Records, Series 1, Vol. 44, page 799)

There is no doubt that Atlanta contained many important military assets and transportation facilities vital to the Confederate War effort and that these were legitimate targets for Federal troops. However, the destruction meted out to the entire city was beyond excessive.

For one thing, there had been several pitched battles fought on the outskirts surrounding the city, including the Battle of Peachtree Creek, the Battle of Atlanta and the Battle of Ezra Church, which bled the Southern forces defending the area to the breaking point. On September 1, 1864, Confederate General John Bell Hood evacuated Atlanta, after a five-week siege. After obtaining a military victory, instead of moving on, Sherman literally destroyed the city, which was bombarded by cannon fire for three long weeks.

Sherman said "Let us destroy Atlanta and make it a desolation... one thing is certain, whether we get inside Atlanta or not, it will be a used up community by the time we are done with it." (Official records, Series 1 Vol. 38 part 5, page 452)

On August 223 artillery pieces rained down as may of 5000 rounds of shot on Atlanta in one day. The bombardment went on day and night for 3 weeks. Any concern for civilian life or property was discarded. During the bombardment, one surgeon reported that he performed 107 amputations on men women and children. Houses and Churches were shattered along with civilian bodies.

However, Sherman absurdly blamed the casualties on the Confederate commander John Bell Hood for defending a line so close to the city that many people were killed “by accident” when Union shells overshot their marks.

Again, the rationale of Total War came into play. As Sherman wrote to Halleck in 1863:

“If we can, our numerical majority has both the natural and constitutional right to govern. If we cannot whip them, they contend for the natural right to select their own government.”

Of course, the right to select one’s own government was exactly what the Declaration of Independence was all about. To insure the South would be prevented from exercising such a natural right, Sherman wrote “we will remove and destroy every obstacle – if need be, take every life, every acre of land, every particle of property, everything that to us seems proper.” (Official Records Series 1, Vol. 30, Part. 3, pages 697 – 698)

On September 2, Mayor James Calhoun surrendered the city and Sherman sent a telegram to Washington reading, “Atlanta is ours, and fairly won.” That same day, Sherman ordered the civilian population to evacuate and the city.

The legitimate burning and destruction of military assets soon got out of hand and, with no civilians to stop it, spread wildly. Looting, pillaging, rape and assault were widespread.

Sherman later wrote:

“Behind us lay Atlanta, smoldering and in ruins, the black smoke rising high in air, and hanging like a pall over the ruined city. (William T. Sherman, Memoirs of General W.T. Sherman, Chapter 21)

The Fall of Atlanta and the Presidential Election of 1864

Of course, the fall of Atlanta was a “present” for President Lincoln, who was facing a tough election that November that he was very worried he would lose. Northern voters faced a clear choice between the candidates in the 1864 election. Lincoln continued to insist that the Confederacy must accept re-union and emancipation. His opponent, General George McClellan set the condition for peace as “the Union and nothing more” – viz. restoring the ante-bellum Union with slavery intact. It is very likely that if McClellan had won the election, he would have rescinded the Emancipation Proclamation and ended

the participation of the 186,000 Black soldiers, most of them liberated slaves in the Army and Navy; presumably they would have been returned to their masters.

Given the brutal losses suffered by Grant's powerful and well equipped army at the hands of Lee's threadbare forces in the battles of The Wilderness, McClellan and his advisers were confident that Lincoln could be beaten. Lincoln and many other Republicans also thought he would lose and others even begged him to cancel the election.

Therefore, the fall of Atlanta was especially noteworthy for its political ramifications. The capture and fall of the city were extensively covered by Northern newspapers, and significantly boosted Northern morale.

The Lincoln myth of him as a gentle and compassionate man who, "had no desire to take bloody vengeance" on the rebels, to kill or subjugate them, to confiscate their property or to deprive them of their legal and constitutional rights is as absurd as it is inaccurate.

It does not square with the reality of his fanatic desire to subjugate the Confederacy and destroy its concept of a Union under the rules of the Constitution of 1789.

