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THE POSITIVE CONTRIBUTIONS OF THE JOINT COMMITTEE ON THE CONDUCT OF THE WAR

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THE POSITIVE CONTRIBUTIONS OF THE JOINT COMMITTEE
ON THE CONDUCT OF THE WAR

A Master Thesis

Submitted to the Faculty

Of

American Public University

By

Christopher Pelletier

In Partial Fulfillment of the

Requirements for the Degree

Of

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DEDICATION

I dedicate this thesis to my wife, without whose aid I would never have been able to achieve this goal, and my children, who give me a reason to get up and face the world each day.

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ABSTRACT OF THE THESIS

THE POSITIVE CONTRIBUTIONS OF THE JOINT COMMITTEE ON THE CONDUCT OF
THE WAR

by

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When studying what is perhaps the most controversial congressional committee in American history, the Joint Committee on the Conduct of the War, it is easy to become swept up in the criticism and view its members as ignorant, foolish, or even malicious. This loses sight of the many positive contributions the committee made for their country during the Civil War though, and diminishes an important part of America's history. By examining the committee's findings and comparing them to the effects they would have on the war effort, this study seeks to illuminate how the Union was better able to achieve victory in the Civil War due to the committee's work. Additionally, criticism of the committee by historians will be addressed and responded to in an attempt to provide a more balanced view of the committee than has been previously available.

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Chapter I

Introduction

Politics and warfare have often found themselves as strange bedfellows and the Civil War found itself as no exception. A fresh, new, President from a young political party found himself in charge of a nation violently divided. The common perception amongst the North was that victory was assured, sooner rather than later. Why then, in December 1861, eight months after the war's beginning, was the Union still struggling to gain ground on the rebels? Congress, specifically in reaction to the disastrous battle at Ball's Bluff in October 1861, formed the Joint Committee on the Conduct of the War (JCCW) to answer just that question.¹ Throughout the JCCW's existence, and long afterward, it has been mired in controversy. Some have criticized it for wielding its power to influence witness testimony it preferred, rewarding the military witnesses that cooperated with promotions.² Others saw them as political radicals, using the wartime chaos to advance their own political agenda and grow their party's platform, specifically the complete abolition of slavery.³ However, regardless of these claims, the JCCW accomplished much during its tenure and ultimately benefited the Union's war effort.

The Civil War began with the shots fired at Fort Sumter on April 12, 1861. For the so-called Radical Republicans, this war was a chance to purge their own nation of the sin of slavery and set the country back along a more proper path, one where the cause of slavery could no longer poison the dreams of a free society.⁴ For the die-hard abolitionist, this opportunity did not seem like it would come at too great a cost. The Union found itself possessing superior

¹ Bruce Tap, "Amateurs at War: Abraham Lincoln and the Committee on the Conduct of the War," *Journal of the Abraham Lincoln Association* 23, no. 2 (Summer 2002): 2.

² T. Harry Williams, *Lincoln and the Radicals* (Madison, WI: The University of Wisconsin Press, 1941), 74.

³ Hans L. Trefousse, *The Radical Republicans* (New York: Knopf Doubleday Publishing Group, 2014), 168.

⁴ Trefousse, *The Radical Republicans*, 168.

manpower, resources, and, perhaps most importantly, a superior cause to dedicate their efforts to. In the minds of those lacking military training, this was commonly seen as all that was required for victory.⁵ Despite that, months after the war's onset, things were beginning to look like they could drag on.

To some members of the Republican Party, the fault must lie with "...cautious military and executive leadership."⁶ Their understanding of warfare confirmed this assumption and, while modern military thinkers must acknowledge the importance of logistics, training, and strategy, so did their experiences. The two most prominent Republicans in the Senate, Benjamin Wade of Ohio and Zachariah Chandler of Michigan (who would both come to sit on the JCCW), had accompanied the army to watch the Battle of Bull Run and, like many others, expected to see a glorious route of the southern army. When it failed to happen, and was reversed, in part, thanks to the bold example given by an enthusiastic young Confederate named Brigadier General Thomas "Stonewall" Jackson, Wade, Chandler, and Senator George Riddle of Delaware attempted, rifle in hand, to reverse the route on their own side.⁷ They had seen, first hand, a battle where the deciding factor could have been the courage one man instilled in his troops and, while they could have learned the lesson of preparedness, this was the lesson they learned and took with them to Washington.

The JCCW would be most criticized for its targeting of military officers, most notably George McClellan. The fact that the JCCW investigated him for political reasons is without question. The JCCW saw the secession of the South as a crime to be righteously punished, while McClellan saw it as the actions of a select few slaveholders who unduly affected the political

⁵ Tap, "Amateurs at War", 2.

⁶ Ibid., 2.

⁷ Trefouse, *The Radical Republicans*, 173.

situation in the South.⁸ Coupled with McClellan's repeated attempts to avoid answering the committee's subpoenas and reluctance to engage Confederate General Lee's Army of Northern Virginia in the second half of 1861, it is not surprising that political pressure would be applied to see his removal from command. This same reluctance to engage the enemy would be McClellan's lasting legacy and a contributing factor to the length of the Civil War.⁹

How much time could have been shaved off of the Civil War had the JCCW been more effective in their prosecution of General McClellan? By the committee's estimate, had the Army of the Potomac been as successful in its endeavors under McClellan as the rest of the Union's forces had been during the 1861-1862 time period, the war might have been over by the end of 1862.¹⁰ Much of this failure is attributed to McClellan's caution, or what could be labelled cowardice, given the number of times he was urged to attack and proceeded to delay, allowing the opposition to either reinforce itself or escape.

Other criticisms of the JCCW, by Democrats and moderate republicans, point to the zealotry with which they pursued the emancipation of slavery.¹¹ However, that same zeal for emancipation resulted in their greatest victory: the Emancipation Proclamation.¹² With it came other wartime benefits, including putting the nail in the coffin of possible British intervention on behalf of the Confederacy¹³ and the recruitment of colored regiments that would help with the Union's increasing manpower requirements at a time when white recruitment had fallen sharply.

⁸ Bruce Tap, *Over Lincoln's Shoulder: The Committee on the Conduct of the War* (Lawrence, KS: University Press of Kansas, 1998), 101.

⁹ Edward H. Bonekemper, *McClellan and Failure: A Study of Civil War Fear, Incompetence and Worse*. (London: McFarland & Company, Inc., 2007), 7.

¹⁰ Joint Committee on the Conduct of the War, *Report of the Joint Committee on the Conduct of War, In Three Parts*, 37th Cong., 2d sess., 1863, H. Rep., pt. 1, 62.

¹¹ Trefousse, *The Radical Republicans*, 176.

¹² *Ibid.*, 233.

¹³ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 2003), 557.

The committee's report on the massacre at Fort Pillow and other Confederate war crimes, would ultimately assist in Lincoln's reelection and in galvanizing the nation against the Confederacy.

Lastly, there are the often neglected other reports of the JCCW. Reports into expenditures and ice contracts, interviews on the subject of ordinance and the new turrets for Monitor-class warships, and the investigation into the massacre of friendly Cheyenne and Arapaho Native American are often seen as unimportant given that they took place near the war's conclusion and lacked a larger impact on the war's prosecution.¹⁴ Despite that, these investigations help to demonstrate the best intentions of the JCCW toward the war's prosecution, and establish the benefits of congressional committees.

Ultimately, there is little argument that the JCCW had negative qualities to it. Partisanship was abundant, despite the presence of Democrats on the committee, and the JCCW was not afraid to advance their agenda in face of opposition. While this has earned them scorn from many historians, it does not undermine the fact that, in several instances, the JCCW was right in its recommendations, and, had they been followed, could have potentially ended the war sooner.

