“THE UNION AS IT WAS”: CIVIL-MILITARY RELATIONS IN OCCUPIED NEW ORLEANS, 1862-1866

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INTRODUCTION: "THIS CITY WILL BE GOVERNED … HOWEVER MUCH THEY MAY STRUGGLE AGAINST IT."

Altering the prayer books was easy enough. When the Yankees came, congregants of the Episcopalian churches in New Orleans might have simply scratched out "Confederacy" and written "United States" in their regular prayer books. About a year earlier, they had done the same in reverse. Had the fortunes of war so continued, various passages printed in assorted prayer books might have soon resembled poorly considered rough drafts full of slapdash additions and revisions. For the time being, though, if the power of God were to be invoked by the faithful on anyone's behalf, it would be invoked on behalf of President Lincoln and the Union.

Rather than allow Lincoln's name to tarnish their worship services, the clergy at St. Paul's Episcopal Church opted to omit the request for divine supplication on behalf of the president altogether. No one, they thought, could be accused of treason as long as they did not pray for Jeff Davis. They had assumed incorrectly. One Sunday, Major General Benjamin Franklin Butler sent a major named Strong to see to it that the churchgoers offered the required prayer on President Lincoln's behalf as Butler had previously ordered. If they demurred, Strong had instructions to disperse the congregants. To ensure compliance, Strong had brought a cannon with him.[1]

Church members called it the "Battle of St. Paul's," and it illustrated the problems and solutions of the occupied urban Confederacy in a single example. The Federal troops were in New Orleans not only to drive out the Confederate army, but also to bring the rebellious

[1] Annie Jeter Carmouche, "Memoirs, 1858-1870," Manuscripts Collection 585, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University. Folder 3, 32-33.

civilians back into the Union—whether they wanted to be brought back into the Union or not. "This city," wrote Sarah Butler, Benjamin Butler's wife, to a friend in the first few months of the Federal occupation, "will be governed, and made to wear the outward forms of decency, however much they may struggle against it."[2]

The results of the Union army's occupation of rebellious Southern cities have long been known but are seldom appreciated. Capturing a Confederate city was a relatively straightforward military matter. Subduing and pacifying the civilian inhabitants of that city in such a manner that would leave the door open to an amenable peace and post-war relationship was a more complicated endeavor altogether. Subduing insurgent peoples has been a question that has long frustrated many generals, ruined many careers, and removed presidents and prime ministers alike from office as the insurgents defy militaries and political machines vastly more powerful than they. Union forces in the Civil War possessed all the numerical and material advantages they could wish for, but unless they managed to do what the British had failed to do approximately four score and six years earlier and "gain the hearts and subdue the minds of America," capturing the Confederate cities would merely act as the precursor to a long and drawn out defeat.[3]

The Lincoln administration often provided broad outlines of direction as to how to proceed with occupation and left all remaining details to the generals in the field. While this kind of a relationship might be desirable in either a conventional war or in a classic

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[2] Sarah Butler to Harriet Heard, May 15, 1862. *Private and Official Correspondence of Gen. Benjamin F. Butler During the Period of the Civil War*, Vol. 1, (Norwood, MA: The Plimpton Press, 1917), 487. Cited hereafter as *Private and Official Correspondence*, vol. #.

[3] Memo of conversation, February 7, 1776, Sir Henry Clinton Papers, as cited in Andrew Jackson O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire*. Yale University Press, 2013, 11.

counterinsurgency, the Lincoln administration established objectives based on dubious assumptions from the outset. Lincoln made no plans to run what future generations might call an occupation of counterinsurgency, which is likely what would have been needed to bring occupation to a successful conclusion. Instead, Lincoln assumed that the gentry and the gentry alone had precipitated secession, and that middle- and lower-class people would flock to the Union banner as soon as occupying forces arrived. In practice, the support of these classes which Lincoln took for granted had complicated relationships with their neighbors and the military government. Both the Union commanders and the southern civilians under their jurisdictions were not always sure of how to proceed in their new, awkward relationship. Occupation and Reconstruction's early periods were seemingly unscripted. Lincoln had a plan for reconstructing the rebellious states, but he waited for the war's latest stages before beginning to implement it.

The unique importance of New Orleans to Reconstruction is central to this dissertation. The timing and nature of New Orleans' capture allowed the city's occupation to serve as an example to inform the governance of other Confederate areas once they fell under Union control. Because of Lincoln's assumption that New Orleanians would "rally 'round the flag" once freed from their Confederate captors, his administration expected to use Louisiana as a showpiece to demonstrate that Reconstruction could be successful. Louisiana was to be Lincoln's crown jewel, not just as an example to the occupied South, but as the tip of the spear of the movement to bring the institution of slavery to an end, to revolutionize the labor system, and to enfranchise African American males.

Numerous historians have recognized the importance of Louisiana's relationship to Lincoln's vision for Reconstruction in a rich line of scholarly works. The first of these works

was Charles McCarthy's *Lincoln's Plan of Reconstruction*, where he describes Lincoln's desires from the very beginning to, "simply take their place in the Union upon the old terms."[4] Lincoln saw it as incumbent upon the people of Louisiana to embrace the national authority, and he assumed that they would. Despite the president's remarks about the "old terms," McCarthy argues that the events and climate in southern Louisiana were "forcing" Lincoln "in the direction of emancipation."[5] More recent scholars such as Philip Lehigh have disagreed with this interpretation, pointing out that Lincoln had been considering an end to slavery from Confederate states from as early as 1861. Lehigh argues that Lincoln saw emancipation as a military necessity to end the war, and did not come about through external pressures, and certainly not pressures from former Confederates.[6]

The most complete work on Reconstruction in Louisiana is Peyton McCrary's *Abraham Lincoln and Reconstruction: The Louisiana Experiment*. McCrary focuses on the politics and high-level machinations that took place between Lincoln administration officials in Washington and the generals in the field in the Department of the Gulf, while paying scant attention to New Orleans' social issues. McCrary uses Lincoln's final public address, which talked mainly about issues of Reconstruction using Louisiana as the purest example of Southern Reconstruction, as evidence that Louisiana was not just any other target in the occupied South, and that Lincoln had been working to pull Louisiana back into the Union for years. He argues that Reconstruction as a political question began as soon as the first states had voted in favor of secession.[7] McCrary portrays Butler's administration and his assertion of military power as

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[4] Charles McCarthy, *Lincoln's Plan of Reconstruction* (New York: AMS Press, 1966), 38.
[5] McCarthy, *Lincoln's Plan of Reconstruction*, 39.
[6] Philip Lehigh, *Southern Reconstruction*, (Yardley, PA: Westholme Publishing
[7] McCrary, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton, NJ: Princeton University Press, 1978), 66.

essential if the Federal government hoped to regain control over New Orleans, and lauds Butler as having created fertile ground in which Unionism could germinate and result in a new national Union.

In contrast with many Louisiana-centered examinations of Union occupation, McCrary dedicates the majority of his book to post-Butler events and efforts. The military administration of Major General Nathaniel P. Banks is central to McCrary's discussion of the relationship between planters and their laborers, which McCrary classifies as sitting somewhere "between slavery and freedom."[8] This relationship and this status had to be defined in order for Reconstruction in Louisiana to work, since the Emancipation Proclamation had no impact on New Orleans as the city was under Federal control on the date of its issuance. Banks's efforts toward Reconstruction hinged on abolishing slavery in the city where the Emancipation Proclamation had not taken effect. McCrary argues that the "first prerequisite for restoration," that of acknowledging the Proclamation's legality, was central to Banks's efforts in 1864 and 1865 in Louisiana, and that his labor system and raising of colored soldiers to fight for the Union cause were both central to Reconstruction's success.[9]

The discussion of African Americans serving in uniform in Louisiana has fortunately been rich. John Blassingame's *Black New Orleans, 1860-1880* is the foremost work on African Americans in Louisiana during the Civil War and Reconstruction eras. Blassingame argues that the African Americans who fought for the Union and who rebelled against the plantation system created an environment that demanded change.[10] Blassingame asserts that whites in New

[8] McCrary, *Abraham Lincoln and Reconstruction*, 135.
[9] McCrary, *Abraham Lincoln and Reconstruction*, 188.
[10] John Blassingame, *Black New Orleans, 1860-1880* (Chicago: University of Chicago Press, 1973), 25.

Orleans used a supposed aversion to this change all at once in attempt thwart meaningful progress, and those efforts successfully delayed black Louisianans from attaining equitable rights for years.[11] William Dobak's *Freedom By the Sword* acknowledges Louisiana's unique situation in being a locale that was captured early by Union forces with a black population already having a pedigree of military service.[12] Dobak also discusses the unequitable treatment of the Native Guards, but attributes much of that disparity—with some exceptions—as much to "long supply lines" and the "haste in raising new black regiments" as for "malice" of white soldiers, politicians, or officers.[13] James Hollandsworth's *The Louisiana Native Guards* is the most comprehensive study of the experience of the African American soldier in Louisiana. Hollandsworth covers the relationship between black Louisianans and the military under both the Confederate and the occupational Union governments. Hollandsworth shows that the utilization of colored soldiers in Louisiana was less progression than regression, and indicates that both Northerners and Southerners held reservations as to the potential combat effectiveness of colored troops despite having fought in previous wars.[14]

The culmination of Hollandsworth's argument is the soldiers' late war and postwar belief that, because they could fight and had fought, they were more worthy of the rights of citizenship. Hollandsworth argues that his redefining realization that the Afro American soldiers had redefined their manhood resulted in a new push for elective franchise.[15] McCrary shows that African American soldiers fighting for the Union naturally led to the question of their

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[11] Blassingame, *Black New Orleans*, 175.
[12] William A. Dobak, *Freedom by the Sword: The U.S. Colored Troops, 1862-1867* (Washington, D.C.: Center of Military History, 2011), 10-11.
[13] Dobak, *Freedom by the Sword*, 119.
[14] James G. Hollandsworth, Jr., *The Louisiana Native Guards: The Black Military Experience During the Civil War* (Baton Rouge, LA: Louisiana State University Press, 1995), 1-3.
[15] Hollandsworth, *The Louisiana Native Guards*, 104.

enfranchisement as eligible voters, which alienated many who either were or otherwise would have been pro-Union.[16] Fred Harrington's *Fighting Politician*, an early and influential biography of Nathaniel Banks, argues that Banks's efforts in particular were crucial to establishing black voting rights because Union veterans of all races could be depended upon to reliably vote for Unionist policies, and increasing the number of Union veterans to the ballot box naturally meant votes for African Americans.[17]

Their proclivity for supporting Unionist policies further drove the need to grant elective franchise to African American veterans and intellectuals. Congress insisted that, in order for the reformed state government of Louisiana to have an air of legitimacy, a large proportion of voters needed to back it. Eric Foner's seminal work on the Reconstruction era, appropriately entitled, *Reconstruction: America's Unfinished Revolution, 1863-1877*, agrees with this notion, arguing that the Unionist sentiment complicated Lincoln's objectives, because Unionists were not necessarily united on all fronts. Sugar planters in particular were amicable to the idea of being reincorporated into the Union, but these still preferred access to slave labor, something that would be off the table before the war was over. Foner mentions that Lincoln's famous "ten percent plan" was partially motivated by the president's desire to speed up reconstruction in Louisiana in particular. But those ten percenters who were willing to help organize a loyal Louisiana state government were deeply divided, so that even a plan so lenient as the ten percent plan faced obstacles.[18] Gerald Capers' *Occupied City: New Orleans Under the Federals, 1862-1865* also discusses the complication of the postwar world's place for African Americans,

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[16] McCrary, *Abraham Lincoln and Reconstruction*, 209-210.
[17] Fred Harvey Harrington, *Fighting Politician: Major General N.P. Banks* (Philadelphia: University of Pennsylvania Press, 1948), 198.
[18] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper and Row, 1988), 47.

but also asserts that the sheer number of colored soldiers who had fought for the Union would not accept anything short of voting power, and that the weight of their combined political power ultimately gave them what they wanted.[19]

Another matter of interest in the historiography of early occupation of New Orleans is that of the military-civil interaction. John Winters in *The Civil War in Louisiana* covers virtually every aspect of the war in Louisiana from tactics to drafting to the occupied cities and government. Winters discusses the fact that Butler required an oath of allegiance for all civilians—particularly those in civil service positions—as a way for the military government to force loyalty.[20] Steven Ash's *When the Yankees Came* seeks to emphasize civilian life in the occupied south, and discusses Louisiana in detail. Ash is one of the few scholars to highlight General Banks's insistence that southern civilians take the oaths of loyalty "or go into Rebel territory."[21] Ash is also in the minority of historians in discussing the relationships between soldiers and prostitution, particularly as a function of wartime economic activity.[22]

Unionists in New Orleans were important to Louisiana's eventual readmittance, and it is John Ficklen's *History of Reconstruction in Louisiana* that first examines these earnest New Orleanians. Ficklen notes that early estimates of Union sentiment in New Orleans must have been either stifled or underestimated, because by December, 1862 a large contingent of Union men could be found. These Union men, operating under the protection of the Union military forces in New Orleans, were enough for military governor General George F. Shepley to call for

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[19] Gerald M. Capers, *Occupied City: New Orleans Under the Federals, 1862-1865* (Lexington, KY: University of Kentucky Press, 1965), 230-231.
[20] Winters, *The Civil War in Louisiana*, 125, 130.
[21] Steven Ash, *When the Yankees Came* (Chapel Hill, NC: University of North Carolina Press, 1995), 174.
[22] Ash, *When the Yankees Came*, 79.

elections to send two representatives to Congress.[23] McCrary's *Abraham Lincoln and Reconstruction* asserts that it was Lincoln who urged the formation of a Unionist delegation from Louisiana in order to enable Louisiana's reentry into the Union. McCrary argues that, while Lincoln had a hand in orchestrating re-enfranchisement, he often felt that the details were better left delegated to his subordinates.[24]

Lincoln's hands-off policies left the success or failure of early occupation—the control of Union-held areas in the south from 1862 to 1865—not in Lincoln's capable hands, but in dozens of hands of dozens of generals acting as military governors. Several such generals served in the Union army's Department of the Gulf, which comprised any Union-controlled territory in the states of Louisiana, Texas, Mississippi, and Alabama. Generals such as Benjamin Butler, Nathaniel Banks, George Shepley, Stephen Hurlbut, and Philip Sheridan all had roles in the wartime and postwar occupation, and all had different achievements and foibles. These generals and their soldiers acted as both stand-ins for the civilian government and ambassadors for the Union. They often had to strike a balance between quashing rebellious activity to enforce the laws of the United States and treating civilians amicably so they would grow to accept Federal rule voluntarily.

Much of the scholarship of occupied New Orleans focuses on Butler and his deeds and alleged misdeeds. Historical memory has painted Butler as a villain. Following a Civil-War-themed lecture in Professor Aaron Sheehan-Dean's classroom at Louisiana State University in which Butler was featured, a student approached Professor Sheehan-Dean and remarked that he

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[23] John R. Ficklen, *History of Reconstruction in Louisiana (Through 1868)*, ed. Pierce Butler. Johns Hopkins University Studies in Historical and Political Science, vol. XXVIII (Baltimore: The Johns Hopkins Press, 1910), 40-41.
[24] McCrary, *Abraham Lincoln and Reconstruction*, 94-95.

was previously unaware of the fact that "Beast Butler" had a first name.[25] Early Civil War scholars treated Butler's rule of New Orleans extensively, and in some cases exclusively. Ficklen's *Reconstruction in Louisiana* is one of the earliest evaluations of Butler's tenure by a professional scholar. Ficklen emphasizes the political and macro aspects of occupied Louisiana, but the research is potentially incomplete as Ficklen's manuscript was edited and published postmortem by Pierce Butler at Johns Hopkins. Ficklen's book, written from the perspective of a political scientist, is complimentary of Butler's administration. According to Ficklen's research, Butler's work in New Orleans was "'thorough,'" and "has met with much encomium," which is difficult to discern in later works written on Butler.[26] This early review of Butler was not wholly adulatory, as Ficklen portrayed Butler as lacking tact, somewhat tyrannical, and having exercised arbitrary and sometimes petulant authority over any who (unwisely) crossed him.

Ficklen was among the first scholars to address Butler's unscrupulous business transactions, a more detailed discussion of which appears in the body of this dissertation. Butler ostensibly only created additional income for the government, but Ficklen argues that Butler's books do not add up following his departure from New Orleans, and concludes that Butler must have has his hand in the same bag. Chester Hearn's *When the Devil Came Down to Dixie: Ben Butler in New Orleans* puts Butler's government in occupied New Orleans under a microscope, and Hearn concludes that Butler must have earned a handsome supplementary income from

[25] Aaron Sheehan-Dean, "Soldiers and Civilians at War: Irregular Warfare, Occupation, and Uneasy Peace in the American Civil War," (panel commentary at the 2015 Graduate History Conference, Louisiana State University, Baton Rouge, LA, March 21, 2015).
[26] Ficklen, *History of Reconstruction in Louisiana*, 33.

New Orleans.[27] Hearn tries to flesh out a more complicated Butler, one who was "[b]oth hated and loved."[28] Hearn portrays Butler as a capable lawyer and politician who had difficulty overcoming his own ego. Butler either overestimated his own considerable abilities or underestimated everyone else's abilities, or both.

Butler's most ill-famed act, his "Woman Order," is the subject of much of the historiographic criticism leveled at the Union commander—not merely for his time in New Orleans—but for his entire career. Its fame even exceeds Butler's "Fort Monroe Doctrine" that accelerated Northern consciousness of the need for emancipation. Virtually every scholarly work that examines occupied Louisiana or Butler's military tenure evaluate this one act. Ficklen called the Woman Order "notorious."[29] James Parton's *General Butler in New Orleans* dedicated twenty-five pages to the order and its aftermath. Parton portrayed the order as a form of class warfare against upper class white women, who were nearly always immune from the misfortunes of war.[30] Parton argued that the order was unequivocally effective and resulted in women in the city and Union soldiers patrolling the city to be "honored equally" by one another.[31] Chester Hearn argues that the combination of Butler's Woman Order and his personal corruption were the chief factors of Butler being removed from New Orleans, which, coupled with Butler's lack of ability as a strategist, largely brought an end to Butler's wartime participation.[32]

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[27] Chester G. Hearn, *When the Devil Came Down to Dixie: Ben Butler in New Orleans* (Baton Rouge, LA: Louisiana State University Press, 1997), 196.
[28] Hearn, *When the Devil Came Down to Dixie*, 240.
[29] Ficklen, *History of Reconstruction in Louisiana*, 35.
[30] James Parton, *General Butler in New Orleans: History of the Administration of the Department of the Gulf in the Year 1862,* (New York: Mason Brothers, 1864), 323.
[31] Parton, *General Butler in New Orleans*, 345.
[32] Hearn, *When the Devil Came Down to Dixie*, 220-223.

Andrew Lang's *In the Wake of War* classified the Woman Order as a "gender identity crisis within zones of occupation."[33] LeeAnn Whites in her chapter "The Civil War as a Crisis in Gender" concurs, indicating that the behavior of Southern women helped shape occupying soldiers' roles as men.[34] George Rable wrote that Butler's efforts at stemming the gender-specific protests was effective both because Butler controlled the press and the women in New Orleans believed he would follow through with his threats.[35] Alecia Long challenges Butler's conclusions that the order was essentially successful and claims that many historians have likewise overstated the Woman Order's success. She attributes this misreading of the order's aftermath as a lack of understanding regarding women's place in the war as "political actors and very real military problems."[36]

Scholarship on General Banks's tenure in Louisiana is much less profuse than the coverage of Butler's time in command there. Ficklen mostly discusses Banks's political merits and his efforts to implement Lincoln's plan of Reconstruction, but he also somewhat dubiously claims that the Confederate government in exile had some concomitant legitimacy.[37] Harrington's *Fighting Politician* portrays Banks as a capable politician and administrator who enjoyed moderate success in the Department of the Gulf with an eye toward making a run at the Executive Mansion. Harrington credits Banks with a workable free labor system, the

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[33] Andrew Lang, *In the Wake of War: Military Occupation, Emancipation, and Civil War America* (Baton Rouge, LA: Louisiana State University Press, 2017), 67.
[34] LeeAnn Whites, "The Civil War as a Crisis in Gender," in Catherine Clinton and Nina Silber, eds., *Divided Houses: Gender and the Civil War* (New York: Oxford University Press, 1992), 16.
[35] George Rable, "Women of the Confederacy," in *Divided Houses*, 141.
[36] Alicia P. Long, "(Mis)Remembering General Order No. 28," in LeeAnn Whites, Alicia P. Long, eds., *Occupied Women: Gender, Military Occupation, and the American Civil War* (Baton Rouge, LA: Louisiana State University Press, 2009), 30.
[37] Ficklen, *History of Reconstruction in Louisiana*, 45-46, 66.

establishment of the Corps d'Afrique, and the beginnings of a loyal state government while acknowledging that Banks could have done more to push civil rights further for African Americans.[38] James Hollandsworth's *Pretense of Glory* interprets Banks as a practical, if not idealistic politician. Banks, according to Hollandsworth, was a hopeless military commander whose political skill were best suited to commanding a Reconstructing city and reestablishing a loyal state government.[39]

Compared with the historiography on New Orleans' other commanders, the scholarship on Banks is profuse and varied. Jeffrey Lash's *A Politician Turned General* is one of the few scholarly works on Stephen A. Hurlbut, who succeeded Banks. Lash argues that Hurlbut may have been well connected, but he was ill-suited to his position. Hurlbut thrashed Banks's labor system, was a war profiteer, and harbored "Negrophobic" sentiment at a time when New Orleans could least afford systemic machinations against people of color.[40] Philip Sheridan took over command of the occupied Southwest once the war had ended, and although the scholarship of Sheridan's career is rich, historians tend to gloss over his time in Louisiana. Roy Morris's *Sheridan* mainly uses Sheridan's time in Louisiana to explore the riot of July, 1866 and Sheridan's quick reaction to that incident. Morris' focus is not Reconstruction in Louisiana, but more Sheridan's actions in putting down insurrections. As such, Morris misreads the intentions of Edward Canby, one of Sheridan's subordinates with regards to Reconstruction. In light of the riots, however, Morris depicts a no-nonsense Sheridan who quickly takes martial measures to

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[38] Harrington, *Fighting Politician*, 105; 112-113; 140.
[39] James Hollandsworth, *Pretense of Glory: The Life of General Nathaniel P. Banks* (Baton Rouge, LA: Louisiana State University Press, 1998), 2; 204-209.
[40] Jeffrey Lash, *A Politician Turned General: The Civil War Career of Stephen Augustus Hurlbut* (Kent, OH: The Kent State University Press, 2003), 156-157.

shut down resistance in New Orleans in the riot's aftermath, and perhaps preventing aftershock clashes as a result.[41]

The questions incident to occupation that the army had not answered, and quite possibly had not yet asked, regarded how much force an army could use against a civilian populace, and what kinds of force was acceptable to use against a civilian populace. The best contemporary point of reference for this question may be from police departments. Dennis Rousey's *Policing the Southern City* is the broadest work on law enforcement in New Orleans during the nineteenth century. Rousey argues that the Union army was at least as effective combating crime as the pre- and postwar civilian police department had been, but minus the problems with corruption and crime that had plagued the peacetime department.[42]

This dissertation seeks to explore issues missing in the current historiography, particularly incident to military-civil relations. The average Union soldier was an important and often overlooked cog in this machine of reunification. Historians have written scores of books and articles treating both the Civil War in Louisiana and the varied sins of commanding generals like Butler, but the record of military-civil interaction has a much shorter historiography despite its obvious importance. For years in the Crescent City, Union soldiers from far away places like Kalamazoo, Michigan and Bangor, Maine kept the peace by patrolling the city streets, guarding polling places, and keeping Confederate guerrilla activity away from the city. They broke up fights, arrested murderers and Confederate agents alike, and made it possible for the city's commerce to restart. They also gambled, visited prostitutes, and stole personal property both

[41] Roy Morris, Jr., *Sheridan: The Life and Wars of General Phil Sheridan* (New York: Crown Publishers, Inc., 1992), 267, 271-274.
[42] Dennis C. Rousey, *Policing the Southern City: New Orleans, 1805-1889* (Baton Rouge, LA: Louisiana State University Press, 1997), 112.

from occupied and unoccupied dwellings. Many Union soldiers had joined the army to put down the rebellion, never expecting that they might be required to live in close concert with the despised rebels.

By the twentieth century, the army would call such military undertakings counterinsurgencies, but the word had yet to be coined when Reconstruction came to a close.[43] Twentieth and twenty-first century military officials emphasized the importance of cultivating and maintaining amicable personal relationships between civilians within occupied zones and the military forces assigned to protecting them.[44] Although this doctrine of occupation would not be taught for well over 100 years, Union soldiers and commanders knew it intuitively. Northern soldiers did not occupy formerly Confederate cities maliciously or with a mind bent on revenge. Southerners spouted vitriol and spread insidious rumors about abuses visited on the heads of the peaceable southern civilians at the hands of Federal soldiers, but any such verified tales were rare. Pre-occupation rumors suggested that Union soldiers' rapacious appetites could hardly be sated. In practice, southern civilians, and women in particular, felt secure enough in the care of Union soldiers that they often remained at home while their sons and husbands fled before the Yankees.[45]

Many Southern civilians would have either accepted the rule of the Union or the Confederacy, but civilians in geographical areas that might experience governmental turnover or change of possession hesitated to cast their lot in with the Union government for fear of reprisal

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[43] Louis A. DiMarco, "Restoring Order: The US Army Experience with Occupation Operations, 1865-1952" (PhD diss., Kansas State University, 2010), 16-17.
[44] United States Department of the Army, *The U.S. Army/U.S. Marine Corps Counterinsurgency Field Manual: U.S. Army Field Manual no. 3-24: Marine Corps Warfighting Publication no. 3-33.5*, (Chicago: University of Chicago Press, 2007), 57.
[45] Ash, *When the Yankees Came*, 19-20.

should the Confederacy return. That Lincoln and members of his administration tabulated these reluctant civilians as automatically loyal to the Union is one of his greatest in a short list of failings. Only when the war was entering its final stages did Washington begin to directly intervene in the affairs of Reconstruction. Lincoln wisely directed local military governments to only allow citizens loyal to the Union to vote. He and his cabinet hoped that this would create a new Union-friendly culture that would allow postwar New Orleans to successfully move on from the grave mistake of rebellion.

Unqualified success of occupation and Reconstruction would consist of civilians recanting their rebellious ways, voting for pro-Union government officials, and accepting expanded legal rights for African Americans. The plan for Reconstruction Louisiana focused on metropolitan New Orleans because of the city's familiarity with and acceptance for free blacks in their society and because relatively few people in New Orleans owned slaves. Intelligent and cultured African Americans lived in New Orleans, so if the new future of post-Emancipation African Americans could be born anywhere in America, it could be born in the Crescent City. The Lincoln administration's hope was that New Orleans could foster support for Unionist policies and politicians, and that its approval for reconstruction would be contagious to other cities and parishes. With any luck, Louisiana would serve as an anchor and a model for Reconstruction in the former Confederacy.

Failure of occupation would mean civilians would elect the same Democrats that had advocated secession before the war and offer strong resistance to any new rights or privileges for African Americans. If the antebellum politicians were the problem, then returning those same men to power would almost render the war's result almost meaningless. Union victory in the war doomed slavery, but without social progress and civil rights African Americans could

only ever remain second class citizens. The dual war objectives of saving the Union and eliminating slavery could both be achieved without Reconstruction fully succeeding.

The reality was somewhere in between complete success and total failure. Pro-Union politicians prevailed in the elections in early 1864 and African Americans rallied for a modicum of political power they felt they had earned through their wartime service. Once the war was over and those fighting for the Confederacy had returned home, voters began rolling back some of the early gains it seemed that the Union was making. Although no longer enslaved, the black population still had comparatively limited wealth and political power. Their only hope was direct intervention of the federal government until they had secured for themselves some basic political rights such as enfranchisement. National movements resulted in the Fourteenth and Fifteenth Amendments which began enfranchising Louisiana's black population, but voters of color required continued federal military intervention to guarantee that neither the state nor its civilians abdicated its responsibilities to African American voters. The federal government failed to guarantee those rights.

This dissertation argues that both the former Confederates living in New Orleans and the Union officials tasked with occupying New Orleans between were consumed with reestablishing what Lincoln called the "Union as it was."[46] For the federal government, the "Union as it was" meant ending the armed insurrection. Keeping the Union intact was the most precious ambition for most northerners, and some within both the Lincoln and Johnson administrations were willing to concede imperfect postwar conditions for African Americans as long as it ended the fighting. For the ex-Confederates, the "Union as it was" meant rejoining the

[46] Lincoln to Belmont, July 31, 1862, *Collected Works of Abraham Lincoln*, vol. 5, 350.

Union, acceding to the elimination of slavery, but keeping African Americans in their antebellum hierarchical condition.

The period on which this dissertation centers stretches from shortly before Union naval forces under Flag Officer David Farragut arrived on the New Orleans coastline in April 1862 to the infamous New Orleans Riot (also called the New Orleans Massacre) of July 1866. This time frame allows a scholarly focus on the civil-military relationship from the perspective of the soldiers and civilians involved and evaluate their contributions to and struggles against national reunification. Reconstruction in Louisiana is altered substantially after 1866, at which time Reconstruction became a more national issue, and important decisions were made on Capitol Hill and Pennsylvania Avenue instead of Baton Rouge and Canal Street.

Chapter one briefly introduces the city of New Orleans on the eve of, and the months following, Louisiana's secession convention. The chapter will introduce items that the following chapters will expound upon in more detail during the Federal occupation, including Unionist sentiment, gendered considerations, interracial relations, military preparations, and the arrival of the Union fleet commanded by Commodore David Farragut. Although sections of New Orleans might have been partially Unionist, the first chapter helps establish that, although some Southerners might have harbored doubts about the wisdom of secession, however fears of going to war did not make them Unionist and did not make them more likely to embrace occupational reconstruction.

Chapter two examines the early military government under Major General Butler and some of the aims of early Reconstruction. To say that Butler's wartime occupation of New Orleans has garnered considerable scholarly attention would be a gross understatement. Many historians have covered Butler's crimes and misdemeanors more thoroughly than I do, but this

chapter's purpose is more about establishing that Butler knew how to successfully counter male-led protests and backroom dealings and was quite successful in so doing. In the course of working to eliminate male resistance, Butler made numerous decisions that both improved conditions in occupied New Orleans and augmented local distrust of and dislike for him. Butler's time as commanding general in the Department of the Gulf was essential to a successful Federal occupation of New Orleans and Louisiana's reintroduction into the Union, but the man was so caustic that his removal was also essential.

If Butler's tenure as the commanding general in New Orleans had been solely focused on cowing male rebels, then his seven months in Louisiana would not have garnered the widespread attention that it has. Chapter three dives into Butler's infamous "Woman Order," which he intended to curb rebellious sentiment that women living in New Orleans exhibited against the Yankee occupiers. As with chapter two, the Woman Order has drawn considerable attention from historians since Butler hastily issued it in May 1862. This dissertation takes this particular issue and raises additional questions that have not yet been widely written about. First, the chapter sheds light on the only famous arrest of a woman under this order, that of Eugenia Levy Phillips, and how Butler's and Phillips' perceptions of gender dictated the politics of occupation. Phillips and Butler each misjudged both popular regard for gender norms and each other as opponents, which miscalculation permanently damaged both of their reputations. Second, no previous historian thus far has paid any attention to the criminal records or court martial proceedings in the wake of the Woman Order to evaluate whether Butler really left the innocent women in New Orleans open to wanton abuse by Union soldiers. The latter part of chapter three examines the behavior of the occupying troops for evidence that these soldiers took the Woman Order as license to misbehave or mistreat women whom they were charged

with protecting. The evidence confirms that Union soldiers posed little danger to women living in occupied New Orleans.

Chapter four focuses on the relative attitude of conciliation that Butler's replacement, Major General Nathaniel Prentis Banks, brought to occupied New Orleans. Civilians did not despise Banks as they had Butler, which allowed anti-Union sentiment to begin to die out. The problems which manifested themselves during Banks's seemingly uneventful tenure highlight what form "everyday life" in an occupied city might have taken. In the calm between the storms of Butler's administration and the post-war racial tensions, soldiers went on and off guard duty, civilians reestablished commerce, fugitive enslaved people sought both jobs and protection, and free African Americans engaged in a combination of all of these. Butler had also accomplished little with the fugitive, or contraband, slaves who fled to Union lines, but Banks created a new program that allowed contraband enslaved people to labor on plantations and receive compensation. In concert with the White House, Banks shortly thereafter began to organize regiments and enlist African Americans to fill out those rosters. The issue of African American soldiers was a familiar one, but their usage in occupied Louisiana brought issues such as class, abolition, and enfranchisement to the surface that forced both civilians and Federal officials to consider those issues before they would have liked. Because of their strange and temporary station as laborers in limbo, somewhere between enslaved and free, I use the terms "contraband," or "unfree labor" in this chapter to describe African American laborers who "owed service" but whose compensated labor the government allowed contracted out. Although I readily acknowledge the lack of precision of using the terms "contraband" or "unfree labor" to describe these individuals, I feel they have certain merits over "slave" or "enslaved person" because of the awkward and unique legal status in which the laborers found themselves.

Chapter five explores the beginning of a return to normalcy on the eve of the planned transition from military control to civil control. By the end of 1864 or the beginning of 1865, the city had finally started to feel as it had before the war started. The civilian government was getting back in full swing, locals were celebrating holidays, and many soldiers who had served in the Confederacy were finally returning home. The one thing that would not return to normal was the new station that African Americans occupied. Black soldiers and police officers patrolled the city streets, influential black citizens and veterans lobbied for enfranchisement, and new schools taught the children of slaves and former slaves how to read. This newfound progress proved illusory when Republican state party members convened in the city in July 1866. A large mob of former Confederate soldiers, civilians who felt threatened by the African Americans' rising power, and New Orleans police officers attacked the convention goers. By the time federal troops intervened, about fifty pro-enfranchisement blacks lay dead. The previous four years of Reconstruction in Louisiana had not accomplished what their advocates had hoped. Even in Lincoln's beau ideal of a Reconstruction town, there was a long way to go.

Chapter One: City in Transition

John L. Manning of South Carolina and John A. Winston of Alabama made their way to the head of the room at the invitation of Governor Thomas O. Moore of Louisiana himself. The delegates present, representing nearly all of Louisiana's legislative districts, greeted the esteemed gentlemen with a standing ovation as the honored guests took the stand. Manning and Winston, both former governors of their respective states, accepted Moore's invitation and sat at the right of the convention's presidential delegation. The legislature would shortly invite the distinguished gentlemen to address the assembly. The visit carried more significance than a typical social call to a legislative session by two former governors. Like diplomatic envoys from a foreign government, Manning and Winston had a specific mission to accomplish: convince Louisiana to secede.[1]

Louisiana needed little encouragement. In Louisiana as throughout the south, the idea of secession was not new. The New Orleans *Crescent* had begun discussing secession as far back as August 1860, and Senator John Slidell privately confided to a friend prior to Lincoln's election that he doubted whether the union could last.[2] The minutes of Manning's and Winston's speeches indicate only that the two delegates addressed the assembly and presented the ordinances of secession passed in the South Carolina and Alabama legislatures. According to the

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[1] Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville, VA: University of Virginia Press, 2001), 47; Louisiana State Legislature. *Proceedings of the Louisiana State Convention, Together with the Ordinances Passed by Said Convention, and the Constitution of the State, As Amended* (New Orleans, LA: J.O. Nixon, 1861), 12. Cited hereafter as "Proceedings of the Louisiana State Convention."

[2] "Political Items," New Orleans *Crescent*, August 15, 1860. http://www.newspapers.com?product=newscomwc/image/167095640. Accessed March 19, 2019; Payton McCrary, *Abraham Lincoln and Reconstruction: the Louisiana Experiment* (Princeton, NJ: Princeton University Press, 2015), 56.

New Orleans *Daily Delta*, Manning spoke first, and claimed that the Southern rationale for seceding was "well known," and that he did not need to reiterate those causes. He then claimed that each slaveholding state, in order to preserve its "common defense" must secede and band together in order to resist its "avowed enemies."[3] Governor Winston's remarks were briefer, and he made mention only of the manly assertion that Alabama would lead, and that it could not be submissive to the will of a virtually foreign government. The legislature heartily applauded each delegate's remarks.[4]

The months leading up to Louisiana's vote on secession had been turbulent ones. For many of the South, their worst fears had been realized. Lincoln—that Black Republican, the "sectionalist candidate" from a party so "hostile in its attitude, not only to the South, but to every principle of honest constitutional construction"—had been elected president.[5] Despondent newspapers on November 7, 1860 lamented the "loss" of the election to Lincoln. South Carolina's threats of secession had not worked to dissuade Northern voters from electing Lincoln, and now many slaveholding states would have to consider their next move. The New Orleans *Sunday Delta* wrote with a kind of melancholic determination following the election: "We turn from the past much more in sorrow than in anger…The past has proved a failure; with that fact to start with, let us try the future. Nay, there is no other alternative. We must make the future either our enemy or our friend. We must conquer it, or it will conquer us. The sooner we

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[3] "Speech of the South Carolina Commissioner: Ex-Gov. Manning," New Orleans *Daily Delta*, January 26, 1861. http://www.newspapers.com?product=newscomwc/image/283450517. Accessed 01/29/2019.
[4] "The Commissioner from Alabama—Synopsis of his Remarks," *Daily Delta*, January 26, 1861.
[5] "The Result," New Orleans *Times-Picayune*, November 7, 1860. Accessed November 29, 2018. http://www.newspapers.com?product=newscomwc/image/26562582.

set about the conquest, the better."[6] Many like-minded Louisianans called for the state's immediate secession, and Governor Moore scheduled a preliminary state convention for December 10.[7] The convention then directed that a special election for December 23 take place. Delegates elected during that day would convene in January to determine the question of secession.

The writing on the wall may not have been as clear as it appears in hindsight.[8] The editors of the *Times-Picayune* called for a reasoned, more restrained resistance to the Republican ascendancy. In an editorial published on November 8, 1860, the paper pointed out that Congress, which had seen several Republican defeats in key places, still enjoyed enough of a Democratic presence to stem the Northern Abolitionist tide. "The first impulse of thousands of good and true citizens of the South doubtless is to resist," the editors wrote, but reminded their readers that Congress "will present a good working opposition to any policy that is not national in its character," and urged its readers to exercise patience and place trust in the Constitution until "this Government has proved a failure, and all hope of freedom is lost."[9] On November 10 the *Crescent* cited a correspondent from New York who had assurances from South Carolina that South Carolina would not pursue secession unless the Lincoln administration were to commit some "acts of injustice."[10] The Houma *Civic Guard* attempted to reassure its "Union

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[6] "The Agony Over," New Orleans *Sunday Delta*, November 11, 1860. Accessed January 31, 2019. http://www.newspapers.com?product=newscomwc/image/281676448
[7] Vincent H. Cassidy and Amos E. Simpson, *Henry Watkins Allen of Louisiana*, (Baton Rouge, LA: Louisiana State University Press, 1964), 66.
[8] William W. Freehling, *The Road to Disunion: Secessionists Triumphant, 1854-1861* vol. 2, (New York: Oxford University Press, 2007), 452.
[9] *Times Picayune*, "The Result." November 8, 1860. Accessed November 29, 2018. http://www.newspapers.com?product=newscomwc/image/26562582.
[10] "The Secession Movement," New Orleans *Crescent*, November 10, 1860. Accessed March 19, 2019. http://www.newspapers.com?product=newscomwc/image/167105779.

friends" that the meeting was, "not called with any view to fostering secession, but merely to determine on the propriety of calling upon the Governor to convene an extra session of the Legislature."[11] Whether these editors genuinely thought that the convention was merely a peaceful tool or their real intent was to stifle any pro-Union sentiment matters little. As soon as voters went to the polls in the special election and the majority of representatives elected were pro-secession slaveholders, the secession fever previously germinated now took root in Louisiana.[12]

The special election was not without controversy, as twenty-five percent fewer voters cast ballots in the special election than had in November's general election. The low turnout almost certainly altered the outcome of the special election considering that, while voters sent an overwhelming number of secessionist delegates to Baton Rouge, the overall margin of victory for secessionists statewide was 20,488 votes to 17,296.[13] The foregone conclusion that the elected delegates would vote to secede belied how close the overall majority was. For this reason, pro-Union sentiment seemed non-existent. Many Louisianans who might have swung the vote—if not toward Unionism then at least toward compromise or cooperationism—did not cast ballots in the special election. Reflecting on the general election results that had seen Unionist candidates Bell and Douglas combine for more votes than Southern Democratic

[11] "Spirit of the Louisiana Press," as cited in the New Orleans *Carrolton Sun*, November 21, 1860. Accessed March 26, 2019. http://www.newspapers.com?product=newscomwc/image/75711299.
[12] John D. Winters, *The Civil War in Louisiana*. (Baton Rouge, LA: Louisiana State University Press, 1963), 8-9.
[13] Capers, *Occupied City*, 22.

candidate John C. Breckinridge, such a decisive swing away from Unionism toward separation only a few weeks later was unexpected.[14]

The *Times-Picayune*'s admonition fell on deaf ears. The New Orleans *Bee* had steered a more moderate course prior to the election, but once the results of the election were certain, the *Bee* began advocating disunion. The *Delta* and the *Bee* initially were concerned that secession might be too rash, but these soon began advocating secession just as loudly as other outlets.[15] Soon, residents of New Orleans began sporting cockades displaying a silver pelican emblem wreathed in blue ribbon as a sign of support for Louisiana's secession. Once the initial wave of newspapers urging patience immediately following the presidential election had subsided, it seems that most people in New Orleans were so caught up in the rightness of the Southern cause that they spared little thought for unionism.

There were, nevertheless, continued cries against separation. Some of the loudest and most powerful of these protests against disunion were from businesses, as money markets initially feared the devaluation of currency and other goods that might follow a departure from the United States. The *Crescent* reported on November 17 that even Charleston, South Carolina—the capital of the separatist movement—harbored doubts about secession. According to the report, "businessmen, artisans, merchants," as well as "professional classes" were against the proposed secession.[16] Perhaps there was something legitimate to these concerns. Only a few weeks after the election, the *Delta* reported that banks in New York carried out transactions only "with great difficulty," and that the value of cotton had nearly halved in France, but that

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[14] Capers, *Occupied City*, 20. Capers further notes that the vote in New Orleans had been even more decisive, with a three-to-one ratio in favor of Douglas and Bell over Breckinridge.
[15] McCrary, *Abraham Lincoln and Reconstruction*, 57.
[16] "No Unanimity for Secession," New Orleans *Crescent*, November 17, 1860. Accessed March 26, 2019. http://www.newspapers.com?product=newscomwc/image/167106770.

American stocks and goods traded on the British market remained unchanged.[17] Southern merchants and papers pleaded with businessmen in the rebelling states to maintain their calm, and their pleas may have helped delay economic trouble for a time. Hope, however, could only delay the realities of economic disquiet for a time.

The trade concerns regarding the transatlantic cotton market were real. For as much as the Southern papers touted how little secession had harmed the international cotton trade, papers over the next several months reported either reductions in the value of cotton or plateauing market value. The *Crescent* lamented on November 22 reports of cotton bales sitting unsold on Georgia docks as textile mills both in Britain and New England experienced difficulty in securing loans from New York banks. According to the report, New York financiers were offering £500,000 sterling for 212,000 bales of backlogged cotton—a devaluation of nearly fifty percent from the previous year.[18] Dire economic news notwithstanding, newspapers in New Orleans for some time carried on the curious habit of insisting that the seceded economy was healthy on one page, and then abuse Northern and European banks and markets for stagnating commerce on a subsequent page. Economic realities were encroaching on economic rhetoric, and southern businessmen did not appreciate the disparity.

The delegates elected during the December special election gathered in New Orleans in January 1861 with the objective of deciding the question of secession. Like many other southerners, Louisianans presumed that canceling their relationship with the federal union would be nearly as painless as voting on the issue. The *Times-Picayune* printed a summary of a

[17] "Commercial Intelligence," New Orleans *Daily Delta*, November 20, 1860. Accessed March 19, 2019. http://www.newspapers.com?product=newscomwc/image/281536766.
[18] "Talk on Change," New Orleans *Crescent*, November 22, 1860. Accessed March 26, 2019. http://www.newspapers.com?product=newscomwc/image/167107517.

Senate debate wherein Representatives Dan Sickles (D-NY) and John Sherman (R-OH) urged a peaceable solution to the question of secession.[19] The *Times-Picayune* further reported that stocks rose on January 13 due to an announcement by soon-to-be Secretary of State William Seward that he intended to adjudicate the "difficulties pending between the two sections."[20] This somewhat ambiguous report might have led misguided pro-Union hopefuls to believe that Seward might be able to reverse the tide of secession, and pro-secession hopefuls to conclude that the Confederate states might be allowed to depart peaceably.

Newspapers excitedly reported on the convention's progress each day, and the accounts of the convention made a vote in favor of the proposal seem inevitable. An article in the *Times-Picayune* published on January 9 already counted Louisiana as among the seceded states, even though the legislature had yet to formally take action.[21] Similarly, the *Daily Delta* exulted that secession was "inevitable" on January 19.[22] Although Louisiana had traditionally been a moderate and firmly pro-Union state, the general consensus of members of the state government was that it was Louisiana's duty to preserve the rights of Louisianans and the other slaveholding states was greater than the state's duty to the Union.[23]

Confederate rhetoric shifted from righteous anger to defending the decision to secede, with both men and women fit to burst with fervor for the cause. Catherine Devereux of North

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[19] "Proceedings of the House," *Times Picayune*, January 19, 1861. Accessed November 14, 2018. http://www.newspapers.com?product=newscomwc/image/25541579.
[20] "Letter from Washington," *Times-Picayune*, January 23, 1861. Accessed November 26, 2018. http://www.newspapers.com?product=newscomwc/image/25541806.
[21] "What is Next," *Times-Picayune*, January 9, 1861. Accessed October 31, 2018. http://www.newspapers.com?product=newscomwc/image/26563025.
[22] "From our Evening Edition of Yesterday," *Daily Delta*, January 19, 1861. Accessed February 21, 2019. http://www.newspapers.com?product=newscomwc/image/283450316.
[23] Jefferson Davis Bragg, *Louisiana in the Confederacy* (Baton Rogue, LA: Louisiana State University Press, 1941), 5-6.