Lincoln himself had said that once he issued the Emancipation Proclamation, "the character of the war will be changed. It will be one of subjugation. . . . The South is to be destroyed and replaced by new propositions and ideas." Lincoln's policies turned the war into the very thing he had once warned against: "a remorseless revolutionary struggle" that not only vanquished the Old South, but destroyed the concept of Federal Union as laid down in the Constitution of 1789... not to mention killing plenty of rebels.

That Constitution was to be overthrown; its articles regarding the traditional constitutional power relationship between State and Federal Government eviscerated; its ethos favoring limited and local governance over overpowering and centralized governance inverted; its worship of individual Jeffersonian Liberty perverted into the apostasy of bowing before an ever more powerful Hamiltonian State.

Sherman's brutality served both Lincoln's political needs and his statist philosophy; he was easily re-elected more on the ruins of Southern cities and civilian bodies than on defeated Southern armies which, given their thrashing of Grants vastly superior forces during the Wilderness campaign, still had the power to inflict military defeat on the North despite all its advantages

Destruction of Columbia:

This view was echoed by Halleck who wrote Sherman in December 1864:

"Should you capture Charleston, I hope that by some accident the place may be destroyed and if a little salt should be sown upon its site it may prevent the growth of future crops of nullification and secession."

Believing Charleston already sufficiently devastated, Sherman instead turned to Columbia South Carolina to satisfy Halleck Punic Vengeance.

On the day the army entered the city, robbery of civilian homes was rampant and was indulged in by both officers and enlisted men. Churches were pillaged, women's jewelry was roughly taken from their bodies and arson was rampant. (William G. Simms, Sack and destruction of the City of Columbia S.C, pages 40, 48)

Once again, Sherman blamed the victim, telling the mayor of Columbia Thomas Goodwyn "It is true our men have burnt Columbia, but it is your fault." (Edwin Scott, Random Recollections of a Long Life 1806 – 1876 Pages 183 – 184)

War of Extermination in Missouri

The Union forces resorted to brutal tactics to stamp out independent Southern Militia in the state of Missouri to fight those who were reduced to partisan warfare as their only means of resistance, as Southerners had done in the Revolutionary War.

Gen Halleck stated that "every man who enlists in such an (partisan) organization forfeits his life and becomes an outlaw." (Official records, Series 1 Vol. 8 Page 612)

The commander of the Confederate Trans-Mississippi Department, Lt. Gen Theophilus Hunter-Holmes protested the Union policy of basically criminalizing all Southern military resistance:

"...I can see but one result of the course which the Federal Government and its officers are thus adopting. That result is a war of extermination... We cannot allow our enemies to decide for us whether we shall fight in masses or individually in uniform, without uniform openly or from ambush. Our forefathers and yours conceded no such right to the British in the first Revolution, and we cannot concede it to you in this." (Official Records, Series 1, Vol.13, Page 727)

Federal forces responded brutally, foregoing due process, hanging partisans and leaving them unburied to set an example, assuming any bands of men larger than two or more were guerrillas and having them summarily shot. Women and family members of suspected guerrillas were incarcerated in terrible and dangerous conditions if it was determined they were "disloyal" including girls and teenagers.

On August 25th 1863, Brig. Gen Thomas Ewing issued General Order 11 which commanded rural residents of four Missouri counties to abandon their homes and all their possessions. They were given 15 days to clear out, on foot, of an area of almost 3000 square miles consisting of a population of 20,000. Many families were attacked and robbed of horses and any possessions they managed to take with them on the road.

Union militiamen then set fire to all the abandoned homes and those fires often spread to fields and forests creating what were known as a “Burn District” to describe the extensive devastation.

The Burning – Shenandoah Valley Virginia, 1864

In late Spring 1864, Maj. Gen David Hunter launched an attack on Virginia’s Shenandoah Valley. He burned civilian homes and seized civilian property in recompense for Confederate attacks on Federal supplies and order that: secession sympathizers”; within a radius of 10 miles where the Federal supplies were lost be made to pay for them at five times the value of such property.

During the 2 day occupation of Lexington, soldiers pillaged homes and left the population destitute and starving.