Perhaps the harshest of the critics of the JCCW was historian T. Harry Williams, who outlines his dislike of the JCCW in his work *Lincoln and the Radicals*. Holding tight to the belief that the JCCW, whose members were largely from the more extreme end of the Republican party's abolitionists, Williams views all of the JCCW's actions through both lenses of them advancing their political agenda, specifically the abolition of slavery even at the risk of terrible war, as well as the securing of long term political control for the Republican Party. Williams held that the JCCW took advantage of the most revolutionary event in American history, the

¹⁴ Tap, *Over Lincoln's Shoulder*, 232.

succession of the South, in order to engage in their own revolution, to secure the power of the Republican Party with the goal of destroying the institution of slavery once and for all.¹⁵

Lincoln and the Radicals was one of Williams' earliest works and time served the role of tempering his tone toward the radicals. Many of the arguments he makes in *Lincoln and His Generals* run parallel with arguments the JCCW made against McClellan's appointment. Williams criticizes McClellan for his delay and unwillingness to engage the enemy, as well as the General's habit of skillfully exaggerating his accomplishments while downplaying his mistakes. Similarly, in *The Committee on the Conduct of the War: An Experiment in Civilian Control*, Williams writes that McClellan was a turning point in the relationship between the JCCW and the executive.¹⁶ The JCCW found they disagreed with McClellan's actions and beliefs over matters both political and military while Lincoln was insistent on staying the course and allowing the Young Napoleon further opportunities to prove Lincoln's faith in him justified. Edward H. Bonekemper, in *McClellan and Failure*, further expounded on the criticism both the committee and others in Washington had with McClellan's decisions. Bonekemper examines the actions taken by McClellan that furthered the divide between himself and the political forces in Washington that would come to call for his resignation. McClellan's repeated dishonesty in his communications, refusal to answer congressional subpoenas, and continual inability to bring the enemy to heel due to his abundant caution demonstrates that the JCCW was, in many ways, correct in calling for his removal from command.

Another prominent historian to examine the impact of the JCCW and the radical republicans was Hans L. Trefousse, whose most notable work on the topic was *The Radical Republicans*. Trefousse shows a still critical, but more moderate than Williams', view on the

¹⁵ Harry T. Williams, "The Committee on the Conduct of the War: An Experiment in Civilian Control," in *The Selected Essays of T. Harry Williams* (London: Louisiana State University Press, 1983), 16.

¹⁶ *Ibid*, 19.

committee, seeing them as an understandable political force in Washington that vacillated between working to further their own agenda and being utilized by Lincoln to further his.¹⁷ Despite his comparatively moderate stance, *The Radical Republicans* still paints the picture of a group of political elite bent on wielding their power to advance their own goals, regardless of the cost to the nation. Later in his career, Trefousse, like Williams, would compromise his view, to a degree, in the article “The Joint Committee on the Conduct of the War: A Reassessment.” Though Trefousse does not claim that any of his conclusions were incorrect, he does admit that the direct fervor of his criticism of the JCCW may have been unnecessarily over the top.¹⁸ The most recent historian to closely examine the actions of the JCCW, and perhaps the historian to examine the committee most specifically (rather than in context of their branch of the Republican Party), is Bruce Tap, who wrote *Over Lincoln’s Shoulder: The Committee on the Conduct of the War*. Tap takes perhaps the most middle of the road perspective of the JCCW, portraying them as well-meaning but ultimately ineffective political force within the Union.¹⁹ The early chapters of the book focus on many of the most controversial actions of the committee but later chapter reveal the committee’s more effective actions. While he remains critical of many of the JCCW’s actions, he effectively supports their reasoning based on the knowledge the committee would have had and the way warfare was perceived at the time. Specifically, “Amateurs at War: Abraham Lincoln and the Committee on the Conduct of the War” and “Inevitability, Masculinity, and the American Military Tradition: The Committee on the Conduct of the War Investigates the American Civil War” were written with the goal of explaining how

¹⁷ Trefousse, *The Radical Republicans*, 38.

¹⁸ Trefousse, Hans L. “*The Joint Committee on the Conduct of the War: A Reassessment.*” *Civil War History* 10, no. 1 (March 1964), 8.

¹⁹ Tap, 241.

warfare was seen as more a matter of masculinity and determination by the average citizen, rather than as the tactics, strategy, and logistics that officers would have been trained in.

Tap also wrote extensively on the JCCW's investigations into Confederate war crimes. Both *The Fort Pillow Massacre: North, South, and the Status of African Americans in the Civil War Era* and "These Devils Are Not Fit To Live On God's Earth: War Crimes and the Committee on the Conduct of the War, 1864-1865" detail the Confederacy's most egregious war crime, the massacre at Fort Pillow.²⁰ In this, Tap gives the JCCW proper credit as a beneficial contribution to the Union's war effort, as the revelation of the Confederacy's actions helped to further steel the Union's determination to emerge victorious over the South, rather than simply seeking a peace that would end the fighting.

Other works that shed light upon the JCCW's actions, and their effects upon officers in the Union's military, include the memoirs of Generals Meade and Sherman. The investigations of the committee were far reaching and both officers were influenced by the committee. Bartlett's *Memoirs of Rhode Island Officers Who Were Engaged in the Service of Their Country During the Great Rebellion of the South* gives passing mention of the JCCW, demonstrating that more than just upper level officers, such as generals, had to pay attention to the committee's investigations and subpoenas.²¹

While few historians have focused on the JCCW, almost every historian who has written on the Civil War has had something to say about them. Woodworth's *This Great Struggle* and McPherson's *Battle Cry of Freedom* both briefly address the JCCW's formation and its roll in

²⁰ Tap, *The Fort Pillow Massacre: North, South, and the Status of African Americans in the Civil War Era*, 41-66, and *These Devils Are Not Fit To Live On God's Earth: War Crimes and the Committee on the conduct of the War, 1864-1865*, 116-130.

²¹ John Russell Bartlett, *Memoirs of Rhode Island Officers Who Were Engaged in the Service of Their Country During the great Rebellion of the South*, 365-370.

Union politics.²² Both were critical of the committee's actions but did not examine them in detail.

The JCCW would have a lasting legacy in American politics, disproportionate to their historiographical significance. They pressed the boundaries of acceptable legislative action in times of war. While their actions were certainly controversial, the claims that they were detrimental to the Union war effort can be challenged. That historians are more willing to look upon the committee with positive eyes as we move further away from the tragic events of the Civil War demonstrates that a portion of historians' hostility toward them has to do with the destruction and suffering people went through during that era, and less to do with the committee's actions, which had many positive effects on the war effort.

²² James McPherson, *Battle Cry Of Freedom*, 362-3, and Stephen Woodworth, *This Great Struggle*, 330-334.

Chapter II

The Committee versus George McClellan

Bruce Tap stated, “The most important activity that the Committee on the Conduct of the War undertook during the Thirty-Seventh session of Congress was its investigation of the operations of the Army of the Potomac and its commander Gen. George Brinton McClellan.”²³ The investigation into the Army of the Potomac would also be seen as one of the Committee’s most controversial. In part this was because of the stage the war was in during that year, 1862.

At the time, the war aims of the nation were still largely defined by the passage of the Crittenden-Johnson Resolution. This specified that the purpose of the war was the defense of the Constitution and the reintegration of the states back into the Union and nothing else.²⁴ Naturally, this did not sit well with the more radical members of the Republican Party, who saw the institution of slavery as the single greatest cause of the Civil War. If anything, the ability to portray the cause of slavery as the root of Southern secession was integral to the Republican Party unifying its disparate membership into a cohesive political machine during the war’s early years and the upstart young General who disagreed with the JCCW in charge of the army ran counter to many of their goals.²⁵

McClellan, a so-called War Democrat, saw the war as solely the action of restoring the Union as it was and not for the abolition of slavery. On November 11, 1861, in a letter to General Halleck, McClellan stated as much and expressed his desire that the citizens of Missouri and other boarder states to know as much.²⁶ The next day, he wrote another letter to General Buell stating, “In regards to political matters, bear in mind that we are fighting only to preserve the

²³ Bruce Tap, *Over Lincoln’s*, 101.