Carolina decried a Unionist friend in her diary in February 1861, "Sister Frances is a terrible Unionist! Right or wrong, this 'Glorious Union' is every thing. Now it is no longer glorious—when it ceases to be voluntary, it degenerates into a hideous oppression."[24] The *Sunday Delta* mirrored this sentiment, and while acknowledging that Louisiana had the most of all the slaveholding states to gain from a conservative policy, that "Louisiana has publicly, formally, and by authentic and sovereign act, repudiated a Union which was without friendship, and a despotism which could not offer even the poor boon of a tranquil servitude."[25] At a meeting of Freemasons in New Orleans in 1862, the members present claimed that, "a wicked and inhuman war has been waged against us by those who were late our brethren, marked with an atrocity and vindictiveness which we had hitherto believed belonged only to a past and barbarous age."[26] Such sentiments conveyed an often unwritten suggestion that the rightness or justness of the Southern cause would carry the day. Southerners did not yet allow themselves to imagine that the North could rightly protest any state's decision to secede. The editors of the *Daily Delta* perhaps best expressed this mindset when they called for President Buchanan to peacefully release the seceding states, thus also freeing the "Federal Government from the scandal and disgrace of assuming a position it cannot maintain."[27] It seems that many rebels were either so

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[24] Beth G. Crabtree and James W. Patton, *Journal of A Secesh Lady: The Diary of Catherine Ann Devereux Edmonston, 1860-1866* (Raleigh, NC: North Carolina Division of Archives and History, 1979), 35.
[25] "The Last of the Union in Louisiana," *Sunday Delta*, January 27, 1861. Accessed January 31, 2019. http://www.newspapers.com?product=newscomwc/image/283614116.
[26] "Proceedings of the M.E. Grand Chapter of Royal Arch Masons of the State of Louisiana at its Fifteenth Annual Convocation, begun and held in the Masonic Hall, City of New Orleans, on Tuesday, Feb. 11, A.D. 1862, and in the Year of the Order, 2396," 6.
[27] "From our Evening Edition of Yesterday," *Daily Delta*, January 19, 1861. Accessed February 21, 2019. http://www.newspapers.com?product=newscomwc/image/283450316.

convinced of the superiority of the South or overestimated the South's importance to the outside world that they would not see the troubles they would face.

The ebullient attitude over the prospect of secession was no less potent in New Orleans than in other Southern cities, but there were also a fair number of citizens disturbed at the prospect of war with the United States. On January 25, the day the ordinance of secession was announced in newspapers, the *Times-Picayune* paused its reverie to give voice to these concerns. "[A]ll loyal citizens will bow to the decree, but many will not admit that secession is necessary or wise. In their view, there are numerous and serious objections to it, and they hold that resistance within the Union would be the better, more efficient and safer course."[28] Even ardent secessionists such as Mary Chestnut and Catherine Devereux expressed some reservations. On February 18, Mary Chestnut wrote, "I remember feeling a nervous dread and horror of this break with so great a power as U.S.A., but I was ready and willing."[29] Others, while supportive of the cause of secession for its necessity, were nevertheless reluctant to precipitate the Union's dissolution. Eugenia Levy Phillips, who ostensibly avoided the male arena of politics, remarked that her husband Philip, a former representative and member of the South Carolina Supreme Court, discussed secession only with a great deal of "anguish and forboding [sic]."[30] Sugar plantation owners were caught between the desire to see the institution of slavery preserved and the desire to maintain the strong trading status quo. With their extensive slave holdings, sugar planters broadly supported secession, but a small group of

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[28] "Secession," *Times-Picayune*, January 25, 1861. Accessed November 26, 2018. http://www.newspapers.com?product=newscomwc/image/25542120.
[29] C. Vann Woodward, *Mary Chestnut's Civil War Diary* (New York: Yale University Press, 1981), 4.
[30] Eugenia Levy Phillips, "Mrs. Phillips: A Southern Woman's Story of Her Imprisonments in 1861 and 1862," P. Phillips Family Papers, Library of Congress, MSS36087, Box 1. Cited hereafter as "Phillips—A Southern Woman's Story."

planters in southern Louisiana opposed the move, even if their voices were overwhelmed at the secession convention.[31]

New Orleanian Unionists were not all cut from the same cloth. Some would have thought that the best way to preserve Southern rights would have been to remain in the Union, while others would have been more adamant in preserving the Union because of a national identity.[32] What is certain of Unionists in and around New Orleans during the secession period is that they were on the defensive, and likely simply laying low. Even prominent post-occupation Unionists like Michael Hahn are difficult to track during the secession period.[33] Any New Orleans residents who might have had doubts or misgivings as to Louisiana's secession were reluctant to publicize those sentiments. His fellow citizens banished DeWitt Roberts, a local printer, from New Orleans because of his outspoken Unionism. Following Fort Sumter's shelling in April, Judge Philip H. Morgan spoke at a rally at the Henry Clay statue on Canal Street when he criticized the Confederacy for resorting to violence against the Union. The crowd responded by burning Morgan in effigy.[34] Morgan was not a "traitor" as the crowd labeled him—merely a concerned citizen who deigned to question the wisdom of attacking the United States head-on. Morgan would, in fact, prove to be a loyal Confederate, serving as captain in company E of the Orleans Light Guards.[35] Even those with decidedly pro-Confederate sympathies could find themselves on the wrong end of public fervor.

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[31] Charles P. Roland, *Louisiana Sugar Plantations During the Civil War* (Baton Rouge, LA: Louisiana State University Press, 1997), 19-22.
[32] Capers, *Occupied City*, 22-23.
[33] Winters, *Civil War in Louisiana*, 134.
[34] Rousey, *Policing the Southern City*, 103.
[35] P.H. Morgan, "Orleans Light Guards, Company E," *Times-Picayune*, June 26, 1861. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/28346045.

The prospect of voter intimidation or suppression in such a pivotal election was a real possibility.[36] The *Delta* reported on January 12 that a state representative named Bouligny remained a Unionist, but the paper made certain to stress that Representative Bouligny had "received numerous appeals from his constituents," as though assuring the reader that Bouligny's radical position did not align with that of his constituents.[37] Unionists like Bouligny are conspicuous by their scarcity. Those who expressed doubts as to either the wisdom, practicability, or legality of secession could be called "Unionist," "Co-operationalist," "Lincolnite," or worst of all, "submissionist." These terms were used with a palpable contempt almost interchangeably depending on the speaker's need for an epithet.[38]

In the face of such rhetoric and in light of all the pro-secessionist editorials published during 1861, newspaper readers could find themselves believing that no Unionists resided in the city. This was not the case, but since Unionism represented the "deadliest ideas in the South," papers and editors took great care to keep the Unionist voices muted.[39] Papers were largely interested in discussing Unionists only when these were willing to actively support the Confederate cause. Special correspondents to the *Delta* reported in September that Unionist Tennessean George W. Bridges was raising a regiment for the Confederacy despite his Union proclivities. The correspondents rashly predicted that lack of Unionist sentiment would bring

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[36] Capers, *Occupied City*, 23-24.
[37] "A Louisiana Unionist" *Daily Delta*, Jan 12, 1861. Accessed March 2, 2019. http://www.newspapers.com?product=newscomwc/image/283450056
[38] "What is Next," *Times-Picayune*, January 9, 1861. Accessed October 31, 2018. http://www.newspapers.com?product=newscomwc/image/26563025.
[39] "Southern Independence Secured by Lincoln," *Daily Delta*, May 26, 1861. Accessed March 2, 2019. http://www.newspapers.com?product=newscomwc/image/283624002.

peace to East Tennessee.[40] In reality, Bridges, and many East Tennesseans like him, would raise a Union regiment and East Tennessee would remain staunchly Unionist throughout the war.[41]

There were many such ardent defenders of the national Union in Louisiana, many or all of whom were no less desperate to preserve the rights of the slaveholding states than secessionists. Many of this brand of Unionists felt that the rights of slaveholders were better preserved inside the Union than out, a sentiment shared by many prominent Southerners, including Andrew Johnson.[42] Joseph Rozier, one of the delegates to the special legislative session, was concerned that the rights of Louisiana would emerge from a civil war weakened, and that the economy might be devastated. Delegate James Taliaferro expressed objections on the legal grounds that secession was unconstitutional, and predicted that a war would devastate Louisiana's political and economic interests. Almost everyone ignored even moderate Unionists such as these men in the fever pitch of secession.[43]

The question at hand was not merely a question of masculinity but a question of white masculinity, which could not be called into question if the Confederacy were to succeed. The editor of the *Times-Picayune*'s pen bristled at the "submission and surrender" of the Northern Democratic party to "such a dictator as Abraham Lincoln," and marveled at the lack of Northern backbone or manliness in the face of the "manly, firm, and unyielding resistance" of the South.[44] The editor of the *Delta* seethed when he reported that a northern Lincolnite would

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[40] "From Our Army in the West," *Sunday Delta*, September 1, 1861. Accessed March 2, 2019. http://www.newspapers.com?product=newscomwc/image/283626562.
[41] Thomas William Humes, *The Loyal Mountaineers of Tennessee* (Ogden Brothers & Company: Knoxville, TN, 1888), 353.
[42] John Cimprich, *Slavery's End in Tennessee, 1861-1865* (Tuscaloosa, AL: University of Alabama Press, 1985), 34.
[43] Winters, *The Civil War in Louisiana*, 13.
[44] "Freedom of Opinion at the North," *Times-Picayune*, June 7, 1861. Accessed March 2, 2019. http://www.newspapers.com?product=newscomwc/image/28345867.

"blow the 'rebel' South sky-high," taking extra care to highlight the word "rebel" as this term suggested a direct affront to Southern manliness and purpose. Suggesting that the seceded states were rebels, instead of gentlemen justly and honorably exercising their God-given privileges was more than the journalist could bear. He lost no time in citing a statement given by the mayor of Hartford, Connecticut intended to assuage his readers. The Hartford mayor had apparently tried to convince the Lincoln administration not to undertake a war of "conquering and…subjugation" of the "indomitable race of men" inhabiting the South.[45] The insertion of this comment at this juncture reveals that at least this Southern gentleman was not about to have the manliness of the white men in the South impugned by Black Republicans who understood nothing of white male honor or rights. Northern allies of Lincoln were universally debased as being militant conquerors, where Southern men were portrayed as an "independent and unconquerable" people.[46]

Masculine emphasis is important in the face of Louisiana's choice to secede from the Union. The Southern desire for self-government in order to retain possession of their slaves represented the masculine desire to dictate the terms of their own lives and social standings. To be forced into poverty by an alien Northern Abolitionist would represent a loss of agency and emasculating submission unbefitting any self-respecting man. Southern masculinity went well beyond even this well-established point in order to try to elevate the manliness of the Southern man to new heights. Under the "old" government, the *Times* of London asserted in February, 1861, that the South had been "tributary, in hundreds of ways, to the North," but that the new

[45] "What the Morning Journals Say," *Daily Delta*, May 1, 1861. Accessed March 1, 2019. http://www.newspapers.com?product=newscomwc/image/283454207.
[46] "Lincoln's Congress," *Times-Picayune*, April 17, 1861, Accessed March 1, 2019. http://www.newspapers.com?product=newscomwc/image/25557258.

confederacy was released from this "vassalage" and could retain its wealth rather than sending it into the "lap of the North."[47]

This attitude of masculine competence to provide was an important one to establish. Sir William Howard Russell, British war correspondent, recalled an evening conversation with former Louisiana governor André Bienvenu Roman which took place on Roman's plantation. Although Roman had been one of the only seventeen delegates to oppose secession during the secession convention in January, Russell reported that Roman was open in his praise for Jefferson Davis. One of Roman's friends, a Mr. Forestall, brazenly claimed that the South could "raise an enormous revenue by a small direct taxation; whilst the North, deprived of Southern resources, will refuse to pay taxes at all, and will accumulate enormous debts, inevitably leading to its financial ruin."[48] Forestall's assertion represents more than Southern hubris. Southern attitudes toward masculinity had changed so rapidly that Russell's company believed that, not only were Southern gentlemen due the right to self-government, but also that the providing power of the South was so great that even the North relied on the capacity of Southern men to produce wealth for them. This adroitly reversed the perception of the pre-secession gender roles wherein the North was in a position to dominate the South.

Southerners seemed eager to state (or overstate) their importance to the Atlantic World, either to attempt to influence both Northern and European intervention in the Confederacy, or to reassure themselves of the rightness or security of their position. A Manchester *Examiner and Times* article in February suggested that England would have to look elsewhere for cotton, and

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[47] "The London Times on the Secession of the Southern States," as printed in the *Times-Picayune*, February 12, 1861. Accessed March 19, 2019. https://www.newspapers.com/image/175065692.
[48] William Howard Russell, *My Diary, North and South* (Harper & Brothers: New York, 1954), 142.

that the possibility of armed blacks in the South made the Confederacy's position tenuous. The editors of the *Crescent* rejected the idea that the Northern states would attempt what the paper called a "Union of brute force," believing or hoping that the Northern Union would view secession for what it was: the gentleman's maneuver for asserting independent manliness by opting out of the Union. This belief was so concrete that the authors went so far as to say that many Northerners would take up arms to protect Southern masculinity from federal overbearing should war break out.[49]

With respect to the notion that widespread labor unrest would doom the Confederacy, the *Crescent* cited the lack of labor unrest during the Mexican War as a primary reason for trusting that plantation labor would continue unabated in the event of war. Louisianan masculinity and Negro submissiveness would be easily capable of simultaneously keeping paternal order on plantations and fulfilling the protector's responsibility of repelling invaders. Any Negroes who might be inclined to fight would do so "in *defense* of his master, not *against* him."[50]

Racial paternal considerations would, of course, extend to both slaves and free blacks given that the "natural condition" of the negro race was one of subservience to the white race. Free blacks were the near-invisible demographic during the Confederate period. Because free people of color had seen some rights eroded away in the post-*Uncle Tom's Cabin*-era, outspoken Unionist sentiment among non-enslaved African Americans was rare. While few free African Americans in Louisiana owned any slaves, many still backed an independent Louisiana. This is

[49] "Some Mistakes Corrected" New Orleans *Crescent*, February 8, 1861. Accessed March 28, 2019. https://www.newspapers.com/image/175064749.
[50] "Some Mistakes Corrected" New Orleans *Crescent*, February 8, 1861. Accessed March 28, 2019. https://www.newspapers.com/image/175064749. Italics present in the original.

likely due to the fact that these free blacks wished to make the political decisions that would guarantee their own personal economic futures as opposed to championing potentially dangerous causes such as racial equality.[51] Whether born of self-preservation or simply appreciative of a social standing higher than free blacks even from other Southern states, free Louisianans of color shared an inherent conservatism with their white counterparts, lack of suffrage notwithstanding.[52] This free black loyalty to the Confederate cause would soon prove tenuous, but during late 1860 and 1861, conditions in New Orleans compelled African Americans to be either active or ostensible supporters of the Confederate cause.

Even with that consideration in mind, a number of free blacks did own slaves, and they were no less intent on preserving the rights of the slaveholder than their white counterparts. Free Negroes around Natchitoches organized their local Home Guards with the intent to prevent slave uprisings. Jordan B. Noble, a veteran of the War of 1812's Battle of New Orleans, raised a company of 100 free colored men and offered his services to the governor.[53] Governor Moore was initially predisposed to accept Noble's offer, and the similar offer made by more than 3,000 free blacks that might have ultimately comprised three Negro Confederate regiments. Moore would eventually officially incorporate about 1,500 free blacks into militia as the "Native Guards," but General Lovell opted not to do anything with this resource, even once the Native Guard offered to serve in a support role escorting Union prisoners from one prison to another.[54] The concern their white neighbors must have felt at the prospect of arming so many African

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[51] Michel Séligny, *Homme Libre de Couleur de la Nouvelle-Orléans: Nouvelles et récits* (Laval, Québec: Les Presses de L'Université Laval, 1998), 26.
[52] H.E. Sterkx, *The Free Negro in Antebellum Louisiana* (Cranbury, NJ: Farleigh Dickinson University Press, 1972), 200-202.
[53] *Daily Delta*, "The Plauche Guards," June 27, 1861. Accessed May 20, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283455250.
[54] Capers, *Occupied City*, 216.

Americans—even if these were free citizens—outweighed their willingness to accept the offer from people like Noble. Even a Confederacy starved of manpower could not allow itself to acknowledge the contributions or masculinity of its colored citizens.[55]

The importance of race to the Southern cause has been well established by scores of historians, but its pervasiveness in the rhetoric, words, and thought of the residents of New Orleans deserves special attention, as does the singular attachment of the name of Lincoln to the erosion of white rights. The *Times-Picayune* wrote of the metaphorical "complexion" of "Lincoln's Congress" in April, 1861. The *Times* cannot help but pepper a seemingly innocuous article about the size of the Republican majority in Congress with unnecessary, but telling, adjectives. Congress could govern "Lincoln's dictatorship," which had just added Kansas (the "abolition pet") to the "old" Union, but Congress could convene only with Democratic help, since the "Black Republican" representatives, "tinged" by their ideology, could not command a single-party quorum.[56] The article is determined to insert as many terms suggestive as Northern Blackness and intended subjugation as possible. No Southern man worthy of being called such could bow to the will of a race not his own or of a society not his own.

In an editorial piece on the January 9, 1861, the editorial staff of the New Orleans *Times-Picayune* attempted to project the fate of the newly-seceded states. The eight states that had either voted in favor of secession or that the *Times-Picayune* staff had projected would secede amounted to "three millions of whites—a number exceeding that of the whole thirteen colonies who made and went through the American revolution." Perhaps the editors had convinced themselves that the southern revolution would take place without bloodshed by leveraging their

[55] Blassingame, *Black New Orleans*, 33-34.
[56] "Lincoln's Congress," *Times-Picayune*, April 17, 1861. Accessed November 20, 2019. https://newscomwc.newspapers.com/image/25557258.

argumentum ad populum against the will of the federal government. "We have the idea, too," they conclude, "that there are other powerful securities against persistence in the attempt to oppose these secessions by war."[57]

The *Daily Delta* leveraged a similar kind of support—this time from the Confederacy's females—when it reported a story from South Carolina on January 19. A recently-mustered regiment in South Carolina had been called into action before their uniforms had been properly fitted. In order for the regiment to meet its responsibility, it had boarded the train for Charleston sans uniforms, but accompanied by a battalion of women who worked on the train to complete the tailoring en route. By the time the train had arrived at its destination, the soldiers stepped out of their carriages ready for duty in immaculately tailored uniforms. How could the Yankees conquer the "husbands and sons of such wives and mothers?"[58] Considering the masculine ability of the Southern male to withstand Northern maleness coupled with the superb Southern femininity fulfilling their gendered support roles, Confederates naturally felt that they could not fail.[59]

Faithful churchgoers might also encounter charged political discourse when they attended Sunday services, but the language of race is often conspicuous only for its absence from sermons. Reverend Joseph B. Walker of the McGehee Methodist Church delivered such a sermon on the Confederate National Day of Fast on Sunday, June 13. Among the list of grievances Walker provides for justifying supplicating Divine Providence on this day, he

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[57] *Times-Picayune*, "What is Next," January 9, 1861. Accessed October 31, 2018. http://www.newspapers.com?product=newscomwc/image/26563025.
[58] *Daily Delta*, "Patriotism of South Carolina," January 19, 1861. Accessed February 21, 2019. http://www.newspapers.com?product=newscomwc/image/283450316.
[59] Drew Gilpin Faust, "Altars of Sacrifice: Confederate Women and the Narratives of War," in Catherine Clinton and Nina Silber, eds., *Divided Houses: Gender and the Civil War* (New York: Oxford University Press, 1992), 172.

includes, "spoliations on our property," the "immediate issue between the North and the South," names Lincoln the "sectional man," but tiptoes around race and slavery. He does fall back on the gendered argument of submission when he claims that Lincoln "proudly demanded that we should submit to the will of a dominant and overmastering majority," and pleaded with his audience to resist these Northern "aggressions."[60] Although Walker astutely and deliberately avoids mentioning race directly, he clearly intends the "overmastering majority" as an overt allusion to the perceived Northern attempt to subjugate the South, a position which they could not honorably accept as proud white males.

A sermon delivered by Reverend Charles Thomas of the Church of the Messiah printed verbatim in the *Times-Picayune* began by quoting the New Testament: "[c]an ye not discern the sign of the times?"[61] Thomas' lesson includes allusions to a "spiritual despotism," a "higher law" than the law of the land, and an "ill-regulated home." But then Thomas concludes his remarks with a surprising take on masculinity: "reverence is the primal and largest element of real greatness. It includes intelligent scrutiny and earnest love, and so it gives power, peace, and consolation. So it is always the type of the truest manliness. So it wins victories whose influence is the life of the world…It quietly and kindly wins its way amid the obstacles and corruptions of the world, and saves from destruction the very hostility that would destroy it."[62] Thomas' remarks certainly do not read like a clarion call to righteous arms as he advocates calm assurance and measured response in the face of both real and perceived slights on Southern

[60] Joseph B. Walker, "Fast-Day Sermon," *Times-Picayune*, June 16, 1861. Accessed March 1, 2019. http://www.newspapers.com?product=newscomwc/image/28345923.
[61] Matthew 16:3.
[62] Charles Thomas, "Irreverence," *Times-Picayune*, February 2, 1861. Accessed March 2, 2019. http://www.newspapers.com?product=newscomwc/image/25543513.

honor, manliness, and faith. Thus, manly support for the secession was founded upon the ability to provide, self-governance, and faith.

For all these reasons, those still harboring either latent or private Union sentiment apparently resolved to do so in secret. Even though the vestiges of Unionism seemed frail in New Orleans, it is clear that many residents were uncomfortable with the rebellion. Henry Wentzell of Boston forwarded a tip to Secretary of the Navy Gideon Welles from a loyal resident of New Orleans regarding the fitting of ships there as privateers.[63] Tips like this one resulted in the capture or destruction of several such blockade runners, and foreshadowed the Confederate naval weaknesses that would lead to the Federal capture of New Orleans the following year.

There were class considerations as well, since many early Louisiana regiments were predominantly populated by people who could never dream of affording a slave. This mainly class-based problem caused a rift between members of the societal elite and those of the middle and lower classes, both in the ranks and in the city. Some farmers in one Louisiana brigade were heard to mutter that "'a rich man's son's too good to fight the battles of the rich.'"[64] This misunderstanding undoubtedly led Lincoln and other policy makers to falsely conclude that, once the Rebel armies had been defeated, southern loyalists would flock to the Stars and Stripes. The class uprising Lincoln had anticipated never materialized.[65]

But those considerations were still far away, and for the next several days, weeks, and months, New Orleans newspapers dedicated substantial print space to discussions and

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[63] Wentzell to Welles, May 23, 1861, in *Official Records of the Union and Confederate Navies in the War of the Rebellion, Ser. 1 vol. 1* (Department of the Navy: Washington, DC: 1894), 26. Cited hereafter as *ORN, vol. 1.*
[64] Winters, *The Civil War in Louisiana*, 73.
[65] Lang, *In the Wake of War*, 39-40.

conjecture regarding the potential Federal response and the strength of that response. Mayor John T. Monroe published an open letter to Thomas O. Moore, the governor of Louisiana, regarding the "hostile attitude" of the Federal government and requested state military assistance in meeting the demands of the defense of New Orleans, which Monroe projected to be of great importance.[66] Within the next month, Louisiana seized all federal government installations including the Mint, Custom House, and barracks. The legislature made provisions to raise one infantry and one artillery regiment, pay its soldiers at the same rate as had the United States Army, and directed these troops be made available to the Confederacy if they were not needed to directly defend Louisiana.[67] As the demands of the war in other theatres became clearer, President Jefferson Davis effectively gutted the Louisiana Home Guard, leaving Louisiana with only a token defensive force.

Manpower was not the only consideration for Louisiana's defense. Major General Mansfield Lovell, commander of the Louisiana Militia, seemed woefully unprepared for any concerted attack that might be made upon the state. In late October 1861, Lovell and acting Secretary of War for the Confederacy Judah Philip Benjamin fired telegrams back and forth regarding Lovell's supply of gunpowder.[68] Lovell had inspired a "general confidence" in New Orleans with regard to the readiness of military preparedness to receive and repel any attack

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[66] New Orleans *Daily Delta*, "Highly Important Letter From the Mayor of New Orleans to the Governor of Louisiana," January 10, 1861. Accessed November 12, 2018. http://www.newspapers.com?product=newscomwc/image/283449926. See also, Mansfield Lovell to J.P. Benjamin, Oct. 18, 1861 in *Correspondence between the War Department and General Lovell, relating to the defences of New Orleans. Submitted in response to a resolution of the House of Representatives passed third February, 1863* (Richmond, VA: R.M. Smith, Public Printer, 1863.), 7-8. Cited hereafter as "*Correspondence between the War Department and General Lovell*."

[67] Winters, *The Civil War in Louisiana*, 15.

[68] *Correspondence between the War Department and General Lovell*, 8-10.

which Union soldiers might make against the city, but in reality Lovell had about one-fifth of the gunpowder he felt necessary to adequately defend the city.[69] Saltpeter sent to New Orleans by Benjamin in September 1861 did not arrive until November and had still to be refined into gunpowder.[70]

The difficulties in procuring adequate gunpowder underscored the other problems relative to organizing a defense of the Confederacy's largest city, and perhaps its most important port. Virtually all parties involved believed New Orleans would be safe from attack by river—so long as the garrison were reinforced and could maintain an adequate supply of gunpowder. Later in November, Lovell sent lengthy letters to Benjamin explaining why he could not bear to transfer more men, then sent terse acknowledgements once he had seemingly been compelled to part with some of what few battalions he had under his control.[71] Lovell's preparations betray the fact that he expected a protracted bombardment of Forts Jackson and St. Philip, located seventy river miles downstream from New Orleans, to serve as a prelude to any Federal attempt to capture New Orleans. This hypothetical assault on the forts would mirror the one which had occurred almost five decades earlier prior to the Battle of New Orleans. Lovell's prediction would prove hauntingly correct and his preparations woefully insufficient.

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[69] *Correspondence between the War Department and General Lovell*, 9-10.
[70] Benjamin to Lovell, November 17, 1861, *Correspondence between the War Department and General Lovell,* 14.
[71] Various communiqués between Lovell and Benjamin, *Correspondence between the War Department and General Lovell*, 15-27.

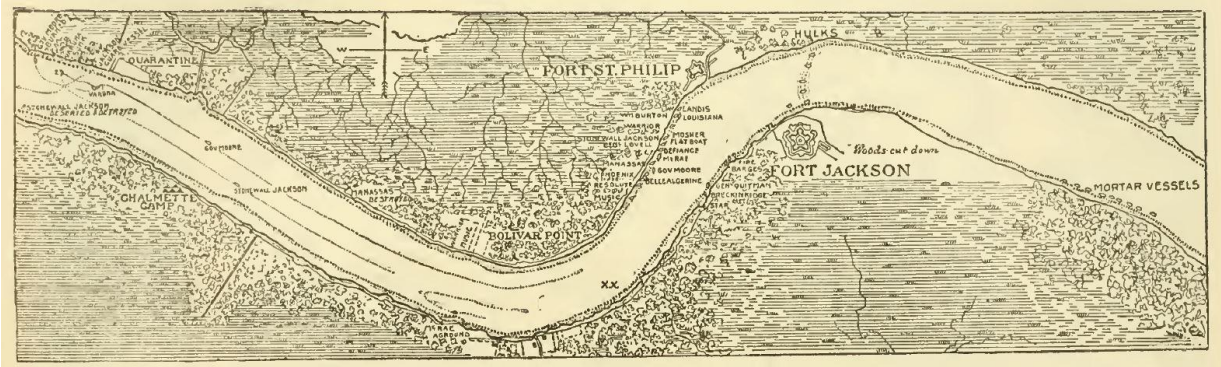

Fig. 1.1 "Section of Mississippi River, Showing Defences of Forts Jackson and St. Philip at the Time of Bombardment," Engraving by unknown artist, 1892. *Butler's Book*, 360.

Fort St. Philip had played a key role in General Andrew Jackson's successful defense of New Orleans in January 1815. The fort was surrounded by impregnable marshes, and could therefore not be readily assaulted by land. It commanded a sweeping view of the shipping lane's approach to the fort, which sat on a ninety-degree bend in the river, called the "English Turn." An approaching enemy vessel would have to come to a near stop in order to pivot around the English Turn. Any ship which approached the fort could be fired upon from miles away. If the ship were fortunate enough to successfully negotiate the bend in the river, the fort could continue to fire on the vessel as it accelerated away upstream.[72] In the intervening years since the British had unsuccessfully attempted to sail past Fort St. Philip, the United States had added a second fort, Fort Jackson, across the river from St. Philip. If the Union attempted to seize New Orleans from the river, they would have to capture two powerful forts instead of one.

[72] Robert V. Remini, *The Battle of New Orleans: Andrew Jackson and America's First Military Victory* (Penguin Books: New York, 170.

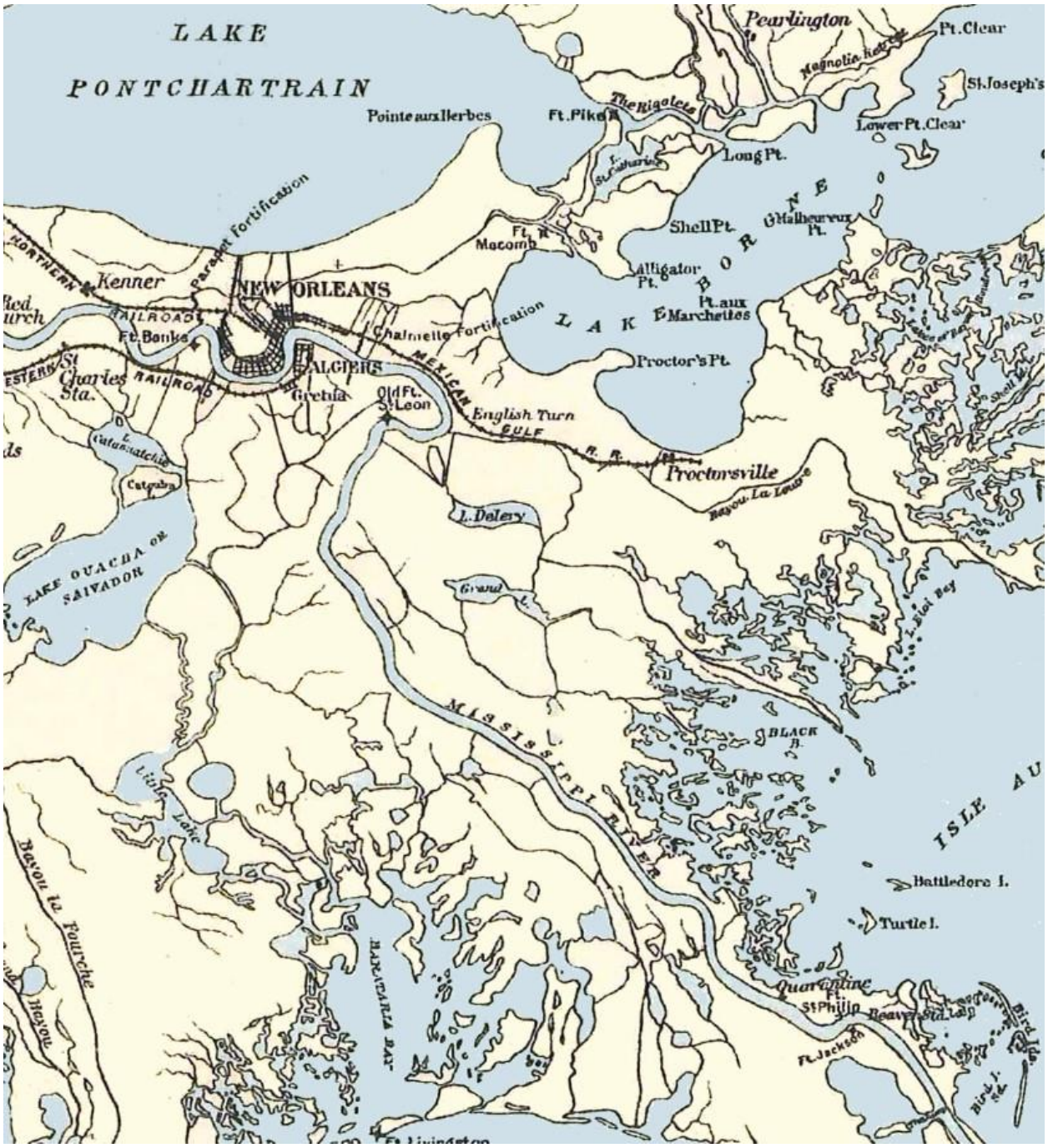

Fig 1.2 detail of "Delta of Mississippi River and Approaches to New Orleans," *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Ser. 1 Vol. 18, 130.

Confederate strength was a paper tiger. General Lovell commanded approximately 25,000 men in Louisiana, comprised of both militia and conscripts from Texas and Mississippi, but only a fraction of these men were equipped. Governor Moore arranged a military parade for

George Washington's birthday, in which all 25,000 men under Lovell's command took part. Of these, only 6,000 of these soldiers in the parade carried arms in any capacity. Some wielded rifles or pistols or sabers, but 19,000 men paraded armed with nothing whatsoever.[73] Less than half of troops garrisoned at Forts Jackson and St. Philip had muskets. The state could afford to arm the remaining only with shotguns "of an indifferent description."[74] Lovell and Moore hoped the local ninety-day militia could repulse a Federal attack but were not certain what equipment they could use to realize that hope.

Displaying the appropriate fervor for the Confederate cause, volunteers turned out en masse for recruitment. Governor Thomas O. Moore put out a call for volunteers to defend Louisiana, and even civil servants, whose jobs were vital to the city's operation, such as firefighters, were eager to join the ranks. The *Daily Delta* announced on January 19 that the city would muster an all-firefighter brigade from among the twenty-four fire companies in the city. This brigade—not to exceed 2,400 men—would remain in service locally and continue to carry out their duties as firefighters unless called upon.[75]

Few New Orleans police officers heeded Moore's request for volunteers. Most police officers in the Crescent City were older than twenty-five, family men, and they found it just possible to support their families on the $45-$50 monthly salary then paid to patrol officers.[76] These men would find it virtually impossible to subsist on the $11 monthly salary of a private,

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[73] John D. Winters, *The Civil War in Louisiana* (Baton Rouge, LA: Louisiana State University Press, 1963), 71-72.
[74] Mansfield Lovell to Samuel Cooper, May 22, 1862, *ORA vol. 6*, 513.
[75] "A Plan for the Military Organization of the Fire Department," *Daily Delta*, January 19, 1861. Accessed February 21, 2019. http://www.newspapers.com?product=newscomwc/image/283450316
[76] Rousey, *Policing the Southern City*, 96. Police noncommissioned officers and officers would have made even more. Sergeants made $55-58 per month, lieutenants between $55 and $83, and captains anywhere from $75-100 per month. See Rousey, *Policing the Southern City*, 97.

if, indeed, pay came at all. Even the salary offered officers in the Louisiana Guard would be insufficient, so most police officers, while sympathetic to the Confederate cause and their Democratic leaders, stayed on the beat while their state prepared for war around them.[77] Economics would trump patriotism.

Police officers were needed on the beat, among other things, to keep disloyalty to the Confederacy in check. Many of these arrests came as part of a typical counterintelligence effort to detect Northern spies, and naturally some spies were neutralized. Police confiscated firearms belonging to known Unionists, and the department then turned these arms over to the militia. Sometimes the misuse of force and suppression of some basic rights was rather blatant, as not only abolitionists were arrested, but anyone who could be heard predicting Northern victory might serve time as well.[78]

Added to the problems of a law enforcement body during a time of war were the innumerable daily concerns of the Confederacy's largest city. Unscrupulous entrepreneurs circulated counterfeit money as early as January 1861, which threatened to devalue the already-volatile Confederate currency.[79] The size of the counterfeit seizures ranged from faux five dollar

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[77] Rousey, *Policing the Southern City*, 103. Winters claims on page 11 of *Civil War in Louisiana* that "[p]olicemen deserted their posts and and enlisted in the army." While some police officers did undoubtedly enlist, I have chosen to lean on Rousey's version of events given that Rousey relies on police rosters as evidence, whereas Winters drew from newspaper accounts for this particular claim.

[78] Rousey, *Policing the Southern City*, 103-104.

[79] "A Counterfeiter Caught," *Daily Delta*, January 18, 1861. Accessed May 20, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283450257.

coins to thousands of dollars stuffed in bags.[80] Economically-inspired suicides, larceny, theft, even illegal possession of concealed weapons found their way into police hands.[81]

As the war went on and the Federal blockade began to take effect, the impact on the police department became more pronounced. Unexportable cotton stacked up on local wharves, it triggered a different kind of police response. State penitentiaries and workhouses alike relied on cotton to keep the inmates busy and profitable, and as demand for inmate labor evaporated, some inmates were released early.[82] Some criminals were released only days into their sentences for lack of work, much to the chagrin of the police who had labored to capture wrongdoers. "[N]eedless for me to say that this course so clogs the workings of the police as to prevent them from preserving the property of citizens from the continued depredations of these bands of lawless men and the frequent burglaries…of late are attributable doubtless in a great measure [to] this cause alone," New Orleans Mayor John Monroe wrote exasperatedly to Louisiana State Attorney General Thomas Semmes.[83] Monroe was receiving pressure directly from New Orleans Chief of Police John McClelland and his subordinates, which may indicate that this problem was widespread, even before the war was underway.

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[80] "A Flood of New Counterfeits," New Orleans *Crescent*, March 25, 1861. Accessed May 20, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/175075007.
[81] "A Singular Case"; "Minor Cases in the Criminal Court," *Daily Delta*, January 10, 1861. Accessed May 20, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283449953.
[82] Senate Committee on the Louisiana Penitentiary, *Special Report of the Senate Committee on the Louisiana Penitentiary*, by Thomas J. Buffington, *Other Legislative Records, 1860-64 (entries 22-27)* Louisiana State Archives, Microfilm Roll # 359, file 13; *Daily Delta* "Louisiana Penitentiary," April 4, 1862. Accessed May 21, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283560110.
[83] John T. Monroe to Thomas J. Semmes, February 16, 1861. Louisiana State Archives Microfilm. P1978-196, roll 7.

The police also had to enforce new restrictions on the city's slaves, particularly with regards to freedom of movement, but people were anxious during this period of early war.[84] Sales and runaways in 1859 and 1860 continued at a slightly higher rate than 1858, but lower than it had been before the mid-decade economic downturn from 1852 or 1853.[85] The number of slaves living in and transiting through the city placed further strains on law and order. The demands of the war had the police pulled from too many different directions to successfully keep order in the face of any further disquiet.

As the residents of New Orleans settled into what they imagined would be their new sense of normalcy in a nascent country, forces in Washington worked to put down the rebellion in the South. On December 23rd, 1861, Secretary of the Navy Gideon Welles issued preliminary orders to Flag Officer David Glasgow Farragut to begin preparations for an assault somewhere in the Western Gulf of Mexico. New Orleans had been on the government's list of prospective targets for some time, and Welles in particular was growing weary with how easily Confederate privateers could either escape to, or be supported by, New Orleans. In orders dated January 20, 1862, Welles instructed Farragut to join his foster brother David Dixon Porter and "reduce the defenses" protecting New Orleans—namely Forts Jackson and St. Philip—then capture the city and await reinforcements.[86]

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[84] Blassingame, *Black New Orleans*, 25.
[85] Blassingame, *Black New Orleans*, 22; Robert W. Fogel and Stanley L. Engerman, "New Orleans Slave Sale Sample, 1804-1862." Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], (August 2008), 12. accessed May 21, 2019. https://doi.org/10.3886/ICPSR07423.v2.
[86] Loyall Farragut, *The Life of David Glasgow Farragut, First Admiral of the United States Navy, Embodying his Journals and Letters* (D. Appleton and Company: New York, 1879), 209. Cited hereafter as *Life of David G. Farragut*.

David Farragut was one of New Orleans' most prominent former residents who remained loyal to the Union. Although Farragut had roots elsewhere, he held a special connection with New Orleans since that was the city where his mother had died of yellow fever and where he had adopted the name David (changed from his birth name, James, in order to honor his foster father David Porter). Farragut had unwaveringly chosen to continue to serve the flag he had sworn to protect when he joined the navy at the seasoned age of nine. At the war's outset, his personal residence had been in Norfolk, Virginia. When one of his neighbors told him that someone of Farragut's Unionist sentiment was unwelcome in Norfolk, Farragut calmly, but decisively replied, "well, then, I can live somewhere else."[87] Lincoln, Stanton, and Welles had placed Farragut on the short list for the expedition to New Orleans because of his reputation as an officer. They selected him for the job partly because of his familiarity with the city, and partly because David Dixon Porter, Farragut's foster brother and son of former *USS Constitution* and *USS Essex* Captain David Porter, vouched for Farragut's loyalty.[88]

People in the city met the news of the approaching Federal fleet with a mixture of confidence and annoyance. There was no doubt that the blockade was significantly impacting daily life. Mayor Monroe canceled public celebrations of Mardi Gras as a precaution, and fewer private celebrations of the iconic New Orleans holiday were held as a result.[89] The mayor and the city council created the Committee on Public Safety, which the council tasked with coordinating the efforts of state and local authorities in defending the city.[90] Mayor Monroe and

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[87] Farragut, *Life of David G. Farragut*, 204.
[88] Winters, *The Civil War in Louisiana*, 56.
[89] "Proclamation," *Times-Picayune*, March 4, 1862. Accessed May 22, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25530023; *Times-Picayune*, "The Lenten Week," March 2, 1862. Accessed May 22, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25529952.
[90] Rousey, *Policing the Southern City*, 105.

Governor Moore urged Lovell to declare martial law, which he finally did on March 15 when it seemed likely that President Davis would intervene.[91] Civilians were confident of the ability of the forts to repel the invaders, even going so far as to presume that Farragut dreaded the prospect of fighting the Confederates. The *Delta* even urged Farragut to get on with his assault before summer's malaria season struck.[92] Farragut's Gulf Squadron blockade started having an impact only a few days in. Blockade runners appeared more rarely throughout April, until the trickle of illicit and necessary goods stopped altogether. The *Crescent* tried to encourage its readers that the stagnation brought on by the war would ultimately abate. The city would pass through its present difficulty and become "the largest and wealthiest city of the world."[93] This expectation was more than idle bluster. New Orleans' importance as the principal port city between the Mississippi River and the Atlantic would soon be apparent.

The Navy Department's plan for capturing New Orleans was extremely simple: pummel Forts Jackson and St. Philip until they surrendered, then occupy the defenseless city. Captain David D. Porter's ships were armed with thirteen-inch mortars which fired projectiles weighing two hundred and eighty-five pounds in a high trajectory. The high angle of attack enabled Porter's ships to bombard the forts from a sheltered position so that the forts' batteries could not return fire. The mortars began their cannonade on April 18 and continued to shell the forts continuously day and night for five days. When the cannonade had concluded (or more accurately, when Farragut's patience waned), the Union fleet had poured almost six thousand

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[91] Rousey, *Policing the Southern City*, 105; Davis to Moore, March 13, 1862, *Correspondence between the War Department and General Lovell*, 110.
[92] "The Enemy's Gulf Fleet," *Daily Delta*, April 4, 1862. Accessed May 21, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283560110.
[93] "Vitality of New Orleans," *Crescent*, April 24, 1862. Accessed May 21, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/167447692.

shells into the forts, managing to kill a total of only fourteen Confederate soldiers. The forts themselves weathered the shelling "without a scratch," according to Loyall Farragut's account.[94] Slight casualties notwithstanding, Loyall Farragut's analysis is inaccurate. The Confederate barracks in Fort Jackson were wooden, and when those burned down as a result of shelling the garrison lost most of their bedding and possessions.[95] Porter's post-action report described Fort Jackson as, "a perfect wreck," having been struck by nearly 2,000 projectiles.[96] The near-continuous mortar fire for almost five days deprived the garrisons of sleep and damaged several gun emplacements, which likely facilitated Farragut's pending action.[97]

Accounts are unclear as to when Farragut came to the conclusion that attempting to reduce the forts to rubble was a foolish endeavor, but considering the swiftness with which he concocted his backup plan, he must have been harboring doubts about the bombardment for some time. Farragut called a council of his captains three days into the bombardment, and he seems by then to have resolved to "run by" the forts, that is, to simply steam his fleet past the forts as the forts' batteries attempted to prevent Farragut's passage. Commander Porter argued against the attempt, reasoning that the forts could easily be captured by a ground assault, and that once the forts had been taken, Farragut's men could capture New Orleans "in our own time."[98] It is possible that Porter's true motivation lay in the fact that, as commander of the mortars tasked with reducing the fort, he did not want to have his honor impugned by Farragut's

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[94] Farragut, *Life of David G. Farragut*, 219. See also the footnote on that page.
[95] Johnson K. Duncan, "Report of Brigadier General Johnson K. Duncan, C.S. Army, of the bombardment and surrender of Forts Jackson and St. Philip," *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies Series 1 vol. 6* (Washington, DC: Government Printing Office, 1880), 525. Cited hereafter as *ORA vol. 6*.
[96] Porter to Stanton, April 30, 1862, Cited hereafter as *Private and Official Correspondence*, vol. 1, 429.
[97] Duncan, *ORA vol. 6*, 527; Winters, *Civil War in Louisiana*, 88-89.
[98] Farragut, *Life of David G. Farragut*, 224.

leaving them behind. For Farragut's part, he believed the opposite was true of what Porter had believed. Porter opined that, once Farragut had captured the forts, New Orleans must surrender. Farragut reasoned that, once the river fleet captured New Orleans, the forts downstream of the city would have to surrender or starve.