In September 1864, Maj. Gen Philip Sheridan followed up his victory over Southern Forces at the Battle of Third Winchester to take the opportunity to make the Valley, in his words, “A barren waste” or what the residents simply came to call “The Burning.”

Sheridan was proud of his record of destruction of civilian property. He noted “I have destroyed over 2000 barns, filled with wheat, hay, and farming implements,” along with “over 70 mills, filled with flour and wheat.” (Official Records, Series 1, Vol.43, part 2, page 308

WAR CRIMES AGAINST PRISONERS OF WAR

Confederate POWs Used to Clear Mine Fields – Virginia 1862

During a skirmish that occurred during the battle of Williamsburg Gen. McClellan forced the Confederate forces to withdraw, but not before they covered their withdrawal with the placement of crude land mines (or, as they were known at the time “torpedoes”)

McClellan forced Confederate POWs to clear these “torpedoes” after some of his men were killed by them. However, forcing POWs to clear land mines was prohibited by the Lieber Code paragraph 75, which spares POWs from “intentional suffering or indignity.”

Sherman added his own perverse twist on this practice when he used, or threatened to use, civilians to clear land mines as well as POWs.

Sherman wrote “Of course an enemy cannot complain of his own traps.” (O.R. Series 1 Vol.38 page 579)

This was in direct violation of the Lieber Code, paragraph 33 that says it is a “serious breach of the law of war to force the subjects of the enemy into service of the victorious government.

Extortion, Torture and Murder of Soldiers– Jackson Tennessee, 1864

As reported by Confederate Gen. W.M. Reed, the US Army tortured and murdered Confederate POWs as well as threatening, extorting money and murdering civilians in the area. When this was reported to Confederate Gen Nathan Bedford Forrest, he demanded that the Federal commander turn over the Officers and men responsible for the crime.

Union Col. Fielding Hurst rode into Jackson and demanded money from the townspeople or else his forces would burn the town. He extorted over \$5139.25 from the civilian population... the exact amount the US Army had assessed Hurst had stolen when he entered and robbed the home owned by a women living in Jackson the year before in 1863. Resentful of having to pay this assessment, Hurst returned to steal the restitution money.

During Hurst's stay in Jackson, several Southern POWs were tortured, mutilated and killed; several members of the Jackson clergy were also arrested and threatened; they were only released when Forrest threatened to execute 5 Federal officers in retaliation if they were not let go.

All the above is in perfect accord with the Sherman doctrine of “collective guilt” – that is, civilians and POWs were collectively responsible for Confederate military actions whether they were involved or not.

Confederate Officers used as Human Shields

The Lincoln Administration sanctioned the use of POWs as human shields at the very highest levels. In 1864, Secretary of War Stanton approved a plan to move 600 Confederate POWs from Ft. Delaware to Charleston harbor, where they were placed in the line of fire between the Confederate and Union lines while they were forced to constructed Union fortifications

The US Army Chief of Staff, Gen. Halleck wrote to Gen J.G. Foster, the officer in charge of building the fortifications the following:

“The Secretary of War has directed that 600 rebel officers, prisoners of war, be sent to you, to be confined, exposed to fire, and treated with the same manner as our officers, prisoners of war are treated in Charleston. No exchanges will be made without special instructions of the War Department. Any offer for exchange will be communicated here of the action of the secretary of War.”

This tactic was in gross violation of the Lieber Code paragraphs 56 and 75 which specifically spares POWs from “barbarity” and “intentional suffering or indignity.”

Confederate Maltreatment of Union Prisoners at Andersonville Prison

By 1864, the Confederate Prison at Andersonville was frequently undersupplied with food affecting BOTH prisoners and the Confederate personnel within the fort. Even when sufficient food was available, its quality was very poor.

The camp, built to hold 10,000 prisoners in November 1863 held 20,000 by June 1864.

During the summer of 1864 1/3 of the Union prisoners held there died from dysentery and scurvy while many others suffered greatly from over-exposure to the elements, severe hunger and other diseases. As was the standard practice of the Confederacy, prisoners were buried in mass graves.