²⁴ Ibid.

²⁵ Trefousse, *The Radical Republicans*, 173.

²⁶ Bonekemper, *McClellan and Failure*, 37.

integrity of the Union and to uphold the power of the General Government.”²⁷ Naturally, such a viewpoint placed him strongly in opposition to the JCCW’s ultimate goal of abolition, but he would have been less vulnerable to their politics if he had been eager for battle and victorious.

McClellan, it bears mentioning, was just the man for running a limited war of political attrition, where the enemy could be convinced of the war’s inevitable end without excessive casualties in battle. He believed that victory would be attained through defeat of the enemy’s army by outmaneuvering it, not just the killing of their soldiers, and through right treatment of their people, leading toward eventual reconciliation.²⁸ However, this was counter to the radical perspective held by the JCCW that sought militarily to bring the Union back into order.

Radical Republicans argued that the South could not be defeated in such a manner. How could the enemy’s resolution be broken when the architects of their secession, the financially powerful slave holding class, maintained their relative comfort at home? To a more moderate Republican, the Southern leadership was in need of harsh punishment for their actions. To the more extreme branch of the party, the average citizen of the South was equally guilty with their leaders and also deserving of punishment.²⁹ As the committee put in in the conclusion of their first report, “[the] committee can only say that all men...unite in the opinion that fighting, and *only* fighting, can end this rebellion; that every traitor in the land must and shall be made to acknowledge and yield absolute...obedience to the Constitution...”³⁰ Neither of these viewpoints was in line with the likes of Democrats such as McClellan.

Political opposition was not the only cause of the antagonism between the JCCW and McClellan. Perhaps the best word to describe General McClellan is the word cautious, even

²⁷ Ibid.

²⁸ Tap, *Over Lincoln’s Shoulder*, 101.

²⁹ Trefousse, *The Radical Republicans*, 169.

³⁰ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 66.

more so than his predecessor General Scott.³¹ On numerous occasions, McClellan resisted orders and suggestions to advance his army based on either faulty information regarding the enemy's strength or because of needed reinforcements that he proceeded to do little with. On one occasion, McClellan cited the lack of proper footwear for his army as the reason for its failure to advance, despite testimony by the Secretary of War Stanton that, "It was ascertained that in every instance the requisitions had been immediately filled, except one, where the quartermaster general had been obliged to send from Philadelphia certain articles of clothing, tents, etc., not having a full supply here."³²

General McClellan had a habit of avoiding battles, commanding an army that was perpetually almost ready to move against the enemy.³³ His earliest excuses given for not engaging the enemy came from his stated belief that the enemy's strength was simply too much, too much to engage directly and too much to risk dividing the Army of the Potomac up into corps, creating a situation that seemingly justified McClellan's inaction.³⁴ However, the JCCW quickly found reason to question these reports, both their innate accuracy and the flawed methods with which they were obtained.

Early in December an order had been issued from headquarters prohibiting the commanders in the front from examining any persons who should come into our lines from the direction of the enemy; but all such persons were to be sent, without examination, to the headquarters of the army. Restrictions were also placed on the movement of scouts.³⁵

This meant that any information regarding the strength of Confederate forces in and around Washington was going to come from McClellan himself.

The result was that the generals examined appeared to be almost entirely ignorant of the force of the enemy opposed to them, having only such information as they were allowed to obtain at

³¹ Trefousse, *The Radical Republicans*, 181.

³² JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 48.

³³ James M. McPherson, *Crossroads of Freedom: Antietam* (Oxford: Oxford University Press, 2002), 14.

³⁴ Bonekemper, *McClellan and Failure*, 40.

³⁵ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 7.

headquarters. The strength of the enemy was variously estimated at from 70,000 to 210,000 men. Those who formed the highest estimate based their opinion upon information received at headquarters.³⁶

The committee report goes on to state that the enemy's strength was below even the lowest given estimate. Given that all estimates were formed from information filtered through McClellan, based on orders he issued, and that the enemy's strength was the given excuse for not moving against them, it only stands to reason that the committee, and President Lincoln, would be appalled to find that their "Young Napoleon" had been so deftly outmaneuvered by the enemy.

Compounding these numbers was the deft bit of subterfuge enacted by the Confederates along the Centerville-Manassas Line. In order to provide a show of strength to their enemies, Confederates had cut logs into the shapes of cannons and placed them upon the battlements in order to make their side appear more heavily armed than it actually was. Visual inspection of Confederate lines had been fooled by these "Quaker Cannons" and McClellan had, again, delayed action based on faulty intelligence.³⁷ In his testimony to the JCCW, Brigadier General Wadsworth stated that his examination of the Confederate line that showed there was little evidence that siege guns had ever been there.³⁸ Specifically at Manassas, Wadsworth reflected that the enemy position was "very slight" and would not have been able to resist an attack.

During the weeks after this debacle, McClellan would come down with typhoid fever, further causing delays in his action. While bedridden, he was not without activity though, writing letters to Generals Buell and Halleck with instructions for them that would allow one to support the other, and himself.³⁹ Once again, McClellan took the action that most secures his own position, rather than the action that would place pressure upon the enemy.

³⁶ Ibid.

³⁷ Bonekemper, *McClellan and Failure*, 48.

³⁸ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 253.

³⁹ Bonekemper, *McClellan and Failure*, 41.

Throughout this period, from the beginning of 1861 to until McClellan finally began to move his army, the committee worked tirelessly to prod the general into action. In January 1862, the JCCW requested his attendance and questioned him on the Army of the Potomac's inactivity.⁴⁰ During this more informal interview (compared to the summons the committee would issue later), McClellan stated that he did not advance because his retreat was not secure. He explained to the committee that it did not matter how capable or large an army he had at his command, he did not intend to advance until he was ready for the chance that the enemy would defeat him.⁴¹ After McClellan left the room, Chandler remarked that the general was, in his estimate, simply being a coward.

During a second interview, held on February 19th and joined by Secretary Stanton, the committee again questioned why General McClellan had not advanced his army of 150,000 men into Virginia, but instead allowed Washington to, "...remain to all intents and purposes in a state of siege."⁴² Again, McClellan cited the importance of making preparations to retreat in case the enemy proved to be their match, which would specifically require the construction of another bridge across the Potomac, bringing the total number to three. The following day, the committee met with Stanton and agreed to work together to urge the President into either replacing McClellan or forcing him to advance his army. A series of meetings between the Lincoln and the committee were held over the course of the next month, accompanied by threats to make McClellan a subject of specific inquiry in the senate, resulted in the latter.⁴³

This would result in the Peninsula Campaign, undertaken in March 1862, which stands as perhaps the most potent testimony toward McClellan's sense of caution. At the onset of the

⁴⁰ Arthur T. Pierson, *Zachariah Chandler: An Outline Sketch of His Life and Public Services* (Detroit: The Post and Tribune Company, 1880), 224.

⁴¹ *Ibid.*, 225.

⁴² *Ibid.*, 226.

⁴³ *Ibid.*

campaign, the President, in consultation with the JCCW, had already begun to limit McClellan's authority. He had been removed from the position of general in chief, and four corps commanders had been appointed for the Army of the Potomac without the consultation of General McClellan, who previously had been accused of packing his high command with generals sycophantly loyal to him.⁴⁴ McClellan was rapidly losing face even to the President.⁴⁵

From the beginning, General McClellan overestimated the enemy's strength. Many Union officers, including General Casey, General Heintzelman, and Major-General Sumner, reported the enemy's initial numbers around Yorktown consisted of between 7,000 and 12,000 men, under the command of General Magruder, except General McClellan, who placed their numbers as between 15,000 and 20,000, almost twice the other estimates.⁴⁶ These numbers were then used to justify McClellan's hesitant and defensive posture, becoming a self-fulfilling prophecy at Yorktown when the Confederacy, now certain that McClellan was going to delay himself with a long and costly siege, moved to reinforce their army.⁴⁷ Much like the previous Quaker Guns incident, the Confederates had bolstered the image of their strength with fake artillery and clever positioning of visible men and, once again, McClellan fell for it, unwilling to launch an assault even in face of enemy vulnerability and commanders willing to lead.⁴⁸

Despite these setbacks, McClellan still commanded 100,000 men, more than enough to overcome the enemy's actual strength of 35,000.⁴⁹ Secretary Stanton remarked that it would not matter if McClellan had a million men under his command, as suddenly the enemy would have

⁴⁴ Tap, *Over Lincoln's Shoulder*, 113.