Between 3:00 and 3:30 in the morning of April 24, Farragut arranged his nineteen ships in line ahead and steamed up the river to within range of the Confederate forts. The rebels had set up a sturdy chain barrier across the river specifically to foil such an attempt, but an expedition the previous day had cut a gap in the barrier. Confederate gunners had ineptly attempted to beat back the little expedition, but the failure of the gunners to find their range might have foreshadowed their inefficacy in driving back the latter, more concerted effort. When Farragut's ships arrived at the barrier, they simply traversed the gap, but the ships would have to make their ways through the breach one at a time. Confederate fire was ineffectual. Rebel grapeshot tore harmlessly through Union sails and rigging, but most of Farragut's steam-powered warships slipped by virtually undamaged. In the confusion of the battle, three of Farragut's ships failed to make the passage

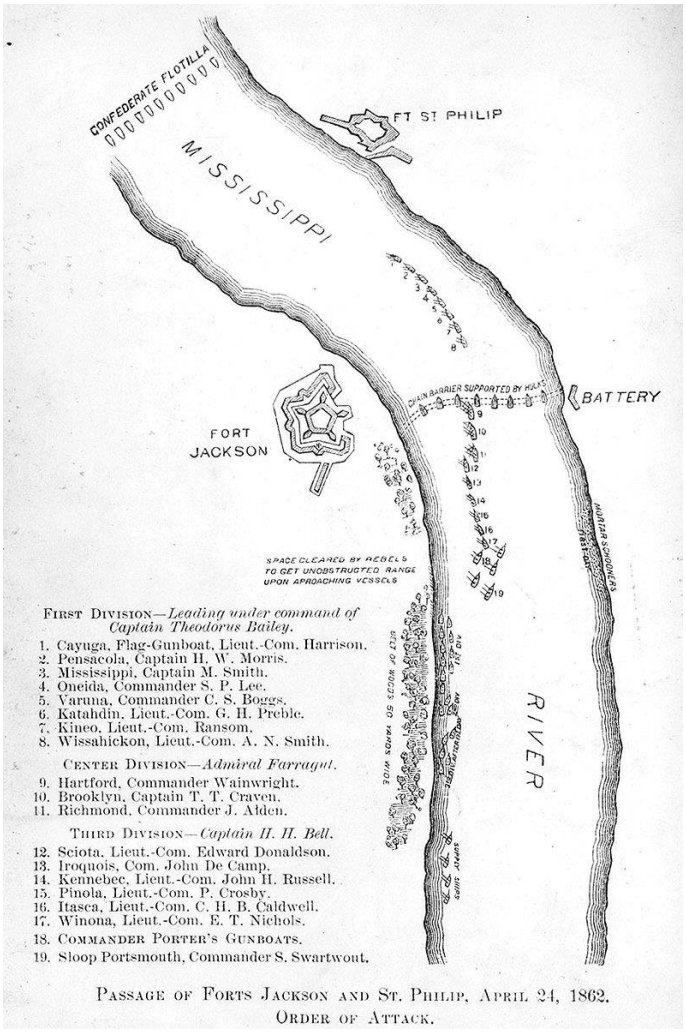

Fig. 1.2 "Passage of Forts Jackson and St. Philip, April 24, 1862, Order of Attack," 1862. Engraving by unknown artist in *Life and Letters of D. G. Farragut*, 229.

and a fourth later sank. The remaining fifteen vessels steamed upstream and demanded the surrender of New Orleans on April 25.[99]

The result was spectacular, and helped enshrine Farragut within American naval folklore. General Butler, not prone to fits of lavishing praise upon others, observed the battle at a distance of about half a mile and praised Farragut's maneuver as "bold, daring, brilliant," and "gallant."[100] Farragut had run the gauntlet with "trifling casualties," all at the cost of a single ship.[101] Capturing New Orleans was the most important strategic naval action of the early war. It not only closed the port of New Orleans to the Confederacy, but opened the Lower Mississippi to Farragut's aggressive and effective fleet.[102]

Farragut had rendered New Orleans impossible to defend, and made the twin forts vulnerable. Most of the heavy guns were aimed downstream, so they could not counter a concerted attack from above.[103] Cut off from supplies or reinforcements from New Orleans, the garrisons of Jackson and St. Philip heard a rumor that Lovell intended the forts to defend to the last man, acting as sacrificial lambs to buy the Confederacy some time. On hearing this, the garrisons mutinied, destroying supplies, spiking guns, and surrendering to General Butler and Captain Porter's forces by the hundreds.[104]

When word reached New Orleans that Farragut had traversed the blockade, abject panic gripped the city.[105] Military advertisements and notices filled the entire front page of the *Times*-

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[99] Winters, *Civil War in Louisiana*, 97.
[100] *Private and Official Correspondence*, vol. 1, 420. No doubt that, if Farragut's assault had been unsuccessful, Butler would have been quick to point out how he foresaw its defeat.
[101] Butler to Farragut, April 24, 1862, *Private and Official Correspondence, vol. 1*, 420.
[102] Chester Hearn, *Lincoln, the Cabinet, and the Generals* (Baton Rouge, LA: Louisiana State University Press, 2010), 243.
[103] Duncan, *OR*, 529-530.
[104] Winters, *Civil War in Louisiana*, 100.
[105] Bragg, *Louisiana in the Confederacy*, 97.

Picayune on April 25 to the extent that advertisements and bounty listings spilled over onto the second page, including a solicitation for gunners for the CSS *Mississippi* that had, unbeknownst to its solicitors, been destroyed during Farragut's passage.[106] The following day, what mostly occupied the *Times-Picayune*'s two pages (down from the usual four) were advertisements for steamers and trains leaving the city.

Governor Moore placed a moratorium on the circulation of bills whose denominations exceeded $5, and this coupled with shops closing early resulted in a remarkable currency and food shortage in New Orleans. Local charities could lend little assistance since many public requests had already exhausted their treasuries and contributions had been down since 1860.[107] Out of the panic over food and supply shortages sprang riots.[108] Civilians burned cotton and looted supplies. Almost simultaneously, General Lovell ordered the withdrawal of his troops from New Orleans so as to avoid their capture. The police department found itself unequal to the rioting, and the European Legion, a group comprised mainly of foreign permanent residents, took up arms and enforced as much order as their limited numbers would allow. Fear of what the Federal force might do once they arrived, coupled with the loss of martial support and the ensuing havoc Lovell's evacuating troops left behind, caused the city to settle into an uneasy, semi-lawless state.

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[106] "C.S. Navy," *Times-Picayune*, April 25, 1862. Accessed June 13, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25532172.
[107] J.Q.A. Fellows and Samuel M. Todd, "Proceedings of the M.W. Grand Lodge of F. and A. Masons of the State of Louisiana at its Fiftieth Annual Communication, held at New Orleans February 10, 1862," 34.
[108] C.C. Memmingter to Thomas O. Moore, April 12, 1862. Louisiana State Archives. Microfilm. P1978-196, roll 7; Elisabeth Joan Doyle, "Civilian Life in Occupied New Orleans, 1862-1865." (PhD Diss, Louisiana State University, 1955), 29-30, accessed October 11, 2014 in PROQUESTMS ProQuest Dissertations & Theses Full Text, http://ezproxy.tcu.edu/docview/193818190?accountid=7090.

Chapter Two: "The Union Must and Shall Be Preserved": Butler and Male Resistors

As Union boats approached the city, sullen civilians monitored the fleet's progress from the levees, watching as the muzzles of Federal cannons passed "almost in the faces of the people." The gunners and sailors stood on deck, ramrod straight "as if made of blocks of granite," seemingly oblivious to the tumultuous crowd. One gunner, a "short grizzly old tar," stood by his 11-inch Columbiad artillery piece staring down the masses. The sailor watched the crowd roll by, "with primer inserted and lanyard in hand" lovingly patting his gun, which was "still hot from the bombardment of the forts," daring the crowd to make an unwelcome move. The occupied city was a powder keg only a spark shy of catastrophic consequences. As a Yankee officer would recall years later, "One misguided action; a single pistol shot from that infuriated crowd; even an accident at that time, and the horrors of Moscow would have grown pale beside the horrors that would have befallen the Crescent City."[1] The Union army would have to undertake the occupation of the South's most populous city with the utmost care, not only to prevent large scale loss of life, but also to facilitate Louisiana's speedy reintroduction into the Union.

At half past one o'clock on April 25, 1862, Captain Theodorus Bailey of the United States Navy was an unwelcome, but not unexpected visitor to Mayor John T. Monroe of New Orleans.[2] Captain Bailey had been designated by Flag Officer David G. Farragut to formally

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[1] Harrison Soule. "From the Gulf to Vicksburg" published in *War papers : being papers read before the Commandery of the State of Michigan, Military Order of the Loyal Legion of the United States.* Vol. II. (Wilmington, NC: Broadfoot Publishing, 1993), 63.

[2] John T. Monroe to New Orleans City Council, April 25, 1862, "Correspondence Between the Mayor and Federal Authorities Relative to the Occupation of New Orleans together with the Proceedings of the Common Council." (New Orleans, LA: Belletin Book and Job Office, 1862), 6. "Pamphlet Collection," New Orleans Public Library City Archives and Special Collections

request the surrender of New Orleans. Bailey and an aide, Lieutenant George H. Perkins, disembarked from their dingy amid protesting crowds and proceeded to City Hall to seek an audience with Mayor Monroe. The two officers demanded the unconditional surrender of New Orleans, the removal of the Louisiana state flag from City Hall, and the hoisting of the flag of the United States above the Customhouse, Post Office, and Mint.

Monroe sought any means possible not to accede to the demands of these audacious Yankee officers insisting he surrender his city. He and other residents like him were doubtless embarrassed by how suddenly and easily the Federals had wrested control of New Orleans from the Confederate army, so this weak obfuscation was the only card Monroe still had to play. He also knew that his situation was delicate, for his city could offer no means of resistance to even a single Yankee gunboat, and Farragut had brought a whole fleet with him.[3] Monroe dodged the request, replying "that General Lovell was in command here, and that I was without authority to act in military matters."[4] General Lovell, who was vain to a fault, felt personally chagrined at the ease with which Farragut's fleet had managed to circumvent his defenses.[5] Lovell was no more interested in proffering the surrender of New Orleans than had been Monroe before him, also made excuses to Bailey and Perkins as to why he could not surrender the city, and deferred back to Monroe. Monroe contested through his convoluted logic that the Post Office, Mint, and Customhouse were property of the Confederate States government, and not his to surrender. Monroe requested time to consult with the city council, as Bailey and Perkins ducked out a back

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Online. http://nutrias.org/~nopl/spec/pamphlets/pamphlets.htm. Accessed May 24, 2019. Cited hereafter as *Monroe Correspondence*.

[3] John D. Winters, *The Civil War in Louisiana* (Baton Rouge, LA: Louisiana State University Press, 1963), 85.

[4] *Monroe Correspondence*, 6.

[5] Braxton Bragg to Thomas O. Moore, November 14, 1861. As cited in Winters, *Civil War in Louisiana*, 64.

way to avoid the mob which had gathered swearing vengeance upon the two Yankee officers, and returned to Farragut.[6]

The city council convened a special session that evening, which continued into the following morning. The council followed Monroe's urgings and voted that the municipal government did not have the authority to surrender the city to the Federal navy on behalf of the Confederate government, but declared that no resistance be made to the armed forces of the United States. Upon learning of the vote, Monroe sent a note to Farragut, informing him of the council's decision to offer no resistance, but also reiterating his and the council's decision that New Orleans could not be surrendered by them at that time. "To surrender such a place were [sic] an idle and unmeaning ceremony. The city is yours by the power of brutal force, and not by any choice or consent of its inhabitants. It is for you to determine what shall be the fate that awaits her."[7]

Monroe's message exuded the defiance and lack of cooperation that would be the hallmark of the tenuous occupation of New Orleans and efforts by the Union army and navy to quell the city. Although wholly powerless to repel their conquerors, New Orleanians remained obstinate as long as they could without endangering themselves. Additional communiqués were exchanged between Farragut and Monroe, but did not alter the result as the former continued to insist upon the "unqualified surrender of the city," and the latter continued to claim absence of authority.[8] Although Monroe was not responsible for losing the city, he had no interest in being on record as the one to surrender it. The flag of Louisiana continued to flutter above City Hall, and the flag of the Confederacy continued to wave over the city from the Post Office,

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[6] Winters, *Civil War in Louisiana*, 97.
[7] *Monroe Correspondence*, 6.
[8] Farragut to Monroe, April 26, 1862, *Monroe Correspondence*, 10-11.

Customhouse, and Mint even as U.S. Navy sloops of war and gunboats sat at anchor on the city's shoreline.

Political orchestrations notwithstanding, everyone recognized the true state of the city's peril. Hundreds of businesses shuttered their windows and barred their doors and thousands of citizens shut themselves up in their homes as a general panic gripped the city. School was canceled, women buried silverware and other fineries (little would they know in just how much jeopardy their silverware was), and civilians concerned with Confederate currency, already of dubious value before this, simply discarded it in the streets like useless scrap.[9] Fear was so acute that the city's business would remain stagnant for over a week as people feared that a great battle might take place in their town.[10]

These fears could have been realized when a small band of Marines left Farragut's ships with the Stars and Stripes in hand, determined to hang it from the mint to force compliance with Farragut's orders. Though enduring shouts and protests from the gathered multitude, the Marines pressed through the crowd, completed their mission, and returned to their moorings in peace. The gathered throng did not suffer the banner itself to remain long, for a group of six New Orleanian gentlemen endeavored to remove the offending colors once the Marines were out of sight. William B. Mumford led the little group, which also included Vincent Hefferman, N. Holmes, John Burns, and James Reed.[11] Egged on by the crowd, Mumford and company

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[9] Hearn, *When the Devil Came Down to Dixie*, 65.
[10] "The City," New Orleans *Daily Delta*, Thursday, May 1, 1862. Microfilm Roll 22, "New Orleans *Daily Delta* -- Jan. 1, 1862 to Dec. 31, 1862. New Orleans Public Library, New Orleans, LA.
[11] Toxie L. Bush, “The Federal Occupation of New Orleans.” (Master’s thesis, Louisiana State University, 1934), 92.

hauled the standard from its place and tore it to shreds as the crowd cheered.[12] Seeing the flag down and the celebrating crowd, the lookout of the *USS Pensacola* fired a howitzer at the besieged flagpole. The shot did not cause any casualties, but successfully dispersed the crowd.[13]

This kind of resistance was the greatest that either unarmed or lightly-armed civilians could hope to muster. Few people were happy about the coming occupation, but most sensible people recognized that there was nothing practical the city could do to resist. Alex Walker, the editor of the *Daily Delta*, had encouraged citizens not to defy or oppose the incoming troops in the edition of April 27. "The officers of the United States," the paper reminded its readers, "are entitled to all the protection of the laws of war. They should not be insulted while in the performance of such duties as may be imposed upon them by their government. Let our people demean themselves with the moderation and dignity of men and freemen."[14] When Butler landed in the city a few days later, the *Delta* gave a short history of Butler, and emphasized his Southern sympathies.[15] The *Bee* pointed out that the Federal occupation of Nashville had thus far been peaceful and conciliatory, and that the Union Army had respected personal property in that theatre, so residents in occupied Louisiana would be reasonable to assume similar policy toward civilians there. Although they could expect peaceful occupation without the possibility of recapture by Confederate forces, the people of New Orleans were intent that Butler would

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[12] Multiple accounts of this event exist, including Winters' *Civil War in Louisiana*, 98; Benjamin Butler's personal memoirs, found in Benjamin F. Butler. *Autobiography and Personal Reminisces of Major-General Benjamin F. Butler: Butler's Book. A Review of His Legal, Political, and Military Career* (Boston: A.M. Thayer & Co., 1892), 438. Cited hereafter as *Butler's Book*; and Hearn's *When the Devil Came Down to Dixie*, 69-70.
[13] Hearn, *When the Devil Came Down to Dixie*, 70.
[14] *Daily Delta*, April 27, 1862.
[15] *Daily Delta*, May 2, 1862.

find the city willing to accept armed occupation, "but with sentiments [toward the Union] wholly unchanged.[16]

General Butler had already left his indelible mark upon American history when his ship moored in New Orleans. Born in New Hampshire, Butler was an autodidact who had acquired his station as a successful lawyer and politician in Massachusetts by a combination of immense personal talent, tireless work ethic, and a substandard moral conscience. As an ardent War Democrat, Butler saw military service as his ticket to fame and glory, and perhaps a run at the presidency. He was famous for his war contraband declaration at Fort Monroe, Virginia, which refused to return runaway slaves to their Virginian masters under the pretext that they were, while under control of those masters, being used to further the cause of rebellion against the United States. He subsequently reasoned that captured slaves were therefore "contraband of war," and Union officers were not required to return them to their Confederate "masters."[17] Butler would prove himself to be a second-rate field commander but a skilled administrator, making his assignment to New Orleans a good fit for his abilities. The city's residents were aware of Butler's "Fort Monroe Doctrine," but they were also aware of his political history and resistance to abolitionist politicians in New England as well as his pre-secession political support for Jefferson Davis. Civilians had reason to believe that General Butler was a man whom they could at least tolerate.[18]

Butler had already forwarded his report on the capture of New Orleans to Washington, despite not having actually occupied the city. Farragut had sent an adjutant down the river both

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[16] "What the Morning Journals Say," *Daily Delta*, May 3, 1862. Accessed June 5, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283561383.
[17] Hearn, *When the Devil Came Down to Dixie*, 31-32.
[18] "The United States Military Commander," *Daily Delta*, May 2, 1862. Accessed June 5, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283561342.

to carry some of Farragut's dispatches to Washington and to request that Butler bring up the army as soon as he could. A clerk discovered Butler fast asleep in his tent snoring loudly garbed in a red nightcap.[19] The clerk awoke the commanding general and asked him if the general had any dispatches for the courier to forward to Washington. Butler rose, then, obliging the courier to wait on him, wrote out his detailed report to Stanton describing the attack on Jackson and St. Philip and Farragut's maneuvers. The report also implied that Butler had already taken New Orleans, even though he would not yet do so for two more days. "I find the city under the dominion of the mob," he wrote, vowing that the rebels would, "fear the stripes if they do not reverence the stars of our banner."[20] Butler had based his report on nothing more than hearsay. The general who thought about political implications before anything else could not afford to have dispatches sent to Washington without his name and his report in the mix. Once his ad hoc report was on its way, Butler rounded up a handful of regiments and headed upriver to New Orleans.

As Butler and his men steamed toward the city on their transports, Captain Harrison Soule of the 6th Michigan Volunteer Infantry recalled that a "dense sheet of black smoke [hung] over the city, almost obscuring it from sight," the result of thousands of bales of cotton being burned on the docks of New Orleans to prevent its falling into Federal hands.[21] The soldiers who would soon be calling New Orleans home and patrolling its streets eyed the city somewhat apprehensively. Soule reported that the residents considered the Yankee troops with thinly

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[19] Hearn, *When the Devil Came Down to Dixie*, 70.
[20] Butler to Stanton, April 29, 1862. *ORA vol. 6*, 518.
[21] Harrison Soule, "From the Gulf to Vicksburg" published in *War papers : being papers read before the Commandery of the State of Michigan, Military Order of the Loyal Legion of the United States.* Vol. II. (Wilmington, NC: Broadfoot Publishing, 1993), 62.

veiled "sorrow and anger."[22] Corporal Charles H. Blake of the 12th Maine liked the look of the city alright, but was concerned that the water was above street level.[23] Charles F. Sherman of the 30th Massachusetts called the city a "hot hole," and was glad to be transferred to the more dangerous Baton Rouge two weeks later.[24] Private Edwin Lufkin of the 13th Maine called the entirety of southeastern Louisiana a "swamp," full of disease and alligators, although the reptiles were apparently reluctant to attack white people.[25] Master Sergeant Henry Warren Howe of the 26th Massachusetts noted the racial distinctions, writing his relatives that their reception was mixed, but that "all the darkies hopped and danced."[26]

Butler brought with him a force of about 10,000 men, 2,500 of which arrived with the general around midday on May 1, 1862. Numerous spectators had gathered to witness the arrival of the Union army, "groaning for Lincoln" and chanting hurrahs for Jeff Davis and General Beauregard. Reportedly a group of about a dozen men "pounced upon" and beat one African American man who was brave—or foolish—enough to display support for the Union.[27] Some of the civilians were armed, but both the crowd and Butler's men limited their attacks to

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[22] Harrison Soule, "From the Gulf to Vicksburg," 63. The 6th Michigan Infantry was reclassified the 6th Michigan Heavy Artillery in 1863, but they are referred to almost interchangeably.
[23] May 7, 1862, Charles H. Blake diary, MSS 262, Williams Research Center, The Historic New Orleans Collection.
[24] Charles F. Sherman to Nick Sherman, undated 1862 letter, Charles F. Sherman papers, MSS 114, The Historic New Orleans Collection.
[25] Edwin B. Lufkin, *History of the Thirteenth Maine Regiment from its organization in 1861 to its muster-out in 1865* (Bridgeton, ME: H.A. Shorey & Son, 1898), 21-22. The locals had told the Union soldiers that the alligators "were never known to molest a white man," but that young black children and dogs needed to exercise caution near the waterways.
[26] Warren to Mother, May 13, 1862 as cited in Henry Warren Howe, *Passages from the Life of Henry Warren Howe, Consisting of Diary and Letters Written During the Civil War, 1861-1865: a Condensed History of the Thirtieth Massachusetts Regiment and Its Flags, Together with the Genealogies of the Different Branches of the Family* (Lowell, MA: Courier-Citizen Co., 1899), 119.
[27] Soule, "From the Gulf to Vicksburg," 63; "Butler to Stanton, May 8, 1862, *ORA ser 1 vol. 6*, 506.

verbal blows. No fighting between soldiers and civilians broke out when the soldiers disembarked.[28]

Reconstruction in Louisiana began the moment Butler disembarked. Lincoln and Stanton, the principal architects of Reconstruction, understood that recapturing rebel cities was important, but not an endgame. Stanton noted in his annual report to President Lincoln in December 1863 that the suddenly-successful military campaigns in the western theatre were "not more important than the political consequences of these great military achievements."[29] To conquer was one matter, but to convince the rebels to turn from their cause and convert them into loyal citizens was not so simple. Perhaps Stanton and Lincoln had in mind the failed British suppression of the American states during the American Revolution approximately four score and six years prior. During that conflict, the British had tried—unsuccessfully—to "gain the hearts and subdue the minds of America."[30] Lincoln now sought to achieve the same feat at which the British had struck and missed against a similarly rebellious and formally-loyal populace.

Lincoln's task was to negotiate the rocky shoals of seemingly mutually exclusive victory conditions in order to bring occupation to a successful and peaceful conclusion. Lincoln had to

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[28] "Landing of U.S. Troops," *Daily Delta*, May 2, 1862. The New Orleans *Daily True Delta* is sometimes referred to as the *Daily Delta*, *True Delta*, and sometimes as simply *Delta* in modern scholarship. In *Butler's Book*, the general himself almost exclusively refers to the paper as the "*True Delta*." I have elected to use *Daily Delta* as the moniker of choice here because it is the name which the paper's editor most often uses in the paper's nameplate throughout 1862.
[29] Stanton to Lincoln, December 5, 1863. "Annual Report, 1863," from *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies Ser. 3 Vol. 3*, ed. Fred C. Ainsworth and Joseph W. Kirkley (Washington, DC: Government Printing Office, 1899), 1128. Hereafter referred to as *ORA, ser # vol #.*
[30] Memo of conversation, February 7, 1776, Sir Henry Clinton Papers, as cited in Andrew Jackson O'Shaughnessy, *The Men Who Lost America: British Leadership, the American Revolution, and the Fate of the Empire*. (New Haven, CT: Yale University Press, 2013), 11.

weigh his desire to see the end of slavery against the conquered rebels' desire to preserve their economy and social structure. He would have to define and preserve the rights of the freed blacks while simultaneously prodding southern states to return to the Union. He would have to exercise war powers without a declared war. He would have to suspend habeas corpus and other Constitutional privileges in order to preserve those selfsame Constitutional rights. To enhance this already-difficult challenge, he would have to realize these policies by proxy through military governors.[31]

Possibly the most interesting feature of Union occupation was how little Lincoln intervened directly in the affairs of occupation. Lincoln stated his intentions to Secretary Stanton, who issued orders to the general officers who served as military governors, often relayed through General George McClellan or General Henry Halleck. Even Stanton's delegated instructions to the generals were nonspecific and left a great deal of leeway for the general to work out the details. General McClellan's orders to Butler regarding the capture of New Orleans, for example, only briefly mentioned occupation. "[I]t may be necessary to place some troops <u>in</u> the city to preserve order tho [sic] if there appears sufficient union sentiment to control the city it may be best for purposes of discipline to keep your men out of the city."[32] McClellan's suggestion implies that troops stationed in close proximity might cause more problems than they solved. He also stated what many Union officers assumed throughout the South: that, once occupied, the Southern civilians would cooperate with Federal authorities.

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[31] Peyton McCrary, *Abraham Lincoln and Reconstruction: The Louisiana Experiment* (Princeton, NJ: Princeton University Press, 1978 [2015]), 7-8.
[32] George McClellan to Benjamin Butler, Feb 23, 1862. Benjamin F. Butler papers, Library of Congress. Box 10, Folder 2. Emphasis in the original.

This misreading of southern loyalty caused numerous early problems in occupied cities. Because of this assumption, the administration's occupational policy did little to address what might happen in the event that the mythical loyal demographic failed to manifest itself. Stanton's report of December 5 details the army's occupation of rebel territory as simply, "affording protection to a loyal population."[33] In a letter to Andrew Johnson, the military governor of Tennessee, Lincoln expressed a desire to "win the peace" by establishing peace without antagonizing rebellious sentiment.[34] McClellan's instructions to Butler had been equally brief: capture New Orleans, establish peace, move on to Baton Rouge.[35] McClellan had assumed that Butler could safely leave the now-reformed and freshly loyal New Orleans in his rear as he worked to liberate the Mississippi Valley. In reality this task would require another year to accomplish.

Butler's report to Stanton on May 8, his first report since having occupied New Orleans, highlights this confusion. Butler explained to Stanton how he had ordered his soldiers not to venture into the city alone or unarmed, as well as how he had directed commerce to reestablish itself. He closed the report by expressing his hope that his actions would meet with the approval of the administration, because what he did "had been done in the emergencies called for by a new and untried state of things, when promptness and movement were more desirable than deliberation. I await with anxiety instructions from the Department for my guidance in the future."[36] Butler's tacit confession that he was improvising occupation is troubling considering that such a complicated venture as reunification must be undertaken deliberately in order to

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[33] Stanton to Lincoln, December 5, 1863, *ORA, ser 3 vol 3*, 1128.
[34] Paul H. Bergeron, *Andrew Johnson's Civil War and Reconstruction* (Knoxville, TN: University of Tennessee Press, 2011), 13.
[35] McClellan to Butler, February 23, 1862.
[36] Butler to Stanton, May 8, 1862, *ORA ser 1 vol. 6*, 508.

succeed. As with individual battles, general officers occupying rebel territory had the latitude to take any measures which he deemed appropriate to subdue rebellious people and maintain law and order.

Perhaps another reason why Lincoln and his cabinet assumed former rebels would be willing to return to the fold of the Union was how easy the administration made it for people to recant their rebellious ways. General McClellan's letter of February twenty-third to General Butler suggests that McClellan expected there to be popular support for a Union government even in New Orleans, the slave trading capitol of the south.[37] Andrew Johnson—himself a Unionist slaveholder—felt certain that the secession cause was more about the southern aristocracy being able to control a new system of government than it was about any altruistic struggle to preserve state rights or even slaveholders' rights. Johnson felt that the average southern citizen had been led astray and done a gross disservice by their elected officials, which further led him to conclude that the people of the south could be peacefully convinced to renew their fealty to the Union.[38] Only a few days after receiving Stanton's report of affairs for 1863, Lincoln issued the "Proclamation of Amnesty and Reconstruction," which provided for the reentry of the vast majority of former rebels to the Union. In it, Lincoln issued a "full pardon … except as to slaves," to any southerner willing to swear an oath of allegiance to the United States.[39] This proclamation was not only over a year in the future, but also depended upon the supposed subcutaneous loyalty to the Union.

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[37] McClellan to Butler, February 23, 1862.
[38] John Cimprich, "Military Governor Johnson and Tennessee Blacks," *Tennessee Historical Quarterly* 39, No. 4 (Winter 1980): 460. Accessed September 29, 2015, http://www.jstor.org/stable/42626128.
[39] George P. Sanger, ed., U.S. Congress, *The Statutes at Large, Treaties, and Proclamations of the United States of America from December 1863, to December 1865, vol. XIII* (Boston: Little, Brown and Company, 1866), 737-738.

Some of Lincoln's advisers doubted this mythical Union loyalty. Numerous private letters and discussions reveal this concern. James Gilmore, independent author and composer, visited many of the Southern states in the early months of 1862, and found himself in an interview with President Lincoln only a few days removed from the shelling of Fort Sumter. Lincoln asked several questions of Gilmore and, as was his style, listened quietly and attentively to his answers. When asked of Lincoln what the Southern attitude was toward the government, Gilmore responded that many of the "masses" held very little concept of an allegiance to a central government. Many of these men had never been "a hundred miles from home, never saw a decent Yankee, and never read anything but what the politicians chose to tell them in the Southern newspapers."[40] Whether this appraisal of the average Southerner is accurate is unprovable, but Gilmore's suggestion to Lincoln that he pursue a course of separating the irreconcilable leaders who had "planned this thing for over thirty years," from the masses, with whom Lincoln believed he could reason, seems to most adequately summarize Lincoln's objectives of occupation.[41]

Lincoln's overall strategy would generally conform to defeating the Confederate leaders who had caused the rebellion and reconciling with the remainder of Southerners. Lincoln understood that, at least when it came to civilians, violence begat more violence, so peaceful occupation should foster peaceful recovery. Congress had granted Lincoln very broad powers when it came to suppressing the insurrection, which Lincoln knew to be a key component of peaceful occupation.[42] Lincoln did not fully exercise these powers until much later in the war,

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[40] James R. Gilmore, *Personal Recollections of Abraham Lincoln and the Civil War* (London: J. MacQueen, 1899), 15-16.
[41] Gilmore, *Personal Recollections of Abraham Lincoln*, 17.
[42] U.S. Congress, House of Representatives. Acts and Resolutions Passed During the First Session of the Thirty-seventh Congress, 37th Cong. 1st sess., 1861, enacted July 13, 1861.

when more than a few places in the South had returned to Federal influence. Even armed with these broad powers, Lincoln did not always exercise them where it seemed they might have had a peaceful impact. In 1864 he "claim[ed] not to have controlled events, but confess[ed] plainly that events have controlled me."[43] By attempting the moderate course of conciliating Southern whites while subtly pushing for enfranchisement for African Americans, Lincoln made real social change unlikely. Only once he began embracing more radical change would Reconstruction become feasible. But when Union forces occupied New Orleans in 1862, no comprehensive occupational doctrine had been established or agreed to. Much of what Butler would do was left entirely to his discretion.

Butler set to work at once, ordering his men to occupy the Mint, Post Office, and Customhouse and to raise the flag of the United States above each. He then established his headquarters at the St. Charles Hotel and sent for Mayor Monroe. Monroe initially replied that Butler would need to come and see him, as was customary, and that he would be willing to meet with Butler in the City Hall the following morning. The army messengers wisely convinced Monroe that Butler would not appreciate such a response, and Monroe reluctantly made his way with this escort to the hotel.

When Monroe arrived at the St. Charles Hotel, a number of civilians had preceded him, and had formed an unruly crowd outside the hotel shouting threats against Butler. The clamor

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Google Books, https://books.google.com/books?id=NHs0AQAAMAAJ&pg=PR1&lpg=PR1&dq=Acts+and+Resolutions+Passed+During+the+First+Session+of+the+Thirty-seventh+Congress&source=bl&ots=b6D4KKeagk&sig=V4ItLCy1zlhXfX5yPD11_xQw-eU&hl=en&sa=X&ved=0CCIQ6AEwAWoVChMI9tW1i6LzyAIVU9ZjCh1erAPY#v=onepage&q&f=false, 2-4; 36, 74.

[43] Lincoln to Albert G. Hodges, April 4, 1864 as cited in McCrary, *Abraham Lincoln and Reconstruction*, 14.

was so great that the meeting between Butler and Monroe had to be postponed because of the ruckus issuing from the mob. Ever the resourceful problem solver, Butler had between four and six Napoleon artillery pieces placed outside the hotel. Napoleon cannons were capable of deploying canister ammunition at close quarters. Canister in a Napoleon piece acts much the same as would a four-inch diameter shotgun, and it is an open question as to whether Butler would have deployed such a gruesome weapon against a civilian crowd. Butler made it clear in later writings that the gender of the members of the mob played a factor in whether or not he would consider using deadly force.[44] Nineteenth-century military doctrine did not account much for noncombatants. Carl von Clausewitz briefly addressed morality in war zones in his magnum opus, *On War*, but there was not an English translation available until 1873, so it is unlikely Butler would have been influenced by outside considerations with regards to what level of violence against noncombatants was acceptable.[45] Farragut, often praised for his instincts and capabilities, had fired a howitzer at a demonstrating Confederate crowd prior to Butler's arrival.[46] It is clear that Union commanders felt it appropriate to direct force against civilians when the civilians either imperiled soldiers' lives or blatantly flouted Union authority. This episode largely demonstrates that Butler may have been willing to employ direct violence against civilians if he felt endangered, but also that he was not overeager to do so. Ultimately, the unruly assembly saw the artillery and largely dispersed. Butler was satisfied with the

[44] Benjamin Butler, as quoted in "Gen. Butler's Explanation of his Famous Order," Vermont *Journal*, July 26, 1862. The precise bore diameter of a Napoleon artillery piece was 4.62 inches. https://newscomwc.newspapers.com/image/491197757/?terms=DeKay&pqsid=ni5G7tOWDEgpxrjempPD6g:2015020:563010616. Accessed April 16, 2019.
[45] Carl von Clausewitz, *On War*. (Princeton, NJ: Princeton University Press, 1984), 136-137.
[46] Hearn, *When the Devil Came Down to Dixie*, 70.

expeditious pacification of the crowd and likely learned that the judicious application of force against civilians could resolve most demonstrations of disloyalty.[47]

When Butler and Monroe reconvened, they ate dinner, during the course of which Butler revealed his unique sense of humor by having the military band treat his guests to a splendid performance of the Star-Spangled Banner. Those in the crowd who still lingered outside listened sullenly to the chords of John Stafford Smith's famous composition.[48] Following this evocative rendition, Butler informed the mayor and his entourage that he wished the city's government to remain in operation during the occupation, and that Butler intended only to supplant the Confederate government's functions within the city, so long as the city government did not actively oppose the Federal efforts there.[49]

Butler gave Monroe a copy of the proclamation which he would have the city papers print in the morning so that he would be aware of the terms of it. Monroe somewhat misguidedly sought to recommend changes to Butler before the proclamation was issued. Butler rejected all of Monroe's recommendations out-of-hand. Butler told Monroe that he had always been "a friend to Southern rights," but that he was in New Orleans to "put down Southern wrongs."[50] Ultimately, Monroe had to agree that Butler's decision to allow the municipal government to continue and operate the city during the Union army's occupation was the best solution for the city and the army. This course of action would allow the city to operate with no

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[47] Hearn, *When the Devil Came Down to Dixie*, 84. Hearn notes that Butler wrote in his memoirs that he had placed six pieces, outside the hotel. Correspondence between General and Mrs. Butler reveals that there may have been four Napoleons, and not the six that Butler mentions in his later papers.
[48] Elisabeth Joan Doyle, "Civilian Life in Occupied New Orleans, 1862-1865." (PhD Diss, Louisiana State University, 1955), 19, accessed October 11, 2014 in PROQUESTMS ProQuest Dissertations & Theses Full Text, http://ezproxy.tcu.edu/docview/193818190?accountid=7090.
[49] *Monroe Correspondence*, 22.
[50] Butler, *Butler's Book*, 378.

opposition from Butler, and autonomy was what Monroe and many New Orleanians ultimately wanted. The following morning, during a special meeting of the city council, Monroe recommended, and the council unanimously accepted, Butler's offer to remain in operation with the proviso that the city government and its officers not use the leeway granted them by Butler to subvert the occupying forces.[51]

That same morning, May 2, newspapers circulated Butler's proclamation in their daily publications. The proclamation itself, which totals over 1,400 words, declared martial law within the city, and specified a number of provisos by which New Orleanians would have to abide. Butler sidestepped Monroe's insistence to Farragut that he had no authority to surrender by simply proclaiming the city had "surrendered to the combined naval and land forces of the United States."[52] Armed bodies and persons would disarm and disband. Residents would require special permits to retain firearms, and then only if used to obtain food.[53] The European Legion had been keeping order within the city since General Lovell's evacuation, and Butler specifically allowed this group to remain in operation as long as they were willing to work with the martial government and report to Butler's office.[54] Butler ordered that the only flags eligible to be displayed in the city were those of the United States and those of respective nations' consulates, where applicable. Businesses and churches were to reopen their doors immediately.

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[51] *Monroe Correspondence*, 22.
[52] Butler, "Proclamation of General Butler," *Private and Official Correspondence of Gen. Benjamin F. Butler, during the period of the Civil War*, vol. 1, *April 1860-June 1862*, ed. Jessie Ames Marshall (Norwood, MA: Plimpton Press, 1917), 433.
[53] Mark Cox, Office of the Provost Marshal to Edward J. Gay, "Arms Permit" issued to Edward J. Gay, April 27, 1864. Louisiana State University Special Collections Y:16, Box 46, Folder 453. Accessed 12/16/2014. http://cdm16313.contentdm.oclc.org/cdm/compoundobject/collection/p15140coll10/id/389/rec/33; Bush, "Federal Occupation of New Orleans," 97.
[54] Butler, *Butler's Book*, 379.

Any person refusing to take an oath of allegiance to the United States would be considered still in a state of rebellion and deprived of personal and property rights until such time as they returned to the fold. Butler also specified that any killing of a soldier of the United States, whether by an individual or mob, was "simply assassination and murder … and [would] be so regarded and punished."[55]

Butler's actions and proclamations throughout that first day and the next several days were all undertaken with the express purpose of first, re-starting New Orleans' stagnated economy, and second, quelling insurgent activity before it had a chance to foment. One of the more common transgressions committed against the stipulations of martial law was that concerning flags and banners. Butler's decree of May 1 had specified,

> All ensigns, flags, devices, tending to uphold any other authority save those of the United States and foreign consulates, must not be exhibited, but suppressed. The American ensign, the emblem of the United States, must be treated with the utmost respect by all persons, under pain of severe punishment.[56]

Displaying illicit flags was certainly one of the most passive methods for resisting Federal authority. Monroe's refusal to remove the flag of Louisiana from the public buildings seemed the best way for New Orleanians to protest their unwanted change of government. Penalties for breaching Butler's prohibition on non-U.S. flags varied, from the receipt of a fine, to time exiled to the tiny military installation at Ship Island, ten miles off the coast of Mississippi in the Gulf of Mexico. Frank W. Andrews, for example, received a $20 fine for "hurrahing for Jeff Davis, waving a secession flag and using treasonable language."[57] Perhaps the less severe infraction belonged to M. Gill, who was fined $100 for permitting his children to display a Bonnie Blue

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[55] Butler, *Butler's Book*, 380.
[56] Butler, *Butler's Book*, 380.
[57] Rousey, *Policing the Southern City*, 109.

flag on his home, but Mr. Gill received a stiffer punishment.[58] It is possible that the seemingly arbitrary and subjective punishments for flag display simply got stiffer as the year went on, as Thomas Karney was convicted of hoisting a Confederate flag on his home in August, and in contrast to either Andrews' or Gill's fines, Karney received a full year of prison in the Parish jail.[59]

Flags and banners had been a large part of the debate from the outset with the incident at the Mint, which came to a head in late May when the provost marshal Captain Jonas H. French had William Mumford of 69 Rampart Street arrested in connection with the incident.[60] Butler was intensely interested in the outcome of Mumford's trial, as he was convinced that Mumford's offense was "heinous" in the extreme, and that the consequences of thousands of citizens following Mumford's example would have been calamitous.[61] Butler wanted to set an especially rigid precedent for Mumford's case both because of the offense which had been committed, and partially because no one really thought that Butler would dare hang Mumford. Mumford was a man of "considerable education, some property, and much influence with the lower class," and it was thought that Butler would not dare harm a man of such repute. Even once Major Joseph M. Bell of the provost court handed down Mumford's sentence to be hanged by the neck until dead, many believed that Butler would commute his sentence.[62]

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[58] Rousey, *Policing the Southern City*, 111.
[59] *Daily Delta*, August 7, 1862.
[60] "1861 New Orleans City Directory – M through O," Louisiana Division, Main Branch, New Orleans Public Library, Accessed July 8, 2019. http://files.usgwarchives.net/la/orleans/history/directory/1861mo.txt; Rousey, *Policing the Southern City*, 106.
[61] Butler, *Butler's Book*, 438. Despite the New Orleans *Daily Crescent* reporting the names of other men who served as Mumford's accomplices, Butler seems to have been solely interested in the man who actually tore down the standard. See *Daily Crescent*, April 28, 1862 and Bush, "The Federal Occupation of New Orleans," 91.
[62] Butler, *Butler's Book*, 439.

New Orleanians in general felt that Mumford was not only being punished more severely than his crime warranted, but also that Mumford had been well within his rights to do what he had done. Not only had Butler's proclamation and martial law not yet been issued at the time Mumford tore down the flag, but many also contested that New Orleans was not yet under Union control, and that the occupying army had no jurisdiction to penalize Mumford for a crime committed outside their authority to punish. Butler flatly rejected these arguments, holding that Mumford's actions were dangerous in the extreme, and that he needed to make an example of Mumford to prevent future demonstrations of rebellion. Butler also contended that New Orleans was under Federal jurisdiction at the time of the Mumford incident because Farragut's force was in New Orleans and the city could offer no real opposition to Federal authority.

Butler withstood petitions by people who did not know Mumford to heartfelt and sincere appeals from Mumford's wife and still would not yield. Butler was determined to demonstrate his resolve and his authority, and Mumford offered a clear example of the kind of behavior he would not tolerate. Even perhaps the most convincing of supplicants implored Butler on the morning of the execution to spare Mumford's life. Dr. William Mercer, one of the city's elite and president of the Bank of Louisiana, came to Butler's office and offered his own life in exchange for Mumford's. Although greatly touched by the gesture, Butler refused, insisting that it was Mumford's life which was needed to expiate the crime committed against the Union.[63]

The morning of the hanging an angry mob appeared near the U.S. Mint, where the gallows had been erected for Mumford's execution, as though daring Butler to execute him. Several hundred, perhaps over a thousand demonstrators surrounded the gallows, some drinking, practically all spewing the most vituperative threats against Butler and his men

[63] Butler, *Butler's Book*, 441-443.

demanding Mumford be granted clemency. If Mumford was executed, the crowd vowed to atone his loss with Butler's death "by any possible means."[64] Butler, as though daring the populace to resist him, ordered the execution to proceed. Once the rope was taut, the stunned crowd simply faded away, back to their homes.[65] This was the anticlimax for which Butler had gambled, and one of the defining moments of the occupation. Butler knew that the people would back down when faced with harsh tactics, and so he utilized them with maximum efficacy. While some cities may have been incensed at Mumford's execution, New Orleans numbly settled back into its daily routine, and no more serious large-scale demonstrations would take place.

Butler's next skirmish was with the *Daily Delta* over its refusal to print his original proclamation. The *Delta* printed an abridged version of the proclamation—exclusively the excerpt that addressed the European Brigade—on May 3, but the paper also printed in full each of Monroe's proclamations. Butler certainly would not allow papers to print items which outright questioned either him or the occupation, but they were largely under no obligation to present all of the information. While never outright hostile toward Butler, the *Delta* exuded dislike for the city's occupied situation. Despite the *Delta*'s insistence that in the face of Federal occupation the newspapers were reduced to "the simple province of the historian," the *Delta* printed Mayor Monroe's activities and dealings while ignoring Butler's. But the *Delta*'s assertion on May 14 that they were fundamentally "prisoners of war," may have been the final straw for Butler, who shut down the paper's office effective May 17.[66]

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[64] Butler, *Butler's Book*, 440.
[65] *Daily Delta*, June 8, 1862.
[66] "Our Status," *Daily Delta*, May 3, 1862. Accessed June 19, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/283561383.

The example of the *Daily Delta* illuminates one of the more controversial aspects of Butler's governorship of New Orleans, that of censorship of the free press. Federal censorship during the Civil War ranged from subtlety, such as simply occupying telegraph offices and "monitoring" and filtering those communications, to more overt press censorship such as directly approving newspaper articles that typifies what Butler undertook in New Orleans.[67] Butler was not shy about abridging freedom of the press, but he was also quick to forgive repentant printers willing to recant their rebel ways and swear fealty to the Union. Butler suspended the *Daily Delta* for almost two weeks, between May 17 and May 28.

When Butler reinstated the *Delta* on May 27, the paper resumed business as usual save for a distinctly pro-Union flavor. The first example of this newly-discovered enthusiasm for all things Unionist was published on June 8 during the recounting of the hanging of William Mumford. Of the Mumford incident, the *Delta* wrote that Mumford "justly received the reward of his treason and madness, in the presence of thousands of spectators."[68] Given the reaction of other New Orleanians, it is safe to presume that few others felt the same way about how Mumford received justice.[69] A later example of the *Delta*'s new leaf comes from the June 12 edition, where the *Delta* re-printed a glowing editorial praising General Butler:

> Our political Generals have been, as we predicted from the outset, costly, and in some instances troublesome encumbrances to the army. We must make one exception, however, to the remark, and that is General Butler. He has shown himself not merely a dashing soldier, but an able administrator. His measures in New Orleans prove that his sagacious mind has grasped all the delicacies and

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[67] "Juin 10," Paris *Le Constitutionnel* as cited in "Latest News from Europe," *Times-Picayune*, July 6, 1862. Accessed June 18, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25534178; "The Censorship of the Press in Lincolndom," *Times-Picayune*, April 16, 1862. Accessed June 18, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25531796.
[68] *Daily Delta*, June 8, 1862.
[69] Hearn, *When the Devil Came Down to Dixie*, 139-141.

> difficulties of a most embarrassing position, and that he is equal to every emergency. If any one [sic] can exercise the spirit of rebellion from the Crescent City, it is General Butler.[70]

Although each of the city's other papers were ostensibly reconciled to pacification through censorship, no other shows the same amount of respect toward Butler as did the *Delta*. Documentation is unclear as to how closely Butler may have been standing behind Walker's shoulder as he penned these words, but what is clear is that the paper played its role well. It soon became a mouthpiece for the occupying government, and the government paid the *Delta* for its space, at least by early 1863.[71]

Butler wanted the city back to normal immediately, which would achieve the dual purposes of getting people back to work and out of mischief, and get the people fed, both of which were fast becoming major problems. The food shortage in particular had become a major issue even before Farragut or Butler had made landfall. General Lovell's retreat from the city had caused all businesses, from banks and brothels to barbershops and merchants, to shut down completely. The most immediate consequences of these shutdowns meant no access to hard currency unless a person had it on hand, and no access to additional foodstuffs, unless they had been stored up. Looting and rioting had become widespread, with the majority of targets being comestibles.[72]

Butler's order for all businesses to resume operations immediately sought to alleviate these troubles, but did nothing to increase the fast-dwindling stores of food in the city. Butler

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[70] "General Butler," *Daily Delta*, June 12, 1862, originally printed in the New York *Herald*, May 31, 1862.
[71] John W. McClure, "Receipt for $638.00 paid to the Daily Delta Office," *MSS 577.10*, The Historic New Orleans Collection.
[72] Doyle, "Civilian Life in Occupied New Orleans," 29-30, see also Hearn, *When the Devil Came Down to Dixie*, 69-70 for rioting preceding the Mumford incident.

used his powers to requisition food for the city's poor citizens, who were the hardest hit by the sudden stoppage in municipal commerce and the war in general. He donated one thousand barrels of beef to the city out of his own pocket to alleviate the hunger.[73] His Special Order 166, dated July 2, established a superintendent and deputy superintendents whose sole duty it was to procure "provisions for the poor of New Orleans."[74] Government agents at government-sponsored markets would sell these provisions at fixed prices which the city's indigent could afford. In the event that a person could not afford food and was in need of it, Butler directed the deputy superintendents to work with local clergy in order to arrange the donation of Federal foodstuffs to those whose need was greatest.