Upon arriving at the Prison, one Union POW gave this harrowing account of what he saw:

“As we entered the place, a spectacle met our eyes that almost froze our blood with horror, and made our hearts fail within us. Before us were forms that had once been active and erect;—stalwart men, now nothing but mere walking skeletons, covered with filth and vermin. Many of our men, in the heat and intensity of their feeling, exclaimed with earnestness. “Can this be hell?” “God protect us!” and all thought that He alone could bring them out alive from so terrible a place. In the center of the whole was a swamp, occupying about three or four acres of the narrowed limits, and a part of this marshy place had been used by the prisoners as a sink, and excrement covered the ground, the scent arising from which was suffocating. The ground allotted to our ninety was near the edge of this plague-spot, and how we were to live through the warm summer weather in the midst of such fearful surroundings, was more than we cared to think of just then.”

Robert H. Kellogg, “Life and Death in Rebel Prisons” 1865.

In 1864 Mr. Joseph Jones, an expert on infectious disease, investigated the high mortality rate at the camp. He concluded that it was due to “scorbutic dysentery” (bloody diarrhea caused by vitamin C deficiency.) However, modern medicine recognizes it more as probably being rampant hookworm disease that was the likely cause of the fatal emaciation and diarrhea that was rampant in the camp. Hookworm disease was a condition that was not known to medical science during the Civil War era.

The water supply from Creek became polluted when too many Union prisoners used it as a sink and the men were forced to wash themselves in the creek.

Violence among the prisoners saw them attacking their fellow inmates to steal food, personal jewelry, clothes and whatever money remained on them.

By July 1864, the conditions became so poor that the Prison commander Captain Henry Wirz paroled five Union soldiers to deliver a petition signed by the majority of Andersonville’s prisoners to ask that the Union reinstate prisoner exchanges. The request

in the petition was *denied* by the Federal forces and the Union soldiers, who had sworn to do so, reported this denial to their comrades.

In the latter part of the summer of 1864 the Confederacy offered to unconditionally release prisoners if the Union would send ships (Andersonville is inland, with access possible only via rail line and roadway) to retrieve them. In the autumn of 1864, after the capture of Atlanta, all the prisoners who were well enough to be moved were sent to Millen, Georgia, and Florence, South Carolina. At Millen better arrangements prevailed, and after General William Tecumseh Sherman began his march to the sea, the prisoners were returned to Andersonville, where conditions were somewhat improved.

The Prison was liberated by Federal forces in May 1865

After the war Commandant Wirz was tried by a Union military tribunal on charges of conspiracy and murder. The trial was presided over by Union General Lew Wallace.

A number of former prisoners testified on conditions at Andersonville and they accused Wirz of specific acts of cruelty, most of which could not be substantiated. Some of the acts which Wirz was accused of happened when he was not even present in the camp. The court also considered official correspondence from captured Confederate records. When testimony regarding the terrible conditions in the prison were revealed, it all but sealed Wirz's conviction

During the war, 45,000 prisoners were received at Andersonville prison, and of these nearly 13,000 died. The nature of the deaths and the reasons for them are a continuing source of controversy among historians.

Some contend that they were a result of deliberate Confederate maltreatment constituting a war crime toward Union prisoners; others contend that the deaths were the result of disease promoted by severe overcrowding, the general shortage of food in the Confederate States, the incompetence of the prison officials, and the refusal of Union authorities to reinstate the prisoner exchange, thus overfilling the stockade.

Lincoln's Assistant Secretary of War, Charles A. Dana wrote in the NY Sun:

“We think after testimony given that the Confederate authorities and especially Mr. Davis ought not to be held responsible for the terrible privations, suffering, and injuries which our men had to endure while kept in Confederate Military Prisons, the fact is unquestionable that while Confederates desired to exchange prisoners, to send our men home, and to get back their own men, General Grant steadily and strenuously resisted such an exchange.”

Union General Benjamin Butler stated “The reason for this was that the exchange of prisoners would strengthen Lee's army and greatly prolong the war.”

Grant himself said: “If we hold these men caught they are no more than dead men. If we liberate them we will have to fight on until the whole South is exterminated.”