⁴⁵ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (Oxford: Oxford University Press, 2003), 424.

⁴⁶ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 17.

⁴⁷ *Ibid.*

⁴⁸ Bonekemper, *McClellan and Failure*, 59.

⁴⁹ *Ibid.*, 60.

two million and McClellan would refuse to advance.⁵⁰ McClellan's game of flexible numbers was beginning to turn against him. Much like the boy who cried wolf McClellan was beginning to become the general who cried outnumbered. President Lincoln, when pressed by McClellan for reinforcements, noticed a discrepancy in the telegraphs.

There is a curious mystery about the number of troops now with you. I telegraphed you on the 6th, saying that you had over 100,000 with you. I had just obtained from the Secretary of War a statement taken, as he said, from your own returns, making 108,000 then with you and en route to you. You now say that you have not 85,000, when all en route to you shall have reached you. How can this discrepancy of 25,000 be accounted for?⁵¹

In the end, despite possessing the manpower, and despite numerous urgent messages from President Lincoln extolling him to take action before Washington continued to lose confidence in him, the siege would last a month before the Confederates would instead simply retreat from Yorktown, their army largely intact. After the fact, McClellan would utilize the report of General Barnard, attached to the Army of the Potomac as chief of engineers, to justify that the Yorktown defenses were impenetrable, a report describing their strength at the end of the one month siege.⁵²

In his testimony to the JCCW, General Barnard would even recant his assessment of the enemy's strength at Yorktown.⁵³ Barnard determines that, even without the hindsight knowledge of the enemy's true strength, that the greatest part of the damage done to the army during the siege was that of morale. Time spent idle, with only disease and trench work to keep them occupied, dealt more damage to the Army of the Potomac than the guns of the enemy. He even reflects that the guns should have opened fire upon Yorktown as soon as they were erected, instead of when all were finished as General McClellan decided, so that the army would have

⁵⁰ Ibid.

⁵¹ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 18.

⁵² Bonekemper, *McClellan and Failure*, 65.

⁵³ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 391.

had a way to direct their frustration at the enemy and to potentially drive them back, if only out of cannon fire reach. Instead the siege was spent losing time and weakening the army. “We did not carry with us from Yorktown so good an army as we took there.”⁵⁴

This supports the stance held by the committee that the Army of the Potomac required a more aggressive commander, such as General Pope, to lead them. Had the committee been given the authority to make such decisions, a more aggressive commander might have stormed the enemy positions at Yorktown. While this would certainly have resulted in more casualties than McClellan’s siege, it would have denied the Confederates valuable time spent preparing their defenses elsewhere, and deprived them of a largely intact army. However, the committee was not listened to and McClellan was allowed to continue his disastrous command.

A letter to his wife revealed that McClellan actually considered the Siege of Yorktown to be a success. He wrote that the army was in high spirits, contrary to Barnard’s report, and that the accomplishment stood as proof of his skill, since the enemy had been driven off with little in the way of Union casualties, something relatively easy to accomplish when a battle does not happen.⁵⁵ This shows something of a detachment from the men in his own army, including a private who wrote home about his disappointment at spending a month building roads and staking ammunition, only for the enemy to have “skipped out” while McClellan suffered from “fortification on the brain.”⁵⁶ Even McClellan’s own wife displayed a reserved perspective on McClellan’s supposed victory here.⁵⁷

At this stage, it would be prudent to address those defenses that supporters of General McClellan might level against those critical of him. McClellan himself had claimed that the

⁵⁴ Ibid.

⁵⁵ Bonekemper, *McClellan and Failure*, 66.

⁵⁶ Robert Knox Sneden, *Eye Of The Storm: A Civil War Odyssey* (New York City: Free Press, 2000), 58.

⁵⁷ Bonekemper, *McClellan and Failure*, 66.

President, by the onset of the Peninsula Campaign and at the urging by the JCCW, had turned against him.⁵⁸ McClellan noted this as a possible cause for him being deprived of a degree of the Army of the Potomac's manpower at the onset of the Peninsula Campaign.

However, there is little factual proof of any claims of conspiracy against McClellan. While the JCCW's distaste for the man was well known, the removal of McDowell's army corps from the Army of the Potomac had to do with the fact that McClellan had defied Lincoln's General Order No. 1, that the defense of Washington be the top priority.⁵⁹ McClellan had explained, via telegram, to Lincoln that he had left 73,000 men in the capitol's defense and, according to his own numbers, he had.⁶⁰ However, McClellan, in the typical disinterested fashion he held when it came to communicating with civilian officials, had not informed the President that some of those soldiers included Nathaniel Bank's command in the Shenandoah Valley, who were considered close enough that they could move in Washington's defense if need be. Additionally, in another bout of creative book keeping, McClellan seems to have counted some soldiers twice. With this in mind, Lincoln's decision to reassign soldiers to the defense of the capitol looks more pragmatic and political, than conspiratorial.

Furthermore, the claims of conspiracy have to address the character of the men they are being leveled at. While the JCCW was certainly full of men of political ambition, does it stand to reason that they would risk the outcome of the entire war simply to remove a single general from command? This would be doubtful. "At a time when they were desperately anxious for victory, however, it is most unlikely that they would have risked the entire outcome of the war for imagined political advantages."⁶¹

⁵⁸ Trefousse, *The Radical Republicans*, 192.

⁵⁹ *Ibid.*, 194.

⁶⁰ McPherson, *Battle Cry of Freedom*, 425.

⁶¹ Trefousse, *The Radical Republicans*, 194.

So why did McClellan maintain any authority, given his alarming and increasing string of failures and ineptitudes? Simply put the exact opposite reason as McClellan's own charges against the Radical Republicans and the JCCW. While his political opponents wanted him removed from command, his supporters wanted him where he was. Lincoln, desperate to maintain the coalition he had established between moderate and radical Republicans and War Democrats, and working both sides of the aisle, needed McClellan, a prominent Democrat who had stayed loyal to the Union, in a place of power to appease sympathetic Democrats in Congress, at least until McClellan had been able to demonstrate his abilities in a major campaign.⁶²

The remainder of the Peninsula Campaign would be that trial by fire for McClellan, who would prove himself to be an able commander in the fields of logistics, fortification, and defensive warfare but lacking the aggressive quality needed for offensive campaigning.⁶³ Beyond this quality, McClellan struggled with clear communication and hierarchy, resulting in a situation where his leadership was sometimes in question and creating the perfect atmosphere for groups such as the JCCW to work against him.

With the enemy removed from Yorktown, McClellan remained behind to organize the army for pursuit, placing General Heintzelman in charge. The next morning, orders arrived that placed General Sumner in command. That day, the enemy pushed back around Williamsburg and multiple generals messaged back to McClellan for reinforcements, or for him to come to the front to take charge of things personally.⁶⁴ When it became clear to McClellan what the condition of the front was, he was reported to have remarked, "...those in the front can attend to

⁶² Ibid., 196.

⁶³ Ibid.