Despite the altruistic motive, these programs would not be in full swing until the end of the summer, and the city's poor needed food immediately. For order to be restored and peace prevail, Butler had to put an end to the rioting and get some food to New Orleans sooner. He made a blockade exception for a ship laden with flour steaming from Mobile, hitherto prevented from selling its wares in New Orleans, to unload its cargo in order to help alleviate the city's 140,000 hungry souls.[75] When Monroe informed Butler that a large shipment of beef and other provisions had been held up by Union steamboats on the Mississippi, the commanding general ordered they immediately be allowed to proceed to New Orleans to unload their cargo and return to rebel territory—provided they not take any passengers with them.[76] Butler also authorized the Opelousas Railroad to acquire food from any market necessary for the time being

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[73] Bush, "Federal Occupation of New Orleans," 99.
[74] Benjamin F. Butler, *Private and Official Correspondence of General Benjamin F. Butler*, vol. 2, *June, 1862 to February, 1863*, ed. Jessie Ames Marshall (Norwood, MA: Plimpton Press, 1917), 30-31, accessed December 2, 2014. https://archive.org/details/privateofficialc02butl, cited hereafter as "*Butler Correspondence*, [page]."
[75] "General Orders No. 19," *Monroe Correspondence*, 25, May 3, 1862.
[76] "General Orders No. 21," *Monroe Correspondence*, 26, May 3, 1862.

so as to alleviate the city's immediate needs. These measures were able to sustain the city until the end of May, when the first of many such provision ships arrived from New York City.[77]

One of the biggest impacts of the Federal capture of New Orleans was the fact that Butler reopened the busy city's ports to commerce. With the city nearly crippled by the blockade, Butler's General Order Number 22 allowed farmers and plantation owners to resume exporting sugar and cotton.[78] The problem lay in the fact that there was so little sugar or cotton to export. The wartime years were the leanest for cotton since 1834.[79] Plantation owners sold nearly 1.8 million bales of cotton and over 450,000 hogsheads of sugar through New Orleans in 1860. In 1865, vendors sold about 270,000 bales of cotton and 10,000 hogsheads of sugar. Although demand-based price increases made the individual bales and hogsheads more profitable, earnings and profits as a whole were down until the war had ended.[80]

The occupation economy was slow to recover given the sheer weight of adverse economic influences against it. What may have been at the heart of the recoil against Butler, if not backlash over the Woman Order, was Butler's personal conduct.[81] Butler somehow managed to accrue astounding wealth during his stay in New Orleans, some of which was likely skimmed off the top of army supplies, some from extorted favors from companies in which he held stock, and some siphoned from taxes, fines, tariffs, or other penalties.[82] Butler was careful not to dirty

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[77] Doyle, "Civilian Life in Occupied New Orleans," 30-31; "General Orders No. 20," *Monroe Correspondence*, 26, May 3, 1862.
[78] Butler to Stanton, May 8, 1862, *ORA vol. 6*, 507.
[79] Joseph Perry Montgomery, "Louisiana Cotton Statistics with Comparisons," *LSU Agricultural Experiment Station Reports 556*, 10. http://digitalcommons.lsu.edu/agexp/556. Accessed January 9, 2020.
[80] Doyle, "Civilian Life in Occupied New Orleans," 171-172.
[81] Baron Friedrich von Gerolt to Seward, August 26, 1862 in *Butler Correspondence*, 219-220.
[82] Hearn, *When the Devil Came Down to Dixie*, 92-93, 145-160, 180-181.

his own hands by stealing directly, only where the proof could be lost in the mounds of paperwork of the Department of the Gulf.

Before the first battle of the war had even been fought, Butler had been fully immersed in speculation and war profiteering. A New York hatter offered to sell Butler six thousand kepis to equip his men. Butler agreed, so long as the hat maker agreed to divert ten percent of the invoice cost to Butler's quartermaster to "divide around." The hat maker balked until another supplier informed him that that was how Butler did business—he purchased whatever he liked, then passed the invoice through his brother-in-law's accounts receivable office, where he billed the army for the supplies at inflated prices.[83]

As the campaign on New Orleans approached, Butler had speculated that the supply of coal might become short in the weeks leading up to the assault on the city, so he ordered his quartermaster to have the ships under his command ballasted with coal at Butler's own expense instead of the usual stone.[84] This was done as a speculative measure, which allowed Butler to purchase anthracite cheaply on the east coast and re-sell it to the Navy at an inflated price once Farragut's fuel supply ran low. As of April 17, 1862, he had sold more than 1,000 tons of ballast coal to the Navy operating in the Gulf of Mexico. This behavior may not have been outright illegal, but the coal had been transported west on a government vessel at no charge to Butler himself. A second episode involving five thousand dollars' worth of cotton and turpentine which Butler had shipped east on Navy vessels put an end to the chicanery. Once the cargo reached port and was being unloaded, a concerned quartermaster brought the illicit cargo to the attention

[83] Hearn, *When the Devil Came Down to Dixie*, 30-31.
[84] Butler to Stanton, April 17, 1862 in *Butler Correspondence vol. 1*, 414; Hearn, *When the Devil Came Down to Dixie*, 56-57.

of the Lincoln administration, which reimbursed Butler for his expenses, but deposited all proceeds into the treasury.[85]

Butler's most famous incident of criminal mischief is perhaps one of the most ridiculous of the war. On August 9, 1862, a woman named Ferguson en route to Bayou Goula, Louisiana—three-quarters or so of the way to Baton Rouge from New Orleans—presented a pass to New Orleans police officers stationed outside of the city of New Orleans. The pass allowed Mrs. Ferguson passage, but with only "the ordinary articles of wearing apparel for a woman."[86] Mrs. Ferguson was detained and her property searched for contraband that Union officials suspected might be smuggled out of New Orleans. Among her personal effects were two bundles of newspapers and a set of silver spoons.[87] The papers were permissible, but valuables like the spoons and intelligence like the newspapers were not. Mrs. Ferguson was soon on her way, albeit sans spoons, as these were confiscated by reason of not matching the criterion listed on the pass. No fewer than three civilians claimed ownership of the spoons over the next few years through filed complaints with the Department of the Gulf, the French consulate, and the War Department. The French government complained to Secretary Seward at the State Department of the ludicrous affair before the paper trail lead to the spoons having been sold by Butler's quartermaster as contraband. Even though the spoons wound up being accounted for, Louisianans suspected Butler of having stolen them. The story likely stuck both because

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[85] Richard Fay to Butler, May 7, 1862 in *Butler Correspondence*, 445-447; C.P. Buckingham to Seward, June 11, 1862, Ibid., 447; Asst. Secretary of the Navy G.V. Fox to Butler, June 1, 1862, Ibid., 533; Butler to Quartermaster General M.C. Meigs, June 10, 1862, Ibid., 579-580; Asst. Secretary of War P.H. Watson to Richard Fay, June 18, 1862, Ibid., 612-613.

[86] William D. Orcutt, "Ben Butler and the 'stolen spoons': The documents in the Case, from His Unpublished 'Private and Official Correspondence.'" *The North American Review*, 207, vol. 746 (Jan 1918), 78. URL and access data from all JSTOR articles cited in this dissertation may be found in the Bibliography.

[87] William D. Orcutt, "Ben Butler and the 'stolen spoons,'" 68.

southerners were eager to paint Butler as a common thief, and petty larceny fit the description, and because Butler mailed a set of spoons to his mother from New Orleans, but those spoons appear to have been properly obtained.[88]

Shady wartime financial dealings are often overlooked in the presence of such depravity and wanton lewdness as was found in New Orleans, but the economic indiscretions committed by both the city banks and by General Butler himself proved extremely harmful to the city's economic recovery. Butler had ordered the banks open along with the rest of the city's businesses and churches, and the banks had obliged, but the availability of specie was limited. This shortage was partially created by the fact that six million dollars' worth of the city's gold had been sent north with Lovell's troops at the first whispers of Farragut's attack, and partly due to Butler's confiscation of $200,000 worth of gold from state banks upon his arrival.[89] Banks also attempted to conceal specie from Union officers by stashing money in unusual places, including private residences, behind altars in churches, and even in tombs.[90] Availability of any paper currency, therefore, was limited to Confederate bills, the use of which had been prohibited by Butler in his proclamation of May 2. Such was the currency scarcity that people had difficulty conducting basic business. One city resident purchased a cup of coffee from a vendor and paid for it with a one-dollar bill. The gentleman's astonishment must have been extreme when the vendor offered him nineteen trolley tickets as change for his dollar.[91]

Rather than see the city's commerce halted as a result of the currency shortage, Butler suspended the moratorium on Confederate currency, at least until either specie or Federal paper

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[88] Hearn, *When the Devil Came Down to Dixie*, 222-223.
[89] Bush, "Federal Occupation of New Orleans," 88; *Butler Correspondence*, 14-15.
[90] Butler, *Butler's Book*, 505.
[91] Butler, *Butler's Book*, 506.

money could become available in dependable quantities. While this temporarily resolved the money issue, unscrupulous banks were quick to take advantage of the situation by claiming that the hundreds of thousands, perhaps millions, of dollars' worth of Confederate paper money in their vaults constituted legal tender. Armed with this assumption, banks then proceeded to tender payments in Confederate money from accounts whose initial deposits had been made in specie, and declared the deposits and payments like for like.

One depositor with an account at the Bank of Louisiana, Dennis Sullivan Durand, had opened an account with the bank with approximately $1,000 worth of specie.[92] Durand had returned to the bank during May, 1862 seeking to withdraw some of his funds, and the bank processed the withdrawal in Confederate banknotes. Durand was no fool, and knew that the money issued him was worthless, so he demanded payment in specie, as his deposit had been made. When the bank teller and manager refused, Durand sued the bank for payment in specie. Durand's was not the only such case, but it was the first to be tried, and so established precedence for similar cases to follow.[93]

The question of the conduct of the banks, as with all other conduct cases, came before Major Joseph Bell to be tried. Butler's declaration of May 2 had decreed that all criminal cases during the time of martial law would be tried before a military tribunal, whose word would be final. Butler appointed Bell to the post of judge of the provost court, who, like Butler, was a successful lawyer from Massachusetts. At the time of his appointment Bell had been serving as Butler's aide-de-camp without salary. Bell was good-looking, had a good sense of humor, and

[92] "Case Against the Bank of Louisiana," *Daily Delta*, June 6, 1862.
[93] Thomas W. Helis, "Of Generals and Jurists: The Judicial System of New Orleans Under Union Occupation, May 1862-April 1865," *Louisiana History Quarterly* 29, no. 2 (Spring 1988): 150, accessed December 16, 2014, http://www.jstor.org/stable/4232652.

had a strong legal pedigree, his father-in-law being the dean of the Massachusetts state bar.[94] Bell opened his court on May 4, and as time passed and Butler found it necessary to close more and more local courts, Bell saw his workload increase to sometimes more than one hundred cases in a day. By June 12, Bell was the sole criminal judge in the whole city of 170,000 people.

Bell was famous for the speed with which he handled his cases, sometimes burning through one every two minutes as he dispensed justice to lawbreakers. His remarkable caseload forced him to issue prompt verdicts using a combination of law and common sense. Perhaps the most innovative feature of Bell's courtroom practices was his decision to allow blacks to testify against whites in court, something hitherto totally unknown in Louisiana jurisprudence.[95] The breakneck pace was not conducive to detailed records, so many notes of his "Common Council" cases and verdicts survive courtesy of the city's newsmen. The papers did not record every case, and sometimes the accounts of the Common Council include droll remarks and other informalities from the reporter on scene. Of a Mrs. Whipple, accused before Judge Bell of being drunk and disorderly, the paper wrote that her sentence was to be "sent down for one month to the delightful shades" of the House of Refuge on Lafayette Street.[96] The commentator called one tailor accused of selling clothing to the Confederate government a "knight of the shears."[97]

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[94] Helis, "Of Generals and Jurists," 146.
[95] Helis, "Of Generals and Jurists," 149.
[96] "Provost Court, May 27," *Daily Delta*, May 28, 1862. Accessed February 18, 2020. https://newscomwc.newspapers.com/image/283561868. The original quote references the "Hevia street establishment," even though the street had been renamed to Lafayette Street in the 1840s.
[97] "Provost Court," *Daily Delta*, June 4, 1862. Accessed February 18, 2020. https://newscomwc.newspapers.com/image/283562039.

Of a man accused of blackmailing a liquor establishment, the paper dryly concluded that the man was convicted because of the "proof being positive."[98]

The proceedings of Bell's court were reprinted faithfully by the *Daily Delta* on the front page of each edition, and the case of the Bank of Louisiana would likely have been followed closely by *Delta* readers. The bank continued to contend that account withdrawals rendered in Confederate currency where specie had been deposited was a valid form of remittance.[99] Bell, as usual, did not take long in rendering a decision, ruling against the banks and ordering that all deposits made with specie must be returned in specie.[100]

Bell's ruling posed a problem for banks, since much of the city's deposits had been sent out of the city as soon as Farragut's fleet approached—likely to preserve it for the Confederacy—and all the banks had to hand were Confederate greenbacks. The banks and their representatives naturally appealed the case to Butler, hoping the corrupt aristocrat himself would be sympathetic to the plight on the moneylenders. Their grounds were Bell's lack of jurisdiction in the matter and the basis of the laws on which the decision was rendered. They were soon disappointed, as Butler issued a decision only a few days later sustaining Bell's decision. Butler quickly dismissed their concerns about Bell's courtroom being legitimate, and repudiated the laws the defendants were using to defend their actions; laws which had been enacted by Governor Thomas O. Moore the previous fall. Butler declared the actions of Governor Moore moot because Louisiana was in rebellion at the time, and those laws could hardly be recognized within the United States. "Durand," concluded Butler, "is now the creditor

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[98] "Provost Court," *Daily Delta*, June 12, 1862. Accessed February 19, 2020. https://newscomwc.newspapers.com/image/283562291.
[99] *Daily Delta*, June 14, 1862.
[100] Helis, "Of Generals and Jursits," 150.

of the bank," and he was due "his gold, to which by the laws of banking, laws of the State, and the United States he is entitled."[101]

Financial chicanery did not begin or end with the banks. Butler's intelligence revealed that various European consulates had stashed millions of dollars in specie that had belonged to the Confederate or state government to prevent its falling into Federal hands when the city fell. The Dutch consulate was reported to have $800,000 in Mexican dollars, the French consul might have had as much as $4,000,000 squirreled away. Foreign consuls also likely sponsored smuggling into and out of New Orleans in an effort to either aid the Confederacy, avoid Federal officials, or both.[102] Butler seized as much of the illicit moneys as he could, often over the protestations of the foreign governments who claimed, with some plausibility, that the money the consulates were holding had been deposited there by concerned French or Dutch or English citizens living in New Orleans who feared a general panic.[103] Butler still pressured the consulates wherever he could, which almost certainly contributed to his relief in late 1862, but

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[101] Henry Martin Lazelle and Leslie J. Perry eds., The War of the Rebellion: v. 1-53 [serial no. 1-111] Formal reports both Union and Confederate, of the first seizures of United States property in the southern states, and of all military operations in the field, with the correspondence, orders and returns relating specially thereto. 1880-1898. 111v (Washington, D.C.: United States War Department, Government Printing Office, 1886), 472-473, accessed January 15, 2015, https://books.google.com/books/reader?id=B75ZAAAAYAAJ&printsec=frontcover&output=reader&pg=GBS.PR1. Hereafter cited as "War of the Rebellion, [page]."

[102] "A French Count," New York *Times*, December 16, 1862. http://library.tcu.edu.ezproxy.tcu.edu/PURL/EZproxy_link.asp/docview/91685912?accountid=7070. Accessed January 17, 2020.

[103] C. F. Adams to Butler, July 15, 1862, *Butler Private and Personal Correspondence*, 70-71. It is worth nothing that, while the initials on this letter match those of the American ambassador to England in 1862 Charles Francis Adams, this document did not likely originate from Ambassador Adams. See *Butler Private and Personal Correspondence*, 70n for more information.

the misbehavior of the consuls themselves also resulted in at least the French consul, Count Mejan, being recalled by his government.[104]

Butler soon found that Mayor Monroe had committed numerous violations of Butler's proclamations attempting to continue to pass aid to the Confederacy. Butler had fully intended to keep his promise to Mayor Monroe and the city council to allow the municipal government to continue in their various functions indefinitely, so long as they did not attempt any subversion of the Federal presence. Mere days had elapsed between the council's acceptance of Butler's terms with the explicit condition that "no intelligence or aid" be given the Confederates, and the subsequent breaching of those terms by Monroe and the city council.[105] Monroe and the council did not, apparently, feel that the scope of Butler's definition of aid included either arms or thousands of dollars' worth of gold, which had been smuggled out of the city on May 4 by city-sponsored Confederate agents. Monroe also began to arrange the passage of several Confederate soldiers who had been captured at Forts St. Philip and Jackson and subsequently paroled, back to Confederate lines before their fair exchange.[106] The now ex-Mayor Monroe and ex-Senator Soulé had sought to surreptitiously offer the Confederacy aid from under Butler's very nose. While smaller scale operations continued to trickle aid to the Confederates in Louisiana, Butler did a good job of sniffing out potential mischief. Once Butler had deposed Monroe and Soulé from office, he shipped them off to Ship Island. The six men whom Monroe had attempted to smuggle back to Confederate lines were sentenced to death by hanging as escaped parole violators.[107]

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[104] Butler, *Butler's Book*, 525; "A French Count," New York *Times*, December 16, 1862.
[105] "General Orders No. 21," *Monroe Correspondence*, 27, May 3, 1862.
[106] Butler, *Butler's Book*, 438-439.
[107] Butler, *Butler's Book*, 439.

Characteristic of Butler, he acted quickly, shutting down all municipal functions and replacing elected city officials with military appointees on May 6. Butler appointed Captain French as chief military inspector of New Orleans to act as chief of police until control of the police department could be reverted to civilian control.[108] On June 10 Stanton appointed Colonel George Shepley of Maine as the Military Governor of Louisiana in order to alleviate some of Butler's administrative burden.[109] The letter came on the coattails of Butler's Woman Order, so Shepley's appointment may also have been intended as a measure to limit Butler's direct influence in Louisiana. Shepley's tenure would outstrip all other officials, even if he has received less notoriety. Other municipal offices and functions were given to other Federal officers, but Captain French and Major Bell wielded almost total control of the law enforcement of New Orleans.

French's first act as commandant of police was to sack all existing police officers and offer to re-hire them contingent upon the officer candidate swearing an oath of allegiance to the United States. French was discouraged, if not surprised when, of approximately 400 active officers, only eleven opted to swear an oath and keep their jobs.[110] There was some speculation that perhaps three quarters of now former New Orleans police officers were willing to affirm their allegiance to the United States, but many were deterred by the "fear of the slung shot bowing [sic] knife and revolver that they would catch it in the dark."[111] French posted advertisements in the local papers offering police jobs to any who were fit and willing to swear

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[108] *Butler Correspondence*, 42.
[109] Stanton to Shepley, June 10, 1862. Maine Memory Network, Maine Historical Society, Item 71045. https://www.mainememory.net/artifact/71045. Accessed September 24, 2018.
[110] Rousey, *Policing the Southern City*, 107, 113.
[111] New Orleans *Daily Picayune*, June 1, 1862, as cited in Rousey, *Policing the Southern City*, 107.

allegiance, and applications poured in, perhaps exceeding one thousand. Many of the applicants were too old or disabled to be able to serve on the force, but French had a pool of loyal Union men from which to build his new department.[112] In the meantime, French inserted occupying troops, most of whom were from Massachusetts, to law enforcement duties until French had recruited enough police officers loyal to the Union.

Soldiers on the beat could experience great hardship when patrolling alone, but the problems were much less common when Union soldiers worked in groups. Many New Orleanian men harbored murderous thoughts. Once police officer was quoted as regretting "'he dont [sic] shot the God d-----d son of the b-----s Yankees.'"[113] Butler had commanded soldiers to not go any distance from their camps without taking their arms with them, and to resist any attempts to break the sentry lines with the bayonet. Private Benjamin C. Johnson of the 6th Michigan Infantry recorded a run-in with an inebriated civilian, who was violating Johnson's line by increasing degrees, cursing and daring the sentry to do anything about his encroachment. Johnson stuck the ruffian with his bayonet such that he, "saw the blood trickling on his clothing," and the episode only concluded when the fiend's friends dragged him bodily away from the Union picket.[114] Men in New Orleans seemed to get the message that neither Butler nor his soldiers could be bullied out of the way, and they soon stopped trying. Civilian men soon returned to their usual routines, but their societal norms were in danger of being overturned.

Before the war, slaves were subject to tremendous criminal bias given the absence of a right to testify in court. They also experienced sentencing bias that meted out much harsher

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[112] Rousey, *Policing the Southern City*, 107-109.
[113] Rousey, *Policing the Southern City*, 109.
[114] Benjamin C. Johnson, Alan S. Brown, ed., *A Soldier's Life; the Civil War experiences of Ben C. Johnson* (Kalamazoo, MI: Western Michigan University Press, 1962), 28.

penalties for slaves as opposed to their free white or black counterparts.[115] Free blacks were obliged to show 'free papers' to prove their freedom whenever any official demanded to see them.[116] This policy changed when Major Bell took the bench and a free black named Henry Dominique was brought before him. Dominique had been arrested for not having free papers on his person. Bell ruled that "the presumption was that every man was free, unless the contrary was shown. No man needed free papers."[117]

Bell's decision proved to be typical of the occupying Federals' attitudes towards racial relations. In his farewell address, Butler echoed David Hunter's sentiment that "the existence of slavery is incompatible with … the Union."[118] Butler's General Orders No. 88 stipulated that "No person will be arrested as a slave … unless the person arresting knows that such person is owned by a loyal citizen of the United States."[119] He went farther than this, declaring that "slavery is inconsistent with martial law," and ordered all slaves from Georgia, South Carolina, and Florida within his jurisdiction freed.[120] Butler was not willing to use slaves as leverage against Louisianans in order to enforce peace, but he was willing to do what he could to combat slavery, not out of any altruism or sensitive feelings toward those who were enslaved, but because he felt the practice endangered society.[121]

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[115] Louisiana Penitentiary Report, the entire report details prison sentences, as well as racial identity for all Louisiana inmates.
[116] Mary R. Bullard, "Deconstructing a Manumission Document: Mary Stafford's Free Paper." *Georgia Historical Quarterly* 89, No. 3 (Fall 2005), 288. Accessed February 2, 2015. http://www.jstor.org/stable/40584841.
[117] "Common Council," *Daily Delta*, June 6, 1862.
[118] *Butler Correspondence*, 556-557.
[119] *Butler Correspondence*, 437.
[120] *Daily Delta*, May 30, 1862.
[121] R.S. Davis to J.W. Phelps, July 31, 1862, *Butler Correspondence*, 126-127; Butler's farewell address, *Butler Correspondence*, 557.

The government's new attitude toward slaves and slavery placed white New Orleanians in a difficult position. The deep-seated belief that the Caucasian race was superior to the Negro race was no longer supported by the institutional government, so the tenor of the discussion of the place of race in society changed. The *Times-Picayune* published a discussion in June asserting that African slavery had ultimately been beneficial to the Negro inhabitants of Louisiana because it had transitioned them "from African barbarism to Christian civilization! Hence, a Divine institution." The orator, a Mr. George F. Train, also called out the hypocritical abolitionist British government for having utilized slave labor to build their capital and empire, then trying to claim the moral high ground by eliminating slavery. "The diamonds in the royal crown, now worn by your Queen, were bought by the proceeds arising from the sale of your negroes."[122]

Much of the new narrative for the next few years would focus on justifying slavery as a benevolent institution and racial hierarchies as being necessary for the happiness and productivity of all races. Later that summer, the *Times-Picayune* published a piece inspired by the *Caucasian*, a little-circulated paper from New York, examining the pre- and post-revolutionary productivity of Jamaica and Haiti. The article concluded that the entire Negro race could not work as effectively unless "controlled and directed by superior intelligence."[123] An armed Federal presence might oblige white New Orleanians to make political concessions for their black neighbors, but it could not alter social circles or intellectual convictions of racial superiority.

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[122] "Train on Slavery," New Orleans *Times-Picayune*, June 5, 1862. Accessed August 29, 2019. https://newscomwc.newspapers.com/image/25533132.
[123] "Negro Labor," New Orleans *Times-Picayune*, August 19, 1862. Accessed August 29, 2019. https://newscomwc.newspapers.com/image/25535213.

Racial friction could only increase as thousands of refugee slaves had flocked to New Orleans following Butler's arrival, which quickly outpaced Butler's ability to enforce order amongst the refugees. Butler was able to find foodstuffs for the refugees out of rations earmarked for his own men, but enforcing behavior of the refugees and of New Orleanians against the refugees was another matter altogether.[124] Even using his old "contraband" mantra from his peninsular days, Butler was hard pressed to find work for ten thousand refugees. Part of the solution to the problem was to use the contraband labor to do construction work, but there was simply not enough work.

Butler undertook one large scale public works project to combat the infamous New Orleans yellow fever and employ some contraband workers and idle soldiers in the process. Yellow fever struck the Crescent City each summer and claimed hundreds, sometimes thousands of victims.[125] Some residents, tired of fruitless attempts at forcing the Yankees to leave, hoped that Providence might resolve the issue on their behalf. Benjamin Johnson of the 6th Michigan recalled that, "[a]lthough no violence was offered us when we landed … in a physical form yet in a mental form we heard such words as …'Yaller Jack' (meaning yellow fever) will take all you Yanks before you are here very long."[126] One civilian with a particularly strange sense of humor took to approaching Union soldiers armed with nothing but a measuring tape, a clipboard, and an "assistant" and measuring the confused and wary soldiers for coffins.[127]

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[124] Nathan W. Daniels, *Thank God My Regiment An African One: The Civil War Diary of Nathan W. Daniels*, ed. C.P. Weaver, (Baton Rouge, LA: Louisiana State University Press, 1998), 6-7; Butler, *Butler's Book*, 426.
[125] Butler, *Butler's Book*, 394.
[126] Brown, *A Soldier's Life*, 26-27. Parenthetical note in the original.
[127] Doyle, "Civilian Life in Occupied New Orleans," 57.

The solution to the concerns over yellow fever was to establish a quarantine and undertake a deep clean of the city's gutters and sewage system. The first patients infected with the deadly disease had come in from Nassau, and Butler acted quickly, isolating the infected and posting a guard. The sentries kept four large fires burning nearby day and night for six days "to keep an upward current of air," in the hopes that the pathogen would not spread. On the seventh day the two men died, and they were burned with their belongings. The quarantine system was famously successful, with only those two deaths reported all summer, and no soldier mortalities.[128]

The deep clean of the city streets occupied two thousand unemployed men for one month, and the street cleaning may have reduced instances of typhoid. Initially the cleaning project met with limited success because civilians could create messes just as quickly as government employed workers could clear them. When Shepley and Colonel T.B. Thorpe, the acting Street Commissioner, learned of this civilian counterproductivity, Butler ordered that civilians clean their own properties and refrain from casting any additional refuse into public space. Civilians in need of a way to dispose of excess refuse could discard it via a bi-weekly refuse collection program the army sent around on designated days.[129] Civilians who ran afoul of this refuse policy were subject to imprisonment. One daring gentleman threw a scrap of paper into the street to test the order's efficacy and Butler rewarded him with three months in the

[128] Doyle, "Civilian Life in Occupied New Orleans," 61; Brown, *A Soldier's Life*, 27. It seems that Butler's quarantine remedy was accidentally successful. Although not communicable by air, the quarantine method probably worked because the smoke from the fires prevented mosquitoes from biting the infected men.
[129] Butler, *Butler's Book*, 404-405.

parish prison. A woman who carelessly disposed of her "night soil" was threatened with the same punishment before hastily complying with the order.[130]

In addition to employing them with sanitation work, the commanding general also called upon some refugees in order to bolster the Native Guards, who, once rebuffed by the Confederate government, were ultimately employed in a twist of irony by Butler to enforce the law against their former oppressors and masters.[131] The Native Guard had not evacuated New Orleans with the remainder of Lovell's forces following Farragut's victory, instead remaining behind and offering the same services to Butler as they had to Lovell only a few months earlier. Concerns with keeping order, especially among the thousands of refugee slaves pouring into the city, prompted Butler to use the Native Guard in a garrison capacity where he did not want to spare white troops.[132] There was an additional consideration that many white Union soldiers objected to patrolling high population African American areas. Having the Native Guards and other Afro African units keep the peace among fugitive slaves made sense since "even the Yankee police hate[d]" the fugitives.[133] Butler certainly made his decision based more upon practical concerns than any sense of altruism, but even that utilitarian approach put him years ahead of his Confederate counterparts. Butler's decision to use African American troops to oversee predominantly African American civilians still reflected a segregationist mindset, but his willingness to raise black troops and commission black officers in the face of the racial caste

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[130] Doyle, "Civilian Life in Occupied New Orleans," 64.
[131] Butler to Stanton, Aug 14, 1862, *Butler Correspondence*, 191-192; Hollandsworth, *The Louisiana Native Guards*, 36-37. Most Native Guard regiments were stationed on the city's outskirts or guarded railroad tracks, but several served in the city itself at some point.
[132] Capers, *Occupied City*, 217.
[133] Rousey, *Policing the Southern City*, 112.

system extant in New Orleans was a worthwhile risk that gave black Louisianans glimmers of hope regarding enfranchisement.

For the moment, the hope remained merely that: a glimmer. Lincoln and Stanton met Butler's reports that he had expanded the Native Guards with steely, but complacent, silence. The war was still in its early stages, and prior to Lincoln's announcement of the pending Emancipation Proclamation, editors of *L'Union* periodical in New Orleans wrote that enslaved blacks could not take any pending racial progress for granted. "As a war measure," the paper cautioned its readership, "a complete abolition program is decidedly not favored in Washington."[134] Papers like *L'Union* would continue to encourage its readers to fight against the "infamous and hateful prejudicial beast," even if African Americans of all descriptions and legal statuses had limited options to alter their situation.[135] Many high-ranking army officers, the paper noted, were "Democrats, generally opposed to the programs of the Republicans," including liberalization of racial social movement.[136] Although himself a Democrat, Butler did not have the luxury of being able to turn down African American help, but how people of African descent fit into society would determine the successes and failures of occupation and Reconstruction.

His dealings with African Americans seem to be one of Butler's most crucial miscalculations. He certainly fancied himself as being impassively discerning of African American assistance, but his writing suggests that he is only interested in black cooperation insofar as it furthers his political objectives and the war's objectives. He seems chiefly

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[134] "Opposition aux Régiments noirs," *L'Union* (New Orleans), October 4, 1862. Excerpt translated by author.
[135] "Correspondence," *L'Union* (New Orleans), October 18, 1862. Excerpt translated by author.
[136] "Opposition aux Régiments noirs," *L'Union* (New Orleans), October 4, 1862. Excerpt translated by author.

concerned with the utility which African Americans presented as soldiers, contraband, or insurrectionist slaves, and spared little consideration for the postwar racial situation.[137] The way he discusses slaves toggles back and forth between classification as people and property. Even in his autobiography, written in 1892, he does not make it abundantly clear what his personal feelings were on the subject. For example, when discussing the Fort Monroe situation, he defines how many fugitive slaves entered his control in dollar amounts rather than by a head count, but later claims that the Rebels' insistence on classifying slaves as property rather than people made no legal sense.[138] Regardless of what may have been his personal inclinations on the subject of racial inequality or equality, his personal documents and official correspondence indicate that he was more concerned with subduing rebellious sentiment than he was with attempting to resolve the problems of contraband slaves.

The only power more potent than the rebellious attitude in New Orleans was Butler's will to subdue Confederate sentiment. Butler well understood the city's appreciation and affinity for General Andrew Jackson and sought to use that to his advantage. A few veterans who had valiantly defended the city from the British under Jackson's command still walked the streets. Such was the Crescent City's gratitude for General Jackson that the city had commissioned a copy of Clark Mills's Jackson's famous statue in Washington, D.C. and had it placed in Jackson Square in 1856. The original statue in Lafayette Square bore the inscription, "Our Federal Union It Must be Preserved," but Butler noticed that the New Orleans facsimile bore no such inscription. Butler sardonically resolved to correct this glaring omission. He had one of President Jackson's most famous quotes, "The Union Must and Shall Be Preserved" engraved in

[137] Butler, *Butler's Book*, 209, 211, 492, 670-671.
[138] Butler, *Butler's Book*, 258, 602, 604.

both flanks of the plinth upon which the statue rests.[139] Chagrined civilians who loved General Jackson but lamented President Jackson's choice of words had no option but to consider Mills's rendition of the seventh president in bronze in profile where the quote would not be visible.

Since Butler rebuffed most attempts to openly flout Federal authority, most civilians expressed their displeasure with Federal authority by more subtle means. Many New Orleanians had no interest in being governed by the Yankees in Washington, much less have patrols of Yankee soldiers walking their streets and enforcing their own laws against them. The city was still in the process of determining how much resistance it could safely offer without incurring the wrath of Butler or his minions. Semi-insurgent demonstrations from organized groups like the Council of Ten, to informal acts of defiance along the lines of William Mumford sprung up all around. Butler had to decide what constituted a punishable offense and how to treat the offenders.[140]

Others, rather than overtly resist Butler's men and risk greater punishments, attempted to resist by mocking the occupiers or treating them with supreme disdain. A shopkeeper by the name of Fidel Keller was arrested and convicted of displaying the skeleton of an alleged Union soldier slain at the Battle of Chickahominy in the window of his bookstore. Butler alleged that the remains and the placard displayed created "contempt" towards "the authority of the U.S. and our Armies," among the people who saw the dead 'soldier.' The fact of the matter was that they were of Mexican origin and had been procured for a medical student. The real origin of the remains did not weaken Butler's resolve, who sentenced Keller to two years' hard labor at Ship

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[139] Hearn, *When the Devil Came Down to Dixie*, 168.
[140] President of the Council of Ten to Butler, July 13, 1862, *Butler Correspondence*, 61. The Council of Ten was just one of many organizations which swore to kill Butler. Like the rest, the Council's threats seem to have been nothing more than empty bluster.

Island for desecration of the dead and the implied public mockery of Union casualties.[141] Six preachers were arrested for the simple misdemeanor of omitting the prayer for President Lincoln from their Sunday services. The sentencing proved not so simple for these preachers, three of whom were sent north to be jailed in exile.[142] One case which Butler himself was keen to quash involved a group of thieves who masqueraded as Union soldiers and pretended to search homes under Butler's authority as they robbed the premises. These men were sentenced to be hanged.[143]

Retribution against proprietors and civilians who committed seemingly innocuous acts of defiance or rebellion was a hallmark of the early civil-military relations in New Orleans. Whether the perpetrator be a newspaper editor or medical student, crossing paths with Butler seemed ill-advised, but the commanding general also moved to quash even subtle disrespect to the Union and is soldiers. One anonymous private seeking a pair of shoes in a city shop attempted to purchase a $3 pair, but was rebuffed by the proprietor, who asserted that "he would not sell shoes to a d—d Yankee," despite the fact that the soldier intended to pay in gold. The next day the shopkeeper returned to work to find that Captain French had ordered the shop seized and the inventory auctioned off. "That shopkeeper's experiment," Butler wryly concluded, "was not a happy one." Butler's firm, if overbearing, hand had stymied most tacit attempts at unrest and resistance. Within only a few weeks ashore, the general and his soldiers had frustrated most efforts to undermine Federal authority. "[V]ery soon," the general claimed

[141] *Butler Correspondence*, 24. This order comprised Special Order No. 151.
[142] Rousey, *Policing the Southern City*, 109.
[143] Helis, "Of Generals and Jurists," 151.

in his memoirs, “there was no uncivil treatment received by our soldiers except from the upper class of women.”[144]

[144] Butler, *Butler’s Book*, 377-378.

Chapter Three: “The unbridled license of an unrestrained soldiery”: Military-Civilian Relations During the Summer of 1862

Resistance in New Orleans to Federal occupation remained largely scattered through the summer, as exemplified by the instances of displaying flags of the rebellion. Small fights between male civilians and soldiers occasionally broke out, but casualties from these scraps remained low and these did not have much adverse impact on the general stability of the occupation. Butler's handling of the mob outside the St. Charles Hotel on the evening of May 1 and his sentencing of William Mumford thoroughly demonstrated that Butler was adept at addressing male exhibitions of force head-on and prevailing. The men, particularly the businessmen of the city, made it a point to keep the terms of Butler's orders as best they could to avoid kindling his wrath. Men whose livelihoods did not depend on a close relationship with Federal officers continued to resist the occupational government, even if these instances were fairly isolated. Those men who did run afoul of Federal authority were simply arrested and jailed. Butler may have had the men more or less under control, but confronted an even greater challenge in the efforts of the women of New Orleans' style of resistance.

Knowing that they were immune to the physical retaliation to which the male insurgents of New Orleans were subject, women took advantage of every means at their disposal to make the Federal troops in New Orleans miserable. At first, the women of New Orleans abandoned the mere courtesies to which gentlemen encountering ladies on the street were accustomed, gathering up their skirts and glaring at the officers before bustling away instead of politely saluting them, for example. In the event that a Federal officer boarded a streetcar with one or more ladies on board, the ladies would immediately arise and file out of the car rather than share

a ride with the invader.[1] One woman went so far to avoid contact with Yankees that she actually managed to fling herself into a gutter when a group of Union officers approached her. As the men rushed to help her up, she coldly refused their aid, insisting that she "would rather lie there in the gutter than be helped up by a Yankee."[2] All of these forms of disrespect represented the most passive forms of resistance available to women who desired to show scorn for their conquerors, but still maintain some modicum of decorum.

Many women, however, abandoned pretense altogether in an effort to display as much disdain for Union soldiers as possible. As General Butler rode the streets one day, a group of women standing on a balcony overlooking the street noticed Butler's approach and whirled, exposing what lay beneath their hooped skirts. "Those women," he said to his aide, ensuring that he spoke his words loudly enough that they would carry to the women engaged in the display, "evidently know which end of them looks the best." He satisfied himself with observing that this rather boorish remark had closed the "exhibition."[3] Butler may have laughed off one incident, but also understood that at the heart of it lay a larger issue. Butler recognized that women, especially those of a "prepossessing appearance," were likely to both catch and command the attention of citizens and soldiers alike. If a woman misbehaved to an egregious degree, she might have to be arrested. He feared a riot caused by a woman's arrest might result if he attempted to arrest women for such seemingly petty demonstrations.[4] The question of what

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[1] Chester G. Hearn, *When the Devil Came Down to Dixie* (Baton Rouge, LA: Louisiana State University Press, 1997), 101.
[2] *Benjamin F. Butler. Autobiography and Personal Reminisces of Major-General Benjamin F. Butler: Butler's Book. A Review of His Legal, Political, and Military Career (Boston: A.M. Thayer & Co., 1892), 438. Cited hereafter as Butler's Book*, 415.
[3] Butler, *Butler's Book*, 416.
[4] *Butler's Book*, 416-417.

kind of force would be appropriate to use against unarmed civilian women would become a central feature of Butler's administration in Louisiana.

But the problem with rude women was growing and could not be ignored. Flag Officer Farragut came ashore one Saturday evening to dine with one of Butler's colonels and attend church the following morning. As Farragut and his entourage "in full uniform" walked to their destination, "there fell upon them what at first they took to be a sudden and very heavy shower," but turned out to be the contents of a chamber pot. The perpetrator proved to be one of the "ladies of New Orleans."[5] The following morning, as another of Butler's officers, Colonel (then Captain) Robert S. Davis, went to church, prayer-book in hand, he encountered two respectable-looking women in the narrow street and moved to one side so that they could pass. As he moved aside, one of the women "deliberately stepped across in front of the other and spit in his face."[6]

Each of these men was troubled by his experience, as one can imagine that having the contents of a chamber pot upended onto one's head would not leave the best of impressions upon an officer and gentleman. Davis in particular was distressed at his situation, which had taken place on the way to church as he implicitly made the offending ladies a show of respect. Davis was distraught over, not the lack of respect to a soldier, but to a gentleman insulted while in the very act of worshipping his god. Davis went so far as to offer Butler his resignation. "I came here to fight enemies of the country, not to be insulted and disgusted," Butler recalled Davis as having said. Butler remembered telling Davis that resignation would not be necessary, assuring him, "I'll put a stop to this."[7]

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[5] *Butler's Book*, 417.
[6] *Butler's Book*, 417-418. Butler does not mention Davis' first name in this recollection, but it is probable that he referred to Robert Davis, as this was the only Davis with whom Butler corresponded at this time.
[7] *Butler's Book*, 418.

The demonstrations both by the women in New Orleans and by Butler's men fell well short of what might be regarded as criminal. The fact that the exhibitions during Butler's occupation were not overly violent, perpetrated by principally respectable women, and merely insulting or offending a gentleman might not seem worthy of targeted retaliation, but masculine honor was closely tied to one's identity as a gentleman.[8] In 1858, George R. Graham and Edgar Allen Poe observed that, "[w]hat is a gentleman is a matter of frequent dispute."[9] But political philosopher Francis Lieber opined that being a gentleman signified, "that character which is distinguished by strict honor, self-possession, forbearance, generous as well as refined feelings, and polished deportment."[10] Albion Tourgée would argue in the *Plessy* case that the reputation of a white man was what created opportunity in both New Orleans and America.[11] Regardless of whose classification of what qualified as a gentleman Butler may have considered, only a gentleman could hope to command the respect of the occupied city's inhabitants. The female challenge to the Union gentlemen demanded a response.

Butler put some time and thought into how, precisely, he could put a stop to the behavior that challenged the Union gentlemen. Butler could fight force with force when it came to subduing riotous men, but attempting to modify nonviolent behavior by females was another matter. He knew that the treatment the women of New Orleans received at the hands of his army would probably be closely scrutinized. As much as Butler would have liked to round up the lot

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[8] Lorien Foote, *The Gentlemen and the Roughs: Violence, Honor, and Manhood in the Union Army* (New York: New York University Press, 2010), 17-18.
[9] George R. Graham and Edgar Allen Poe, eds., *Graham's Illustrated Magazine of Literature, Romance, Art, and Fashion, vol. 52 no. 1* (Philadelphia, PA: George R. Graham, 1858), 69.
[10] Francis Lieber, *The Character of the Gentleman: Third and Much Enlarged Edition* (Philadelphia, PA: J.B. Lippincott & Co., 1864), 18.
[11] Emily Landau, *Spectacular Wickedness: Sex, Race, and Memory in Storyville, New Orleans* (Baton Rouge, LA: Louisiana State University Press, 2013), 49.

of them and provide them a complimentary trip to the Federal prison on Ship Island, he knew he could not. Rebellious women in New Orleans would have to be neutralized by placing them on a level field with his men and making allowances for punishment of such subtle acts of rebellion as had been perpetrated against him and his officers. Butler's assumption was that, "'the venom of the she-adder is as dangerous as that of the he-adder,'" which justified action.[12]

The result was Butler's General Order Number 28, which he issued on May 15, and would prove to be the pivotal order of Federal occupation in New Orleans. It reads:

> As the officers and soldiers of the United States have been subject to repeated insults from the women (calling themselves ladies) of New Orleans, in return for the most scrupulous non-interference and courtesy on our part, it is ordered that hereafter when any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States, she shall be regarded and held liable to be treated as a woman of the town plying her avocation.[13]

Upon receiving and countersigning the order, Butler's Chief of Staff, George Strong, remarked prophetically, "[t]his order may be misunderstood, General."[14] Critics of Butler, both contemporary and modern, have lined up to offer their critiques and interpretations of Butler's infamous General Order No. 28, which quickly became known as the "Woman Order."[15] It would have been foolish for Butler to have anticipated

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[12] John R. Ficklen, *History of Reconstruction in Louisiana [Through 1868]*. (Baltimore, MD: Johns Hopkins University Press, 1910), 35.
[13] *Butler's Book*, 418; see also Henry Martin Lazelle and Leslie J. Perry eds., *The War of the Rebellion: v. 1-53 [serial no. 1-111] Formal reports both Union and Confederate, of the first seizures of United States property in the southern states, and of all military operations in the field, with the correspondence, orders and returns relating specially thereto. 1880-1898. 111v* (Washington, D.C.: United States War Department, Government Printing Office, 1886), 426, accessed January 15, 2015, https://books.google.com/books/reader?id=B75ZAAAAYAAJ&printsec=frontcover&output=reader&pg=GBS.PR1. Cited hereafter as "*War of the Rebellion*."
[14] *Butler's Book*, 418.
[15] Such has been the infamy of Butler's General Order No. 28 that references to the order almost never appear in any index save as "Woman Order." See *Butler's Book*, 414; Winters, *The Civil*

anything other than outcry at his proclamation, and he later indicated that he anticipated backlash, and one cannot help but think that he may have been secretly hoping for additional attention as a result of the order.[16]

The backlash Butler had expected as a result of the Woman Order did indeed come, but it was more widespread and more vociferous than even he could have imagined. Mayor Monroe, in what would prove to be his final days in office, issued a letter condemning Butler's order, claiming that it permitted the Federal troops to do whatever they like to the ladies of New Orleans, predicting that the order would push the people of the city past the breaking point, and flatly refused to enforce it.[17] Monroe was already in hot water because of his other misdeeds, and Butler removed him from office on May 19 as described in the previous chapter. Aside from Mayor Monroe's, local reactions are not well-known. Since Butler had censored all of the town's newspapers, no editorial critique exists, but there were others who recorded their reactions. Sarah Morgan, a twenty-year-old resident of Baton Rouge, recorded her thoughts on Butler's order when word of the proclamation reached the state capitol two days after its issuance. Morgan and her mother were in shock at the "brutality" of the order, which she felt was powerful evidence that the Yankees had devolved to some sort of sub-human status.[18] Morgan expressed utter horror at the very thought that any Yankee who so

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War in Louisiana, 534; Hearn, *When the Devil Came Down to Dixie*, 260; Bragg, *Louisiana in the Confederacy*, 332.