Secretary of War Stanton’s own statistics testify that while there were 50,000 more prisoners in Southern prisons than in Northern prisons, the mortality among Southern men in Northern Prisons was far greater.

Wirz presented evidence that he pleaded in vain to Confederate authorities to try to get more food and tried to improve the conditions for the prisoners inside.

Of course, one of President Lincoln’s first acts was to order a blockade of Southern ports on April 19, 1861 to deny food and medicine, among other items, to civilians; such shortages became worse as the war dragged on. Further, given the fact that it was the Federal policy regarding “military necessity” to decimate the ability of the South to wage war by inflicting such starvation and suffering on the civilian population as to cause them to either end the war or face mass death, it is not very surprising that, only having such meager supplies for Southern civilians, Northern POWs suffered their lack as well.

Wirz was found guilty of murder and was sentenced to death. He was hanged on November 10, 1865.

However, Wirz was the *only* Confederate official to be tried and convicted of war crimes resulting from the entire Civil War, which in itself is a testimony to the differences between how the fighting was conducted by both sides.

CRIMES AGAINST SLAVES

It is arguable that those who suffered the most from the various war crimes committed by Federal Troops were against the very people whose liberation the war was purported to be all about.

Sherman himself exhibited virulent racism against Blacks. According to biographer Michael Fellman, Sherman’s view was that “They were a less-than-human and savage race, uncivilized to White standards, and probably un-civilizable. They were obstacles to the upward sweep of history, progress, wealth, and White destiny.” (Michael Fellman, *Citizen Sherman*, 1995, pages 260 – 261)

As Native Americans were to find out less than a decade later, Sherman felt the same way about them; Sherman had ordered his subordinate Phil Sheridan to attack Indians “without restraint” and gave him “prior authorization to slaughter as many women and children as well as men Sheridan or his subordinates felt was necessary when they attacked Indian villages.” (Fellman page 271)

In July of 1865 Sherman was put in charge of the Military District of the Missouri (all land west of the Mississippi) and given the assignment to eradicate the Plains Indians in order to make way for the federally subsidized transcontinental railroad.

Like Lincoln, Sherman was a friend of Grenville Dodge, the chief engineer of the project. He was also a railroad investor and he lobbied his brother, Senator John Sherman, to allocate federal funds for the transcontinental railroad. “We are not going to let a few thieving, ragged Indians stop and check the progress of the railroad,” he wrote to General Grant in 1867 (Fellman, p. 264).

Fellman writes: “The great triumvirate of the Union Civil War effort [Grant, Sherman and Sheridan] formulated and enacted military Indian policy until reaching, by the 1880s, what Sherman sometimes referred to as “the final solution of the Indian problem,” which Sherman defined as killing hostile Indians and segregating their pauperized survivors in remote places.

Sherman did nothing to encourage slaves to join his army and often deliberately burned bridges to prevent them from doing so, leaving them alone and isolated without even provisioning them with food and medicine.

During the Federal invasion of Louisiana in 1863 and 1864, thousands of slaves were encouraged to follow Maj. Gen, Nathaniel Banks. However, while they were encouraged to run away and thereby injure the Southern economy which depended on them thus helping the Union war effort, many who did so were then simply abandoned by their liberators.

General Sherman stated “I won’t trust n—s to fight yet, but don’t object to the (Federal) government taking them from the enemy & making such use of them as experience may suggest” (William T. Sherman to John Sherman, April 26, 1863, Sherman Papers, Library of Congress)

Many slave children were separated from their parents and many, both adults and children, died from disease and starvation. In 1863, 2000 slaves that escaped to the Union army perished; In Rapides Parish it is estimated that between 1863 and 1864, 8000 slaves left to follow the Federal forces and that more than half died of exposure.

Of course, during the march to the Sea through Georgia burned slave residences, stole whatever meager property slaves held and often subjected slave women to brutalization and rape.