⁶⁴ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 19.

that little matter.”⁶⁵ He would take another four hours to make his way forward to a battle that was increasingly getting desperate and reliant as much on the bayonet as it was increasingly scarce ammunition. The lack of his presence on the battlefield did not deter him from claiming a portion of the glory, moving amongst the men to accept their cheers and offer his congratulations in turn.⁶⁶

Here there is controversy regarding the degree to which the army could have capitalized upon the victory at Williamsburg. Multiple generals gave testimony to the JCCW that the Army of the Potomac could have followed the Confederates all the way back to Richmond. One general even boasted that they could have done so without a single shot fired.⁶⁷ General McClellan, however, testified that the road conditions made it impractical to pursue the enemy immediately, noting that it would have been impossible, in his estimate, to even feed some of them.

When called on to testify about the Battle of Williamsburg, McClellan admitted that the battle occurred by accident.⁶⁸ The enemy had, for the most part, not stopped in Williamsburg but was caught by the pursuing cavalry, and forced to move backwards to defend their rear elements. His plan seemed to be to allow General Franklin to flank the retreating Confederates, despite cautioning Franklin to withhold his advance until after Williamsburg was secured.⁶⁹

With the apparent success at Williamsburg, McClellan was finally granted what he had consistently harped for, reinforcements in the form of McDowell’s men, who would reach him in approximately five days by a land route. While it is uncertain if this would have made the difference, McClellan’s habit of seeing enemy soldiers where only logs existed notwithstanding,

⁶⁵ Ibid.

⁶⁶ Bonekemper, *McClellan and Failure*, 67.

⁶⁷ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 20.

⁶⁸ Ibid., 430.

⁶⁹ Bonekemper, *McClellan and Failure*, 69.

history would never know. At this time, almost in confirmation of Lincoln's fears for an under defended Washington, Stonewall Jackson struck General Banks' force left in the Shenandoah Valley. Banks began a rapid retreat toward Washington that created panic amongst Union forces.⁷⁰ In an effort to trap Jackson and reestablish Washington's security, McDowell's forces were redirected away from Richmond, and McClellan.

Thus, a mere six miles from Richmond, McClellan found himself potentially lacking in necessary troops for the first time in the Peninsula Campaign. Taking command of the newly formed Army of Northern Virginia, Robert E. Lee depleted his defenses elsewhere to gather the manpower needed for a grand offensive against McClellan's army.⁷¹ This assault is almost universally repulsed and McClellan reported that the action helped to buoy his army's spirit. Writing to Secretary Stanton, McClellan stated, "But the morale of my troops is now such that I can venture much. I do not fear the odds against me."⁷²

However, no significant attack on the Confederate position was ever attempted, officially due to the river level and poor roads. On the 27th, General Lee led a significant assault on General Porter's division at Gaines' Mill, breaking the Union's right flank. This was successful, in part, because McClellan was still convinced that the defenses in front of him were still fully manned, rather than stripped of much of their manpower to accommodate Lee's attack.⁷³ McClellan had been deceived by the enemy yet again, and this time it would cost them years of bloodshed.

General Heintzelman testified that he found General McClellan packed up after the attack. McClellan explained to him that he only had two choices.

⁷⁰ Steven E. Woodworth, *This Great Struggle: America's Civil War* (Lanham, MA: Rowman and Littlefield Publishers, Inc., 2011), 122.

⁷¹ *Ibid.*, 127.

⁷² JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 22.

⁷³ Woodworth, *This Great Struggle*, 128.

...that General McClellan said there were two things to be done – to concentrate his forces and risk all on a battle, or to withdraw to the James River; that if he risked a battle there, and was beaten, the army was destroyed.⁷⁴

McClellan, unsurprisingly, opts to retreat, despite having the numbers to meet the enemy in pitched battle, as well as having soldiers that were better rested.⁷⁵ The bulk of the retreat was organized by corps commanders, with little direction from McClellan, who would disperse orders at the beginning of the day before riding backwards to scout new positions for the evening's retreat.⁷⁶

At Glendale, deprived of leadership from their often absent commander, the Army of the Potomac demonstrated that it was not the army that was broken by the Confederate counter offensive, but McClellan. It was the courage and ability of leaders like Samuel Heintzelman that saved the military from destruction against a vigorous Confederate pursuit. The fighting that day happened while McClellan was enjoying a meal aboard the USS Galena, an ironclad that had helped open the campaign by silencing Confederate guns and would later provide similar cover to the retreating Army of the Potomac.⁷⁷

Malvern Hill, the final battle of the Peninsula Campaign, perhaps demonstrates the disjunction between McClellan's leadership and the fighting ability of the army he had helped forge. Here the corps commanders had arrayed their forces against the Confederacy in lines well supported by artillery. The Confederates were being led by General Lee himself, though he made several errors during this battle (including one disastrous moment when a Union battery massacred soldiers without receiving any counter battery fire). Regardless, the Army of the Potomac delivered punishing fire against their opponents, winning the day and inflicting 5,500

⁷⁴ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 25.

⁷⁵ Woodworth, *This Great Struggle*, 129.

⁷⁶ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 26.

⁷⁷ Bonekemper, *McClellan and Failure*, 91.

casualties upon their opponents, all while protecting the retreating trains of men and supplies.⁷⁸ McClellan, however, was instead aboard the Galena again, scouting for further lines of retreat, only joining the battle for a brief inspection of the lines during the afternoon.⁷⁹

A private named Sneden took note of McClellan's absence, commenting that McClellan, "...as usual..."⁸⁰, did not make his presence generally known until the battle was over. According to Sneden, the varied generals were left without guidance from McClellan, simply doing as they knew best throughout the battle. However, Sneden remarks, "But the Army of the Potomac has fought so many battles without General McClellan's supervision or assistance, that he is not missed when the fighting commences!"⁸¹ He further observed several generals, Heintzelman, Sumner, Kearny, Hooker, Segwick, and Richardson named specifically, declaring their contempt for McClellan openly amongst the fighting men. According to Sneden, the Army of the Potomac was saved in spite of McClellan. The JCCW report makes serious note of McClellan's absences from leadership during this period of the campaign.⁸²

Along the way, McClellan requested that President Lincoln secure 50,000 men to reinforce him so that he could reverse the retreat and continue to advance on Richmond. The President responded to him that he did not have more than 60,000 men east of the Appalachian Mountains, and that McClellan knew this. "If...you had impression that I blame you for not doing more than you can, please be relieved of such impression. I only beg that in like manner you will not ask impossibilities of me."⁸³ With that, Lincoln gave sanction to McClellan's

⁷⁸ John Russell Bartlett, *Memoirs of Rhode Island Officers Who Were Engaged in the Service of Their Country During the Great Rebellion of the South: Illustrated with Thirty-four Portraits* (Providence, RI: S.S. Rider & Brother, 1867), 340.

⁷⁹ Bonekemper, *McClellan and Failure*, 92.

⁸⁰ Sneden, *Eye Of The Storm*, 96-97.

⁸¹ *Ibid.*

⁸² JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 26.

⁸³ *Ibid.*

retreat, entreating him to save as much as possible so that the President could strengthen it for an offensive at a later date.

In the conclusion of the JCCW's report on the Peninsula Campaign, they quote General Barnard on the failings of the campaign. He attributes the failure to a number of issues but starts with the inactivity of the Army of the Potomac between August 1861 and April 1862, citing that the army was made only inconsequentially better by the time spent protecting the capitol from a siege by a numerically inferior force.⁸⁴ Amongst other possible objectives, he points out that McClellan should have moved on Norfolk and captured the shipyards there, a task he left to the President himself after the campaign commenced.⁸⁵

Barnard laments that the plan to move to the peninsula by sea was potentially doomed to failure to begin with. The plan required that the Army of the Potomac be divided up, in order to successfully secure Washington while still on the offensive. In Barnard's eyes, albeit after the fact, this is a plan that invites interference from an outside force.⁸⁶ As he puts it, "The enemy was then at Manassas, and a feint...of an attack upon Washington was...so certain to create panic, which no executive could resist, that interference with the removal of the rest of the army was certain."⁸⁷

The report goes on to claim that the Confederacy was effectively, in Barnard's mind, at its low water mark. Repeated losses in the West, combined with sickness and the end of various conscription periods, should have seen the Confederate army at a low point.⁸⁸ With this perspective, Barnard claims that the lines of Yorktown should have been assaulted, while the

⁸⁴ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 29.