[16] Benjamin Butler to Mrs. Butler, July 15, 1862, *Butler Correspondence*, 77.

[17] Monroe to Butler, May 16, 1862, *OR*, Ser. 1, vol. 53, 526.

[18] Sarah Morgan Dawson, *A Confederate Girl's Diary* (Bloomington, IN: Indiana University Press, 1960), 34.

pleased could use the order as an excuse to rape (or "Butlerize") her or any other girl on whatever pretext they invented.[19]

Other Louisianans harbored similar sentiments, General P.G.T. Beauregard, commanding troops at Corinth, Mississippi, had the Woman Order re-read to his troops in order to incense them. "MEN OF THE SOUTH," Beauregard asked rhetorically, "[s]hall our mothers, our wives, our daughters, and our sisters be thus outraged by the ruffianly [sic] soldiers of the North, to whom it is given the right to treat at their pleasure the ladies of the South as common harlots?"[20] Several women published an open letter appealing to "every Southern soldier" to not "leave your women to the mercy of a merciless foe!"[21] But no Southern soldiers were in a position to come to the women's aid. Beauregard, like Miss Morgan in Baton Rouge, felt that Butler's order gave Federal soldiers in New Orleans free license to take liberties with the city's women as they saw fit. Governor Moore was no less incensed than Beauregard. From the state capital in exile in Opelousas, Moore issued a message on May 24 condemning Butler's "foul conduct" and encouraging Louisianans to resist the invaders as guerilla fighters even if it meant perishing themselves, for this "indignity" needed to be avenged.[22]

Confederate newspapers universally excoriated Butler's order as hopelessly barbaric, and archetypical of Yankee oppression. Editors of the Jackson *Mississippian* offered a reward of ten thousand dollars for Butler's head, and a "gentle, soft-hearted little Southern lady" wrote the paper pledging enough of her personal fortune to increase

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[19] Dawson, *A Confederate Girl's Diary*, 36.
[20] "General Orders No. 44," *OR*, Ser. 1, vol. 10, pt. 2, 531.
[21] James Parton, *General Butler in New Orleans* (New York: Mason Brothers, 1864), 339.
[22] Moore's Proclamation, May 24, 1862 as cited in Hearn, *When the Devil Came Down to Dixie*, 105.

the reward amount to sixty thousand dollars.[23] To editors of the *Charleston Courier*, Butler's order was "infamous," and thought "impossible in a civilized country."[24] Editors of the Raleigh *Register* made reference to Butler's "[d]espotism," and portrayed suffering New Orleanians being ground under Butler's "iron heel."[25] Savannah's *Daily Morning News* called Butler an "inhuman monster," and a "beast," who "dares to violate the honor of our women."[26]

Butler's proclamation also caught the attention of the Confederate government, particularly President Jefferson Davis. Davis issued a proclamation on December 24 proclaiming Butler "a felon deserving of capital punishment…an outlaw and common enemy of mankind." Butler was to be hanged without trial immediately upon capture to pay for his crimes. [27] Confederates were not the only ones disturbed by the order, as

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[23] New York *Tribune*, June 4, 1862, as cited in Hearn, *When the Devil Came Down to Dixie*, 105; *Butler's Book*, 421.

[24] "The Infamous Order of Major General Benjamin Butler." Charleston *Courier, Tri-Weekly*, May 24, 1862. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchForm&docId=GT3013992791&type=multipage&contentSet=LTO&version=1.0.

[25] "Later from New Orleans--Yankee Despotism." Raleigh *Semi-Weekly Register*, June 4, 1862. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchForm&docId=GT3016470637&type=multipage&contentSet=LTO&version=1.0.

[26] *Daily Morning News* (Savannah, GA), May 22, 1862. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchForm&docId=GT3010946910&type=multipage&contentSet=LTO&version=1.0.

[27] James D. Richardson, ed. *The Messages and Papers of Jefferson Davis and the Confederacy, Including Diplomatic Correspondence, 1861-1865* (New York: Chelsea House-Robert Hector, Publishers, 1966), 271. In Davis' proclamation, he also cites William Mumford's execution as additional rationale for declaring Butler an outlaw and ordering his execution. Little did Davis know that Butler had been relieved of command at New Orleans the previous week, and that Davis had an entirely different general in New Orleans to deal with.

illustrated by an editorial in the New York *Times*, which insisted that, "[i]f General Butler has issued any such order, he shall be forthwith dismissed from the army."[28]

Word of Butler's Woman Order even crossed the Atlantic, and dislike of Butler found a place to germinate in both houses of Parliament. The House of Lords called it, a "most heinous proclamation," and an "unmanly [insult] to every woman in New Orleans."[29] Lord Palmerston received a hearty ovation when he declared in the House of Commons feelings of the "deepest indignation," declaring that Butler had "deliberately [handed] over the female inhabitants of a conquered city to the unbridled license of an unrestrained soldiery." Palmerston, convinced that the South was poised to win the war, felt comfortable in venting vituperative invective at Butler as a final parting shot against the United States and welcome rhetoric to the new Confederate government.[30] British newspapers seemed inclined to adopt Palmerston's conclusions, assuming that Butler's order meant that "the ladies of New Orleans, because they might happen to make some gesture or movement which an officer or soldier might interpret as an insult, were to be…subjected to the most degrading association with the vilest of their sex?"[31] "[Butler]

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[28] "General Butler's Alleged Proclamation at New Orleans," as reprinted in the Newark *Advocate* (Newark, Ohio), May 30, 1862. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchForm&docId=GT3005399585&type=multipage&contentSet=LTO&version=1.0. Accessed February 1, 2015.

[29] "Our Affairs in England: Gen. Butler's Proclamation in the House of Lords," New York *Times*, June 27, 1862. Accessed 09/26/2019. http://library.tcu.edu.ezproxy.tcu.edu/PURL/EZproxy_link.asp?https://search-proquest-com.ezproxy.tcu.edu/docview/91735981?accountid=7090.

[30] Hearn, *When the Devil Came Down to Dixie*, 105-106.

[31] The *Times* (London, England), June 14, 1862. *The Times Digital Archive*. http://find.galegroup.com.ezproxy.tcu.edu/ttda/infomark.do?&source=gale&prodId=TTDA&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchFor

has widened the gulf between North and South…[h]e has – the insensate! – made war against women."[32] Reaction in France was equally negative, but more muted. "[T]he French government has forbidden the papers to mention your name," a friend wrote Butler in December 1862. "The name Marlboro was once used in France to frighten children…you have taken his place."[33]

Butler was not without his defenders, principally and predictably among Northerners. The New York *Times*, less than a month after calling for Butler's dismissal, counterattacked British Parliament's self-righteous indignation, reminding its readers that Butler was in a rebellious city trying to restore order, so he was free to impose any measure he saw fit that would help quell the rebellion and restore order. The *Times* also pointedly recalled the British army's "Beauty and Booty" rally cry at New Orleans during the War of 1812, suggesting that haughty Britain ought not throw rocks from its own crystal palace.[34]

The Boston *Daily Advertiser* noted that the situation in New Orleans, had, indeed, seemed to calm down in the two weeks since the Woman Order had been issued. Far from conducting himself in a personally reprehensible fashion, the editorial notes, Butler had taken the wife of General Beauregard under his personal protection.[35] Only a

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m&docId=CS118135502&type=multipage&contentSet=LTO&version=1.0. Accessed January 25, 2015.

[32] Charles Francis Adams to Butler, July 15, 1862 in *Butler Correspondence*, 74. The excerpt quoted is from an uncited newspaper clipping Adams sent to Butler from a London newspaper.

[33] Sumner to Butler, December 5, 1862 in *Butler Correspondence*, 520.

[34] "The English Parliament and Gen. Butler," New York *Times*, June 29, 1862. http://library.tcu.edu.ezproxy.tcu.edu/PURL/EZproxy_link.asp?http://search.proquest.com.ezproxy.tcu.edu/docview/91715609?accountid=7090. Accessed Jan 25, 2015.

[35] "Affairs in New Orleans," Boston *Daily Advertiser*, May 31, 1862. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=AdvancedSearchF

single paper from Bangor, Maine called out General Beauregard for being seemingly incensed at General Butler's actions, but all the while leaving his own wife under Butler's capable protection.[36] The Lowell *Daily Citizen* took a pragmatic approach to the order, stating simply, "If a woman maliciously abuses or insults union soldiers, she goes to lock-up."[37] One of the most vehemently pro-Butler articles proclaimed Butler "the right man in the right place," declaring that New Orleans "found out that it has a master." This paper turned the tables upon the perpetrators, asserting that "no lady, no decent woman of whatever rank, could possibly be guilty of such conduct, under any circumstances. *Prima facie*, therefore, it stamped them as courtezans [sic] of a very low order."[38] Butler did not care, so long as his order had the desired effect, and allowed his officers and men the ability to police New Orleans in peace. Every other result or reaction was ancillary to this desire.[39]

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orm&docId=GT3006377889&type=multipage&contentSet=LTO&version=1.0. Accessed January 27, 2015. Butler's concern for Mrs. Beauregard was such that he offered General Beauregard a pass to enter New Orleans when his wife took ill and was not expected to live. See Butler to Beauregard, December 5, 1862, *Butler Correspondence*, 520-521.

[36] "Gen. Butler's Order," Bangor *Daily Whig & Courier* (Bangor, ME), June 3, 1862. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=GT3007241629&type=multipage&contentSet=LTO&version=1.0.

[37] "Multiple News Items," Lowell *Daily Citizen and News* (Lowell, MA), May 31, 1862. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=GT3001686924&type=multipage&contentSet=LTO&version=1.0.

[38] Frank Leslie, "General Butler in New Orleans," *Frank Leslie's Illustrated Newspaper* (New York, NY), June 14, 1862. Italics cited directly from original text. Accessed January 27, 2015. http://find.galegroup.com.ezproxy.tcu.edu/ncnp/infomark.do?&source=gale&prodId=NCNP&userGroupName=txshracd2573&tabID=T003&docPage=article&searchType=BasicSearchForm&docId=GT3012567842&type=multipage&contentSet=LTO&version=1.0.

[39] *Butler Correspondence*, Butler to J.G. Carney, July 2, 1862, 36.

It is important to understand Butler's perception of gender roles—particularly female roles—in order to comprehend what inspired him to issue the Woman Order and to understand the effect which he imagined it would have on the women of New Orleans. Gender norms stipulated that treatment of female and child noncombatants in occupied zones be as delicate and as inobtrusive as possible. As masculine gentlemen, the onus was on officers like Butler to immediately recognize the boundaries between appropriate manhood and appropriate womanhood and respect those boundaries.[40] Butler was conscientious of exercising what Michael Fellman called "Christian forbearance" with respect to women actors in the gendered arena of war.[41] Enlisted men might run afoul of these established rules, but Butler as the officer and gentleman must not, either by action or by written order, allow those boundaries to be violated. Butler was astounded at the behavior of women who were "bejewelled, becrinolined, and laced creatures calling themselves ladies," towards his men.[42] Butler had adopted a certain ideal of what features and characteristics comprised femininity, and he was shocked when he saw people who looked like ladies without conducting themselves in a manner as unladylike as possible.

This explains Butler's defensive attitude toward his order, and he wrote several sympathetic northern newspapers in July 1862 to explain and defend his order. "We were 2,500 men in a city…of 150,000 inhabitants, all hostile, bitter, defiant, explosive, standing literally on a magazine, a spark only needed for destruction. The devil had entered the hearts of the women of this town (you know seven of them chose Mary Magdalen [sic] for a residence) to stir up

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[40] Foote, *The Gentlemen and the Roughs*, 18-20.
[41] Michael Fellman, "Women and Guerrilla Warfare," in Catherine Clinton and Nina Silber, eds., *Divided Houses: Gender and the Civil War* (New York: Oxford University Press, 1992), 147.
[42] *Butler Correspondence*, 35.

strife in every way possible…That would lead to disturbances and riot, from which we must clear the streets with artillery—and then with a howl that we had murdered these fine women…Could I arrest the women? No. What was to be done? No order could be made save the one that would execute itself."[43]

Feminine chastity was one of the key indicators of proper "ladylike" conduct, and to violate or to threaten to violate that chastity was not a threat to a single person, but a threat to womanhood in general. Butler certainly realized the gravity placed on the interaction between women and men when he claimed in his memoir that police officers might have difficulty in Boston arresting a female lawbreaker without "causing a…considerable excitement and commotion."[44] He was undoubtedly concerned that Union soldiers acting in the capacity of military police officers apprehending a woman in New Orleans would cause at least as great a spectacle as it would up north, and so would have been reluctant to exhibit such a display of masculine subdual of even a flagrant female defiance of the law. Passersby, police officers, and government officials alike would all be equally interested in ensuring the proper and chaste treatment of a woman at the hands of a peace officer since chaste femininity was what separated "acceptable humanity" from "amoral monstrosity."[45] The morality of enslaved women, for example, was not ardently defended in New Orleans in part because their masters took little or no concern for it. Slaves in New Orleans enjoyed freedoms and privileges unimagined on

[43] Benjamin Butler, as quoted in "Gen. Butler's Explanation of his Famous Order," Vermont *Journal*, July 26, 1862. His reference to Mary Magdalene seems to suggest that the women to whom Butler referred were prostitutes, or at the same social level of prostitutes, although he never explains his justification for referencing her.
[44] Butler, *Butler's Book*, 417
[45] Fellman, *Divided Houses*, 147.

plantations, so a slaves' sexual exploitability was one way she could be distinguished from higher social classes.[46]

Butler not only targeted white women, but white middle- and upper-class women. Butler had threatened their greatest safeguards of privilege—race, class, and womanhood—in a single stroke. Either their sexual purity or their social standing would be compromised, and any self-respecting woman could not afford to have either endangered. "No woman can be a lady," the famed writers elucidated, "who would wound or mortify another. No matter how beautiful, how refined, how cultivated she may be, she is in reality coarse, and the innate vulgarity of her nature manifests itself here. Uniformly kind, courteous and polite treatment of all persons, is one mark of a true woman."[47] These factors help contextualize the strong feelings surrounding Butler's perceived war on women. But the Union soldiers would not enforce these norms—only social peer pressure would determine what was acceptable feminine behavior. Hence his interest in, as he called it, an order that would "execute itself." Butler believed that the women in New Orleans would self-police their behavior, rendering direct intervention by military forces unnecessary.

Butler's conclusion and the stereotypes upon which his assumptions on gender were based have been debated by Civil War historians. Contemporary historians were more likely to sympathize with Butler than more recent scholars. James Parton, writing in 1864, reasoned that the women were "insolently and vulgarly demonstrative," and while the order might have been "carelessly" composed, the result was that no women

[46] Blassingame, *Black New Orleans*, 8-9, 15, 19.
[47] Graham and Poe, *Graham's Illustrated Magazine of Literature, Romance, Art, and Fashion, vol. 52 no. 1*, 69.

were arrested and the insults stopped.[48] John Ficklen, working between 1893 and 1907, claims that the order had the ultimate effect of drying up rude behavior.[49] Gerald Capers, published near the centennial of the war's conclusion, added new dimension. Capers quotes Mayor Monroe's letter decrying the order, but also provides evidence that Monroe issued an apology to Butler, then recanted the apology.[50] Clearly even Confederate sentiment was complicated.

More modern historians added analysis of gender to the Woman Order's dimension. According to George Rable, the Civil War "strained traditional definitions of gender," in the South as Confederate women were obliged to adopt so-called unladylike roles like personal defense and politics in the absence of males who typically performed those functions.[51] Southern women, whether because most men were away serving the Confederacy, or perhaps dissatisfied with the 'manliness' displayed by the local men, tended to adopt traits considered masculine by the standards of the times, which in the case of the women of New Orleans included resisting the Yankee occupiers.[52]

The most divergent viewpoint of the Woman Order's effects comes from Alecia Long in "(Mis)Remembering General Order No. 28." Long suggests that Butler could have avoided most of the bad situations he encountered by simply stationing his soldiers outside the city.[53] While perhaps true, if the aim of the Union was to not only defeat the Confederacy militarily but also re-enfranchise the southern states, then avoiding conflict

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[48] Parton *General Butler in New Orleans*, 325-327.
[49] Ficklen, *History of Reconstruction in Louisiana*, 35.
[50] Capers, *Occupied City*, 68-69.
[51] Rable, *Divided Houses*, 135; LeeAnn Whites, *The Civil War as a Crisis in Gender* (Athens, GA: University of Georgia Press, 1995), 5.
[52] Rable, "Missing in Action," 136.
[53] Whites, *The Civil War as a Crisis in Gender*, 27.

would hardly achieve this objective. There is also the idea that a few insults could hardly amount to an actionable offense. The women might be irksome, but were their efforts truly damaging? Toward the end of her chapter, Long correctly suggests that, if Butler (and later Sherman in Memphis) were so concerned with "intractable cities full of occupied women," then the importance of civilians, and female civilians in particular, has been severely understated.[54]

Confederate women in New Orleans were no less keen to vent bravado about resisting any Yankee who dared enter their city than those of any other Confederate city. For all the bluster—and it often proved just that—about defying Federal power, Confederate women were no more willing to struggle in vain than were Confederate men. But violent resistance was not the issue—the willingness to adopt the male trait of actively resisting an enemy was the issue. "Women," writes Rable, "no longer saw themselves as passive victims, and however unrealistic their fantasies of resistance, they had begun to form new expectations for themselves."[55] The women of New Orleans had hoped to remain defiant before Federal guns, but when the city surrendered, all they could feel was the shame of a vanquished city that armed men had failed to defend. Clara E. Solomon, a native of New Orleans, remarked to a visitor, "[i]f the men had half the spunk which the women have, New Orleans would soon be ours again."[56] Women seemed fearless in their resistance before the order, as opposed to their male counterparts, perhaps because the men were made to fear repercussions by Butler's men, while most women were able to sit peaceably by and curse the invaders. This could be a

[54] Long, "(Mis)Remembering General Order No. 28," 28.
[55] Rable, "Missing in Action," 137.
[56] Rable, "Missing in Action," 138.

reason why Confederate women went to such unladylike lengths as to spit in the faces of Union officers—they felt as though they were the only ones offering any resistance, so they pushed the boundaries of their feminine gender roles in an effort to resist their conquerors.

Butler was used to the gender roles that prevailed in Massachusetts, and he expected the decorum and comportment of Southern ladies to match the decorum and comportment of Northern ladies. Northern women, although they could not fight, strove to make themselves as important to the war effort as possible. Louisa May Alcott wrote in her diary at the outset of the war, "I long to be a man; but as I can't fight, I will content myself with working for those who can."[57] Rather than stoop to a decidedly unfeminine means of expressing their patriotism, to which the women of New Orleans had resorted, Northern women expressed their patriotism symbolically through parades, fairs, and flag raisings, and maintained their ladylike standards.[58]

Most of Butler's troops, like Butler himself, were from New England, men "well bred in courtesy toward women, for a well behaved woman can safely travel alone all through New England."[59] The women of New Orleans, observed Butler, were not comporting themselves as the "well behaved" ladies of New England, and he feared the possibility of a culture clash. Far from "[making] war against women," as the London

[57] Jeanie Attie, "Warwork and the Crisis of Domesticity in the North," in *Divided Houses: Gender and the Civil War*, eds. Catherine Clinton and Nina Silber (New York: Oxford University Press, 1992), 253.
[58] Attie, "Warwork and the Crisis of Domesticity in the North," 254.
[59] *Butler's Book*, 419.

newspaper insinuated, Butler was wholly convinced that he was endeavoring to uphold the true virtues of women, not to destroy them.[60]

For all the accusations leveled against Butler—that his order was a blank check for Union troops to traipse the countryside raping women as they pleased, that he was making war on women, even that he was a tyrant—little attention has been paid in scholarship to the real impact of Butler's Woman Order on crime in New Orleans, and more specifically, crimes committed by and against women. If, after all the bluster, it turned out that incidents of crimes committed by and against women did not increase, then Butler's tactic actually worked, and he has been maligned as the "Beast Butler" unjustly. If, on the other hand, incidents of rape and other crimes committed by the Union garrison increased in the months following General Order No. 28, then there must be some grounds to all the criticism of Butler after all, and the perception of Butler needs to be emended to reflect the abhorrent treatment of women under his jurisdiction.

In order to examine whether crime under the Woman Order increased, it is important to establish a baseline of crimes committed by and against women before and after Butler's arrival in New Orleans. A "woman of the town plying her avocation" represented an industry in antebellum New Orleans of no small profit or influence. Prostitution was big business in New Orleans. The average prostitute and madame could be either both free or black, making paid sex one of the few industries in New Orleans not entirely controlled by white males.[61] Few nineteenth-century states and no antebellum municipalities considered the act of prostitution a punishable offense, which made it difficult to keep the streets of New Orleans reputable. As

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[60] *Butler Correspondence*, 74.
[61] Sterx, *The Free Negro in Antebellum Louisiana* (Cranbury, NJ: Fairleigh Dickinson University Press), 230.

prostitutes could not be charged for the actual selling of sex, they were often charged with public lewdness, indecent exposure, disorderly conduct, or a bevy of other contrived, but somewhat related charges in order to regulate the sex trade. Louisiana state law prevented landlords from renting their rooms to prostitutes, and a municipal statute provided for a fine if a prostitute were to be apprehended during a disturbance of the peace, but the act of prostitution itself was of ambiguous legality. Subsequent ordinances would prevent prostitutes known to engage in lewd behavior from entering coffeehouses or cabarets, but none of these laws prevented the ladies from plying their vocation, so long as the act occurred in private.[62]

City ordinance did allow for the penalization of both the proprietor where the alleged act took place and the prostitute who perpetrated the act, and this seems to have been enforced when charges were actually pressed. One sample case involving an act of prostitution witnessed by Officer H. Tricou of the N.O.P.D. listed both the prostitute, H. Smith and her landlord, John Santrock, as defendants. They were accused of "disorderly conduct and indecent attire contrary to the provisions of the city ordinance." The court found the pair guilty and fined each five hundred dollars for the incident.[63]

Similar arrests and citations on charges of prostitution from early 1862 include ludicrous charges, including one for "refus[ing] to extinguish her lamps in her bar room at 9 o'clock."[64] The brothel's operator and proprietor, Mrs. Mary Hughes, was fined and released. The next day,

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[62] Sterkx; *The Free Negro in Antebellum Louisiana*, 231. Schafer, *Brothels, Depravity, and Abandoned Women*, 17.
[63] State of Louisiana vs. Santrock. New Orleans Municipal Court Case # 15846, March 1862. New Orleans Public Library. All New Orleans court documents in the New Orleans Public Library utilize the case number as the library call number.
[64] "Mary Hughes," March 31, 1862. New Orleans (La.) Dept. of Police Reports of Arrest, Second District, 1862-1864. March 21, 1862- June 30, 1864. New Orleans Public Library, TB205a 1862-1864 roll # 2000-40. Hereafter cited as "N.O.P.D. Arrest Records."

Austin Sehar was arrested on the charges of "keeping his coffee house and brothel open past 9 o'clock."[65] Like Mrs. Hughes, Sehar was fined but not detained. An even more vague charge was leveled against Mrs. Nolly Gavin on April 29, when she was fined for "keeping an open house."[66] No rapes were reported in the Second District during the first few months of 1862, and the only people cited with prostitution-related charges are the cases mentioned here.

Antebellum instances of crimes committed by women tended to be isolated and infrequent. Of the 330 inmates incarcerated in the Louisiana State Penitentiary in 1859, only eighteen were female, and only two of those eighteen were white.[67] Of the 390 total inmates imprisoned by the state of Louisiana in 1860, only twenty were female.[68] Aside from the inherent bias within the laws themselves penalizing crimes related to the selling of sex but not the solicitation thereof, there seems to be little anti-female bias in police arrest records. This low imprisonment rate for females underscores the fact that penalties for the many crimes tied to prostitution either carried fiscal penalties or workhouse obligations and did not call for jail time.[69] Of the arrests which occurred between 1853 and 1856, 17.1 percent of those apprehended were female, and of those arrests 71.1 percent were either for prostitution or

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[65] "Austin Sehar, Residing at 58 Philip Street," April 1, 1862. N.O.P.D. Arrest Records.
[66] "Nolly Gavin," April 29, 1862. N.O.P.D. Arrest Records.
[67] Brett J. Derbes, "'Secret Horrors': Enslaved Women and Children in the Louisiana State Penitentiary, 1833-1862" *The Journal of African American History*, vol. 98, no. 2, (Spring 2013) 277-290. https://www.jstor.org/stable/10.5323/jafriamerhist.98.2.0277. Accessed 10/14/2019.
[68] Senate Committee on the Louisiana Penitentiary, *Special Report of the Senate Committee on the Louisiana Penitentiary*, by Thomas J. Buffington, *Other Legislative Records, 1860-64 (entries 22-27)* Louisiana State Archives, Microfilm Roll # 359, file 13. Hereafter cited as "Louisiana Penitentiary Report."
[69] Schafer, *Brothels, Depravity, and Abandoned Women*, 18.

gambling.[70] These figures demonstrate that, far from focusing their efforts on female perpetrators, police officers seemed to take little interest in prosecuting prostitutes.

Of the 112 new inmates incarcerated in state penitentiaries in 1860, only two were female. Hanna Cornelius of South Carolina was to serve a one-year sentence for Contravention, and Hope a slave girl, had been sentenced to life for arson. Regarding crimes committed against women, only a single white rape convict was incarcerated in 1860. A man named Joseph Howard serving a trivial sentence of six months. One slave was also convicted and sentenced in 1860, and while his name does not make the prison record, his sentence does: life.[71]

Enslaved women were subject to more and harsher restrictions which likely resulted in more and lengthier sentences. Crimes that slaves committed could also garner additional attention since fears of slave insurrections could command public attention. One enslaved woman may have poisoned a dinner party as the *Times-Picayune* reported in March 1860. Her master had apparently threatened to sell her son, and she had allegedly poisoned her master's family and guests in retaliation. Nearly everyone who ate the fateful dinner took ill, and a senior woman and a ten-year-old boy succumbed to the poison's effects.[72]

In addition to being more rare, crimes committed by white women demanded less urgent attention than those committed by their enslaved counterparts. Some of these instances of crime

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[70] Rousey, *Policing the Southern City*, 92-93.
[71] Louisiana Penitentiary Report. The crime of "Contravention" is the most ambiguous term in the report, and I was unable to find a suitable description of what this charge entailed. It is possible that the charge of Contravention was left intentionally vague, so as to encompass a greater range of misdemeanors.
[72] "Shocking Crime," New Orleans *Times-Picayune*, March 23, 1860. Accessed 10/14/2019; "The Great Poisoning Case in the Fourth District," New Orleans *Daily Delta*, March 31, 1860. Accessed 10/15/2019.

only come to light through attention to other affairs. A boxer named John C. Heenan found himself accused of polygamy when numerous women made claims against him, insisting that he had separately married them and subsequently deprived them of their fair share of his earnings. One of these supposed wives, Adah Isaacs Menken, capitalized on Heenan's status and fame by not only taking his surname as a married name, but also by writing and performing songs or poetry in public to "immense audiences" enraptured by the scandal. A judge dismissed the claims against Heenan as baseless.[73]

Pre-war female criminals tended to belong to the lower classes, which often meant that they were easy to prosecute. In one instance in 1850 a "young woman" arrested and held on charges of theft was allegedly raped in the guardhouse by the lieutenant on duty, Charlie Petrie. No witnesses for either the plaintiff or defendant stepped forward, the alleged act having been perpetrated in the absence of other officers, so the case was dismissed for lack of evidence.[74] Another case in the 1850s saw two policemen accused of sexually assaulting thirteen-year-old Marie Auguste Vogelsang. In this case the officers in question were unequivocally guilty, but in a remarkable turn of events that leaves observers scratching their heads, the charges against the policemen were dropped because the young girl had been a prostitute prior to this incident, and the girl's parents had attempted to blackmail the officers in exchange for a promise not to testify.[75]

As war neared, new and different ways for women to commit crime arose as well. One woman's husband, known to the paper as "Perez Gomez," had been "forcibly taken as a

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[73] "Not Married," New Orleans *Daily Delta*, June 9, 1860. https://newscomwc.newspapers.com/image/281618820. Accessed 10/14/2019.
[74] *Daily True Delta*, August 21-25, 1850, as cited in Rousey, *Policing the Southern City*, 52.
[75] Schafer, *Brothels, Depravity, and Abandoned Women*, 50-51.

soldier," by Confederate forces preparing for deployment. The woman, known only as "Miramon," conspired to smuggle her husband out of the city by disguising him as her female companion. The two fugitives were apprehended, however, and each sentenced to receive three hundred lashes—presumably by military officials. Whether known to the justice officials or not, Miramon was pregnant, and gave birth to a stillborn child once her punishment had been administered.[76] This incident highlights the sensitivity with which nineteenth century justice systems had to handle crime and punishment perpetrated by females.

Lower class women were much more likely to be the target of crime as well. The *Delta* reported the murder of a free woman of color by her free black lover. The woman had allegedly been having an affair with another man, which incited her primary lover to a jealous rage.[77] Another woman, Catherine Griffen, a day laborer awaiting hire in a public square, sat down in an empty wheelbarrow to take a break from the morning's heat. An apparently well-to-do gentleman took hold of the wheelbarrow and drove her about before "finally turn[ing] her over into the dirty gutter." Griffen and her confederates rose to confront the man, hurling insults and mud at him. He responded by producing a pistol and discharging it into Griffen's abdomen.[78]

If anything, instances of crime in New Orleans involving women lessened during Federal occupation. Only a few cases were ever tried under the Woman Order, but they effectively demonstrate the degree to which Butler intended to enforce his order. Interestingly enough, it is a Boston paper which carries the story of the "First Arrest

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[76] "October 15," New Orleans *Daily Delta*, October 25, 2019. https://newscomwc.newspapers.com/image/281533549. Accessed October 15, 2019.
[77] "Murder on Joseph Street," New Orleans *Daily Delta*, February 23, 1860. https://newscomwc.newspapers.com/image/281617856. Accessed October 15, 2019.
[78] "A Woman Shot at the Poydras Market," New Orleans *Daily Delta*, May 11, 1860. https://newscomwc.newspapers.com/image/281618677. Accessed October 15, 2019.

under Woman Order," who was allegedly a nun who had verbally abused a group of Union soldiers and was sent to jail.[79] The potential for religious undertones is strong in this example, but no other record exists of it.

The more famous arrest comes on the heels of the death of Lieutenant George DeKay. DeKay had been killed in action leading an excursion ashore into Baton Rouge in May.[80] Butler commissioned a funeral procession under military guard to inter DeKay's remains at Metairie Cemetery in New Orleans. As the procession made its way through the city to the cemetery, it passed by the verandah of Eugenia Levy Phillips, a local woman who was enjoying a pleasant evening with her friends and children.

At this juncture, accounts begin to disagree. According to General Butler's sources, Mrs. Phillips laughed gaily at the spectacle of the deceased DeKay, but Mrs. Phillips insisted that her jocularity was related to the goings on at the party, and wholly unrelated to the solemn procession.[81] A British author after the war observed that Phillips might have laughed at the "uniform, and the cause in which it was worn, and not the poor dead soldier, which provoked the demonstration."[82] Butler ordered Phillips arrested and sentenced her to serve a term of two

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[79] "First Arrest under Woman Order," Boston *Daily Advertiser*, June 13, 1862.
[80] "Later from New Orleans" Madison *Daily State Journal*, June 14, 1862. https://newscomwc.newspapers.com/image/396669567/?terms=DeKay&pqsid=paWaL_pCNmgklWU1aNJbmA:1010890:272491874. Accessed April 16, 2019; "Telegraphic from the Mobile Advertiser and Register" Montgomery *Weekly Mail*, July 5, 1862. https://newscomwc.newspapers.com/image/356163675/?terms=DeKay&pqsid=tHIiR7Q1T3zAkB0BtMVWog:58005:2111409857. Accessed April 16, 2019.
[81] Benjamin Butler, "Special Order No. 150," June 30, 1862 as cited in *Private and Official Correspondence of Gen. Benjamin F. Butler During the Period of the Civil War*, Vol. II (Norwood, MA: Plimpton Press, 1917), 36; Eugenia Levy Phillips, "Mrs. Phillips: A Southern Woman's Story of Her Imprisonments: In 1861 and 1862," 6. Philip Phillips Family Papers, Library of Congress Manuscript Division, MSS36087, box 1 (hereafter cited as "A Southern Woman's Story").
[82] Unknown to E.L. Phillips, 1867. P. Phillips Family Papers, Library of Congress Manuscript Division, MSS36087, Box 1.

years "without communication" in the military prison on Ship Island, Louisiana.[83] This episode is one of few during the Civil War which features a woman struggling one-on-one against a man in a position of power in such a public setting. Phillips attempted to brand her battle as a noble struggle of a Southern woman against a barbarous Yankee who had besieged the very notion of Southern Womanhood. Butler attempted to frame the episode as a patriotic effort intended to crush the very spirit of the rebellion—but only against this one woman, and not against womanhood in general.

The Phillips family began the war residing in Washington, DC as an ostensibly loyal family. Eugenia's husband Philip was a practicing attorney in the capital and former congressman. Their familiarity with the Washington élite, including the Clays, Camerons, Sewards and Stantons, gave Eugenia the opportunity to spy for the benefit of her native South Carolina, which she lost little time in doing. On a single page of her memoir she simultaneously proclaims her innocence with regards to any charges of spying, then brags of her ingenuity by relating an episode wherein she concealed evidence linking her to spying within her skirts where the Union soldiers investigating her dared not search for it.[84] Ultimately, Phillips was banished to the Confederacy on charges of spying, and Mr. and Mrs. Phillips with their nine children soon found themselves in New Orleans only a few months prior to its capture by Union forces under General Butler.

Butler must have discovered Phillips' record, so he dealt with the former convict as harshly as he would have a male repeat offender. According to her diary, Phillips received a summons at the hand of a Union soldier and took a carriage with her husband to Butler's

[83] Warren Mortiz to Frederick Ingen, June 8th, 1862. P. Phillips Family Papers, Box 1.
[84] Phillips, "A Southern Woman's Story," 2.

headquarters, where she was taken into custody following a lunch with "Brutus," as she called Butler.[85] Phillips was determined not to do anything unbecoming of a stoic, upper-class lady so as not to compromise her self-distinction as a lady. She complied with the arrest quickly and quietly so as to not disturb her children. She avoided crying in the presence of her husband, and only raised a fit when she learned that two enlisted men would privately guard her. Concerned that the optics of being isolated with two common soldiers might brand her a common woman, only at that point did she object.[86]

Butler's choice to arrest and imprison Phillips, a Jewish woman, might also have had religious undertones. In some of Butler's quotes referenced earlier, his language was distinctly religious. His allusion to the "devil [entering] the hearts of the women," and his conspicuous reference to Mary Magdalene indicate that Butler was on a personal crusade, not merely to strike down temporal traitors, but spiritual ones as well. In a letter Butler forwarded to the US District Attorney in New York later in 1862, Butler likened the Confederates' betrayal to the Jews' betrayal of Jesus as depicted in the New Testament.[87] He also quoted Shylock from Shakespeare's *Merchant of Venice* who abandons Judaism at the climax of the play in the same letter in which he defended the Woman Order.[88] Butler's antisemitism is significant in this instance given that Philip Phillips and his family were Jewish. Eugenia sarcastically referred to Butler as "Christ's Vice-Regent" and ruefully recalled that Butler included bacon in her meager

[85] Eugenia Levy Phillips, "Eugenia Levy Phillips Journal, 1861-1862," 2-3. Philip Phillips Family Papers, Library of Congress Manuscript Division, MSS36087, box 1 (hereafter cited as "Phillips Journal").
[86] Phillips, "A Southern Woman's Story," 6-7.
[87] Butler to US District Attorney of New York, October 23, 1862. Shappel Manuscript Foundation Civil War Collection. https://www.shapell.org/manuscript/antisemitic-civil-war-general-benjamin-butler-jews-betrayed-savior/#transcripts. Accessed April 23, 2019.
[88] Benjamin Butler, "Gen. Butler's Explanation of his Famous Order."

ration for three months on Ship Island, further contributing to a suspicion of Butler's antisemitic ulterior motives.[89]

Phillips seems the more eager of the two parties to argue her case. She not only kept a diary of her account in 1862, but wrote a memoir of her wartime experiences in 1889. Her diary seems to center on her experience, whereas the memoir seems to focus on how her forbearance of the experience defied Butler. Phillips claimed in the afterword of her 1889 memoir that she wrote the fourteen page document in a single sitting "without any memoranda but my memory."[90] If true, the differences between her diary and her memoir offer an idea of how she was subtly attempting to shape her reputation and historical memory, even if that effort ran contrary to her account. For example, in her effort to maximize her stoicism, she neglected to mention the fact that she was allowed to take a servant of color with her to Ship Island in her 1889 memoir. She claims to have suffered her travails alone while using the plural personal pronoun "we" throughout her recollection.[91] She lambasted the Woman Order in her memoir, claiming that the "VILE ORDER" would be "known forever as Order Number: ( )," and then left it blank, having apparently forgotten the order that would be known forever.[92] Phillips also wrote in her diary of her sons and her husband coming to visit her as she boarded her steamboat headed for Ship Island, but in her memoir she claimed only her husband was allowed to see her off.[93] These subtle changes were likely intended to demonstrate to the reader how ungentlemanly Butler's treatment of this upper-class woman had been.

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[89] Phillips, "A Southern Woman's Story," 6, 9.
[90] Phillips, "A Southern Woman's Story," 13.
[91] Phillips, "A Southern Woman's Story," 9.
[92] Phillips, "A Southern Woman's Story," 6.
[93] Phillips Journal, 8; "A Southern Woman's Story," 7.

Women tended to empathize with Phillips' position. Catherine Devereaux seethed in her diary at the heinous sentence which "this canker worm" Butler had passed upon Phillips. "Every drop of blood in my veins boils as I think of the insult to which she is exposed, the horrible outrage which can with impunity be perpetrated upon her, for has not Butler himself given his brutal soldiery license for anything?"[94] The clear and present danger in the mind of women was that of a personal violation. One woman and a total stranger to Phillips, known only as Marie A., sent her an unsolicited letter of support. Marie offered contact with an intermediary in New Orleans that Phillips could use to report any "ill treatment" at the hands of an unrestrained Yankee soldiery. Marie's motivation went beyond a desire to do Phillips good, but was more born of a desire to do her part to resist the Yankees. "I hate the whole race, I hate harder than your gentle womanly heart ever could, because I hate calmly and deliberately."[95]

Just as Butler used his perspective on gender to influence public perception of women, so did Phillips use gendered pejoratives to debase Butler and disparage his status as a gentleman. She calls him, "Brutus," points to his "brute rage" in dealing with her as a woman, claims that he let out a "stream of invective," with her present—a quite ungentlemanly thing to do—and expressed fear for what he as a man in authority could do to her.[96] She recalled that the voyage to Ship Island included drunken sailors who used language "unfit for a female ear." Even her civilized sense of feminine propriety could not bring her to object to intoxicated

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[94] Catherine Ann Devereaux, Beth G. Crabtree and James W. Patton, eds., *Journal of a Secesh Lady: The Diary of Catherine Ann Devereaux Edmonston*, (Raleigh, NC: North Carolina Historical Commission, 1979), 219.
[95] Marie A. to Mrs. Eugenia Phillips, July 27, 1862. P. Phillips Family Papers, Box 1. Emphasis in the original.
[96] Phillips Journal, 2-4. Phillips was vague as to what language, exactly, Butler used. But it is fitting with the feminine sensibilities which she was going to great lengths to display that she refused to identify which epithets she might have overheard.

ruffians' use of language directly, so she stationed her servant at the door hoping that a visible feminine presence would encourage the sailors to monitor their vocabulary, then lost herself in a book.[97]

Her condition and spirit could hardly have improved once she was allowed to disembark some thirty-six to forty-eight hours later.[98] Phillips cannot have been happy upon finally setting eyes on her new home, upon which grew, in the words of one Michigan soldier, "scarcely any green thing."[99] Ship Island was "a desert strip of sand," about "seven miles long and from one to three miles wide…with a heavy growth of timber," on the east side in 1862, where potable water could only be found "by digging three or four feet into the clean white sand."[100]

She emphasized, and perhaps exaggerated, the reaction of her jailers to detaining a woman. She claims in her 1889 memoir that a Lieutenant (later Captain) Blodgett, who showed her to her quarters, expressed outrage that a proper lady should be treated as she was. In her 1862 diary she was less certain of Blodgett's appalled reaction, mentioning only that Blodgett had secured quarters for her where she could stay "free from insult," and even procured a glass of brandy to calm her nerves.[101] The Lieutenant and his men made every practical comfort available to her, securing basic furniture and mosquito nets to keep the malaria-bearing pests at bay. The only luxury which the resourceful Blodgett could not obtain was a broom.[102] Blodgett

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[97] Phillips Journal, 9-10.
[98] Phillips Journal, 10-11. The exact time of her transit from New Orleans to Ship Island is unclear, as her accounts vary, claiming anywhere from twenty-four to forty-eight hours to complete the voyage.
[99] Brown, *A Soldier's Life*, 25.
[100] Edwin B. Quiner, *The Military History of Wisconsin* (Chicago: Clarke & Co., 1866), 499; Harrison Soule, "From the Gulf to Vicksburg" published in *War papers : being papers read before the Commandery of the State of Michigan, Military Order of the Loyal Legion of the United States.* Vol. II. (Wilmington, NC: Broadfoot Publishing, 1993), 51.
[101] "A Southern Woman's Story," 8.
[102] Phillips Journal, 14-15; "A Southern Woman's Story," 9.

must have been genuinely concerned for Phillips' condition because he not only made every attempt to accommodate her, but Phillips reached out to Blodgett when the war ended to thank him for his support during her 1862 incarceration.

As she served out her sentence, her diary and memoirs began to agree more often. She explains in both documents that as August wore on her captors' pity for her and indignation at her condition increased.[103] One of her few friends on Ship Island, Doctor Bates, attended to her through her difficulties, but he was removed from that post once Butler discovered how Bates was treating Phillips.[104] Other officers confided to her that they could be arrested if Butler discovered their kindness toward her.[105] Despite the hot weather and little communication with the outside world, she refused to make any special requests that she felt Butler might perceive as a weakening resolve. Adverse conditions notwithstanding, when asked if she wished to pass any message on to the commanding general (presumably to be allowed to ask for mercy or forgiveness), Phillips told the messenger to convey to Butler that she was, "still in good spirits."[106] In the battle of wills, Phillips remained determined to show Butler "what a SOUTHERN WOMAN was capable of under the most atrocious outrage of this war."[107]

In the end, deference to Phillips' feminine role as a mother and the revelation that she was pregnant likely secured her release from imprisonment on Ship Island. In his order to release Phillips, dated September 14, 1862, Butler cited "injury to the wholly innocent"—presumably referring to her children—and ordered her freed so long as she agreed not to collude

[103] Phillips Journal, 91-94; "A Southern Woman's Story," 10-11.
[104] Phillips Journal, 63.
[105] Phillips Journal, 58-59.
[106] Phillips Journal, 93.
[107] Phillips, "A Southern Woman's Story," 12. Emphasis in the original.

further with "enemies of the United States."[108] Phillips took the order's phrasing in stride, asserting, "I always knew I was wholly innocent."[109] The timing seems opportune, since Phillips herself admits that she had sunk into a deep depression, and required the attention of a doctor for several days following her release.[110] It is clear at this point that Butler harbored little regard for Phillips as a person, but such was his respect for her gendered responsibility to her children and family that he felt compelled to order her release. Whether it was Butler's consideration for "innocents" or his desire not to see a female noncombatant die in his custody that caused him to issue the order cannot be ascertained for certain, but regardless of which is true, Phillips' gender was the determining factor in her release.

Once she returned to New Orleans, Phillips and her family once again packed up and moved, this time to Georgia, where they remained for the balance of the war. Between her spying conviction and her arrest for laughing at DeKay's funeral, Phillips had now twice served prison time—something no self-respecting woman should have on her résumé.[111] Both Phillips and Butler went head-to-head, not just with each other, but with established perceptions of appropriate gendered behavior, and both lost. Phillips abdicated the protection of being a woman when she left the realm of noncombatant by spying and by showing contempt for

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[108] Butler, "Ordered," *Private and Official Correspondence of Gen. Benjamin F. Butler*, 292.
[109] Phillips, "A Southern Woman's Story," 10.
[110] Phillips, "A Southern Woman's Story," 10-11.
[111] "The Federals in New Orleans," New York *Herald* as cited in the *Lloyd's Weekly Newspaper* (London), Aug 3, 1862. https://newscomwc.newspapers.com/image/390359119/?terms=DeKay&pqsid=ni5G7tOWDEgpxrjempPD6g:817000:351645122. Accessed April 16, 2019; "Mrs. Phillips, Late of Washington," *Evening Star* (Washington, DC) July 14, 1862. https://newscomwc.newspapers.com/image/168153960/?terms=DeKay&pqsid=ni5G7tOWDEgpxrjempPD6g:2015000:563010616. Accessed April 16, 2019.

Federal occupiers. Butler ran afoul of proper masculine conduct by displaying aggression toward Phillips, but many interpreted the aggression as endangering women in general.

Butler would later claim that "no arrests were ever made under it or because" of General Order No. 28.[112] Although Butler was probably underplaying the far-reaching effects of the controversial order years after it had happened, there is certainly less evidence of rude behavior and violence toward Federal soldiers committed by women following the issuance of the Woman Order than there was before it. Although it is virtually impossible to prove a negative when it comes to a lack of crime, the incidences of crime and petty insults during Butler's tenure indicate a bevy of unruly behavior in New Orleans, with the exception of crimes related to rape or prostitution. There is a seventeen-month gap in the arrest records kept by the N.O.P.D. between May 20, 1862 and October 5, 1863, during which time the Federal army was in charge of processing arrests and trials. The best evidence for interactions between soldiers and New Orleanians during this period, mostly due to the lack of other sources, are newspapers.

The tenor of newspaper reports of crime and punishment vary, but one of the most complete records of the dealings of the Judge Bell's Common Council is found in the *Daily True Delta*, which sent a correspondent to the courtroom nearly every day the court was in session.[113] Crime committed against the Union soldiers and Butler-appointed police officers was heavy during the first six weeks the Council held sessions. On May 30, John Green, a resident of New Orleans, was convicted of assaulting a Federal soldier who was in the discharge of his duties. Green was fined twenty

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[112] *Butler's Book*, 419.
[113] "Common Council," *Daily Delta*, May 28, 1862. Beginning with the June 5 issue, the dealings of the Common Council were featured prominently on the front page of the *Delta*.

dollars.[114] On June 4 John Braun was convicted of selling poisoned liquor to Federal troops. The same day, Thomas Hale was convicted of assaulting a police officer named Kennedy while he was in pursuit of his duties.[115] Although the sentence for these men is undisclosed in the article, a man named Joseph Beal was arrested and convicted of assaulting a U.S. officer the next day, June 5, and was sent to Fort Jackson to await trial.[116] Braun and Hale may have met the same fate.