“Regiments, in successive relays, committed gang rape in Columbia on scores of slave women (William G. Simms “City Laid Waste” page 90)

Sherman’s treatment of runaway slaves was so wretched that, despite the fact that his army overflowed with foodstuffs and supplies looted from any civilians unlucky enough to be caught his army’s rapaciously destructive path, he failed to leave behind the ample food, medicine and shelter to serve their human needs. (Thomas G. Robisch, “General William T. Sherman: Would the Georgia Campaigns of the First Commander of the Modern Era Comply with Current Law of War Standards?” Emory International Law Review 9, no.459, 1995 – page 461)

But humanitarian concerns – whether it be for POWs, Southern civilians, slaves or Native Americans counted for nothing when set against the overall goal of annihilating the Confederacy and overthrowing the Union established under the Constitution of 1789.

As long as there was any Confederate resistance to this overriding concern, Sherman believed it was open season on Southern citizens for political reasons. His ruthlessness is neatly captured in his 1864 letter to Maj. R.M. Sawyer:

“To those who submit to the rightful law and authority all gentleness and forbearance; but to the petulant and persistent secessionists, why, death is mercy, and the quicker he or she is disposed of the better... Next year their lands will be taken, for in war we can take them, and rightfully, too, and in another year they may beg in vain for their lives.” (Official Records, Series 1, Vol.32, page 579)

Later in 1864, Sherman wrote Halleck indicating that if Southerners wanted to rid themselves of “barbarity and cruelty” they must stop the war.

There can be no doubt: Sherman knew his premeditated policies were “barbaric and cruel” and his mass destruction and violence against civilians was intended *to terrorize the civilian population into abandoning the war as the only way to get rid of him.*

In a July 31, 1862 letter to his wife (from his “Collected Works”) he wrote that his purpose in the war was: “Extermination, not of soldiers alone, that is the least part of the trouble, but the [Southern] people.” His wife Ellen wrote back that her fondest wish was for a war “of extermination and that all [Southerners] would be driven like the Swine into the sea.”

Federal Plans to Assassinate Confederate Leaders

The Dahlgren Affair

The Dahlgren Affair was an incident involved a failed Union raid on the Confederate capital of Richmond, Virginia on March 2, 1864, ostensibly to free Union POWs. According to papers found on the body of the raid’s commanding officer, Colonel Ulric Dahlgren, the mission objectives included assassinating Confederate President Jefferson Davis and his cabinet as well as burning the Southern capital.

“Dahlgren was twenty-one, tall, fair-haired, and dashing, with an abiding taste for adventure untempered by even a modicum of common sense. Dahlgren’s father, Rear Adm. John A. Dahlgren, was an expert in naval ordnance, commander of the South Atlantic Blockading Squadron, and a close friend of the president’s.”

<http://www.historynet.com/the-dahlgren-papers-revisited.htm>

“Nothing went according to plan. Dahlgren discovered the James (River) was running too high from the winter rains to cross. In a fit of particular savagery he turned on his guide, a black freedman... and had the man hanged from a tree on the riverbank. Proceeding toward Richmond but on the northern side of the James, Dahlgren soon ran into the city’s (Richmond) militia defenders.

Colonel Dahlgren and some one hundred of his men became separated and wandered off to the north and east of Richmond. On the night of March 2 they stumbled into an ambush set by Rebel cavalymen and home guards. Lieutenant James Pollard, Ninth Virginia Cavalry, reported what happened next: ‘Col. Dahlgren who was in command and riding at the head of the column, saw a man who at that moment moved his position, and ordered him to surrender: which drew a volley from our men and Col. Dahlgren fell dead, struck by several bullets...

Shortly after the ambush in which Dahlgren was killed, a thirteen-year-old schoolboy named William Littlepage, who was a member of a schoolboy company of home guards, came upon the colonel’s body and searched it for valuables. What he found came to be called the Dahlgren papers—two folded documents and a pocket notebook containing several loose papers inserted between the leaves. Littlepage turned his find over to his teacher and company commander, Captain Edward W. Halbach.

The first of the documents, written in ink on Union army stationery bearing the printed heading ‘Headquarters Third Division, Cavalry Corps,’ was obviously an address to the officers and men of Colonel Dahlgren’s command. It covered two sheets, with the final six lines and the signature written on the back of the first sheet...