⁸⁵ Woodworth, *This Great Struggle*, 119.

⁸⁶ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 29.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, 30.

Union held the momentum in morale. Instead, a prolonged siege reduced the army to a similar level of morale as their enemy's.

Barnard states that it was right to pursue the enemy after Yorktown but that McClellan should not have been surprised by the action at Williamsburg, since the Army of the Potomac knew about the fortifications there and should have been prepared to encounter an enemy desperate to buy their supply trains time. General Franklin and Brigadier General Segwick would have arrived with their divisions within two days, had the enemy not been pushed so blindly, and the enemy could then have been encircled and destroyed.⁸⁹

Finally, Barnard addresses the action he believes McClellan should have taken once it became apparent that McDowell would be too busy confronting Jackson to reinforce him.

After it was known that McDowell was called off to another quarter, there was no longer hope of an increase of force by the junction of his corps. There were no other re-enforcements to look for beyond what we received by the middle of the month of June. The rebel force was known or supposed to be constantly increasing by conscription, by the influx of troops from other parts, and by the breaking up of Beauregard's army.

At last the moment came when action was imperative.⁹⁰

Barnard claims that the enemy's plan to attack their right flank outside of Richmond was known, and that a number of actions could have been taken to prevent the retreat to the James. A preemptive retreat is even suggested, allowing the army to reform into a concentrated mass before renewing the attack on Richmond. The flank could have been reinforced or even a counter assault on Richmond launched, in order to have forced Lee to relinquish his own assault to turn to the city's defense.

At the time of his reports submission, General Barnard was the only officer in charge of the Peninsula Campaign to have submitted his report to the committee.

⁸⁹ Ibid., 31.

⁹⁰ Ibid.

During the final days of the campaign, after his retreat started, McClellan sent a letter to Secretary Stanton, explaining what he thought the failures for the campaign were and laying the blame squarely on the shoulders of the government. “I have lost this battle because my force was too small.”⁹¹ He proceeds to accuse the government of sacrificing the army. What McClellan did not appreciate was that this letter was damaging to him and that the people expected success, or at least somebody to blame for failure. It was McClellan’s failure on the Peninsula that would add that campaign to the pile of investigations the JCCW would dedicate itself to, and would place McClellan more centrally in their crosshairs than any previous incident.

Is it fair though to judge McClellan specifically for the failures of the Peninsula Campaign? Indeed it is. As Bruce Tap, a historian critical of the JCCW noted, “A slightly more aggressive general might have brought the proposed turning movement to a victorious conclusion.”⁹² Bonekemper wrote that, “However, McClellan, driven by fear of losing a battle or losing his army, squandered the opportunity to smash Lee’s army and take Richmond.”⁹³

During one heated exchange between Benjamin Wade and President Lincoln, Lincoln asked Wade who should be put in command if Lincoln were to relieve McClellan. Wade told him that anybody should be place in command, insinuating that anybody was better than McClellan. Lincoln, demonstrating that he was now seriously considering the idea, argued that he had to have somebody up to the job.⁹⁴

The JCCW mounted increasingly harsh and vehement attacks on McClellan. Throughout the Peninsula Campaign, Zachariah Chandler weighed the importance of speaking against

⁹¹ Trefousse, *The Radical Republicans*, 196-7.

⁹² Tap, *Over Lincoln’s Shoulder*, 126.

⁹³ Bonekemper, *McClellan and Failure*, 94.

⁹⁴ Trefousse, *The Radical Republicans*, 197.

McClellan publicly but was cautioned against it by Secretary Stanton.⁹⁵ Stanton was concerned that undermining the army's commander while they were still in the field would be dangerous to morale and undermine what chances still existed of the campaign coming to a successful conclusion. With the campaign in its conclusion, Chandler no longer had any reason to hold back and delivered an excoriating review of McClellan's leadership to the senate on July 16, 1862. He chided him for failing when he was supposedly such an able bodied general and questioned his need for reinforcements when he had such a vast army at the onset of the campaign.⁹⁶ Rumors were started that Confederate sympathizers, both in the U.S. and Canada, were pleased with McClellan. Wade gave a public speech comparing McClellan to a wood chuck and arguing that his only real skill was the building of fortifications; which carried strong implications that McClellan was a coward.⁹⁷ These speeches, along with the fervor they inspired in a government that was becoming increasingly frustrated with McClellan, played no small part in the decision President Lincoln had before him.

At the urging of the JCCW, and others, President Lincoln did eventually replace McClellan as general in chief with Halleck, and General Pope's star seemed to be on the rise in the east, with his appointment to the nearby Army of Virginia. With new and aggressive leadership in place, the committee had helped to create a situation where the Union could now effectively strike at their enemy. However, Pope's rising star would instead be dimmed by McClellan's interference. Many of General McClellan's men were ordered to be transferred to the Army of Virginia, which had already began an offensive southward, yet McClellan again and

⁹⁵ Pierson, *Zachariah Chandler*, 228.

⁹⁶ *Ibid.*, 198.

⁹⁷ Tap, "Amateurs at War", 10.

again, for seven weeks, found reason to refuse the direct orders of his superiors to move in support of Pope and catch Lee's army in a pincer.⁹⁸

There were certainly reasons for McClellan's distaste for General Pope. When Pope was assigned to the Army of Virginia, he pressured the soldiers to forget their trainings and attitudes towards such things as fortifications and lines of retreat, making a less than subtle reference toward McClellan.⁹⁹ Additionally, Pope's stance on the issues of slavery, loyalty, and the treatment of civilians could not have differed from McClellan's more. Under Pope, the Army of Virginia took supplies from civilians, punished them for guerrilla activities, and demanded oaths of allegiance from men in Union controlled Confederate territory.¹⁰⁰ While this earned him the condemnation of General Lee, it also drew the ire of conservatives like McClellan.

Seeking to urge McClellan to move his men, Halleck personally visited him on July 26, 1862. McClellan, per his typical complaints, stated that he did not have the manpower to move against Lee, again citing vastly over embellished enemy strengths as the reason he so desperately needed reinforcement. After agreeing to supply McClellan with an additional 50,000 men, in exchange for action, Halleck returned to Washington only to find a telegram waiting for him that advised Halleck that McClellan would need 55,000 men instead.¹⁰¹ Halleck knew at that point that there were no numbers that would realistically drive McClellan to do his duty and move against Richmond.

In the preceding days of the Battle of Bull Run (Second Manassas), McClellan was repeatedly sent telegrams from Halleck, urging him to move his men in support of Pope by forced marches. Messages on August 27 make it explicit that General Franklin had to begin his

⁹⁸ Bonekemper, *McClellan and Failure*, 94.

⁹⁹ *Ibid.*, 102.

¹⁰⁰ *Ibid.*, 103.

¹⁰¹ *Ibid.*

movement immediately, both to support Pope and to deliver current intelligence to him regarding Confederate movement and strength. Each time, McClellan telegraphed back that Franklin's army needed further time to ready for one reason or another.¹⁰² As the exchanges between McClellan and Halleck continue, it becomes increasingly clear that Halleck is getting frustrated by McClellan's hesitance. When McClellan asked Halleck how far Franklin's men should advance, he received back:

I want Franklin's corps to go far enough to find out something about the enemy...Try to get something from the direction of Manassas, either by telegram or through Franklin's scouts. Our people *must* move more actively, and find out where the enemy is. I am tired of guesses.¹⁰³

McClellan's dismissive attitude toward Pope's plight, being increasingly cut off from reinforcements and communication by Lee, was not just contained to the movement of his army, but to his advice on strategy. Writing to the President, McClellan makes the suggestion that the best course of action available to him might be to leave Pope to his fate so that his army might better secure Washington, urging the President to make his orders to him clear, since delay could be disastrous then.¹⁰⁴ While this communication makes him seem concerned over the fate of his contemporary, a letter to his wife shows a different McClellan, one jubilant at the struggles of Pope and rejoicing at the prospect of the necessity of them needing him to rescue the Army of Virginia.¹⁰⁵

Despite his protests, McClellan could have easily reinforced Pope. The testimony of Brigadier General Hermon Haupt stated that McClellan's movement from Alexandria to Manassas could have been in a quarter of the time McClellan took, simply by marching instead

¹⁰² JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 32.