Violent acts committed by men against police and Federal officers did not abate through June, but once the occupation continued into July, violence slowed. On June 26 Lawrence Curtis was sentenced to one year in the parish prison for "knocking down a Federal soldier."[117] On June 30, John Scott received one month in the workhouse as

Figure 3.1 *The Ladies of New Orleans before General Butler's Proclamation. After General Butler's Proclamation.* Engraving by John McLenan, July 12, 1862. Harper's Weekly: On This Day, July 12. http://www.harpweek.com/09Cartoon/BrowseByDateCartoon.asp?Month=July&Date=12.

[114] "Common Council, *Daily Delta*, May 31, 1862.
[115] "Common Council, *Daily Delta*, June 5, 1862.
[116] "Common Council," *Daily Delta*, June 6, 1862.
[117] "Common Council," *Daily Delta* June 27, 1862.

recompense for providing Federal soldiers with false tips on which homes to search. This conviction came the same day that Louis Howard, a free negro, was sentenced to one year in the parish prison for striking a white woman.[118]

While these cases are not directly related to one another, they indicate that there was a shift in reports from the Common Council from New Orleanians doing violence to Federal soldiers and police officers to reverting to a state of violence toward other New Orleanians. This shift represents a slowing of insurgent behavior toward the Federals and a return to 'business as usual.' Violence within the city certainly did not disappear altogether. On July 31, Major Bell found a resident by the name of Mr. Casserly guilty of being drunk and ill-treating his wife, and Casserly was fined two thousand dollars for his transgression.[119] Four days later, a ruffian named J.J. Collier was sentenced to two years in the parish prison for beating a woman with a chair in a house of ill repute.[120] It was not until a full week into August that another act of rebellion found its way before Major Bell's court, when Thomas Karney was convicted of hoisting a flag of secession in his house, for which he was sentenced to a year in the parish prison.[121] Phillips had been convicted of a similar charge and had ultimately received only three months on Ship Island, highlighting differing standards of justice for males and females. All of these cases indicate that New Orleanians were concerned less and less as time wore on with resisting Federal rule, but were the occupying troops equally tranquil?

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[118] "Common Council," *Daily Delta,* July 1, 1862.
[119] "Common Council," *Daily Delta*, August 1, 1862.
[120] "Common Council," *Daily Delta,* August 4, 1862.
[121] "Common Council," *Daily Delta*, August 7, 1862.

The incidents of crime, especially violent crime, prostitution, and rape perpetrated by the Union soldiers occupying the city partly reveal the Woman Order's impact on crime. Butler had assigned most of his forces to occupy locations outside the city limits, so only a few regiments, about 2,500 men, were stationed in the city proper. As with civilian crime during Butler's tenure, the Common Council also tried crimes perpetrated by enlisted men and tried courts martial. Indeed, it had been one of Bell's primary functions initially to handle courts martial until the city and circuit courts shut down.[122] Federal soldiers accused of crime were arrested and hauled before Major Bell just as their civilian counterparts, and sentences against soldiers tended to be heavy.

On the evening of June 17, a New Orleans resident known only as "Mrs. Foley" was at home with her husband when two soldiers from the 31st Massachusetts knocked on her door and demanded entry ostensibly to search her residence, but with the intent of burgling the Foleys. Mrs. Foley refused to admit them, and she reported that the two soldiers, Sergeant Thomas Harrington and Private William H. Rooney, assaulted her (physically, but not sexually), and threatened to shoot her husband if she did not comply with their demands. The police were summoned, and Officer Rosin of the N.O.P.D. arrested the soldiers for entering the Foley home without authority. Undoubtedly knowing the tenuous relationship between Butler's men and the people of New Orleans, especially concerning searches and seizures, Bell took away Harrington's stripes, and fined both men one month's pay.[123] This kind of direct assault on a lady by Federal

[122] Helis, "Of Generals and Jurists," 146.
[123] "Common Council," *Daily Delta*, June 19, 1862.

soldiers was rare, as other matters involving soldiers tried before the Common Council illustrate.

A few days later, on June 22, Philip Rosse, also of the 31st Massachusetts, was court-martialed for being "rude and insubordinate" to a superior officer. Major Bell ordered Rosse transferred out of the company.[124] On June 24 Bell tried Private S. Murray, who was accused of abandoning his post without leave and refusing to obey orders. Bell sent Murray to the Parish prison for thirty days to encourage him to remain at his post in the future.[125] On June 28, editors of the *Delta* could not help but notice two Federal soldiers patrolling their encampment wearing nothing but whiskey barrels. The editors inferred that the punishment was for overindulgence, and deemed the punishment, "whimsically apt."[126]

This is not to say that occupying Federal soldiers did not perpetrate crimes against New Orleans residents, but those instances seem to have been quite rare. Of 131 cases tried by Major Bell on November 25, 1862 alone, about a quarter of defendants for that day were from the same regiment of New York Zouaves. One of these soldiers had robbed a man at gunpoint on the road coming into town from Lake Pontchartrain. The vast majority of courts martial tried in occupied New Orleans during 1862 were against soldiers who were drunk and disorderly or other crimes that did not involve civilian interaction.[127] Ben Johnson of the 6th Michigan boasted that most men in his regiment

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[124] "Common Council," *Daily Delta*, June 22, 1862.
[125] "Common Council," *Daily Delta*, June 25, 1862.
[126] "Common Council," *Daily Delta*, June 28, 1862.
[127] Joy J. Jackson. "Keeping Law and Order in New Orleans under General Butler, 1862," *Louisiana History, The Journal of the Louisiana Historical Association* 34, No. 1 (Winter, 1993): 51-67, accessed September 9, 2014, Stable URL: http://www.jstor.org/stable/4232997, 60.

were not susceptible to the "wily snares" of New Orleans life, except for some new soldiers lured away from their morals by the "lewd women."[128] A certain degree of rabble-rousing in a city the size and nature of New Orleans was to be expected, especially when the occupying soldiers were paid in specie, bored, lonely, and far from home. However, strict orders and stiff punishments for offenders resulted in fewer accusations than one might expect from a garrison of about 10,000 men.[129]

Of the trials of Union soldiers recorded by the city's newspapers, there are the usual drunk and disorderly charges, insubordination, and even violence and armed robbery perpetrated against the people of New Orleans, but charges of rape and other violence against women are conspicuously absent. Perhaps Butler had been right all along in assuming that his soldiers were "men well bred in courtesy toward women," who held to the idea of feminine gender roles better than the ladies themselves.[130] The outcome of Butler's Woman Order seems to be one of pacification of female resistance, not one of subjugation of a vulnerable populace.

What made the order work was that Butler defined what was unladylike, resulting in a situation where "[a]ll the ladies in New Orleans forebore [sic] to insult our troops because they didn't want to be deemed common women, and all the common women forebore [sic] to insult our troops because they wanted to be deemed ladies."[131] The women of New Orleans had adjusted their behavior to match the definition of "lady" as set by General Butler, which resulted in a virtual cessation of demonstrations

[128] Ben Johnson, *A Soldier's Life*, 32.
[129] Rousey, *Policing the Southern City*, 112-113.
[130] *Butler's Book*, 419.
[131] *Butler's Book*, 419.

against Federal soldiers by the ladies of New Orleans. Far from being carte blanche for the Federal soldiers to treat New Orleanian women poorly and rape and pillage at will, there is no evidence to indicate that the Woman Order had any such impact on how soldiers treated the female civilians they were charges with protecting. This is as Butler had hoped. "Pray how do you treat a common woman plying her vocation in the streets?" he had asked rhetorically in an open letter defending his order. "You pass her by unheeded…As a gentleman you can and will take no notice of her."[132]

For Butler's part, the infamy he won for himself thanks to the Woman Order has been well documented.[133] He earned the moniker of "Beast Butler" as a result of his time in New Orleans, for which scorn in the South was nearly universal.[134] President Lincoln's reasons for relieving Butler are not precisely known, but range from Butler's heavy-handedness to the Woman Order itself, to political party affiliation. Seward admitted to Lord Palmerston in a letter that the order had contained, "phraseology which could be mistaken or perverted."[135] This imprecise language could not serve Lincoln's purposes as the legal end to slavery drew near. If Butler's international reputation, overbearing nature, or local unpopularity on the eve of the Emancipation Proclamation were major factors—which seems likely—then the probable conclusion is that his local unpopularity stems from the Woman Order, meaning that the order was a direct cause for his removal.[136]

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[132] Butler, "Gen. Butler's Explanation of his Famous Order."
[133] Hearn, *When the Devil Came Down to Dixie*, 103-104.
[134] Crabtree and Patton, *Journal of a Secesh Lady*, 219.
[135] Capers, *Occupied City*, 69.
[136] Hearn, *When the Devil Came Down to Dixie*, 215-216; Ficklen, *History of Reconstruction in Louisiana*, 42.

General Nathaniel Banks relieved General Butler of command in Louisiana in December, so by the end of 1862 both Phillips and Butler had left New Orleans for good. In his farewell address Butler went so far as to claim that "the just-minded ladies of New Orleans…have [n]ever enjoyed so complete protection and calm quiet" as during the occupation under his command.[137] One Confederate woman, self-styled as a "She-Adder," could not help but write Butler to gloat after Lincoln had reassigned him. She invoked the "noble, dauntless hearts in our Confederate army" to "avenge the insults which you have heaped upon us. Farewell, and may your conscience (if you have any left) cause your life to be one torment day by day, and may the spirit of the glorious Mumford haunt you by night."[138] Despite the fact that this letter is dripping with vitriol, it unwittingly demonstrates that Butler had achieved his aim in issuing the Woman Order. The author was no longer willing to flaunt her rebelliousness publicly. She left the letter unsigned, and her revenge in the hands of the Confederate army, demonstrating that women had resumed their roles as non-aggressive civilians. General Order No. 28 was undoubtedly undiplomatic in its language, but it also curbed the problem of rebellious women, and did so without enacting harm upon the ladies of New Orleans. This pacification had come at the cost of Butler's appointment and permanently altered his reputation.

[137] Farewell Address by General Butler, December 24, 1862 in *Butler Correspondence*, 554-555.
[138] "One of your She Adders" to Butler, December 22, 1862. *Butler Correspondence*, 548-549.

Chapter Four: "Will the triumph of Federal arms change the seasons?"

In December 1862, only a few days after Major General Nathanial P. Banks's arrival at his new command, the Union gunboat *Essex* steamed upriver past Baton Rouge toward Port Hudson. While passing through Baton Rouge, informants made General Cuvier Grover aware of a potential Confederate plot to attack the *Essex* before it could combine with other Union gunboats and assist in the planned assault on Port Hudson. Grover and Jordan Holt, the mayor of Baton Rouge, held a parley to discuss the fate of the city should a battle occur in or near the town. Mayor Holt expressed his desire that no fighting occur in the area. Grover asked Holt if this meant that "the people of Baton Rouge [were] loyal to the United States." "Oh, no," Holt hastily clarified, "I do not mean to say that: I mean that they are opposed to fighting here. They are helpless and in your power."[1]

Confederate civilians might have been under the power and influence of the United States government, but the physical reality did not alter their loyalty. Force of arms could accomplish a great deal, but it had limitations. Union officers could seize property, distribute wealth, disperse mobs, and guard polling places, but soldiers and cannons were nearly powerless to force a place for Afro Americans in Southern culture. As a testament to this difficult reality, the *Times-Picayune* asked rhetorically, "will the triumph of Federal arms change the seasons?"[2] Banks took command with the Emancipation Proclamation due to take

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[1] "Interview Between Mayor Holt and General Grover," New York *Herald*, December 29, 1862. *Chronicling America: Historic American Newspapers*. Lib. Of Congress. https://chroniclingamerica.loc.gov/lccn/sn83030313/1862-12-29/ed-1/seq-2/.

[2] "Juin 10," Paris *Le Constitutionnel* as cited in "Latest News from Europe," *Times-Picayune*, July 6, 1862. Accessed June 18, 2019. http://www.newspapers.com.ezproxy.tcu.edu?product=newscomwc/image/25534178.

effect in just a few days, and he realized that emancipation substantially altered the mission of reconstructing Louisiana. Butler, by various means, had subdued direct rebelliousness in New Orleans, but his departure ushered in the far more difficult challenge which Banks faced of returning Louisiana to the Union and fundamentally changing its society to accommodate free blacks and embrace emancipation.

When Banks relieved Butler in December 1862, the attitude of the people of New Orleans shifted from actively despising the Union presence to actively tolerating it. Banks would prove a far less polarizing figure than had Butler, and without a villain to rally against, New Orleanians resumed their daily routines. Throughout the summer of 1862 the general population seemed to be clinging to either the hope that the Confederate army would return to retake the city or that the annual outbreak of yellow fever would do what Confederate forces could not and destroy the occupying Federal soldiers. When neither possibility materialized, the average civilian began to accept the Union presence, even if they were still rebels at heart. Butler had left New Orleans "without the regret of its inhabitants," according to one Union observer, "and the community are prepared to hope great things from General Banks."[3] An anonymous grateful lady wrote Banks a thoughtful note after his arrival to express her appreciation for his "distinguished acts of noble generosity to us, a conquered people," and for being aware that "mildness and gentleness more potent to promote peace and good-will than tyranny, and inhumanity."[4]

[3] A.D. Grieff to Frank E. Have, December 18, 1862. Nathaniel Banks Papers, Library of Congress.
[4] A Lady of the Fourth District to Banks, December 26, 1862. Nathaniel Banks Papers, Library of Congress.

Banks was a "born politician," and had a much more successful political résumé than Butler had, having formerly served as a representative of the Seventh Congressional District of Massachusetts, the governor of Massachusetts, and even the Speaker of the House of Representatives for about a year between 1856 and 1857.[5] In the wake of Lincoln's election, rumors had swirled that Banks might be considered for a cabinet position, but Lincoln bypassed Banks for Secretary of the Navy in favor of Gideon Welles.[6] Banks's politics were a little enigmatic. He had changed parties several times since attaining adulthood, having belonged to and held office in the Democrat, Know-Nothing, and Republican parties before the war broke out. What always stood out about Banks had been his refusal to kowtow to slavery or its interests, which ultimately resulted in his leaving the Democrats for the Know-Nothings.

Even though he had not been tapped for a cabinet position, Banks must have still held Lincoln's favor, because the president elevated him to major general extremely early in the war—ahead of every Union general except Winfield Scott, John C. Frémont, and George McClellan.[7] Banks was new to soldiering, but Lincoln apparently presumed that his qualifications as a politician and gentleman would be enough for Banks to become a suitable war commander. His election to such a high station so early in the war is surprising given the fact that the whole of Banks's antebellum military experience consisted entirely of his time as governor when he was commander-in-chief of the state militia and one term on the Military Affairs Committee, which time he spent largely lobbying for the civil administration of the Springfield Armory.[8] Nevertheless, Banks's reputation preceded him, and news of his

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[5] Ficklen, *History of Reconstruction in Louisiana*, 45.
[6] Harrington, *Fighting Politician*, 52.
[7] Harrington, *Fighting Politician*, 54.
[8] Harrington, *Fighting Politician*, 54; James Hollandsworth, *Pretense of Glory: The Life of General Nathaniel P. Banks* (Baton Rouge, LA: Louisiana State University Press, 1998), 45.

appointment was met with favorable reviews. The editor of the New York *Daily Herald* esteemed Banks as "a man of cool judgment, a good executive officer, of good social standing, affable manners, robust constitution and intuitive military abilities of no ordinary merit."[9]

The *Herald's* assessment of his military capabilities was correct, but not in the sense it had originally intended. Unfortunately for both Banks and the soldiers he often commanded, military abilities of ordinary merit would have represented a substantial upgrade. Banks's battlefield résumé by this stage of the war consisted of two engagements against Robert E. Lee's favorite lieutenant Stonewall Jackson as part of the Shenandoah Valley and Second Manassas campaigns. During one of these engagements, at Cedarville, a significant number of Banks's men broke and fled in panic from the revered Confederate commander. No one doubted Banks's bravery, but he simply lacked the skill necessary to successfully guide troops in combat. Jackson recalled that Banks was "generally willing to fight. And, he generally gets whipped."[10]

Nevertheless, Banks managed to secure something of a technical victory at Cedarville when the overstretched, outnumbered, and exhausted Jackson gave up the pursuit of Banks's shattered forces. As Jackson withdrew south, the hapless Banks sought to salvage some semblance of his operation. Even in the total absence of an enemy, however, Banks was unable to calm his panicked soldiers and reform his battle line. As the commanding general fruitlessly attempted to rally his retreating troops, he frustratedly called to his men, "don't you love your

[9] "Governor Banks and the War," New York *Daily Herald*, May 3, 1861. https://newscomwc.newspapers.com/image/329325433. Accessed November 5, 2019.
[10] Hollandsworth, *Pretense of Glory*, 72.

country?" A quick-witted Union soldier replied, "yes, and I am trying to get [back] to it as fast as I can."[11]

Apparently combat, and certainly not in the eastern theater against the likes of Jackson and Lee, was not what best suited Banks. His first command had been the department in eastern Maryland, which included the pro-Confederate city of Baltimore. In a strange twist of fate, Baltimore had also been previously administered—in a somewhat more "confrontational manner"—by Butler.[12] Banks faced many of the same problems in Baltimore that Butler had at New Orleans, but Banks exercised a very different style of government over pro-Confederate civilians than had Butler. Banks knew enough to recognize that, "in the hands of Southern sympathizers, [Baltimore] would be a dagger pointed at the District of Columbia," and was tactful enough to keep from unnecessarily irking sensitive Confederate sentiment.[13] Although he increased troop patrols of the city and pointed the guns of Fort McHenry at the city center, Banks pandered to Confederate sympathizers, allowing them to display the Stars and Bars, keeping his troops out of the city proper, and even organizing a commission to reimburse Baltimoreans who had lost money or property as a result of the Union occupation. Union soldiers stayed in camp on election day, and Banks worked amicably with the pro-Confederate city government. If nothing else, these indulgent policies kept the civilians within his departmental command content. The New York *Herald* remarked that, "if any military commander from the North can be popular in this Southern Department, Major General Banks is that commander."[14]

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[11] Harrington, *Fighting Politician*, 76-77.
[12] Hollandsworth, *Pretense of Glory*, 40.
[13] Harrington, *Fighting Politician*, 56.
[14] New York *Herald*, June 28, 1861, as cited in Harrington, *Fighting Politician*, 57.

Conciliation only worked to a point. Disloyal Marylanders took Union efforts at conciliation as a sign of weakness. Pro-Confederate Baltimoreans set up recruitment centers for Confederate regiments within city limits, smuggled goods across state lines, spiked artillery moving through the city, and jeered Union soldiers in transit to or from railway stations. Union soldiers further exacerbated friction by ripping rosettes off of civilian clothing, destroying Confederate stationery, and even firing on passenger trains because of the soldiers' general belief that "passengers to Baltimore ought to be shot anyway."[15] These incidents prompted Banks to shift from a general policy of conciliation to coercion. He implemented policies that restricted civilian movement and stepped up city patrols by occupying soldiers, but did not declare martial law. When Banks's superiors determined that Baltimore's chief of police and police commissioners needed to be arrested, Banks detailed 1,800 soldiers to arrest them, but did not interfere with any other city operations or agencies. When the Maryland legislature held a special election to determine whether or not it would secede, Banks furloughed Unionist Maryland soldiers so they could vote and surreptitiously arrested furloughed Confederate soldiers to prevent them from voting. The Unionists easily carried the election. Banks at least had established that he could adroitly handle a situation that could have easily spiraled out of control.[16]

The situation in New Orleans demanded, not a first-rate military mind, but a political one, so Banks made sense as the choice to succeed Butler in the Department of the Gulf. Banks was nearly as skilled a politician as Butler, with the added bonus of not being personally acerbic. Additionally, Banks had experience organizing, overseeing, conducting, and interfering

[15] Harrington, *Fighting Politician*, 58.
[16] Hollandsworth, *Pretense of Glory*, 45-47.

in elections, which skills occupied Louisiana would need if it were to rejoin the Union as planned.[17] Banks's political career had left him with an extensive network of personal and political connections that Lincoln could leverage for more volunteers and endorsements for his reconstruction plans. When Lincoln relieved Banks of his eastern corps following the Second Battle of Manassas, the president asked Banks to raise 30,000 volunteers and report with them to New Orleans in preparation for an assault on either Vicksburg or Texas the following spring.[18] Perhaps thinking only of generals in the war's eastern theater, Seward opined that Banks was the only Union general who had, "come out of the war thus far without a blemish."[19] Although Ulysses S. Grant had been more successful on the battlefield than Banks could ever hope to become, Grant issued his antisemitic General Order number 11 in December 1862, proving that Secretary Seward's initial appraisal of Banks as politically adroit had been correct.

Lincoln needed a politically skilled general who was willing to coax, not coerce, the seceded states back into the Union. In addition to all this, Lincoln wanted someone in New Orleans more conciliatory than Butler when the Emancipation Proclamation took effect on January 1.[20] Although the proclamation would not impact New Orleans itself, it might have some adverse effects on some of the city's residents, and Banks would have to deal with any disturbances. Lincoln still had his misgivings about Banks, or at least about governing an

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[17] Ficklen, *History of Reconstruction in Louisiana*, 45.
[18] Hollandsworth, *Pretense of Glory*, 83-85.
[19] N.P. Banks to Mary Banks, September 4, 1864, as cited in Harrington, *Fighting Politician*, 84.
[20] Lincoln to Banks (unsent) January 23, 1863, *Collected Works of Abraham Lincoln, Vol. 6*, (Ann Arbor, MI: University of Michigan Digital Library Production Services, 2001), 73-74. Although unsent, Lincoln wrote in the letter that, "no such man as Gen. Butler" could make the Emancipation Proclamation work in Louisiana.

occupied zone without Butler's unique style, but Banks's approach to free blacks and contraband enslaved laborers soon allayed some of his fears.[21]

Many enslaved people grew bold and dismissive of their owners in the presence of Federal soldiers. Rumor reached one sugar plantation owner called McHatton that the Union army intended to arrest him. Having been tipped off, McHatton attempted to flee. When his wife instructed her servants to drive the carriage further inland, they grew "surly and disobedient," with her, and refused to abet the family's flight. When the family finally left a few hours later, they were obliged to leave their home and slaves behind, either unable or unwilling to discipline their slaves in the face of Union occupation.[22] When Union soldiers passed through or near plantations, they often took what they wanted, and slaves almost never wasted any energy deterring the foragers or defending any of the plantation owners' property. A group of slaves on a Magnolia, Louisiana plantation erected a set of gallows when the Union soldiers arrived. Their reasoning was that, once they killed their owner, they would be free.[23]

Many plantation owners had fled immediately upon hearing that Farragut had run the forts and captured New Orleans. Many white families took with them little property including few, if any, of their enslaved workers. The abandoned "servants" then had helped themselves to the plantation owner's property. Regrettably, Union soldiers would often help themselves to the "liberated" goods that the enslaved workers had removed from the proprietors' dwellings and plantations.[24] Some plantation owners tried to evacuate their plantations of all inhabitants so as

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[21] Lincoln to Stanton, January 23, 1863, *Collected Words of Abraham Lincoln, Vol. 6*, 76-77.
[22] Charles P. Roland, *Louisiana Sugar Plantations During the Civil War* (Baton Rouge, LA: Louisiana State University Press, 1997), 54.
[23] Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*, Updated Edition (New York: Harper, 2014), 4.
[24] Roland, *Louisiana Sugar Plantations During the Civil War*, 51.

to keep even their unpaid laborers from Yankee hands. Those who did headed for Texas in a pitiable condition. Colonel Arthur Fremantle, a European observer, recalled roadways leading to Texas from Alexandria, Louisiana, "alive with Negroes," fleeing from Banks's soldiers.[25] Many enslaved people went along with the plantation owners, apparently willingly, only to run away at night, to the point where traveling with slaves made owners' lives unbearable.[26]

While Banks seemed to grasp the import of people of color to the local and state economies, he was much slower to comprehend the degree to which social hierarchy mattered in southern society.[27] Banks had written to a correspondent in Virginia that dealing with the issue of slaves and free blacks and whites in the occupied South would be no more complicated than "'choosing white or black beans for bean soup,'" which merely demonstrated how hopeless his grasp of the situation was.[28] Banks's problems included the prevailing wartime conditions and the impact those conditions had on the economy. Slaves served an important role as uncompensated labor, but the war had depressed economic activity up and down the Mississippi River Valley. Northern factories and European mills craved cotton, and Banks's department was one of the few that could produce the invaluable fiber. Getting the plantations up and running was another problem altogether, since many plantation owners had fled or refused to cooperate with Union soldiers or even Unionist civilians.[29]

Further complicating matters, although the Emancipation Proclamation had not directly affected New Orleans since it was under Union control on January 1, 1863, some locals still

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[25] Arthur Lyon Fremantle, *Three Months in the Southern States: April-June, 1863* (Bedford, MA: Applewood Books, 1864—reprinted 2005), 86-87.
[26] Winters, *The Civil War in Louisiana*, 158.
[27] Harrington, *Fighting Politician*, 90-91.
[28] Banks to a Virginian, April 24, 1862, as cited in Harrington, *Fighting Politician*, 104.
[29] Harrington, *Fighting Politician*, 91.

worried about its ramifications for Louisiana's economy and property laws. "If I lose my people, I lose my business," wrote one semi-loyal civilian in December. And, assuming that he would not be able to retain control over his slaves once the Emancipation Proclamation took effect, the anxious proprietor went on to ask of Banks, "from whom shall I expect compensation?"[30] To allay those concerns, Banks had issued a statement to the people of Louisiana on Christmas Eve, 1862 asserting that the Emancipation Proclamation was a "declaration of purpose only," the state was not in rebellion, and slaves should remain on their plantations "until their privileges shall have been definitely established."[31] The legal limbo in which the unfree laborers found themselves gave slaveholders some temporary hope that their property could be preserved. Police enforced curfew laws against both free blacks and unfree laborers, and plantation owners requested, and often received, assistance in locating and recovering contraband slaves.[32] White New Orleanians saw the preservation of the caste system as the only means of preserving law and order. One anxious New Orleans schoolgirl confessed to her diary that she "[feared] more from the negroes than Yankees and an insurrection is my continual horror."[33]

Slavery was in jeopardy across the Union, but in occupied areas like New Orleans it was clinging to the last vestiges of legality. Banks had, at first, attempted to "[restore] vagabond slaves to their masters," but the enslaved workers' rebellious attitudes frustrated these efforts, and Banks soon abandoned them.[34] In order to reestablish peace and return Louisiana to its

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[30] J.F.H. Claiborne to Banks, December 23, 1862. Nathaniel Banks Papers, Library of Congress.
[31] "To the People of Louisiana," *OR*, Ser. 1 Vol. 15, 619-20.
[32] Harrington, *Fighting Politician*, 104.
[33] Rousey, *Policing the Southern City*, 112.
[34] Charles Prosper Fauconnet, *Ruined by this Miserable War: The Dispatches of Charles Prosper Fauconnet, a French Diplomat in New Orleans, 1863-1868*, ed. Carl. A Brasseaux and Katherine Carmines Mooney, (Knoxville, TN: University of Tennessee Press, 2012), 1.

rightful place in the Union, it was imperative to bring the state's economic strength—commercial agriculture—back online. The plantation owners would have preferred to immediately revert to the antebellum system, and the slaves aspired to a free labor system. While neither would quite get his choice, the Lincoln administration and the tides of war were already in the process of dooming the institution of slavery.

Banks had to move away from the old system of enslaved labor. Although he understood that the Emancipation Proclamation did not pertain to Louisiana, he understood that the antebellum labor system was doomed and knew that he would have to revise the labor-owner arrangement even before slavery could be legally done away with. He also needed to address the growing contraband problem developing in New Orleans. Many fugitive slaves under Federal control subsisted in miserable conditions, with one observer reporting that groups of up to one hundred and fifty "'cooking, eating, drinking, sleeping, sickening, and dying, in one room, with a fire built … on the floor, without chimney.'"[35] General Godfrey Weitzel had complained to Butler in November that he had "already twice as many negroes in and around my camp as I have soldiers within."[36] The wretched conditions endangered both soldiers and civilians who slept in crowded or outdoor conditions, despite Butler's recent cleanliness initiatives.[37] Enslaved males were expected to work on fortifications or on plantations that the government had confiscated, presumably from plantation owners who had fled Federal forces and would not be returning soon. Enslaved females and children would stay in a separate camp. Nighttime fraternization visits between camps resulted in a labor force that was too tired from

[35] Harrington, *Fighting Politician*, 104.
[36] Winters, *The Civil War in Louisiana*, 158.
[37] Enoch Adams to Shepley, undated 1862 correspondence, George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item # 70234. https://www.mainememory.net/artifact/70234. Accessed September 24, 2018.

sleepless nights to work, and army officials had to resort to posting guards to prevent anyone without a pass from leaving the contraband camps.[38]

By January 1863 there were fifteen thousand contraband slaves living in or around New Orleans and sustained at the government's expense.[39] As was typical for his leadership style and personality, Banks opted for a compromise which would allow the contraband laborers some payment for work while still ensuring that planters could cultivate crops and turn profits. Banks issued a peculiar order on January 29 that sought to straddle the line between honoring property rights and shying away from enforcing fugitive slave laws against runaways, whom the Lincoln administration did not wish returned. The order decreed that the "forcible seizure of fugitives from service or labor" was "inconsistent" with Union intentions, while also proclaiming that Federal soldiers could neither "compel or authorize [the] return by force" of slaves who had already run away. The order also decreed that no one would be a public charge, and that everyone who could not sustain themselves without working must work. Contraband slaves who had no other means of work were to be employed "upon the public works," which might include "cultivating abandoned estates" that would otherwise lie fallow.[40]

Few, if any, critics disputed that the labor of contrabands was necessary. So many white laborers were away either serving the Confederacy or had fled the Federal occupation that the need for laborers was acute. The cleanliness initiative undertaken by Butler had addressed just one of a series of maintenance problems, all of which needed labor. Decrepit levees threatened, not just farmland, but railway lines and troop and communication access to the interior. Banks tried using prisoners as a stopgap measure to repair the damaged infrastructure, but those

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[38] Winters, *The Civil War in Louisiana*, 207-208.
[39] Harrington, *Fighting Politician*, 104.
[40] General Orders No. 12, January 29, 1863. *OR*, Ser. 1, vol. 15, 667.

proved insufficient.[41] These repairs required action, and contrabands were the only labor force on hand capable of filling the needed positions.[42] Plantation owners themselves desired that the unfree laborers return to work, even if they had to be paid for their work. Getting the laborers back to work would both occupy idle hands that the plantation owners feared would lead to an increase in petty criminal activity and get their plantations back into production.[43] Ebbs and flows in the war's fortunes further complicated putting unfree workers back to work. As Confederate and Union forces captured, lost, and recaptured areas that were inland from major cities, the fighting rendered those plantations unproductive.[44] Contraband laborers shied away from working that land in case the Confederacy returned and voided their General Order Number 12 contracts.

Peculiar though it might have been, General Order No. 12 was fairly practical, and it had the blessing of the Lincoln administration. According to Secretary of the Treasury Salmon Chase, when the Lincoln cabinet had begun debating the Emancipation Proclamation in earnest in the summer of 1862, the main issue that the cabinet felt the need to begin was the process of converting the labor in Louisiana to paid labor.[45] The individuals in question—whether enslaved or free—needed to labor to sustain themselves, and would need to work on plantations

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[41] James Brown to Shepley, December 18, 1962. George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item 76529. https://www.mainememory.net/artifact/76529. Accessed September 24, 2018.
[42] Shepley to Banks, December 29, 1862. George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item 74543. https://www.mainememory.net/artifact/74543. Accessed September 24, 2018.
[43] Banks to Shepley, February 7, 1863. George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item 75057. https://www.mainememory.net/artifact/75057. Accessed September 24, 2018.
[44] Roland, *Louisiana Sugar Plantations During the Civil War*, 58-59.
[45] David Donald, ed., *Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase* (New York: Longmans, Green and Co., 1954), 106.

if they did not have employment within the city itself. To this end, General Order No. 12 established a "yearly system of negro labor" intended to employ idle labor and provide some version of profit-sharing. The unfree laborer could choose the proprietor for whom they wished to work, but once that decision was in, they had to remain in their employ for a full year.[46] In exchange for some income, the laborer was expected to provide "'respectful, honest, faithful labor' from dawn to dusk." Owners or managers would punish shirking or loafing by docking the laborer's pay.[47]

The pay was insubstantial and was perhaps only token compensation to provide "a modicum of satisfaction and thus encourage [contrabands] to return to work."[48] The wages consisted of three dollars each for skilled laborers, two dollars each for unskilled male laborers, and one dollar each for female laborers, evidently irrespective of skillset. The considerations that stand out about these terms are the facts that female labor is valued at half of unskilled male labor and one third of skilled male labor and the intervals between payments. The Banks administration intended these meager payments to be meted out once per month, but the orders did not specify how often the workers needed to be paid.[49] In addition to the paltry wages, the law required plantation owners to set aside one twentieth part of the plantation's annual profit to divvy up amongst all of the laborers working on that plantation. The landowner would then divide that twentieth part of a year's commercial crop into shares and distribute it to the workers. Each unfree laborer received shares commensurate with their perceived level of utility.

[46] General Orders No. 12, January 29, 1863. *OR*, Ser. 1, vol 15, 667.
[47] Harrington, *Fighting Politician*, 105.
[48] Fauconnet, *Ruined by this Miserable War*, 2.
[49] Blassingame, *Black New Orleans*, 53.

Skilled male laborers received three shares, unskilled male laborers received two, and unskilled female laborers one.[50]

Public reaction to the labor program was generally poor. Many observers felt that the employed slaves were not providing an honest work for their wages. Many slaves who had returned to their rightful masters were "women, children, the elderly, and the infirm," and these provided little productive labor, which the system was supposed to foster.[51] Many slaves felt that the program was a far cry from an ideal free labor system, and so distrusted the whole scheme from the outset.[52] Those who did report for work allegedly shirked a great deal, taking the wages they earned for little or no labor as just compensation for their prior unpaid toil.[53] Since the war upset the normal cotton and sugar production, it is difficult to directly quantify the efficacy that Banks's labor program had on that production, or gauge the impact it had on the laborer-proprietor relationship.[54]

Newspapers gleefully reported how ineffectual free negro labor was in order to establish that the slaves would only properly function in a slave labor system, which provided the "advantage of having some person to provide for their wants."[55] The popular perception was that, without the encouraging whip of a master behind them, unfree labor simply would not

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[50] U.S. Sequestrian Commission, February 5, 1863. George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item # 75056. https://www.mainememory.net/artifact/75056.
[51] Fauconnet, *Ruined by this Miserable War*, 4.
[52] Harrington, *Fighting Politician*, 106.
[53] Follett, *The Sugar Masters*, 132. Follett's statement about slaves accepting holidays, modest pay, and other light compensation as "due recompense for their labor" is a general one, and not one specific to wartime Louisiana.
[54] Joseph P. Montgomery, "Louisiana Cotton Statistics with Comparisons," 10; Harrington, *Fighting Politician*, 106.
[55] "Contrabands in Illinois," *Times-Picayune*, January 9, 1863. https://newscomwc.newspapers.com/image/26765389. Accessed January 9, 2020.

work or would walk off of plantations or out of contraband camps "under the notion that they are to lead a life of leisure, while the white men do the work."[56] Enslaved labor required "imposing a restraint upon the brutal impulses of the 'servile population.'"[57] The emancipated laborer could not hope to compete on the open market. If forced from slavery, African Americans would wander "[a]s a driveling outcast, he will become a mendicant wanderer.—His doom will be the prison or the work-house."[58] Many editorials discussed and expounded upon labor's many problems, the shortage of cotton, and the need to get slaves back working on plantations, but no one dare merge talk of the rights of free labor with talk of African American rights. The struggles of labor were those of "manfully" and "desperately" fighting against the incursions of unscrupulous business owners.[59] These adjectives could never apply to slave labor, which consisted exclusively of "negro barbarians."[60] "Paradoxically," notes historian John Blassingame, "the laboring whites feared that these 'lazy' blacks would take away their jobs from them."[61] Being upstaged by cheaper labor was a real fear, particularly with the war having caused thousands of employment vacancies from residents who were either serving in the Confederate army or had fled the Federal approach.

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[56] Claiborne to Banks, December 23, 1862. Nathaniel Banks Papers, Library of Congress.
[57] A Lady of the Fourth District to Banks, December 26, 1862. Nathaniel Banks Papers, Library of Congress.
[58] Henry W. Allen to the General Assembly, "Official Journal of the Proceedings of the House of Representatives and Senate of Louisiana, Seventh Legislature, Session of 1864," (Shreveport, LA: John Dickinson, 1864), 25.
[59] "Labor and Pay," March 29, 1863. https://newscomwc.newspapers.com/image/26765946. Accessed January 8, 2020.
[60] "Negro Labor vs. White Labor," *Daily True Delta*, October 3, 1863. https://newscomwc.newspapers.com/image/354662741. Accessed January 8, 2020.
[61] Blassingame, *Black New Orleans*, 27.

For this reason, few were willing to defend the labor program, but it was effective enough that Banks extended it in January 1864.[62] Banks's labor system created a limbo where the black laborers were neither free nor enslaved, and while that condition could not work for long, it was at least occupying many workers who would otherwise remain idle and prone to mischief. The labor situation was not ideal, but General Order No. 12 created a better solution than any other that could easily have been implemented. A moderate Unionist and plantation owner named Benjamin Flanders wrote to Secretary Chase criticizing both Banks and the contraband labor program but hastened to add that he "would not disturb it at present."[63]

Part of the reason that Banks, plantation owners, and army officers alike all had trouble corralling contraband labor was due to the alluring call of armed service attracting able-bodied African American laborers. For the first time in their lifetimes, not only could African American males choose on which plantation or for which proprietor he would labor, but he could also elect to enlist in Louisiana's Native Guard, and in so doing put himself on the ultimate path to freedom and enfranchisement. When volunteer numbers ebbed, the army took matters into its own hands. Slave conscription often consisted of Union soldiers simply walking onto a plantation, informing the slave(s) that they had been conscripted, and "[daring] the planters to intervene."[64]

Butler had already established a so-called Native Guard as an all-black militia. The Native Guard that Banks was commissioning would take on a somewhat different composition than prewar militia. Contraband slaves would also be eligible to enlist in the Native Guard

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[62] General Orders No. 4, January 19, 1864. *OR*, Ser. 1 vol. 34, pt. 2, 227-231.
[63] Benjamin F. Flanders to Salmon Chase, April 30, 1863, *Salmon Chase Papers Vol. 4, Correspondence, April 1863-1864*, 20.
[64] Blassingame, *Black New Orleans*, 37-38.

alongside their free black neighbors with the promise of pay and postwar land grants.[65] To help the men be as successful in their training as possible, Banks appointed one English instructor per regiment to educate the linguistically challenged soldiers in the articles of war. Between these instructors and the regimental chaplains, previously illiterate soldiers could leave the service in an entirely different status to that in which they had enlisted.[66] Later in the war, the government would consider granting enfranchisement to colored veterans, but this notion was not used as an inducement to recruitment.[67] Treatment would be far from equitable, but the men in general were "willing to submit to anything rather than slavery."[68]

There is no question that the treatment of the Native Guards and other colored regiments was disproportionately poor as compared to other regiments. For some enlisted in the guard, this treatment represented a significant status increase from what they had previously experienced. For others, particularly the free blacks serving under the stars and stripes, this treatment represented a substantial step down from what they were used to. Many free blacks in Louisiana were well-heeled, cultured, multilingual, and often owned land. Many were educated from as far afield as Europe.[69] These middle class African American men were lieutenants and captains in the antebellum militia, and naturally assumed that they would continue in this capacity as members of the Native Guard.[70] Their parents and teachers had regaled them in their youth with gallant tales of black soldiers fighting alongside the venerable General Jackson in the Battle of New Orleans in 1815 and they were eager to contribute to their race's military pedigree. Some

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[65] Hollandsworth, *The Louisiana Native Guards*, 20, 29.
[66] Banks to Halleck, December 17, 1863, *OR* Ser. 1 Vol. 26 Pt. 1, 458-459.
[67] Lincoln to Michael Hahn, March 13, 1864. Michael Hahn Papers, Historic New Orleans Collection, 98-49-L.
[68] Blassingame, *Black New Orleans*, 36.
[69] Blassingame, *Black New Orleans*, 39.
[70] Hollandsworth, *The Louisiana Native Guards*, 26-27.

had even served in the officer corps during the Mexican War. One of these men, Francis Dumas, was one of the largest slaveholders in the state, of whom General Butler had said, "[h]e had more capability as a Major, than I had as a Major General," which, if Butler's combat record was any indicator, is undoubtedly true.[71]

The problem of colored officers came to a head very quickly. There could be no doubt that the African American officers were valuable resources, but their presence created political problems. Radicals aside, most white southerners were unnerved at the sight of black soldiers in uniform. The colored regiments were not going away, but that did not mean that whites had to put up with black officers. Having to choose between the conciliation of the white populace and catering to the rising political power of African Americans, Banks opted for conciliation. The commanding general commissioned no additional black officers when he formed his famous Corps d'Afrique. Then, using efficiency examinations as a front, he forced the resignation of black officers that Butler had appointed from the service. Commissioning white officers to command colored troops would soon become the typical practice in the Union army, but Banks could have created an exception to this practice since his colored units predated other similarly composed Union regiments.[72]

Finding white replacements for the displaced black officers presented a challenge. Capable and experienced white officers in the Department of the Gulf eschewed transfers to colored regiments because they viewed the assignment as a substantial reduction in status, even if it included an increase in rank. "'What?'" one Union officer remarked at the prospect of

[71] Blassingame, *Black New Orleans*, 39-40.
[72] Harrington, *Fighting Politician*, 111.

assignment to a Corps d'Afrique regiment, "'command niggers?'"[73] Similar attitudes exhibited by other well-qualified white officers led Banks and other Union leaders to look elsewhere for officers. Many newly commissioned officers came from enlisted ranks. White officers serving in colored units could expect advancement at a much brisker pace as compared with their counterparts in white regiments. Spencer Stafford of Massachusetts was a captain in Butler's administration before need for him arose and he was promoted to colonel, skipping several grades. Augustus Benedict of the Seventy-Fifth New York applied for transfer to the Louisiana Native Guard in March 1863 and was immediately bumped up from second lieutenant to major. By November 1863 Benedict was a lieutenant colonel.[74] James Mathews served in the Fourth Corps d'Afrique Regiment as a captain, but he had previously served with the Eighth Vermont Volunteer Infantry as a sergeant.[75]

Promoting junior officers and senior noncommissioned officers so quickly could reveal some diamonds in the rough, but it could also result in ineffectual leadership. African Americans of all backgrounds knew that there were capable warriors among them because they remembered the legacy of the many black veterans who had bravely and effectively fought off the concerted British assault at the Battle of New Orleans, some of whom were yet alive. The free black paper *L'Union* asserted that their people could fight, so long as the army could find

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[73] Bell Wiley, *Southern Negroes, 1861-1865*, (Baton Rouge, LA: Louisiana State University Press, 1938), 311. Venerable U.S.C.T. units in the east experienced fewer problems with officer quality. Stanton wanted "only the best officers" who would lead and teach the African American soldiers, and he devised a thorough screening process designed to only accept professionals of the "highest possible standards." See Foote, *Gentlemen and the Roughs*, 162-163.
[74] William A. Dobak, *Freedom by the Sword: The U.S. Colored Troops, 1862-1867* (Washington, D.C.: Center of Military History, 2011), 113.
[75] Theodore S. Peck, *Revised Roster of Vermont Volunteers and Lists of Vermonters who Served in the Army and Navy of the United States During the War of the Rebellion, 1861-66* (Montpelier, VT: Watchman Publishing Co, 1892), 309. Archive.org. Accessed December 27, 2019. https://archive.org/details/cu31924080774148/page/n323.

"sources of discipline and probity" capable of leading the soldiers into battle.[76] The leadership situation was still not yet ideal by May, 1863, when Banks wrote, "[t]he negroes require only good officers to make the best troops the government will have, [but] the men in command are generally poor men."[77]

Banks officially rechristened the Native Guards in June when he organized the Corps d'Afrique, which consisted of ten regiments mostly directly transferred from the Native Guards. By August 1863, the Corps d'Afrique's enrollment was approximately 10,000 men in twenty regiments.[78] Most of those were either free blacks or local contrabands, but as soon as August Banks and other commanders had roving patrols working as attractants to contraband slaves then enlisting them in the Corps.[79] By September Banks had opened obligatory conscription to all able bodied males between twenty and thirty—even those already employed as laborers on private or government-run plantations—in order to meet the demand for soldiers and military garrisons.[80]

Many envisioned utilizing the Native Guard chiefly in a capacity as glorified laborers, perhaps merely contraband in uniform, to reinforce levees or fortify New Orleans against the phantom Confederate threat.[81] Under Butler the Native Guard had worked to restore disused railroads alongside a white regiment from Vermont.[82] Once the workers had restored the

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[76] "Les Native-Guards," *L'Union*, January 29, 1863. Text translated by author.
[77] Harrington, *Fighting Politician*, 111.
[78] Hondon B. Hargrove, *Black Union Soldiers in the Civil War* (Jefferson, NC: McFarland & Company, Inc., 1988), 101-102. Typical regiments had enlistments of 1,000. Banks's rationale for halving those general figures is unclear, but assumptions range from making it appear that there were more soldiers than there were to a desire to appoint more officers.
[79] Winters, *The Civil War in Louisiana*, 304.
[80] Winters, *The Civil War in Louisiana*, 312.
[81] George F. Shepley to Banks, December 29, 1862. Nathaniel Banks Papers, Library of Congress.
[82] Hollandsworth, *The Louisiana Native Guards*, 33-34.

railroad and cleared the area of slight Confederate resistance, Native Guards then took to guarding the railroad against sabotage. Critics quickly observed that soldiering could just be slavery in different clothes. Conscripting men of color and then forcing them into hard labor was nothing short of "racial exploitation by abolitionists."[83] Private opinions held by Union officers would not have allayed these concerns. "The Government makes use of mules, horses, uneducated and educated white men, in the defense of the institutions," Banks wrote in his General Orders No. 40 in May 1863, "why should not the negro contribute whatever is in his power for the cause in which he is deeply interested as other men?"[84] The difference was, of course, that the army allowed uneducated white men to fight, but not mules or colored soldiers. True equality lay in equality of usage. Colonel Stafford had to resort to direct appeals to Banks in order to get his regiment into the field.[85] The Corps d'Afrique units often found themselves on garrison duty, but they craved combat to prove themselves in the field. "'Our great desire,'" wrote John Bernabe of the Native Guard, "'is to strike a blow for the Union therefore we are both willing and Ready to forsake our wives and children and Risk the fortunes of War.'"[86]

The Corps d'Afrique got the first chance to test their mettle in May as part of General Banks's assault on Port Hudson, Louisiana. Port Hudson, about twenty river miles north of Baton Rouge, and Vicksburg, Mississippi were the only remaining Confederate holdings on the Mississippi River. Ulysses Grant was moving on Vicksburg, leaving Banks to attack Port Hudson. The Confederate army considered both the sieges at Vicksburg and Port Hudson to be major engagements and prepared accordingly. Though the Confederate army might have been

[83] Fauconnet, *Ruined by This Miserable War*, 12.
[84] General Orders No. 40, May 1, 1863, *OR* Ser. 1 vol. 15, 717.
[85] Hollandsworth, *The Louisiana Native Guards*, 39.
[86] Blassingame, *Black New Orleans*, 36.

concerned with Port Hudson's fate, it did not have the manpower to appropriately address the Union threat. Banks's men, several regiments of the Corps d'Afrique among them, would attack a garrison of about 7,500 men.[87] By contrast, Grant faced around 30,000 men at Vicksburg.[88]

Characteristic of Banks's fighting style, he misjudged the enemy strength and fought ineffectually. His intelligence alternatively over- and underestimated the Port Hudson garrison. Estimates in March projected that Port Hudson housed nearly 30,000 men, but estimates in May pegged the enemy strength at about 4,000 men.[89] The Corps d'Afrique under General William Dwight, one of Banks's subordinates, fought a brief and isolated action that impressed even their harshest critics. Two colored regiments totaling just over 1,000 men attacked one of the strongest points of the Confederate line without cover under severe fire and suffered about thirty percent casualties.[90] Other scattered attacks failed to seriously pressure the rebel fortifications, suffering "ignominious defeat[s]," and Banks and his troops settled in for a protracted siege of Port Hudson.[91] The failed action and unnecessary casualties suffered by the African American soldiers might seem to suggest that Union commanders were only interested in colored units as warm bodies to throw against Confederate guns, but Banks's general lack of skill handling troops of any racial or geographical background likely means that he did not mean any undue harm to the Corps d'Afrique regiments.