“We hope to release the prisoners from Belle Island first & having seen them fairly started we will cross the James River into Richmond, destroying the bridges after us & exhorting the released prisoners to destroy and burn the hateful City & do not allow the Rebel Leader Davis and his traitorous crew to escape.... An address to his troops on Cavalry Corps stationery was even more explicit: “The City it must be destroyed and Jeff. Davis and Cabinet killed.”

<http://www.historynet.com/the-dahlgren-papers-revisited.htm>

The Southern press was as predictably outraged as the Northern press strongly denied the allegation.

The most vehement assertion that the Dahlgren papers were ‘a bare-faced, atrocious forgery’ concocted by ‘the miserable caitiffs’ in Richmond came, not surprisingly, from Dahlgren’s father, Admiral John Dahlgren.

All this leaves the flowing question:

Who authorized the secret agenda of arson, pillage, and murder as outlined in the Dahlgren's papers? The answer cannot be documented as readily as the question of the papers' authenticity but a credible speculation regarding the guilty party can be made:

The trail of responsibility appears to lead straight to the office of Secretary of War Stanton.

One of the planners of the raid, Brig. Gen. Judson Kilpatrick, a Union cavalry officer so incompetent he was given the nickname "Kill-Cavalry" by the troops he misled, would not have been bothered by the murderous and destructive plan but was not the type to proceed without authorization.

"Stanton was never one to demonstrate respect for the niceties of civilized warfare. He had been, for example, the behind-the-scenes author of the set of draconian measures inflicted on Southern civilians in 1862. He was also exceedingly devious. An image comes easily to mind: Secretary Stanton describing for his visitor the perfidies of Jefferson Davis, rather in the manner of King Henry II speaking of Thomas à Becket, archbishop of Canterbury, before an audience of his eager courtiers, saying, 'Will no one rid me of this man!' To Judson Kilpatrick, ambitious and ruthless, his duty would have seemed clear enough. To his new patron, the thought of liberating the suffering prisoners from Belle Isle and Libby Prison to wreak vengeance on their captors would have seemed a pleasing rationalization for the scheme."

<http://www.usnews.com/usnews/doubleissue/mysteries/dahlgren.htm>

After the Northern victory, the papers were among a collection of important Confederate documents transferred to Washington after the surrender of Robert E. Lee's Army of Northern Virginia.

In November 1865, seven months after Lee surrendered at Appomattox, Lincoln's Secretary of War, Edwin Stanton, ordered Francis Lieber, the author of the Lieber Code to be the keeper of captured Confederate records and to turn over everything relating to the raid.

Lieber gave Stanton the original papers and notebook found on Dahlgren's body, plus all relevant correspondence from the Confederate archives. Historian James O. Hall searched widely for the missing papers and finally tracked them to Stanton. "[S]uspicion lingers," Hall wrote, "that Stanton consigned them to the fireplace in his office."

<http://www.usnews.com/usnews/doubleissue/mysteries/dahlgren.htm>

Stanton presumably destroyed them; they have not been seen since.

Because of this, a debate has raged for many years over the authenticity of the Dahlgren Papers, with certain Civil War scholars such as James M. McPherson offering his judgment that judgment that “the genuineness of the Dahlgren papers is contestable....”

Unfortunately the destruction of the records by Stanton has prevented their examination in modern times and restricted historical knowledge of them to the surviving copies and examinations conducted between March 5, 1864 and November 1865 when Stanton seized the papers.

“The Union denied that the papers were accurate but as Ernest Furgurson concludes, ‘though debates over the paper’s validity would run on... the weight of the evidence suggests that they were indeed genuine.’ Jay Winik “1865” footnotes, page 441

Historian Stephen Sears makes a strong case for the authenticity of the papers in recent articles in MHQ: The Quarterly Journal of Military History and in Columbiad. If the Dahlgren papers are authentic, it could be fairly argued that President Lincoln, by following a policy of Total War, allowed subordinates such as Stanton to believe that targeting his opposite number in Richmond was a legitimate act, AGAIN, under the justified by strictures of “military necessity.”