¹⁰³ *Ibid.*, 34.

¹⁰⁴ *Ibid.*

¹⁰⁵ Tap, *Over Lincoln's Shoulder*, 132.

of waiting for transportation to be secured.¹⁰⁶ While Haupt admits that he did not, personally, know the reasons for McClellan's delay, he testified that the railroads had been strained to their limit and that they were not in position to properly support mass troop movement, something McClellan, who had so recently been general in chief, should have understood.¹⁰⁷ Instead, he delayed until circumstance worked in his favor to give his hesitance justification.

On the 27th of August, George Taylor, leading soldiers from New Jersey and Ohio by rail to the area around Manassas, was ambushed by General Jackson's soldiers. In the fighting, Taylor was slain. This was the incident that McClellan needed to justify his own actions. In his mind, how could he justify moving his men recklessly in the area when disaster had already struck a Union leader who had done the same?¹⁰⁸

With a renewed sense of caution, McClellan continued to buy time and keep his army from advancing. He suggested alternative soldiers to use. He suggested, again, that he should be redirected to the defense of Washington, where corps could be dispatched at a later date to try again. He insisted that the Union did not have the numbers to make contact with Pope beleaguered forces, which they had yet to even find.¹⁰⁹ All the while, time, and men, was being spent.

Halleck, McClellan's only overt superior, was unfortunately too distracted to properly handle his rogue subordinate. Dealing with the increasingly unsettled situation in the West, and in overseeing the recruitment of fresh soldiers, Halleck had the time to respond to less and less of McClellan's messages. Eventually, Halleck made a disastrous decision. Ending one of his telegrams to McClellan was, "I have no time for details. You will therefore, as ranking general in

¹⁰⁶ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 384.

¹⁰⁷ *Ibid.*, 684.

¹⁰⁸ Bonekemper, *McClellan and Failure*, 114.

¹⁰⁹ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 34-35.

the field, direct as you deem best...”¹¹⁰ With this McClellan was given all of the authority he needed to effectively abandon Pope, which he proceeded to do so with his usual string of excuses about enemy strengths, which were grossly inflated, and his own weakness, which was often blatantly false.¹¹¹ Due to this oversight on Halleck’s part, McClellan was able to waste a further day in delaying his movement toward Pope. By the end of the 28th, Halleck had issued four orders to McClellan to move his men toward Manassas. By the end of the 28th, little to no movement had been made at all. The final telegram made it clear that McClellan was to dispatch Franklin’s corps, regardless of its readiness, the following morning. McClellan stated that they would be on the march by six.

While Franklin’s men did set out as ordered, McClellan continued to buck Halleck’s imperatives. One communication stated that Franklin should only advance as far as Annandale, a mere halfway to their destination.¹¹² McClellan even contacted President Lincoln, asking him for direction and offering suggestions that were directly against his standing orders, which had been issued six times by this point, like a child asking his mother permission after his father had told him no. Lincoln answered back that he favored the forward movement and that Halleck was ultimately in charge.¹¹³ Despite these clear directives, McClellan did order Franklin to halt at Annandale, an act that Halleck, when he found out the following morning, would refer to as disobedience and would request McClellan to discover the reason of.¹¹⁴

McClellan replied that night:

It was not safe for Franklin to move beyond Annandale, under the circumstances, until we knew what was at Vienna. General Franklin remained here until about 1 p. m., endeavoring to arrange for supplies for his command. I am responsible for both these circumstances, and do not see that

¹¹⁰ Bonekemper, *McClellan and Failure*, 114.

¹¹¹ *Ibid.*, 115.

¹¹² *Ibid.*, 116.

¹¹³ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 34.

¹¹⁴ *Ibid.*

either was in dis obedience to your orders. Please give distinct orders in reference to Franklin s movements of to-morrow. In regard to tomorrow's movements I desire definite instructions, as it is not agreeable to me to be accused of disobeying orders, when I have simply exercised the discretion you committed to me.¹¹⁵

Here we see a number of telling things. First, McClellan slips up and reveals that Franklin had no actually left Washington when ordered. Second, McClellan again asks for orders with regards to the movement of Franklin's brigade. By now, McClellan had been informed of those orders no less than seven times from Halleck and even once from Lincoln. This contempt for his superiors and civilians, and, ultimately, anybody he disagreed with, is characteristic of McClellan's entire Civil War career. Lastly, we see McClellan's motivation in his final sentences. He is looking to establish blame in case the situation in Manassas turns out to be as dismal as he suspected. Rather than be concerned with his men, both currently serving in the Army of the Potomac and having been transferred to the Army of Virginia, McClellan is more concerned with how these actions will affect his public perception.

The 30th would prove decisive for Pope's forces around Manassas, with brutal fighting inflicting horrendous casualties on both sides while the Army of Virginia was driven backwards. While Pope and Lee had both operated with armies of relatively equal size, roughly 55,000 men each¹¹⁶, both commanders had differing objectives. Lee was forced onto the offensive, seeking to destroy Pope's army before it could link up with other Union forces, most importantly McClellan's Army of the Potomac.¹¹⁷ Pope, on the other hand, merely had to hold out until promised reinforcements arrived in the area and secured him the sufficient numerical advantage needed to break Lee and Jackson, which would have opened the way to Richmond. Pope was playing for time, operating under the good faith assumption that his promised aid was on its way.

¹¹⁵ Ibid.

¹¹⁶ McPherson, *Battle Cry of Freedom*, 526.

¹¹⁷ Tap, *Over Lincoln's Shoulder*, 131.

This good faith would not be repaid. As McPherson would put it, “Thus two of the best corps in the Army of the Potomac remained within marching distance of Pope but took no part in the ensuing battle.”¹¹⁸ The other regiment was commanded by Fitz-John Porter, a friend of McClellan’s.

There is conflict between reports from McClellan to Halleck, and letters sent to McClellan’s wife, regarding Franklin’s corps and their involvement in the battle. While McClellan claimed to Halleck that his men had arrived and then fallen back, the letters to his wife state that Franklin had not arrived at all and, instead, took up station at Centerville.¹¹⁹ This tiny bit of deception increasingly seems in keeping with the character of the man whose own soldiers did not hesitate to display public contempt to the retreating men of Pope’s army.¹²⁰

Why would McClellan do such a thing? Was it out of genuine fear for the safety of Washington, or for the lives of the men under his command? Certainly some of McClellan’s communications seem to indicate this but a letter to his wife seems to indicate an ulterior motive. “If Pope is beaten they may want me to save Washington again. Nothing but their fears will induce them to give me any command of importance.”¹²¹ This raises the possibility that General McClellan knew, or at least fathomed, the consequences of his actions and might have even desired them, knowing it would put him into an ideal position to play the role of hero and save Washington from the Confederate attack that might follow their success at Manassas.

McClellan’s failure at Manassas did not go unnoticed by the wider nation. The *New York Tribune* reported that the nation’s army had been defeated by a better led but ultimately inferior army, concluding that the real reason for the army’s defeat was the treasonous behavior of

¹¹⁸ McPherson, *Battle Cry of Freedom*, 528.

¹¹⁹ Bonekemper, *McClellan and Failure*, 119.

¹²⁰ *Ibid.*

¹²¹ McPherson, *Battle Cry of Freedom*, 528.