The Corps d'Afrique fought well at Port Hudson, but they did not partake in the siege that followed. The participating units had suffered relatively minor casualties, but Banks

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[87] Winters, *The Civil War in Louisiana*, 283
[88] Ron Chernow, *Grant* (New York: Penguin Press, 2017), 289.
[89] Winters, *The Civil War in Louisiana*, 215; Andrews to Banks, May 18, 1863, *OR*, Ser. 1 Vol. 26, Pt. 1, 494.
[90] Winters, *The Civil War in Louisiana*, 253-254.
[91] Brown, *A Soldier's Life*, 90.

redeployed them to another expedition marching up the Red River towards Shreveport, the

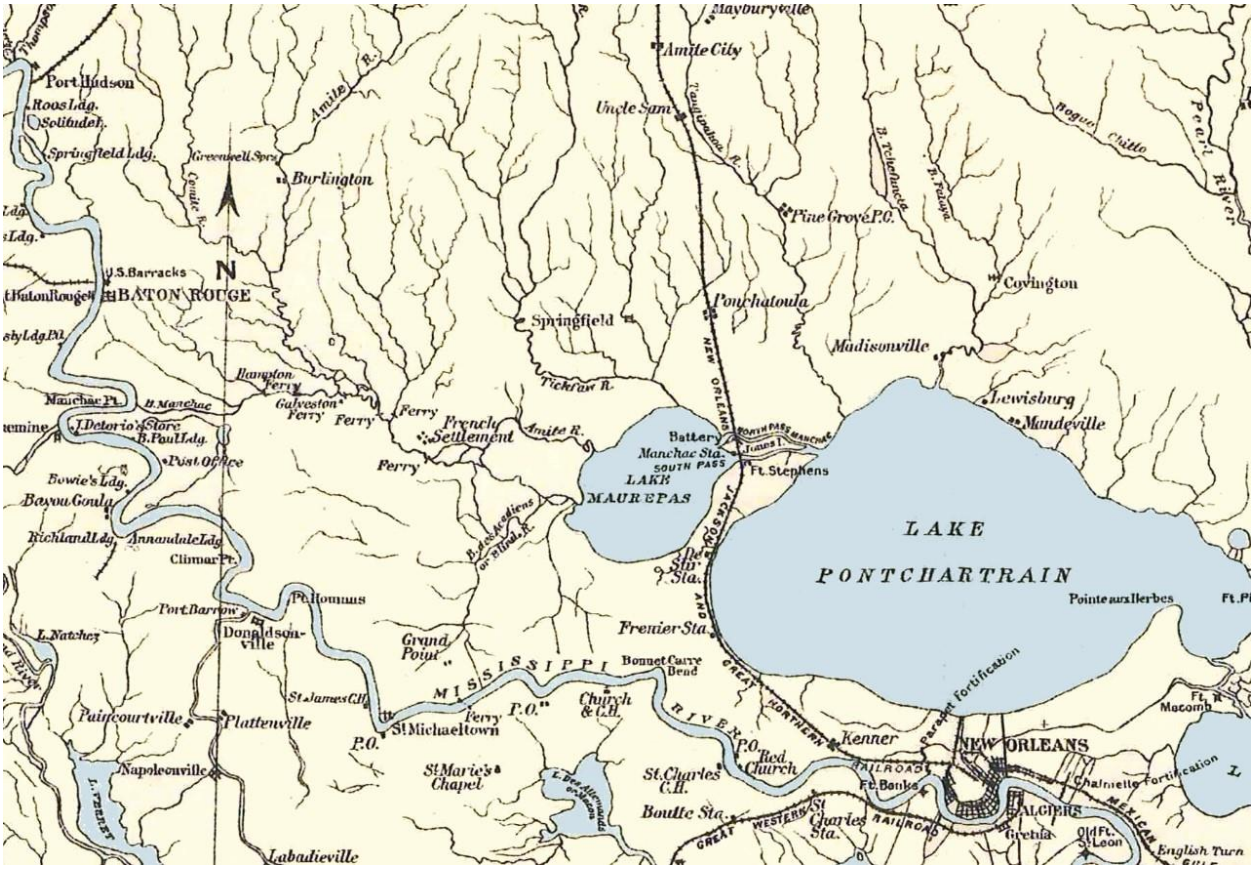

Fig 4.1 detail of "Delta of Mississippi River and Approaches to New Orleans," showing Port Hudson (upper left) in relation to New Orleans (bottom right), *Official Records of the Union and Confederate Navies in the War of the Rebellion*, Ser. 1 Vol. 18, 130.

temporary exile capital of the Confederate government of Louisiana. The Corps d'Afrique units were assigned to guarding the supply wagons, and so did not see any action in the ill-fated Red River campaign.[92] Some minor skirmishes aside, the Corps d'Afrique regiments mostly patrolled urban areas until local sheriffs and police departments could return to full functionality near or after the end of the war.

[92] Dobak, *Freedom by the Sword*, 124.

Civil-military relations took on a greater importance even as the Corps d'Afrique shed its blood over an increasingly uncertain future. The behavior of soldiers in occupied areas was just as crucial during Banks's occupation as it had been during Butler's. Butler had ordered at least five men executed due to particularly severe search and seizure violations, but Banks' administration was supposed to be the conciliatory administration.[93] Individual soldiers who committed transgressions were subject to various punishments ranging from additional guard duty to being drummed out of the service, or even capital punishment. H.H. Bennett of the Fourth Wisconsin Infantry recorded an instance in 1864 where his entire regiment was obliged to form ranks so that two local women could review the troops in search of a soldier accused of stealing jewelry, some dinnerware, and ten dollars in cash.[94] Discipline was wildly uneven for those men who were apprehended. Ben Johnson remembered liberally raiding a plantation in 1864 and being caught by his company commander. The officer in charge of his discipline verbally rebuked his actions, but then let him go with the refrain to not "let this occur again."[95]

Soldiers, particularly officers, were ambassadors of the Union, so their comportment needed to keep to a high standard. For many, the temptations of New Orleans and the surrounding areas, among the prostitution capitals of the world, proved too alluring. Many soldiers were stationed either at the Mint or near Jackson's Square, which Corporal Charles H. Blake of the Twelfth Maine Volunteers described as, "the worst part of the city as regards

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[93] Order regarding Private Patrick Hines and Joseph Jewell, June 16th, 1862. Benjamin Butler Papers, Library of Congress.
[94] H.H. Bennett, January 6, 1864, "H.H. Bennett Diary Transcript, 1863-1864," Wisconsin Historical Society, *Wisconsin in the Civil War*. http://content.wisconsinhistory.org/cdm/compoundobject/collection/quiner/id/32840/show/32809/rec/1. Accessed January 15, 2020.
[95] Brown, *A Soldier's Life*, 112.

morals."[96] Ben Johnson of the Sixth Michigan was of a similar mind, asserting that fully "three-fifths" of the women were bent on luring the soldiers away into their "wily snares." Some soldiers did yield to temptation, but those were supposedly "un-tutored 'greenies' from the farm lands of the west."[97]

It might be one thing for enlisted men "from the farm" to succumb to the lure of women in occupied areas, but officers were held to a higher moral standard.[98] The reputations of officers must remain unimpeachable or their personal careers could suffer. Banks was appalled when he discovered a gambling ring across the street from the St. Charles Hotel, where much of the occupational government was administered. He insisted for "both the reputation and the interest of the Government" that Shepley close down the establishment.[99] When Colonel Nickerson of the Fourteenth Maine found it necessary to billet female contrabands with his regiment for a time, his regimental chaplain immediately made certain to write to the headquarters of the Department of the Gulf to assure the commanding general that the colonel had ordered his men to be quartered separately under the colonel's personal supervision. Colonel Nickerson, the chaplain insisted, allowed "no improper connection with the men."[100] Officers were liable to be court martialed and dismissed from the service if they allowed their passions—whether the passion be for gambling or sex—to overcome their self-control.

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[96] Sunday, May 11, 1862. Charles H. Blake Diary, Historic New Orleans Collection, MSS 262.
[97] Brown, *A Soldier's Life*, 29.
[98] Foote, *The Gentlemen and the Roughs*, 50-53.
[99] Banks to Shepley, October 2, 1863. George F. Shepley Papers, Maine Memory Network, Maine Historical Society, Item # 76121. https://www.mainememory.net/artifact/76121. Accessed September 24, 2018.
[100] G.W. Bartlett to Butler, June 21, 1862. Benjamin F. Butler papers, Library of Congress. Box 10, Folder 2.

Colonel W.M. Grosvenor of the Second Corps d'Afrique Regiment ran afoul of this policy when one of his officers—possibly Lieutenant F. Birchmore, toward whom he was also accused of using abusive language—discovered Grosvenor "[keeping] in his quarters a woman, not his wife," on not one, but two different occasions only a few days apart. Grosvenor attempted to mitigate the harm to his case by quickly marrying one of the women, but the last minute damage control did not sway the court, which convicted him and ordered him dismissed from the armed forces.[101] President Lincoln later annulled the sentence based on lack of evidence, but by then Grosvenor had moved on and fully embarked upon his postwar career.[102]

Similarly to Grosvenor, Lieutenant Edward Asahel Palmer of the Fourth Corps d'Afrique Regiment stood accused of inviting "a most degraded prostitute into his private quarters at a late hour in the evening."[103] The charges—disobedience of orders and conduct unbecoming an officer—were not for the lascivious visit itself, but for being an officer during the alleged salacious visit. An officer could not keep his soldiers within morally acceptable bounds if he himself had a morally questionable reputation. His men could not seriously respect an officer's status as a gentleman if his comportment were not gentlemanly.

Palmer's court martial reveals another dimension of interracial interaction between occupying Union forces and the locals. During the trial, Captain James A. Mathews testified that African American females were allowed to enter camps in order to do laundry. Standing

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[101] "War Record of Col? W.W. Grosvenor, editor of the Mississippi *Democrat*, n.p. 1864." Library of Congress Printed Ephemera Collection, Portfolio 86, Folder 9a. https://www.loc.gov/item/rbpe.0860090a/. Accessed January 22, 2020.
[102] Hollandsworth, *Louisiana Native Guards*, 81.
[103] Court-Martial of First Lieutenant E.A. Palmer, 1. Convened September 4, 1863. *Nathaniel Prentiss Banks Papers*, box 80, "Prisoners, courts-martial, etc., 1861-1864, undated." Library of Congress. Cited hereafter as "Palmer court martial, [page(s)]." The Fourth Corps d'Afrique Regiment had previously been designated the Third Louisiana Native Guard, and was later reclassified as the Seventy-Sixth U.S. Colored Volunteers.

orders did not permit females in the quarters of unmarried personnel and allowed only the wives of married men in married quarters. In practice, laundresses or housekeepers could sometimes be admitted to private officers' quarters, presumably for the purposes of cleaning, but the general expectation was that the officers would leave their tent flaps or doors open and appropriately light their quarters so as to allay any suspicions of immorality, but the occasion was apparently rare enough to cause excitement when rumors circulated that Lieutenant Palmer had a woman in his tent.[104] The witnesses' testimonies did not explicitly state whether the conduct unbecoming an officer was due to the women's race, or their station as potential prostitutes, or both. The witnesses almost always applied the adjective "colored" when describing the women, suggesting that the word not only described the race of the women in question, but also meant to emphasize the disparity in racial standing. Captain Mathews briefly interrogated one of the women who emerged from Palmer's tent, and the interview left no doubt as to the woman's standing and profession. Mathews testified that the woman reported how far "Palmer had it into her," and recalled that her language was, "foul and obscene," then matter-of-factly added that, "one would infer from her answer that she was a bad woman as most of these women are."[105] Palmer was found guilty.

The Palmer episode makes it clear not only that the African American females employed as camp helpers occupied a subservient status that did nothing to challenge the local racial hierarchies, but also that the army held its officers, not the alleged prostitutes, accountable for the illicit activities. The witnesses in the Palmer court martial reported that, when the colored women were discovered in Palmer's quarters, they were briefly questioned, then released. This

[104] Palmer court martial, 8-12.
[105] Palmer court martial, 7, 18.

represented something of a departure from the typical state of affairs in brothels, where the prostitutes themselves or the proprietors were typically charged, but the johns allowed to depart. Antebellum sex workers could receive sentences ranging from monetary fines to workhouse time, but their clients were seldom punished.[106] The women's status as contraband further contributed to their peculiar station. They merited protection, but not protection of a citizen or of an equal, but a kind of stewardship or guardianship.

Federal troops occupying Louisiana were no less sensitive to racial hierarchies than were their white native counterparts. One soldier, J. Harvey Brown of the Ninety-First New York Infantry, was even jealous of the finery that some slaves wore. "The slave here fares better than we do," Brown wrote home to his wife, "and they are thought more of than we are, the poor class of white people." Whether Brown's ill treatment was due more to his station as a Union soldier or his status as a lower class white person is not entirely clear, but what is apparent is that whites both from the North and from the South easily felt threatened by the potential the African Americans had to overtake them in social standing. "I have been on a good many plantation [sic] and the niger [sic] are well clothed and fat and you can see the young ladies walking the street arm in arm with their slave and the mistress can hardly excel their slave in dress. Many of them even carry a gold watch."[107]

Brown's remarks clearly indicate the difficulty that blurring racial class distinctions would have on a society. It would be one matter to grant African Americans rights and quite

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[106] Judith K. Schafer, *Brothels, Depravity, and Abandoned Women: Illegal Sex in Antebellum New Orleans* (Baton Rouge, LA: Louisiana State University Press, 2009), 21, 31. Also see Schafer's chapters 7 and 8 for details on "lewd women" and antebellum enforcement of the city's anti-prostitution laws.

[107] J. Harvey Brown to Kate Brown, January 31, 1863. Brown, J. Harvey Letters, 1861-1864, Manuscripts Collection 967, Box 1, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane Manuscripts Department.

another for people who found themselves displaced from their accustomed spot in the social order to accept the change. The idea that stands out in Mathew's phrase, "these women" in his testimony from Palmer's court martial is that mere mingling and proximity to negroes could be detrimental to one's social and moral situations. Occupying Union soldiers were not required to demonstrate any particular respect for the people they were protecting, and the close proximity could even erode the esteem or high-minded motivations that inspired them to agree to serve with colored regiments in the first place.

Indeed, another incident involving Mathews' and Palmer's Seventy-Sixth Colored Infantry showcases the peculiar relationship that even white and black soldiers had within the same unit. Lieutenant Colonel Augustus W. Benedict had earned the ire of most of his enlisted men by doling out harsh punishments for seemingly trivial infractions. His favorite punishment was to tie down offenders "spread-eagle on the ground with molasses smeared on his face to attract flies," even for mild misdemeanors such as "stealing some corn to roast."[108] Benedict was in the process of horsewhipping two privates on December 9, 1863, for allegedly lying to a sentry to pass through the picket line when the men in the Seventy-Sixth decided that they had seen enough. About half of the enlisted men in the regiment grabbed their arms and rose up against Benedict, demanding that Benedict pay for his cruelties in blood. One private went so far as to yell, "kill all the damned Yankees," but this attempted provocation gained no traction.[109] All told, about 125 men demonstrated against Benedict, many firing off multiple musket rounds before Colonel Charles W. Drew and his company commanders could disperse the dissident troops.

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[108] Dobak, *Freedom by the Sword*, 113.
[109] Charles W. Drew, court martial testimony, December 11, 1863, *OR*, Ser. 1, Vol. 26, pt. 1, 461.

The brief rebellion resulted in no casualties, but the mutiny evoked recollections of servile insurrections and briefly led some critics to question the feasibility of arming black troops. Wilmington's *Daily Journal* reported that the men of the Fourth Corps d'Afrique had overthrown their Federal officers and reverted control of the fort to the Confederate prisoners imprisoned there. The *Daily Journal* furthered additional rumors that other groups of "contraband" slaves were on the cusp of rising up in the Mississippi River Valley, suggesting in tone that their Southern masters were the only ones suited to governing black Americans.[110] Canton, Mississippi's *American Citizen* similarly reported that the garrison had overthrown the white officers and were "holding Fort Jackson for the benefit of their lawful masters."[111]

Although Butler, then Banks, and eventually Hurlbut and Sheridan after them, would make some serious racial miscalculations, these errors in judgment paled in comparison to the southern gentleman's supposition that slaves craved someone to rule over them. The soldiers of the Fourth Corps d'Afrique were not rebelling against Yankees or freedom, nor were they fighting to restore their former masters. They were fighting against the oppression of officers like Benedict, whom the men saw as a kind of new slave master, and abusive military service as a "new form of involuntary servitude." An outside observer might be forgiven for wondering whether the African American soldiers "'[had] really obtained their long sought liberty or only changed masters.'"[112] In this light, the rebellion at Fort Jackson expressed the opposite of what southern newspaper editors had posited it meant. Namely, that the Louisiana Native Guard had

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[110] "Important from Louisiana—The Mutiny at Fort Jackson Confirmed," The *Daily Journal* (Wilmington, NC), December 30, 1863. Accessed December 28, 2019. https://newscomwc.newspapers.com/image/90823954.
[111] "Fort Jackson," The *American Citizen* (Canton, MS), December 29, 1863. Accessed December 28, 2019. https://newscomwc.newspapers.com/image/326548659.
[112] Dobak, *Freedom by the Sword*, 112-113.

rejected slavery so wholeheartedly that they could not tolerate even an overzealous disciplinarian like Benedict in free life.

The riot came to be known as the Fort Jackson mutiny, and Banks's reaction to it provides a glimpse into his philosophy regarding martial race relations. Prosecutors from the judge advocate's office recommended charges of "conduct unbecoming an officer and a gentleman," but Banks forwarded charges of cruel and unusual punishment. This charge made Benedict's sentence upon conviction mandatory removal from the army.[113] Banks also saw to it that the leaders of the mutiny received comparatively lesser sentences. Mutiny almost always carried a mandatory capital sentence, but many of the riot's participants received one or two years at hard labor. The court sentenced only two rioters, Privates Abraham Victoria, and Frank Williams, "'to be shot to death with musketry, at such time and place as the commanding general may direct,'" indicating the degree of leniency with which Banks desired to treat the mutinous soldiers.[114]

The riot certainly could have caused some concern among both Unionists and secessionists, but the most striking feature of the mutiny in its aftermath is how slight its impact was. The pro-Union *Delta* predictably did not mention the incident at all, and the more Southern sympathetic papers the *Picayune* and the *Times-Democrat* mentioned the riot but hastened to add that the unit's officers had restored order "without bloodshed."[115] General Bowen of the Provost Marshal temporarily increased patrols and some civilians expressed some fleeting

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[113] Harrington, *Fighting Politician*, 111-112.
[114] "General Order No. 90," *OR* Ser. 1 Vol. 26 Pt. 1, 476-479.
[115] "The Affair at Fort Jackson," *Times-Democrat* (New Orleans, LA), December 12, 1863. https://newscomwc.newspapers.com/image/202184358. Accessed January 28, 2020; "Fort Jackson," *Times-Picayune*, December 12, 1863. https://newscomwc.newspapers.com/image/26663605. Accessed January 28, 2020.

unease at the potential for an armed negro uprising, but residents soon seemingly forgot about it.[116] Secessionists in other states tried to latch onto rumors that the colored Union regiments were unstable in a continued attempt to preserve the world order upon which the Confederacy rested. The *American Citizen* not only falsely reported that the mutineers had taken the fort and were holding it for their former masters, but also predicted, not only would similar mutinies become commonplace, but also that the Yankee experiment was doomed to failure because only "the Southern gentleman [knew] how to place and appreciate" black laborers. The *Citizen* suggested that Jefferson Davis should proffer freedom for any contrabands who defected to Confederate lines with their "arms and accoutrements."[117]

The fact that even secessionist newspapers had admitted that the war would change the social hierarchies between whites and blacks is startling. The Confederate governor of Louisiana, Henry Watkins Allen, wrote to Confederate Secretary of War James Seddon the previous September to try and convince Seddon that "the time [had] come for us to put into the army every able bodied Negro man as a soldier."[118] When Allen addressed the state legislature in January 1865, he doubled down on his position by asserting that "we will have to give up the institution of domestic slavery in order to secure our independence."[119] The fortunes of war dictated that Louisianans reevaluate their perception of race relations. If they acceded to the recommendations of people like Allen and the *Citizen,* then white civilians might be in a

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[116] Doyle, "Civilian Life in Occupied New Orleans, 1862-1865," 288.
[117] "Fort Jackson," December 29, 1863. https://newscomwc.newspapers.com/image/326548659. Accessed December 28, 2019.
[118] Cassidy and Simpson, *Henry Watkins Allen of Louisiana*, 112.
[119] Henry Watkins Allen, "Annual Message of Governor Henry Watkins Allen to the Legislature of the State of Louisiana: January, 1865," Np. (Shreveport, LA: Office of the Caddo Gazette), 18. Digitized by University Library, University of North Carolina at Chapel Hill. https://archive.org/details/annualmessageofg00loui/mode/2up. Accessed February 3, 2020.

favorable position to dictate the terms of African American inclusion in postwar society. Many civilians were unwilling to make any concessions, which they feared might lead to African American enfranchisement and the erosion of the final safeguard of their power structure. They remained blind to the changing times. "We can conceive no amelioration at all," the *Times-Picayune* quoted the Richmond *Enquirer* as having said, "save, perhaps, in the copious importation of more negroes from Africa."[120] Rather than adjusting to the reality of the situation, people like the editors of the *Enquirer* preferred to double down on the lost cause of slavery.

This perspective ignored the reality that African American men, through the virtue of fighting in the armed forces, had earned for themselves a different postwar station. Banks asserted that there were two ways for a man to defend the country, "with the ballot box or cartridge box," and the African American men of New Orleans had met one of those conditions.[121] The Corps d'Afrique and other colored units "were not only fighting to save the Union and destroy slavery, they were also proving their right to freedom, to an honored place in the republic, and to equal treatment after the war ended."[122] The service time of colored troops earned them their thirteen dollars per month, but it also won them social currency. No one could doubt the manliness of a soldier who was both cool under fire and did not shirk his duties.[123] Because they were true men whose mettle had been tested in the crucible of combat, African American veterans would shift from setting their sights on rebel soldiers to taking aim at enfranchisement.

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[120] "Richmond to Paris—Slavery", *Times-Picayune*, December 4, 1863. https://newscomwc.newspapers.com/image/26663550. Accessed January 8, 2020.
[121] Ficklen, *History of Reconstruction in Louisiana*, 61.
[122] Blassingame, *Black New Orleans*, 46.
[123] Foote, *The Gentlemen and the Roughs*, 58.

Chapter Five: "Proper practical relation with the Union"[124]

Lincoln did not see a capable military commander and administrator embodied in one person west of the Mississippi, which realization led him to try an unorthodox command structure in the Department of the Gulf. Banks was a capable administrator, but his lack of ability to command troops in the field proved a significant obstacle to the Union war effort in the southwest. Lincoln opted to resolve this problem by leaving Banks in the administrative command and appointing Major General Edward R. S. Canby to command the military operations in the trans-Mississippi Valley. Although Canby was supposed to focus on primarily military matters, he did involve himself in state politics which further complicated an already muddled local political situation.[125] This resulted in a state of affairs in Louisiana where the lack of a clear Unionist direction pulled the few loyal voters in multiple directions. Those foundational cracks left the would-be Unionist state government open to a quick reversal of fortunes when Congress re-admitted Louisiana to the Union.

With Canby in command of military operations in early 1864, Banks had no military campaigns to conduct, freeing his attention to focus on issues of reconstructing Louisiana. The legal issue of re-enfranchising certain inhabitants of the state while much of that state remained in rebellion loomed large for even accomplished attorneys such as Lincoln, Stanton, and Banks wrestling with the issue. Louisiana had held a state constitutional convention in 1853, but simply reorganizing a loyal state government under the provisions of that constitution would have rolled back any advancements and legal standing adjustments for Louisiana's unfree workers that Butler and Banks had introduced during occupation, which Banks found

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[124] "Last Public Address," *Collected Works of Abraham Lincoln*, 403.
[125] Lash, *A Politician Turned General*, 156.

unacceptable. Neither did Banks wish to dispose the constitution of 1853 entirely for fear that imposing a new state constitutional convention would, "adopt the theory that the Revolted States have become Territories," and that this theory came with the pitfall of "recogniz[ing] the validity of secession." The commanding general favored a plan that would allow the constitution of 1853 to govern the state, emended to remove the language that permitted slavery.[126]

Secretary Stanton made the administration's desires clear when he sent military governor George Shepley a directive in August 1863 outlining the process of "[re-establishing] civil government in conformity with the constitution and laws of the United States."[127] Stanton called for the occupying government to register every voter willing to swear an oath of loyalty to the Union. Shepley would then call an election to elect delegates to a new state constitutional convention which would create a new state constitution more appropriate for the times. This would be the second round of representatives that Louisiana had sent to Congress since the war began. Butler had ordered a special election, but the election only allowed a small number of voters to cast ballots and had no impact on national politics or state reconstruction. The Thirty-Seventh Congress had refused to seat the Louisiana delegates until a few days left in the session because some Republicans in Congress doubted the representative nature of the election.[128] Butler's decision to hold special elections had been unilateral, but Banks's instructions came straight from the Executive Mansion.

Banks vacillated and did not begin making arrangements for rebuilding an elected state government until October 1863, and he did not order preparations for elections to take place

[126] Harrington, *The Fighting Politician*, 141.
[127] Stanton to Shepley, August 24, 1863, *OR* Ser. 1 Vol. 26 Pt. 1, 694.
[128] Ficklen, *History of Reconstruction in Louisiana*, 45.

until December 1863. There were hundreds of appointed state and local officials and voters would need to fill those offices for the government to gain some legitimacy. The likely reason for the delay was a lack of radical voters that might support revising the state constitution. Banks was concerned that the electorate might select the wrong kinds of candidates. If they did, that catastrophe would delay local reunification, might delay national Reconstruction, and would cast doubt upon the efforts of the Republican party in the following year's presidential election.

The new civilian government could only be acceptable if it were both loyal and in favor of reform.[129] Lincoln sent Banks a reminder message on November 5 pressuring him to make time to arrange the election so the people of Louisiana could elect a loyal government. The president's desire was to establish a "tangible nucleus which the remainder of the State may rally around as fast as it can," both to reestablish democracy and to set a reformative example for the rest of the civilians. Lincoln feared that the influence of "a few professedly loyal men shall draw the disloyal about them, and colorably [sic] set up a State government, repudiating the emancipation proclamation, and re-establishing slavery, I can not recognize or sustain their work."[130]

A central feature of the rebellion from the beginning had been a strenuous desire to not have Yankees make their decisions for them. The Lincoln administration working through the occupational government would have to guide the state electorate to choosing a loyal government hostile toward slavery without seeming to do so. Shepley, who was responsible for directly organizing the election and determining who was qualified to vote, ensured that a loyal

[129] Harrington, *Fighting Politician*, 141-142.
[130] Lincoln to Banks, November 5, 1863, *Collected Works of Abraham Lincoln*, vol. 7, 1-2.

government had a chance of prevailing by obligating those who wished to vote to swear oaths of loyalty to the United States. Nearly 5,400 loyal civilians had affirmed their loyalty in 1862 and recorded their names with Governor Shepley's provisional government.[131] Even more had sworn loyalty by 1864, leading Banks to expect a reasonable voter turnout.

Newspapers carried General Banks's announcement of a state election from January 11, 1864 with a somewhat muted heraldry. The *Times-Picayune* did not even see fit to post the historic notification on the front page, instead dedicating the prime print space to, among other items, a brief announcement from the Minister to the United States from Great Britain, a review of the Variety Theater's performance of Augustin Daly's "Leah, the Forsaken," a report of some Union soldiers who froze to death at Fort Pillow, and advertisements for grocer services. The election details appeared on the second page.[132] Even the pro-Union *Daily True Delta* waited until the second page to disseminate the commanding general's proclamation, but also provided additional details as to which voters would qualify for the election.[133]

The voters who were eligible to cast ballots in the election tended to be Unionists, and it came as no surprise when they elected Unionist leadership. Georg Michael Decker Hahn of the Free State ticket was elected governor with 3,615 votes out of 5,761 ballots cast in New Orleans. Five other parishes submitted ballots, which further increased Hahn's majority to 4,891 out of 7,636 votes submitted. The ballots seemed so few in light of the over 37,000 that had been cast in the special election of 1860, but were well in excess of Lincoln's target of ten

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[131] William Wright, "Index to Books Containing the Names of Persons Taking the Oath of Allegiance and a Record of Registered Enemies," State Registrar of Voters, Historic New Orleans Collection, MSS 143. Notarized copy of the original list was made on August 30, 1875.
[132] *Times-Picayune*, January 12, 1864. https://newscomwc.newspapers.com/image/26664014. Accessed January 21, 2020.
[133] *Daily True Delta*, January 12, 1864. https://newscomwc.newspapers.com/image/354662062. Accessed January 21, 2020.

percent of voters needed to make state elections legitimate. Banks estimated that 10,000 Louisianans had joined the Federal army or navy, and were thus unable to vote, and so dismissed concerns about how small the loyal population might be.[134] The election had gone "quietly," and "entirely untrammelled [sic] by fear of rowdies, thugs, or any of the outrages which once so fearfully interrupted the course of elections."[135]

Hahn was not a freshman to politics, but he did not have any notable executive experience, and he had trouble sensing danger in the political waters.[136] Michael Hahn, as he was called, had been born in Bavaria and immigrated to New Orleans with his family in 1831. As with most Germans, Hahn harbored no sympathies for the South's "peculiar institutions," but did not actively fight against them. Before the war he worked in a law office and was a notary public before voters saw fit to electing him to serve as a school director. He campaigned in earnest for Stephen Douglas in 1860, and again campaigned vigorously against secession in early 1861.[137] He was one of the two representatives from Louisiana elected to the Thirty-Seventh Congress, but only served in that capacity for the final two weeks of the session. Now the duly elected governor of Louisiana, Hahn faced the challenge of having to reunify a divided state with a divided Union. Once in office, Lincoln bestowed upon him the power of military governor to help him cope with his challenges, replacing Shepley on March 15.[138] Shepley

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[134] William C. Harris, *With Charity For All: Lincoln and the Restoration of the Union* (Lexington, KY: University Press of Kentucky, 1997), 173.
[135] "The Election," *Daily True Delta*, February 23, 1864. https://newscomwc.newspapers.com/image/354663494. Accessed February 10, 2020.
[136] Harrington, *Fighting Politician*, 146.
[137] "Address on the Death of Michael Hahn," Michael Hahn Papers, Historic New Orleans Collection, 98-49-L, 11.
[138] "Address on the Death of Michael Hahn," Michael Hahn Papers, Historic New Orleans Collection, 98-49-L, 5.

forthwith surrendered his title as military governor of Louisiana and transferred his records and funds to Hahn's office.[139]

Hahn took the oath of office in Lafayette Square on March 4. The occasion was rife with emblematic meaning. Only a few days prior, Union soldiers had been billeted in the historic square, but they had been cleared out to make room for the platform on which Hahn would be sworn in. The significance that Banks displaced troops for the benefit of the civilian government must have been apparent to those who had lived under Federal occupation for nearly two years. Upon the platform itself was a tall flagpole around which the entire ceremony would revolve. The songs planned for the ceremony included the "Star Spangled Banner" and "Our Flag is There." A grand chorus of 6,000 school children joined the military band in what must have been a powerful rendition of "Hail Columbia," whose chorus implored, "Firm, united let us be, rallying round our liberty; As a band of brothers joined, Peace or safety shall we find." Hahn's remarks focused on the theme of rallying around the flag, which, given the positioning and prominence of the flagpole, was a literal as well as symbolic proposition.[140] The twin figurative statements that the military government was passing the baton to the civilian government and that Governor Hahn intended to expeditiously return Louisiana to the Union must have seemed like a good sign, but there was also reason for doubt. When the combined school choir sang "Hail to the Chief," they were facing Banks, not Hahn. Banners hung around the square emblazoned with the phrase, "Noble Citizen and Dutiful Soldier," referring, not to the civilian

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[139] Shepley to Sam H. Torrey, "General Order No. 6," March 31, 1864. Michael Hahn Papers, Historic New Orleans Collection, 98-49-L.

[140] "Lafayette Square," *Times-Picayune*, March 13, 1864. https://newscomwc.newspapers.com/image/26664260. Accessed February 10, 2020; "Inauguration Ceremonies," Michael Hahn Papers, Historic New Orleans Collection, 98-49-L.1.

Hahn, but to the soldier Banks.[141] The government might be civilian-led in name, but it still required the support of the military structure to operate.

One of Hahn's first acts was to order an election for a new state constitutional convention that would overhaul the state constitution.[142] If all went well, the state would hold no fewer than four elections in 1864. The first to elect Hahn and other state officers, a second to select delegates to the constitutional convention, another after the summer to ratify the new state constitution, and a fourth in November to seat members of Congress. Banks had experience organizing elections from his time as governor of Massachusetts, but even so the unique year threatened to stretch even his political skills to the limit. Hahn and Banks not only needed the delegates to meet, but they also needed to influence the delegates into doing away with slavery in the new constitution.

A state court had ruled the previous October that Afro Americans could not be held in slavery. In late December 1863, Banks ordered proprietors and advertisers to remove all signs containing information about the sale or imprisonment of slaves. On January 11 1864, the same day he ordered the election, he used the powers of martial law to suspend the state constitutional provisions that made slaveholding possible.[143] With the new legislature convening, their first priority was to clarify the place that African American Louisianans had in their state. The military service of the venerable Corps d'Afrique coupled with the labor system and the non-citizen status of African Americans in general had created an untenable social and legal status in which people of color were simply expected to exist, almost between or behind the classes of

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[141] Harrington, *Fighting Politician*, 147.
[142] "Gov. Hahn," *Times-Picayune*, April 12, 1864. https://newscomwc.newspapers.com/image/26664394. Accessed February 10, 2020.
[143] Blassingame, *Black New Orleans*, 33.

whites. This limbo-like legal station could not persist, but Banks also feared presenting the issue directly to the unpredictable voters. If the state constitutional convention quietly removed slavery from the constitution and the voters approved the constitution, then the voters will have approved emancipation without directly voting on the issue.[144]

Lincoln privately thought that the movement could go beyond simple emancipation and provide voting rights to a limited number of black citizens. Lincoln wrote Hahn shortly after Hahn's election as governor to discuss the awkward transitional phase and reminded him that the new state constitution should redefine "elective franchise." He asked of Governor Hahn to consider "whether some of the colored people may not be let in—as, for instance the very intelligent, and especially those who have fought gallantly in our ranks. They would probably keep, in some trying time to come, to keep the jewel of liberty within the family of freedom." But Lincoln also noted that the matter was for Hahn's "private consideration," and not for public discussion.[145] It was, as James G. Blaine would later reflect, "the earliest proposition from any authentic source to endow the negro with the right of suffrage."[146]

But this transformative movement found little support, even among Louisiana's political radicals. Hahn's Free State party had managed to alienate the radicals, or the "Negrohead" party, by running their own candidates against radical ones. In the effort to moderate Louisiana's politics by keeping the conservatives at bay, the moderate politicians had driven out what might have been useful political allies. Because the radicals and conservatives alike felt chagrined, the

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[144] Harris, *With Charity for All*, 173.
[145] Lincoln to Hahn, March 13, 1864. Michael Hahn Papers, Historic New Orleans Collection, 98-49-L.
[146] James G. Blaine, *Twenty Years of Congress: From Lincoln to Garfield with a review of the events which led to the political revolutions of 1860* vol. 2 (Norwich, CT: Henry Bill Publishing Company, 1886), 40.

result was difficulty in making the convention's proceedings look legitimate. Critical papers wrote of drunk delegates less concerned with the legal or historical nature of the proceedings than they were with being able to expense their affinity for liquor and cigars. The New Orleans *Times* summed up the feelings and thoughts of many when it styled the effort to restructure the state constitution the "grand Convention of Imbeciles."[147]

In addition to annoying the radicals, the "Imbeciles" declared that Louisiana's Ordinance of Secession was, "and has always been null and void."[148] They determined that the future state legislatures were allowed, but not required, to grant franchise to almost anyone it wished, but legislatures were not authorized to give the right to vote to blacks unless they had fought for the Union, owned land, or were literate.[149] Legislators still feared a full restructuring of power, and so balked at any definitive proviso that might make repentant rebels withhold their support from the constitution. They hoped that the blanket outlawing of slavery and the new labor provisions which called for two to three dollars per nine-hour workday for laborers would be enough to persuade African Americans that they were still getting a better bargain in the new constitution.[150]

The problems plaguing the convention cast doubt on whether or not the voters would approve the new constitution and cost both Banks and Hahn political currency supporting it. Banks questionably intervened in July when the Thomas P. Mays, editor of the New Orleans *Times*, criticized the convention's session of July 21 as "sickening and disgusting." Banks felt

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[147] Harrington, *Fighting Politician*, 148.
[148] "Official Journal of the Proceedings of the Convention Revision and Amendment of the Constitution of the State of Louisiana," (New Orleans, LA: W.R. Fish, 1864), 168.
[149] Harrington, *Fighting Politician*, 149.
[150] "Official Journal of the Proceedings of the Convention Revision and Amendment of the Constitution of the State of Louisiana," 130, 106.

that the appropriate response to this remark was to order Mays before the delegates to "answer to that body." When Mays refused, he sentenced Mays to ten days in prison.[151] Banks was trying to assert that the state government was independent of military authority while continuing to directly intervene in state affairs, and it is likely that many Louisianans saw past his dubious reasoning.[152]

Many voters were still skeptical of the new loyal government, but they were not able to adequately voice their concerns because of censorship, so Banks did not realize the precarious position in which the new state government found itself. Banks used the last of his local political influence to get the new revision before the voters in late September, when the qualified voters ratified the Louisiana Constitution of 1864 by a two-to-one margin. Hahn used the occasion to proclaim that the state government had been reformed, and was just as legitimate as "Massachusetts, New York, or Ohio."[153] It was a bold claim, but only Congress could decide whether Hahn's assertion had been correct. Lincoln asked Banks to leave his command and travel to Washington to convince the skeptical Congress that the new Louisiana state government was valid, and that the provisional government had legally ratified the new constitution.[154]

Congress was not impressed. Rather than divorce the civil authority from the military authority, the Louisiana Constitution of 1864 had somewhat bizarrely lumped some military

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[151] Max L. Heyman, Jr., *Prudent Soldier: A Biography of Major General E.R.S. Canby, 1817-1873* (Glendale, CA: The Arthur H. Clark Company, 1959), 275.
[152] Capers, *Occupied City*, 140.
[153] Michael Hahn, "Message of the Governor of Louisiana," *Daily True Delta*, October 8, 1864. https://newscomwc.newspapers.com/image/354664844. Accessed February 10, 2020.
[154] Harris, *With Charity for All*, 191-192.

functions in with their civilian counterparts.[155] Congress could not accept as reconstructed a state government that relied upon the military to function. Senator Lazarus Powell (D-KY) loudly renounced Banks's efforts. He called the legitimacy of the new constitution's ratification into question when he asked rhetorically whether "a constitution formed by the coercion of the military power for the free people of Louisiana was ratified by only 6,836 voters in the State! Will any Senator tell me that a constitution ratified by only that number of voters was made by the free will of the people of Louisiana?"[156] Benjamin Wade (R-OH) went farther, attacking Lincoln's ten percent plan, the very foundation of Reconstruction, asserting that a "more absurd, monarchical, and anti-American principle was never announced on God's earth."[157] Apparently many of his fellow Congressmen agreed with him, for the House once again refused to sit the elected representatives from Louisiana when the Thirty-Ninth Congress convened in early 1865. When Lincoln tried his luck at securing the recognition of the reformed Louisiana state government, Senator Charles Sumner (R-MA) prevented a vote from even taking place in the Senate to consider what Sumner called the "pretended State Government of Louisiana."[158]

With Banks in Washington unsuccessfully lobbying Congress, Lincoln dispatched Major General Stephen Augustus Hurlbut of Illinois to administer New Orleans. Hurlbut arrived in the Crescent City in September from his command under William T. Sherman in Mississippi. Hurlbut was a South Carolinian by birth but an Illinois Republican by allegiance. Hurlbut had fought under Sherman at Shiloh and previously commanded occupied Memphis. Like Butler

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[155] Senator Powell of Kentucky, speaking against recognizing the government of the State of Louisiana, on February 25, 1865, *Congressional Globe* 38th Congress, 2nd Sess., 1865. Vol. 35, 1068.
[156] Senator Powell on February 25, 1865, *CG*, 38th Congress, 2nd Sess., 1865. Vol., 35, 1063.
[157] Senator Wade on February 27, 1865, *CG*, 38th Congress, 2nd Sess., 1865. Vol., 35, 1128.
[158] Harrington, *Fighting Politician*, 164-165; Capers, *Occupied City*, 142.

and Banks before him, Hurlbut was a lawyer by training of no exceptional combat ability.[159] Like Banks, he had served in the House of Representatives before the war and campaigned for Lincoln. Like Butler, Hurlbut had carried out questionable military orders in a military occupied zone. In Memphis, Hurlbut had carried out orders given by Ulysses Grant confiscating Jewish-owned property and preventing Jewish civilians from trading, and while Grant bore the responsibility for the orders' origins, Hurlbut had no qualms about enforcing what Grant requested.[160]

Hurlbut did not relish his assignment to the Crescent City. He had publicly referred to New Orleans as the "Wickedest City in America," and the "Sodom and Gomorrah of the West" because of the prostitution, gambling, and alcohol consumption.[161] Hurlbut would have to put his personal feelings aside and use his political acumen to its fullest extent if Hahn's free state government was to have a chance to return to the Union, and Hurlbut promised Hahn that the governor would have the utmost support from military authorities. Hahn must have come away from his first meeting with Hurlbut under the impression that Hurlbut's military administration had every intention of supporting Hahn's aspiring state government.[162]

Hurlbut's support stood in contrast to Canby's political machinations, which worked against Governor Hahn's free state government. Canby had insisted that the state government during the Mays affair had "no power to arrest, try, or punish any person not a member or officer of that body," and it had been Canby who ultimately released Mays from jail. Even if he

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[159] Jeffrey Lash, *A Politician Turned General: The Civil War Career of Stephen Augustus Hurlbut* (Kent, OH: The Kent State University Press, 2003), 29, 102.
[160] Bertram W. Korn, *American Jewry and the Civil War* (Philadelphia: Jewish Publication Society of America, 1951), 154; Lash, *A Politician Turned General*, 112-114.
[161] Lash, *A Politician Turned General*, 148-149.
[162] Lash, *A Politician Turned General*, 151.

had been correct, Banks's authority to intervene was undisputed, and Lincoln called Canby's opinion "difficult to perceive."[163] Canby appeared hostile to the state government and his actions threatened to endanger Reconstruction with his disunionist sentiment. For Hurlbut's part, he had affirmed to Hahn on numerous occasions that the state government could expect the fullest support from Hurlbut's headquarters, so for a time the Department of the Gulf seemed on the verge of a political civil war over the free state government.

Little time passed before Hurlbut reneged on his promise to Governor Hahn to back his government. He wrote General Canby, who was a renowned expert on military regulations and constitutional law, to ask how much of the civilian government Hurlbut's administration could safely subvert. "The State," Hurlbut reported on October 22, 1864, "[was] being rapidly and unnecessarily run in debt for the benefit of officials and office seekers. If I have the power I wish to prevent this."[164] Hurlbut specifically wished to retain military control over the financial institutions within New Orleans, supposedly to guard against the city government taking advantage of the poor, but probably to sustain his personal financial plans. Regardless of the nature of his intent, his political instincts paled in comparison to those of his predecessors. Just as the nascent state government was establishing some footing, Hurlbut sought to undercut it. Canby replied to his message of October 22 by writing that, "while the absolute right of interference remains the same, the propriety of that interference is more restricted," but added that the interference "should undoubtedly be exercised whenever in your judgment the action taken by the Legislature tends to embarrass or defeat the policy adopted by the President."[165]

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[163] Heyman, *Prudent Soldier*, 275-276.
[164] Hurlbut to C.T. Christensen, October 22, 1864. *OR*, Ser. 1, vol. 41 pt. 4, 412-413.
[165] Canby to Hurlbut, October 29, 1864. *OR*, Ser. 1, vol. 41, pt. 4, 413.