It could have been what set in motion the events that would end with his own assassination in Ford’s Theatre on April 14, 1865.

CONCLUSION

The need to have a proper understanding the history of what is commonly referred to as the Civil War has a direct relationship to important issues currently facing our Nation.

Americans are used to thinking that once the Constitution was ratified, our Republic has remained inviolate and was “saved” by Abraham Lincoln via the victory of the central Federal government over the seceding states.

However, we must understand that the Civil War not only ended the Confederacy’s attempt at secession, it also in large part ended the Republic as it was set up under the Constitutional Order of 1789.

The fact is that even the government established in 1789 was not the first “republic” of the United States and was not, for all intents and purposes, the last. The victory of the Central Government over the States in the “Civil War” initiated a series of subsequent “virtual republics,” each with a central Federal Government more powerful than the one that preceded it.

Let us trace this path:

1776 – The Power of the States Supreme; the Power of the Federal Government Inferior

When the country was drawn together under the Articles of Confederation, the States were supreme and the power of the Central Government in Congress was extremely limited, mostly to matters of common defense. Even in military matters Congress had little control and, much to the frustration of General Washington, could barely force the States to pay for their part in the Revolution (at one point, Washington paid the troops out of his own money.)

1789 – The Power of the States Dominant; the Power of the Federal Government Expanded

The Constitution of 1789, seeking to remedy the excessive independence of the States which was seen as leading to multiple governing problems in both foreign and domestic affairs discarded the Articles of Confederation (which, unlike the Constitution of 1789, actually did call itself a “perpetual union”).

1865 – The Power of the Federal Government Dominant; the Power of the States Diminished

The military victory of the Federal forces overturned the Constitution of 1789 and replaced it with one where the Federal Government was dominant over the States. This situation reflected the new reality which saw business interests allied with the expanded coercive power of the central government to facilitate their respective agenda: profits and power.

1933 – The Federal Government Supreme; the Power of the States Inferior

Using the “emergency” of the Great Depression as a pretext to create a situation (the “New Deal”) where the Federal Government became Supreme over the States.

1965- The Power of Federal Government Un-assailable; the Power of the States Marginalized

Using the vast expansion of government power provided by the Great Society programs, the Federal Government solidified its supremacy over the States to such an extent the States that the States became meaningless appendages to it.

2008 – The Federal System Fundamentally Transformed

With the election of Barack Obama, the Federal Government became an Imperial Government in all but name, complete with a cultic leader, a controlled press and an outright neo-Fascist, Crony Capitalism, Corporate State, authoritarian ideology. The States exist much as the Roman Senate did in the Imperial period: an impotent anachronism and rubber stamp of the central government devoid of real power or influence.

Therefore, our current terrible situation can be traced back to the counter-revolutionary overthrow of the Constitutional Order of 1789 by the Lincoln Administration. Ironically, Lincoln found himself in the same situation as the Lyndon Johnson Administration found itself in Vietnam, where it discovered it had to destroy the country of Vietnam in order to “save” it.

Apparently, we have been targeted to suffer the same fate.

The idea that killing hundreds of thousands of American citizens on the pretext that ending slavery could not have been accomplished by any other means (something disproved by the experiences of all other nations at the time) has generally become accepted by a majority of Americans as the right thing to do.”

This is the attitude of many today, both liberal and conservative. Indeed, Lincoln is beloved among many strongly conservative spokesmen!

But there is a price for holding the belief that the ends justify the means.

Those who do so may not condemn Hitler or Stalin or Pol Pot or Mao or bin Laden, all of whom acted out of a belief that what they were doing was right and that therefore whatever they did to obtain their ends was justified. So those... especially scholars and historians... who justify what was done in the War of Secession with the plea that “it was necessary” are morally equivalent to the apologists for every tyrant who has murdered, raped, pillaged and enslaved throughout history as well as every tyrant who will come forth in the future.

Changing the venue of tyranny does not change its moral dynamics.

<https://confederateshop.com/war-crimes-committed-by-federal-forces-during-the-civil-war/>