This may have sounded prudent to Hurlbut, but Canby advocated intervening in any instance of "doubtful expediency" to suspend the legislature's privileges.[166]

When the correspondence between Hurlbut and Canby came to Lincoln's attention, he was appalled, and found the generals' opinions "incomprehensible." Lincoln wrote Hurlbut in November to redirect the general on his "bitter military opposition to the new State Government of Louisiana." Lincoln reminded Hurlbut that the occupying forces had helped "fair proportion of the people of Louisiana" confirm a new state constitution which did more "for the poor black man than we have in Illinois," and needed military support, not subversion. Hurlbut and Canby's interventions represented "gratuitous hostility," and the president made it clear that he would meet further efforts to "crush out the civil government" with appropriate action.[167] Lincoln sent a similar letter to Canby wherein he suggested that Canby must have been "under some misapprehension" as to the purpose of the new state government, and cautioned Canby not to overreach his position.[168] The tone of the letters is surprisingly reproachful. Lincoln often tried to redirect wayward generals or politicians gently but clearly, but Lincoln's tone in his letter to Hurlbut unequivocally indicated that the generals' jobs were in jeopardy if he continued to flout the president's wishes.

Hurlbut insisted that the president had misunderstood the communiqués, and based on his subsequent actions, did not readily apprehend what Lincoln was trying to tell him. Hurlbut adjusted the labor system for unfree laborers that Banks had introduced the year before. Some of those changes were beneficial to the laborer, such as the condition establishing wages from

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[166] Heyman, *Prudent Soldier*, 277.
[167] Lincoln to Hurlbut, November 14, 1864, *Collected Works of Abraham Lincoln*, vol. 8, 106-108.
[168] Lincoln to Canby, December 12, 1864, *Collected Works of Abraham Lincoln*, vol. 8, 163.

fifteen dollars per month for engineers to two dollars per month for girls under the age of fourteen, as well as providing Saturday afternoons and Sundays off. But Hurlbut's new system required the laborers to remain with the same employer for the year, just as Banks's system had. The difference under Hurlbut's system was that workers stood to forfeit months of wages if they left their employer prior to the expiration of their contract term. African Americans of working age who did not work on plantations were subject to a two dollar per year tax "so that the active labor of this race may contribute to the support of their own helpless and disabled."[169] The orders do not contain any apparent provision for otherwise-eligible colored laborers who might be fighting in the Union army or working in a non-labor occupation.

Hurlbut severely misread the political situation in Louisiana, and the political situation around African Americans in particular. No Union official could ignore the power of the question of race or its influence on culture, society, and politics. Former Secretary of the Treasury Salmon Chase had said in a letter to author John Trowbridge that the question of slavery and slaveholders' rights dominated southern politics, but a large number of occupying Union generals like Hurlbut did not grasp this fundamental fact. Those who still wished to preserve the social structure which slavery created without being personally tarnished by a proximity to slaveholders hid behind the "softer name of conservatism," and Union commanders evidently either had trouble making the distinction or did not care.[170] Hurlbut sought to hide behind the name of conservatism and undermine both the civil Louisiana government and the efforts to enfranchise colored voters.[171]

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[169] "General Orders No. 23," *OR*, Ser. 1, vol. 48 pt. 1, 1146-1148.
[170] Chase to J.T. Trowbridge, March 20, 1864, *The Salmon P. Chase Papers*, vol. 4, 332-334.
[171] McCrary, *Abraham Lincoln and Reconstruction*, 304; Lash, *A Politician Turned General*, 151.

In an effort to better distinguish artisan-class black laborers from the labor-class black workers, Hurlbut's administration required non-plantation African Americans to carry "circulation cards" that would free them from the scrutiny of law enforcement. While Union provost marshals were supposed to act as a kind of referee between labor and plantation owners, in practice both civil and military law enforcement used their station to keep labor in its place.[172] This provision was too reminiscent of the *code noir* restrictions, and Louisiana blacks balked at the provision. One critic called Hurlbut's new system "slavery in a thinly disguised form."[173] One old laborer asked "shall I sign dat ar paper dat I can't read? I'm afraid it will bring me back to slavery."[174] Exhibiting their lack of confidence in Hurlbut to perform his duty, a group of New Orleans African Americans established the Louisiana Equal Rights League in December 1864 to provide some oversight of plantation labor programs and of schools which were supposed to be educating black students.[175] In March 1865, another group of black civilians sent Hurlbut a resolution decrying both Hurlbut and Banks's labor policies and travel restrictions as "unconstitutional."[176]

While Louisiana's legal status and the status of the freedmen remained in limbo, New Orleanians finally started seeing their city return to normal. Holidays generally could serve as a reliable measure of normalcy, and New Orleans had some special holidays. Many cultures and countries celebrate the Tuesday directly preceding Ash Wednesday in some fashion, but the *carnivale* celebration of Mardi Gras in New Orleans is culturally distinctive in North America.

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[172] Blassingame, *Black New Orleans*, 53.
[173] Jean-Charles Houzeau, *My Passage at the New Orleans* Tribune*: A Memoir of the Civil War Era* (Baton Rouge, LA: Louisiana State University Press, 2001), 103.
[174] Ficklen, *History of Reconstruction in Louisiana*, 134.
[175] Blassingame, *Black New Orleans*, 56.
[176] Lash, *A Politician Turned General*, 156.

Mardi Gras was a staple of New Orleanian cultural celebration, and the city had not formally celebrated the unique holiday since 1861. Mayor Monroe had canceled the celebration of Mardi Gras in 1862 in anticipation of the looming Union attack on the city. Banks had forbidden the city from celebrating in 1863, presumably for fear that the revelry would make the locals less disposed to law and order, and military police chief Jonas French arrested and fined people who violated the moratorium.[177] Private citizens still held balls and masquerades in private venues, but the celebrations were more muted so as to avoid unwelcome attention.[178] Banks might also have canceled the celebration for 1864, but he was so eager to foster goodwill leading up to the vote in March that he allowed the celebrations to take place.[179]

Mardi Gras in New Orleans had already earned a reputation as a unique celebratory experience by the time the war started. Captain James Alexander of the Royal Navy remarked that he had never seen anything like the masked balls in New Orleans anywhere in the world.[180] Party hosts took advantage of the distinctive holidays, especially Mardi Gras, St. Joseph's Day, and Washington's birthday to host the special masked balls. Because of the imbalanced population between males and females—there being more white males than white females and more free females of color than free males of color—masked balls were often opportunities for partygoers to find extramarital partners of another race in a relatively anonymous fashion.[181]

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[177] "The Maskers," *Times-Picayune*, February 26, 1863. https://newscomwc.newspapers.com/image/26765746. Accessed February 12, 2020.
[178] Doyle, "Civilian Life in Occupied New Orleans," 204.
[179] Doyle, "Civilian Life in Occupied New Orleans," 204-205.
[180] R. Randall Couch, "The Public Masked Balls of Antebellum New Orleans: A Custom Masque Outside the Mardi Gras Tradition," *Louisiana History: The Journal of the Louisiana Historical Association* 35, no. 4 (1994), 404.
[181] Couch, "The Public Masked Balls of Antebellum, New Orleans," 417-418.

Only there, incognito at a masked party, could African Americans find a semblance of equity, and only then because the possibility of sex was at stake.

New Orleanians had evidently sorely missed their famous holiday, for the Mardi Gras of February 9, 1864 was "extensively observed," according to the *Times-Democrat*. The anonymity of costumes was complete, and it showed. St. Charles street bustled with partygoers dressed as Romeo and Juliet, Spanish dons, harlequins, and American Indians in war paint. Sergeant William Hemphill of the Fourth Indiana Cavalry wrote that both men and women joined in the boisterous fun, and "no one could be right certain which sex he was meeting." Hemphill met people dressed as "King and Queen, Princess, peasants, Satan and fair ladies, beggars and heiresses, clowns, nymphs, Friars … every social grade, all on one grand level of equality, and all with one object in view, pure, unalloyed, boisterous fun."[182] Some participants rode the streets in carts or wagons "piled" with "fifteen or twenty in each vehicle." The St. Charles Theatre hosted a magnificent "fancy dress and masked ball" where the entire Varieties orchestra serenaded the partygoers all evening. The St. Charles charged men admission of two and a half dollars for the privilege of attending, while women were admitted for free.[183] Children, many of whom were presumably participating in a Mardi Gras celebration for the first time, also masked up and pelted the expensive suits of ball and theater patrons with flour. The festivities lasted until late into the night, with the throngs of people saloon and ball hopping. The editor of the *Times-Democrat* speculated that the champagne induced "aching heads"

[182] Doyle, "Civilian Life in Occupied New Orleans," 206.
[183] "St. Charles Theatre," *Daily True Delta*, February 7, 1864. https://newscomwc.newspapers.com/image/354662915. Accessed February 12, 2020.

experienced on February 10 might serve to remind festive New Orleans why Mardi Gras was a once a year event.[184]

As wild as the scene may have appeared to visitors and youth with no recollection of Mardi Gras celebrations, by typical standards it was a light year. "Years ago," the *Times-Picayune* reminisced, "this festival was kept with considerable spirit."[185] The children seemed diverted by the festivities, but that did not stop the editors from expressing concern that Mardi Gras, "like St. Valentine's, has been handed over to the children."[186] Mardi Gras 1865 was even less eventful, since the price of flour had drastically increased, which tempered young flour-related mischief. Celebrations during the day were rowdy, but the arrival of pouring rain early in the evening washed out any remaining revelry.[187] It was not the same as before the war, but Mardi Gras was back.

Not everyone celebrated Mardi Gras for the same reason, as evidenced by the churches packed with hopeful young couples and their families. Archbishop Odin had announced that the church's observance of Lent would be strict that year, so numerous weddings took place on Mardi Gras to avoid the traditional moratorium on Lenten weddings.[188] The *Delta* rejoiced in the fact that wedding bells were beginning to outstrip funeral processions in this stage of the

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[184] "Mardi Gras," *Times-Democrat* (New Orleans, LA), February 10, 1864. https://newscomwc.newspapers.com/image/204090479. Accessed February 12, 2020.
[185] "Mardi Gras," *Times-Picayune*, December 11, 1864. https://www-newspapers-com.ezproxy.tcu.edu/clip/4059774/mardi_gras_memory_1864/. Accessed February 12, 2020.
[186] "The Lenten Fast," *Times-Picayune*, February 10, 1864. https://newscomwc.newspapers.com/image/26664125. Accessed February 12, 2020.
[187] Doyle, "Civilian Life in Occupied New Orleans," 206-207.
[188] "The Pastoral Letter," *Times-Picayune*, February 9, 1864. https://newscomwc.newspapers.com/image/26664122. Accessed February 12, 2020; Doyle, "Civilian Life in Occupied New Orleans," 205.

war. That had been a long time coming, but for this brief period in early 1864 military and social reunions were "all harmonious and happy."[189]

Churches saw a resurgence of activity well after Mardi Gras was over, and many charities collected donations in suitable numbers for the first time in years. One of the most prominent of these organizations in New Orleans was the American Missionary Association, which its founders had envisioned as an antislavery organization when it was founded in 1846, but the AMA had since adapted to focus on educational efforts of African American children in some occupied cities. By 1864, the AMA had over twenty schools with 1,800 pupils in New Orleans, and enjoyed the cooperation and support of the Banks administration.[190] Hurlbut revealed his lack of political acumen and perhaps a shade of personal corruption in October 1864 when Dr. Isaac Hubbs, the director of the AMA in New Orleans, stood accused of embezzlement on shaky evidence. Eager, perhaps, to bring the books of a private charitable organization under more military control, but more likely to prevent the AMA's intervention with regards to the contraband labor policies, Hurlbut ordered Hubbs banished.[191]

The Hubbs episode represented the first of Hurlbut's potential misuses of power, and they only worsened as time went on. When Hurlbut learned in October 1864 that Butler had fined the members of the "Commission of Safety" $1,036,865, and that the group collectively still owed $250,000 of that total, Hurlbut demanded that the members produce the overdue money with a mere twenty-four hours' notice. When the disgruntled members managed to furnish the cash in such a short amount of time, Hurlbut failed to deposit the collected amount

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[189] "Social Amenities," *Daily True Delta*, February 14, 1864. https://newscomwc.newspapers.com/image/354663182. Accessed February 12, 2020.
[190] Lash, *A Politician Turned General*, 151-152.
[191] Lash, *A Politician Turned General*, 152.

into the correct accounts. Hurlbut never could make a proper account of where the monies had gone.[192]

Some institutions tried to return to normal, only to be foiled by the Hurlbut administration, which had evidently picked up some of Butler's old tricks. In October 1862, Butler had ordered Christ Church's senior rector Charles Herrod to surrender the keys to the church to Federal authorities, but Banks had seen fit to restore control of the church and its property to its members in 1864.[193] Banks's actions notwithstanding, the relationship between the Federal authorities and the church remained tenuous. The clergy claimed damages approximating $1,800 to some intricate carvings decorating the church's pulpit, and the army still had not satisfactorily responded to the application for losses related to a mysterious "missing" communion plate, which Butler had possibly stolen. Hurlbut secretively arranged for the provost marshal to reclaim church property in October 1864, then issued yet another order in December returning the property to the church. During that two month interim none of the church's liquid assets remained, and none other than Hurlbut was the prime suspect.[194] They would never receive satisfaction, for the claim had been tied up in administrative details for years, and Butler's skill at obfuscating paperwork continued to leave ripples even in 1865.[195]

Additional details surfaced during the investigation that indicated more widespread corruption on Hurlbut's part. He had participated in a cotton smuggling ring which netted him profits of tens of thousands of dollars. He had also attempted to thwart the army investigators

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[192] Lash, *A Politician Turned General*, 158.
[193] "Special Order No. 339," Charles L. Harrod journal, Manuscripts Collection M-923, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.
[194] Lash, *A Politician Turned General*, 163.
[195] Thursday, February 10, Charles L. Harrod journal, Manuscripts Collection M-923, Louisiana Research Collection, Howard-Tilton Memorial Library, Tulane University, New Orleans, LA.

that Lincoln had sent to investigate Hurlbut's alleged misdeeds by issuing General Order Number 35. The order indicated that the investigation could not encroach upon the Department of the Gulf's jurisdiction, and ordered that officers subpoenaed by the presidential commission could not give statements until hearing from Hurlbut.[196] Hurlbut was hitting above his weight class with politicians and generals much more skilled than he was, and his pathetic attempt at obfuscation failed. Canby rescinded Order No. 35, and the results of the investigation were damning.[197] As rumors of peculation continued to swirl around Hurlbut, Canby had little choice but to recommend a court martial. By the time justice finally caught up with Hurlbut, Lee had surrendered to Grant at Appomattox, and neither General Grant nor Secretary Stanton wished to belabor additional military punishment. The Secretary of War and commanding general worked out an arrangement that allowed Hurlbut to resign rather than be cashiered, and Hurlbut "honorably" returned to Illinois in June 1865.[198]

Benjamin Rush Plumly wrote William Lloyd Garrison in December 1864 that Hurlbut's incompetence had created a "universal cry for Genl [sic] Banks to return," and in April 1865 on the heels of Hurlbut's embarrassment, Plumly got his wish.[199] Banks returned from his fruitless mission to convince Congress of the merits of Louisiana's new state constitution to command the Department of the Gulf for a brief stint between April and June 1865. Whatever Banks's failings might have been, many recognized that Banks had been the most effective general at maintaining positive relations with Louisianans and pushing the state government toward

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[196] Lash, *A Politician Turned General*, 166-172; General Order No. 35, *OR*, Ser. 1, vol. 48, pt. 2, 61-62.
[197] General Order No. 3, *OR*, Ser. 1, vol. 48, pt. 2, 62.
[198] Lash, *A Politician Turned General*, 176.
[199] Plumly to Garrison, December 3, 1864. Boston Public Library, Rare Books Department, Digital Commonwealth. https://ark.digitalcommonwealth.org/ark:/50959/m900qc64p. Accessed February 25, 2020.

postwar legitimacy and recognition. In stark contrast to his predecessor and his successor, Banks never was implicated in any corruption scandal or shady fiduciary dealings. Simply not being corrupt does not normally warrant praise, but Banks was generally short on money, and occupied New Orleans provided innumerable opportunities to extricate himself from his poor financial position. Banks harbored a semisecret desire to run for president, and his personal purity was a self-imposed restraint so that no scandal could derail his candidacy. Banks's records indicate that he yielded to temptation but once, and that was after the war, and after his chances of living on Pennsylvania Avenue were over.[200] Some local Unionists, Michael Hahn among them, attempted to convince Banks to remain in New Orleans and practice law. Banks might even have a chance at being elected to the senate from Louisiana as the state continued Reconstruction, but Banks opted to return to Massachusetts, where he served seven more terms representing the Sixth and Fifth Congressional districts in the House of Representatives between 1865 and 1891.[201]

With the war over and the major Confederate armies surrendered, Lincoln desired to pursue his plan of Reconstruction in earnest. Lincoln had formally laid out his policy for Reconstruction in his "Proclamation of Amnesty and Reconstruction" in December 1863, but the president had started thinking about Louisiana's place in the Union well before that. In 1862, Lincoln had responded to a New Yorker named August Belmont who had accused Lincoln of having no policy for reunification. "Broken eggs," Lincoln had written, "cannot be mended; but Louisiana has nothing to do now but to take her place in the Union as it was, barring the already broken eggs. The sooner she does so, the smaller will be the amount of that which will

[200] Hollandsworth, *Pretense of Glory*, 235.
[201] Hollandsworth, *Pretense of Glory*, 223.

be past mending."[202] What Lincoln had meant by the broken eggs analogy was that a restoration of the Union might have been impossible, but a reconstruction of the Union as it had been could be possible.[203]

He elaborated this point during his final public address. Two days following Lee's surrender to Grant, Lincoln stood on his balcony and addressed an adulatory audience. The president began his remarks as the crowd might have expected. "We meet this evening, not in sorrow," he said, "but in gladness of heart." Lee's surrender "[gave] hope of a righteous and speedy peace."[204] Lincoln then subverted the eager assembly's expectations by launching into a Reconstruction policy speech mostly discussing Louisiana, or "Mr. Lincoln's model of Reconstruction," as Wendell Phillips had called the state.[205] The plan centered on wooing voters back into the Union—all voters. He quoted his own letter to Governor Hahn of the previous year suggesting that the "very intelligent" and veteran colored men should be enfranchised, suggesting that the government would be better off if it better represented African Americans. "Can Louisiana be brought into proper practical relation with the Union *sooner* by *sustaining*, or by *discarding* her new State Government?" he asked, trying to sell the recently recreated state government. The twelve thousand citizens who had voted to ratify the constitution of 1864 were "fully committed to the Union, and to perpetual freedom in the state."[206] The speech reads like an inaugural address for Reconstruction. Not vengeful conquest, but guided reunification in compliance with certain principles.

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[202] Lincoln to August Belmont, July 31, 1862. *Collected Works of Abraham Lincoln*, vol. 5, 350-351.
[203] McCarthy, *Lincoln's Plan of Reconstruction*, xxi.
[204] "Last Public Address," April 11, 1865, *Collected Works of Abraham Lincoln*, vol. 8, 400.
[205] McCrary, *Abraham Lincoln and Reconstruction*, 4.
[206] "Last Public Address," April 11, 1865, *Collected Works of Abraham Lincoln*, vol. 8, 403-404.

Lincoln's assassination and President Johnson's hostility toward any kind of reformative Reconstruction left the task of meaningfully governing the occupied states to General Grant. Fortunately for the people of color in New Orleans, Grant controlled the loyalties of a close cadre of generals that governed the occupied South that included Philip Henry Sheridan. Grant assigned Sheridan to the Military District of the Southwest, which comprised Louisiana and Texas, to force Confederate General Kirby Smith to surrender, although Smith had already surrendered by the time Sheridan arrived in Louisiana. Grant also wished to place Sheridan in close proximity to Mexico in the eventuality that tensions boiled over with Napoleon III. Sheridan contrasted in every way with his predecessors in Louisiana. He had known no career except the army, and he was certainly neither politician nor lawyer. Sheridan was also famous for being able to impose his will upon his foes on the battlefield. Grant did not see Sheridan's lack of political experience as a liability, but an asset. Grant felt that Sheridan would "give the Southern people confidence, and encourage them to go to work, instead of distracting them with politics."[207] Canby retained nominal control over occupational forces in Louisiana, but Sheridan could override him if he felt it necessary.

Canby's vision for Reconstruction might have not lined up perfectly with Lincoln's, but Canby was conciliatory and wished for the people of Louisiana to retake the political control of their state. This philosophy of pacification juxtaposed with Sheridan's personal feelings, since "Fightin' Phil" had spent the previous four years in combat against these rebels, believing it was "always best to go in strong-handed." Sheridan responded to roaming bands of paroled soldiers and pockets of rogue Confederate cavalry by dispatching 9,000 cavalry troopers into inland

[207] Roy Morris, Jr., *Sheridan: The Life and Wars of General Phil Sheridan* (New York: Crown Publishers, Inc., 1992), 261.

Louisiana and eastern Texas, which discouraged the quasi guerrilla bands and provided some security to rural Unionists.[208] He might not have been a talented politician, but erstwhile Confederate ruffians had difficulty terrorizing Unionists on Sheridan's watch.

The return of peace finally meant replacing military city officers with civilian officeholders. Popularly elected city officials took over from army officers who had run their departments for years. Despite the efforts of Hahn and Banks to establish and preserve a state government that was both legitimate and Unionist, Louisiana moderates and Republicans were trounced at the ballot box in 1865 and 1866. Among the ex-Confederates elected was John Monroe, who had been the mayor of New Orleans at the beginning of the war. Butler had relieved Monroe of his mayoral duties as described in chapter two. No sooner had Monroe returned to office in March 1866 than he began working to undermine Republicans and carpetbaggers in New Orleans. The civilian government was at loggerheads with the military government over concerns of legitimacy and the rights of colored residents. Although soldiers no longer operated in place of public officers or safety officials, the federal presence was still necessary to prevent local corruption from overwhelming the moderate or radical votes. Henry C. Warmoth, who would be elected governor of Louisiana in 1868, summed up the situation by exclaiming, "[w]hy damn it, everybody is demoralizing down here. Corruption is the fashion."[209]

Chief French began reverting control of the police department back to civilian control in late 1864. The occupational police department had been at least as effective at keeping the peace as had the antebellum department, and even had fewer instances of officer-committed crime

[208] Morris, *Sheridan*, 263.
[209] Capers, *Occupied City*, 144.

than the prewar department.[210] Banks gradually stopped making white units available to French for either patrol or garrison purposes, so French used Native Guard and Corps d'Afrique units instead in addition to as many white civilian officers would swear oaths of loyalty. The white civilians despised their African American peace officers. One ex-Confederate soldier wrote upon returning home that it was "very hard to get back home after four years of hardships and find niggers with arms in hand doing guard duty in the city."[211] Part of this veteran's problem was the fact that peace officers—even police officers of color—sometimes had to arrest white men as part of their duties. This breach of social power structures was simply too much for most Confederate veterans to tolerate. Add to the social consideration that African Americans were being paid while many veterans in the first few months home from the war suffered from unemployment and the situation bordered on intolerable.

Mayor Hugh Kennedy, the last of the military-appointed mayors, completed the reversion of the police department to civil control in March 1865. Following some temporary appointees, Kennedy found a more permanent chief in John Burke, a veteran of the Mexican War and former police officer. It should have been a sign of the times that Burke almost immediately started to clean house of police officers who had gotten their jobs during the Union occupation. These new police officers were not sympathetic in their attitudes toward New Orleans' now substantial population of free blacks. Between 1865 and 1866, Burke sacked most Unionist officers in favor of former Confederates. By the summer of 1866, approximately two-thirds of the 477 police officers had fought for the Confederacy during the war, and Monroe "transform[ed] the police force into a bastion of conservative Democrats."[212]

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[210] Rousey, *Policing the Southern City*, 112.
[211] Blassingame, *Black New Orleans*, 175.
[212] Rousey, *Policing the Southern City*, 113-115.

These machinations threatened the postwar place in society for African Americans, not just in Louisiana but across the occupied South. Congress intervened both in the interests of Reconstruction and out of a humanitarian concern for the millions of recently freed blacks. Congress provided for the upkeep of any as yet unemployed laborers came with the creation of the Bureau of Refugees, Freedmen, and Abandoned Lands in March 1865.[213] Butler, Banks, Hurlbut, and Canby had all struggled with material support for refugees, but the "Freedmen's Bureau" both removed that considerable burden from the local military officials and improved circumstances for the freedmen in Louisiana. Banks and Butler had had to contend with upwards of 15,000 refugees in 1862. In July 1865, 1,902 dependents applied to the Bureau for aid in New Orleans, but in May 1868, the Freedmen's Bureau only directly cared for forty-seven "freed" people, most of those young children or old and infirm elderly.[214]

The Freedmen's Bureau's chief, Major General Oliver Otis Howard, viewed education as paramount to the Bureau's success, and so made substantial investments in state and local educational services for the children of free blacks across the occupied South.[215] Antebellum New Orleanians had enjoyed the best public school system in the South. During the war the schools had transitioned into "nurseries of treason," but Union control over faculty and curriculum only applied to about 12,000 of the city's 37,665 students, with many parents choosing to educate their children at home or enroll them in one of the city's 140 private

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[213] Heyman, *Prudent Soldier*, 261.
[214] Ficklen, *History of Reconstruction in Louisiana*, 135; "Report of Indigent and Destitute Freed People in the Parishes of Orleans and Jefferson R. B., State of Louisiana, applying for relief from the 1st day of May 1868 to the 31st day of May 1868," Records of the Assistant Commissioner for the State of Louisiana Bureau of Refugees, Freedmen and Abandoned Lands, 1865-1869.
National Archives Microfilm Publication M1027, Roll 33.
[215] Foner, *Reconstruction*, 143-144.

schools.[216] The progress of postwar African Americans depended on "moral and intellectual advancement."[217] Even with an evident abundance of classroom capacity, extending those same education opportunities to the city's black population proved problematic. Charities like the AMA provided assistance and educational opportunities, but on a large scale, the city, state, and perhaps even federal governments, would have to get involved.[218]

Howard and his local Bureau agents had their hands full trying to force a place in mainstream society for people of color. Although the Thirteenth Amendment was on its way to being ratified and practical slavery had not existed in New Orleans for two years, the issue of slavery was "at War" with the Bureau.[219] The newly-reorganized civil government exerted its power against reform, so that even with Bureau intervention the "Freedmen of this state [were] in a deplorable condition," and only the "strong arm of the Government in their behalf" could guarantee their rights and privileges.[220] White citizens proved reticent to pay taxes that might go to black schools, and the local Freedmen's Bureau office asked Howard to exercise some of his considerable authority to force the state government to use state taxes for the benefit of colored students. White citizens who complained of the eventual fate of their tax dollars ignored the fact that free blacks had for years paid "their assessment tax for the white schools" for decades.[221] Before the Bureau could work out the tax situation, it simply used its own funds to fill the

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[216] Capers, *Occupied City*, 188.
[217] P.B. Randolph to Oliver Otis Howard, November 4, 1865. Oliver Otis Howard Papers, George J. Mitchell Department of Special Collections & Archives, Bowdoin College Library.
[218] Foner, *Reconstruction*, 97.
[219] Shelly to O. O. Howard, July 26, 1865. O. O. Howard Papers, Bowdoin College Library.
[220] Charles H. Fox to O. O. Howard, August 10, 1865. O. O. Howard Papers, Bowdoin College Library.
[221] J.W. Alvord to O. O. Howard, November 24, 1865. O. O. Howard Papers, Bowdoin College Library.

gaps.[222] It does not appear that Howard took the drastic steps to force the state to reallocate its dollars, but that did not stop the state legislature from introducing a measure to prevent the Bureau from interfering in state affairs in the future.[223] The differing objectives of the Union military presence and the civil authorities guaranteed insecurity and jeopardized the success of Reconstruction.

Following over a year of uncertainty over issues including education, labor, and enfranchisement, friction between the former Confederates and Unionist free blacks came to a head on July 30, 1866. Republicans from across the state—many of them black—met to discuss yet another state constitution which would grant elective franchise to the state's African American citizens and prevent "rebels" from voting. When the convention met, there were not yet enough men to form a quorum, so many of the delegation milled outside the Mechanics Institute at the intersection of Common and Dryades streets awaiting additional members. About another 200 African Americans, many of whom were Union veterans, arrived at about half past one and made to enter the Mechanics Institute. At that point, "one pistol shot" rang out, and lookers-on who had gathered began fighting with the Republican Union veterans and a brawl broke out.[224] Police converged on the fighting, and rather than put an end to the unrest, the officers joined in the melee on behalf of the disgruntled whites who were trying to prevent the convention from sitting.

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[222] "From Washington," *Times-Picayune*, November 30, 1865. https://newscomwc.newspapers.com/image/25561815. Accessed February 25, 2020. The Freedmen's Bureau used War Department funds since congress had not appropriated any money for the Bureau's own use. See Foner, *Reconstruction*, 143.
[223] "The House," *Times-Picayune*, December 12, 1865. https://newscomwc.newspapers.com/image/25562173. Accessed February 25, 2020.
[224] "The Convention," *Times-Picayune*, July 31, 1866. https://newscomwc.newspapers.com/image/25836055. Accessed February 17, 2020.

What had begun as an unfortunate turn of events quickly devolved into a massacre. The white perpetrators "stomped, kicked, and clubbed the black marchers mercilessly. Policemen smashed the institute's windows and fired into it indiscriminately until the floor grew slick with blood. When blacks inside shook a white flag from a window, the white policemen ignored it and … emptied their revolvers on the convention delegates, who desperately sought to escape."[225] The ranking general present in the city, Brigadier General Absalom Baird, had to assume control of the municipal government and send in troops to halt the slaughter.[226] By the time Federal authorities restored order, over 100 people were wounded, and thirty-four blacks and three of their white allies lay dead. Cyrus Hamlin, son of Lincoln's first vice president Hannibal Hamlin, had served with the Eightieth USCT and wrote his father that "the wholesale slaughter and the little regard paid to human life I witnessed here" exceeded even what he had observed on the battlefield.[227] "The more information I obtain," wrote an incredulous Sheridan, "the more revolting it becomes. It was an absolute massacre … which was not excelled in murderous cruelty by that of Fort Pillow."[228] Far from ashamed of the episode, one of the perpetrators of the outrage boasted that he and his companions "have fought for four years these god-damned Yankees and sons of bitches in the field, and now we will fight them in the city."[229]

Rather than serve as a shining light for Reconstruction as Lincoln intended, Louisiana's experience highlighted just how delicate postwar relations were between African Americans,

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[225] Chernow, *Grant*, 574-575.
[226] Philip H. Sheridan, *Personal Memoirs of P.H. Sheridan, General of the Army*, vol. 2 (New York: Charles Webster Company, 1888), 235.
[227] Foner, *Reconstruction*, 263.
[228] Morris, *Sheridan*, 273-274. Sheridan was referring to Nathan Bedford Forrest's massacre of 600 Union soldiers at Fort Pillow, Tennessee on April 12, 1864. See Dobak, *Freedom by the Sword*, 204-209.
[229] Chernow, *Grant*, 575.

the federal government, and former Confederates. The incident did not so much set back Reconstruction in Louisiana as accurately gauge its inadequate progress. If African Americans were to stand a chance, they would need elective franchise. “Can the negro in the South preserve his civil rights without political ones?” John Martin Broomall of Pennsylvania’s Seventh Congressional District asked his colleagues forthrightly following news of the massacres in both Memphis and New Orleans in 1866. “Let the convention riot of New Orleans answer,” he concluded, spurring his congressional colleagues to action.[230] Voters at the national polls in November agreed, granting Republicans an overwhelming majority in the Fortieth Congress with which to conduct matters of Reconstruction. Although Congress quickly passed the Fourteenth Amendment over Johnson’s objections, the Louisiana legislature unanimously rejected its ratification, once again highlighting the rift between federal wishes and local desires.[231]

The victims’ deaths might not have been in battle, but they were at once honorable and underappreciated. They were “loyal sons of Louisiana who for a cause most holy and just are now suffering like true martyrs and who have sealed their noble principles with their life’s blood,” wrote A.G. Studer of Louisiana’s Department of Education the day after the massacre. “Their names,” he continued, “will be illustrious in history, revered by the true lovers of liberty for ages to come.” Conversely, those who had murdered the innocent delegates would “be named by posterity with a shudder, blotted out from the roll of good men, forever cursed!”

[230] William Barnes, “History of the Thirty-Ninth Congress of the United States,” (New York: Harper & Brothers, 1868), 504.
[231] Foner, *Reconstruction*, 269.

Studer told Hahn that, although these veterans of war and politics had died, their influence and cause yet lived on. “Lazarus sleepeth,” he reminded Hahn, “he is not dead.”[232]

[232] A.G. Studer to Hahn, July 31, 1866. Michael Hahn Papers, Historic New Orleans Collection, 98-49-L, folder 10.

Conclusion: "We wish to be respected and treated as men … as Americans and American citizens."

New Orleans held tremendous importance throughout the Reconstruction years until the dawn of the twentieth century. Following the riot in New Orleans in July 1866, the loosening Federal grip on the city tensed once more. Congress passed the first of the Reconstruction laws over Johnson's veto in March 1867, and when Sheridan perceived some irregularities in the city and local governments in Louisiana, he decisively intervened. He established an election date, sacked Mayor Monroe—again—and numerous other offending officials, and appointed more suitable replacements in their stead, effectively rebooting Reconstruction in New Orleans.[233] Following 1866, Reconstruction took a different form than what had been implemented earlier. Historian Eric Foner noted that, "every election [in Louisiana] between 1868 and 1876 was marked by rampant violence and pervasive fraud," indicating a paradigm shift in Louisiana politics and Reconstruction.[234]

In the aftermath of the 1872 disputed gubernatorial election, both the Republican and Democratic candidates claimed victory, although illegal activity and irregularities marred both parties.[235] William Kellogg, a Republican carpetbagger from Illinois, offered state offices as conciliation to his opponent, the Democrat John McEnery. McEnery refused, and when a federal judge ruled in favor of Kellogg—who in the minds of Louisiana Democrats was marred by his ties to President Grant—McEnery formed a militia in March 1873 and attacked the New

[233] Sheridan, *Personal Memoirs*, 257.
[234] Foner, *Reconstruction*, 550.
[235] Chernow, *Grant*, 757.

Orleans police stations, hoping to depose any Republican administrators.[236] President Grant ordered former Confederate general and famed scalawag James Longstreet to intervene, and the attempted coup d'état failed. The following month on Easter Sunday, a number of men belonging to the white militia attacked a few hundred African Americans occupying Colfax, Louisiana, the county seat of Grant Parish about 220 miles northwest of New Orleans. The Colfax Massacre, an event responsible for the deaths of anywhere from sixty to two hundred people of color, was the "bloodiest single instance of racial carnage in the Reconstruction era," and underscored the lengths to which Louisianans would go to preserve the racial status quo antebellum.[237]

In 1874 McEnery entered New Orleans with a force of 5,000 men belonging to local groups called "White Leagues" bent on asserting white supremacy and delegitimizing Governor Kellogg's state government.[238] The timing was prescient since the Federal soldiers had recently been pulled out of New Orleans to avoid the yellow fever season. On September 14, 1874, the White League attacked the approximately 3,500 Metropolitan Police officers and state militia, and the resulting skirmish, termed the "Battle of Liberty Place," inflicted over 100 casualties. Despite the police employing powerful weapons including a small cannon and a gatling gun, they were poorly organized and had to withdraw. President Grant ordered Federal soldiers back into the city, but the White League retreated before the reinforcements could arrive.[239] Although New Orleans remained under state control after the Battle of Liberty Place, Republicans suffered substantial losses at the polls in 1874 and 1876, making the skirmish something of a

[236] Foner, *Reconstruction*, 550.
[237] Foner, *Reconstruction*, 437.
[238] Rousey, *Policing the Southern City*, 154.
[239] Rousey, *Policing the Southern City*, 155-156.

watershed moment in Louisiana Reconstruction. The Democratically-controlled city council perversely erected a monument to the instigators of the riot in 1891, which served as a rally point for white supremacy advocates for over a century afterward.[240]

The city which was supposed to be low-hanging fruit in an area ripe for Reconstruction experienced countless setbacks. Part of Lincoln's plan for convincing Congress that his plan for Reconstruction was workable depended on Louisiana quickly and peacefully rejoining the Union. A number of factors prevented the desired reunification from transpiring with Louisiana as the fulcrum. Personally objectionable people like Butler and Hurlbut eroded public confidence in Union officials. Lincoln focused on the military defeat of the Confederacy to the extent that his wartime plan of Reconstruction strikes the modern historian with the benefit of retrospect as "crude."[241] Reform-minded Louisiana politicians whose careers depended on its delegation taking their seats in Congress expressed desires to return to the Union, but other civilians proved more reluctant.[242] Properly reconstructing Louisiana would have taken years because of the racial, intellectual, monetary, gendered, and cultural makeup of the state.[243] A more successful Reconstruction would have required more time, more federal involvement, and adequate protection for the new voters. Due to Johnson refusing federal resources and Grant's reluctance to intervene in state affairs, Southern Democrats were able to prevent Republicans from implementing some of the more radical changes for years.[244]

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[240] Francis Frank Marcus, "New Orleans to Remove Obelisk Revered by White Supremacists," New York *Times*, July 16, 1993. https://www.nytimes.com/1993/07/16/us/new-orleans-to-remove-obelisk-revered-by-white-supremacists.html. Accessed March 10, 2020.
[241] McCarthy, *Lincoln's Plan of Reconstruction*, 496.
[242] William Blair, *With Treason Toward Some: Treason and Loyalty in the Civil War Era* (Chapel Hill, NC: University of North Carolina Press, 2014), 287.
[243] Michael Bernath, *Confederate Minds: The Struggle for Intellectual Independence in the Civil War South* (Chapel Hill, NC: University of North Carolina Press, 2010), 8-9.
[244] Chernow, *Grant*, 758; McCrary, *Abraham Lincoln and Reconstruction*, 354-356.

At times the occupying forces themselves also proved to be obstacles to successful Reconstruction. Butler's heavy-handedness might have proved effective in mollifying rebelliousness over the long course of the war, but reconciliation would have been difficult on his watch. Butler possessed the singular ability to quell public demonstrations of rebellion. He swiftly and decisively punished males who challenged the authority of the United States government in any way. He executed William Mumford, sacked impudent civilian authorities, and prevented bankers from providing aid to the Confederacy from behind Federal lines. Butler may have been an untalented field commander, but he was capable of being a competent administrator.

If Butler had encountered less resistance from women living in occupied New Orleans, he might have had a historically effective administration. Butler's lack of ability to either ignore or more peaceably quell the women alarmed his allies and incensed his foes. Butler's Woman Order might have decreased incidents of women gathering up their skirts and spitting at Union soldiers, but it also hardened Confederate attitudes against Butler. His overassertive tactics caused both him and the Union cause issues, but his tenure as the commanding general in the Department of the Gulf accentuated the importance of the relationship between soldiers and women in the occupied zones. As noncombatants, women did not invite any violent reprisals, but their misbehavior was significant because it showed both soldiers and civilians that a handful of obstinate women could thwart meaningful political Reconstruction. Once Butler took, not merely women, but gender roles head on, he could not personally hope to continue as the administrator of New Orleans.

The administrator who stood the best chance of success at achieving most of Lincoln's Reconstruction aims was General Banks. Banks struck a balance between using federal

influence to encourage (or force, if it came to that) reform while still displaying conciliatory nature. Banks's moves appeared less like Butler's seemingly arbitrary exercises of power and more as though he had a specific focus and plan to achieve his aims. Mustering the Native Guard and creating of the Corps d'Afrique not only freed up white soldiers for the battlefield, but it also kept the city streets in order, occupied Afro American males, and paved the way for an eventual push at enfranchisement for black Louisianans thanks to this military service. Both Banks and Lincoln assumed that African American enfranchisement was essential to counterbalance the strong rebellious sentiment that lingered in the hearts and minds of those voters returning home from the war which might prevent Louisiana from assuming its "proper practical relation with the Union"[245] Banks saw the importance of this effort but failed to anticipate the degree of resistance which white civilians would level against his undertaking. He also mistakenly interpreted the desires of Louisianans who wished to rejoin the Union as being associated with racial reform, a key conflation that cost Unionists and Republicans votes. His inability to correctly assess the political situation delayed political reform.

That reform and the status of African Americans, who were "passing out of the hands of those to [had] heretofore controlled" them, was fast changing. The political opponents of Afro Americans could slow, but not stop, the tide of revolution. "A few years," concluded the *Delta* prophetically in 1863, "will determine the fate of the negro."[246] The factors which determined "the fate of the negro" included wartime military service, labor programs, education, enfranchisement, and the degree to which the postwar Federal government was willing to intervene on their behalf.

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[245] "Last Public Address," *Collected Works of Abraham Lincoln*, 403.
[246] "Speculations on War and Peace," *Daily True Delta*, June 17, 1863. https://newscomwc.newspapers.com/image/354661576. Accessed January 8, 2020.

African Americans won a different status for themselves through their compensated labor and military service. Once laborers had been systemically compensated for their work, the labor-plantation owner relationship was irrevocably changed. Banks subsequently used the new labor system to springboard the push for some limited voting rights for certain African Americans.[247] After the Battle of New Orleans in 1815, a few dozen blacks claimed veteran status. Following the Civil War, tens of thousands of Louisiana blacks served in the Union army, and the sheer number of these veterans meant that Republicans would push for suffrage for those men after the war. "We wish," said one veteran of the Corps d'Afrique, "to be treated as men … as Americans and American citizens."[248] This proposed expanded system of suffrage drove much of the Reconstruction-era racial friction, and even many Unionists opposed the notion.[249]

In one of Lincoln's most famous letters, to Horace Greeley in August 1862, the president asserted that his chief aim was to "save the Union." Indeed, Lincoln had saved the Union. He, in fact, had worked quickly to restore the national authority in the rebellious areas as a way to reestablish "'the Union as it was.'"[250] The national reunification may have been too successful. Union officers and governors, eager to push former Confederates or their sympathizers toward the Unionist camp, were largely willing to allow antebellum Democrats to take control of local and state affairs. The men who caused the war in the first place regained their power with startling rapidity. Those same politicians, desiring to define "the Union as it was" as including a return to the prewar social status, rehired the same bureaucrats and police captains who ignored

[247] Foner, *Reconstruction*, 62.
[248] Blassingame, *Black New Orleans*, 176.
[249] Foner, *Reconstruction*, 550.
[250] Lincoln to Greeley, August 22, 1862, *Collected Works of Abraham Lincoln*, 388.

the new wartime and Reconstruction policies. Losing the war with the cartridge box at their sides, former Confederates shifted their focus to "the ballot box and the jury box" in an attempt to abrogate civil and social gains for African Americans obtained as a result of the war.[251]

Change eventually prevailed, although Louisiana served for years, not as a beacon for Reconstruction's effectiveness, but as an example of lost opportunity. The riot of 1866, the Colfax Massacre, and the Battle of Liberty Place all demonstrated that Reconstruction in Louisiana was not over. Even the events of the late nineteenth century like the *Slaughter-House Cases* and the Separate Car Act of 1890 which led to the disastrous *Plessy vs. Ferguson* decision originated in Louisiana. As if to prove its contrarian nature, governments of the late nineteenth and early twentieth centuries erected monuments to Democrats who had fought against liberty at Liberty Place and a memorial plaque to the murderers who had perpetrated the Colfax Massacre. The city raised statues—not to Admiral Farragut, who had been the first American promoted to the rank of admiral and spent his childhood in New Orleans, or to Longstreet, Lee's wartime right-hand man who had been wounded at Liberty Place—but to Robert E. Lee and former Confederate President Jefferson Davis. Lee came no closer to New Orleans than Appomattox Courthouse, Virginia, but in the name of the Lost Cause, his spiritual successors attempted to immortalize him.

It is perhaps fitting that the City of New Orleans ultimately decided to remove the statues of Lee, Davis, and the Liberty Place monuments under cover of darkness. The parallels are appropriate. After all, in the defining moment of the Civil War for New Orleans, Commodore Farragut had steamed past the twin forts defending the city in the middle of the night. The city was captured, and despite threats and chest-pounding displays, city residents

[251] Dobak, *Freedom by the Sword*, 505.

accepted the change. Hoping to spark a new direction for New Orleans, Mayor Mitch Landrieu in April 2017 removed the tributes to Lee, Davis, and Liberty Place under the watchful eye of police snipers. Various civilians and civilian organizations threatened to disrupt the monuments' removal, but just as they had done under the muzzles of Butler's Columbiads and Napoleons in 1862, New Orleans' bluster proved worse than its proverbial bite, and municipal workers quietly and peacefully carted away the monuments.[252] A.G. Studer's bold assertion that the recollection of those who fought against civil rights would be "blotted out" had finally been realized.[253]

[252] Avi Selk, "New Orleans removes a tribute to 'the lost cause of the Confederacy'—with snipers standing by," Washington *Post*, April 24, 2017. https://www.washingtonpost.com/news/post-nation/wp/2017/04/24/new-orleans-removes-a-tribute-to-the-lost-cause-of-the-confederacy-with-snipers-standing-by/. Accessed January 29, 2020.
[253] A.G. Studer to Hahn, July 31, 1866. Michael Hahn Papers, Historic New Orleans Collection, 98-49-L, folder 10.

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ABSTRACT

"THE UNION AS IT WAS": CIVIL-MILITARY RELATIONS IN OCCUPIED NEW ORLEANS, 1862-1866

By Stephen Jay Edwards, Ph.D., 2020
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This dissertation argues that both Confederate-sympathetic civilians and soldiers serving as the Union occupational government worked to reestablish "the Union as it was" in Civil War and Reconstruction-era New Orleans. Although ostensibly these two disparate groups seemed to be serving the same purpose, their objectives were different. Union soldiers sought to put an end to the armed rebellion and either coax or coerce the rebels to return to the Union. Commanders like Benjamin Butler succeeded in eradicating summer disease, but also enraged people all across the South and even across the Atlantic with his infamous "Woman Order" which many perceived as waging war on women. Nathaniel Banks relieved Butler and is an example of a more conciliatory commander. Banks reformed the local labor system, mustered several units of African American soldiers, and worked with President Lincoln to reincorporate Louisiana into the Union.

Southerners worked toward different goals, and their efforts resulted in pro- and former Confederate civilians retaining many of their antebellum privileges despite wartime developments like emancipation. The efforts of Confederate-sympathetic people hindered educational, political, and commercial progress for Afro Americans, regardless of their prewar status. Confederate resistance could not stop Union soldiers from capturing the city of New Orleans, but it did stem the social and legal gains of African Americans in postwar society.