Pope's subordinates that failed to follow orders.¹²² President Lincoln did not hesitate to describe McClellan's behavior with such severe terms as "shocking", "atrocious", and "unpardonable."¹²³ Lincoln had revealed in a conversation with John Hay that he knew of McClellan's desire for Pope to fail.¹²⁴ Amongst Lincoln's cabinet Stanton and Secretary of the Treasury Chase joined with Attorney General Bates and Secretary of the Interior Caleb Smith in writing a letter condemning the actions of McClellan. The Secretary of the Navy, Gideon Welles, signed a similar, if less pointedly worded, statement, in order to make it clear that his opinion was aimed specifically at McClellan, rather than the Lincoln administration.¹²⁵ Lincoln even went so far as to request that General Burnside assume McClellan's command. Burnside, a friend of McClellan's, naturally refused.

With these facts in mind, it seems almost ludicrous that the President would not only maintain McClellan's presence in the army but he would additionally merge the Army of Virginia back into the Army of the Potomac and appoint McClellan in charge. Still, there were a few considerations that seem to justify Lincoln's decisions.

First, McClellan was popular amongst his troops, who now, with the heavy casualties of the fighting at Manassas, represented the majority. In part this was because Second Bull Run seemed a vindication of McClellan's more cautious style of warfare over the more aggressive stance favored by Pope, and the radical members of the Republican Party. Where it seemed McClellan had brought the Army of the Potomac to the doorstep of the Confederacy's capital and successfully back again, Pope had lead the Army of Virginia in a fruitless and deadly adventure against an enemy that had triumphed unequivocally. To those uninformed of the little

¹²² Bonekemper, *McClellan and Failure*, 119.

¹²³ *Ibid.*, 120.

¹²⁴ Allan Nevins, *Ordeal of the Union, Volume VI* (New York City: Charles Scribner's Sons, 1947), 185.

¹²⁵ Tap, *Over Lincoln's Shoulder*, 133.

details that hindsight offers, McClellan seemed justified in his constant hesitance to engage the enemy. Sadly, this would add a legacy to the Army of the Potomac where they would henceforth fight to survive their enemy instead of attempting to achieve victory over them.¹²⁶

Second, if McClellan had demonstrated one thing during his tenure with the Army of the Potomac it was his skill with fortifications, training, and defensive warfare in general. With Lee's victorious army within a short distance of Washington, it makes a large degree of sense to place the man most adept on the defensive in charge of protecting the capital. In Lincoln's words, "If he can't fight himself, he excels in making others ready to fight."¹²⁷

Lastly, but perhaps most importantly for President Lincoln, was the political consideration. The Democrat Party had become despondent over recent trends in Washington that they had interpreted as Lincoln moving in a more radical direction, including the appointment of Pope initially.¹²⁸ With the reappointment of McClellan, Lincoln demonstrated that he was willing to distance himself from his own party and adopt a more conservative stance. Considering that Lincoln had recently penned the Emancipation Proclamation, almost as extreme a document as the political right could dream of, and was merely waiting for a politically advantageous moment to issue it it behooved the President to shore up his political strength on both sides of the aisle.

To say that the JCCW and other radicals were outraged by McClellan's reappointment would be an exercise in understatement. Lyman Trumbull, a senator from Illinois and eventual coauthor of the Thirteenth Amendment, referred to it as treason.¹²⁹ Zachariah Chandler suggested to the senator that a council of governors could enforce their will on President Lincoln

¹²⁶ Michael C. C. Adams, *Fighting for Defeat: Union Failure in the East, 1861-1865* (Lincoln, NE: University of Nebraska Press, 1992), 101.

¹²⁷ McPherson, *Battle Cry of Freedom*, 533.

¹²⁸ Tap, *Over Lincoln's Shoulder*, 133.

¹²⁹ *Ibid.*, 134.

by voicing concerns that Lincoln's stance could cause recruitment to suffer. Chandler wrote to both Chase and Stanton, seeking some way to effect this situation and both reported back to him that neither had been aware that Lincoln was going to make this decision and that they were unable to change the situation. This reappointment was particularly frustrating for the committee, who had been trying to get him either removed from command or at least to take action against the enemy since December 1861, only to see him raised up in part because he was in the right place at the right time and in part because he had engineered his political opponents defeat, at the cost of 16,000 soldiers.¹³⁰

Chandler specifically would not soon forget the insubordinate actions of General McClellan toward Pope. When General Grant would later become General-in-Chief, Chandler would write to Secretary Stanton that Grant should be furnished with a list of all officers in that had displayed insubordinate tendencies while working with McClellan in the Army of the Potomac, with the assumption being that Grant would be able to position them where they would do the least damage to the army.¹³¹ When Stanton, who had initially agreed to provide this list, failed to do so, Chandler wrote such a list himself and had it delivered by Major General Washburn.

Thankfully, for the Union war effort, McClellan's reappointment was seemingly the correct decision for the President; even if McClellan's own previous mistakes should have made it unnecessary. General Lee, unwilling to simply rest on his laurels following Manassas, moved into the North and McClellan, goaded by orders from the President, moved to counter him with a celerity he had previously not displayed. Along the way, McClellan would waste an opportunity to best Lee's divided army after discovering a copy of Lee's dispersion orders, and promptly sat

¹³⁰ Ibid.

¹³¹ Pierson, *Zachariah Chandler*, 240.

on it for eighteen hours before sending his cavalry to confirm if Lee's orders had been obeyed, again cowed by the assumption that Lee possessed far more men than he did.¹³² When the armies meet at Antietam, McClellan would allow delay to cost him numerous advantages in the battle. His reports to Halleck display all of the hallmarks of McClellan, assertions that he was gaining ground, when he was not, pleas for reinforcements against a more numerous enemy, that he actually outnumbered, and assurance that his reserves were dwindling, when they consisted of twenty thousand men.¹³³ Still, despite his mistakes, McClellan snatched victory from the jaws of defeat and sent General Lee into retreat, securing the North and cementing his reputation amongst his supporters as a hero of the Union. "In spite of McClellan's ineptitude, Lee lost 10,000 men, 31 percent of his force, at Antietam, including missing..."¹³⁴

Unfortunately, this victory was not taken advantage of. For the next day, against the advice of his generals, Lee chose to keep his force at Sharpsburg. Here, McClellan could potentially have destroyed the remaining strength of Lee's army and helped to bring the war to its conclusion substantially earlier. "Remaining at Sharpsburg gained Lee nothing and would have cost him his army had a general other than McClellan been commanding the Union forces that day."¹³⁵ All it would have taken was a general willing to press the attack on the wounded Confederates.

Even General Burnside was willing to relate to the JCCW that he would have been willing to attack Lee's forces if he could have just been furnished with five thousand more men.¹³⁶ Shortly Burnside would find himself reinforced with a division under the command of

¹³² Bonekemper, *McClellan and Failure*, 129.

¹³³ *Ibid.*, 138.

¹³⁴ Alan T. Nolan, *Lee Considered: General Robert E. Lee and Civil War History* (Chapel Hill, NC: The University of North Carolina Press, 1996), 81.

¹³⁵ Bonekemper, *McClellan and Failure*, 141.

¹³⁶ JCCW, *Report of the Joint Committee on the Conduct of War, In Three Parts, pt. 1*, 42.

General Morell, which he estimated to be about that strength, with accompanying letters to not attack. While the attack would commence the next day, Burnside would testify to the committee that the delay is what allowed the Confederate forces to escape and that the attack he had planned and explained to McClellan would have been disastrous to the Confederates.¹³⁷

Why did McClellan hold back instead of pressing his sixty thousand man strong army, including several thousand fresh reserves, against the exhausted and inferior thirty thousand Confederates? Again, McClellan was exercising caution. While no other Confederate force was in the region and the Army of the Potomac strong enough to take advantage of Lee's defeat, McClellan feared the results if Lee were allowed to operate so close to Washington unopposed if McClellan had pressed the attack and failed.¹³⁸ Burnside was not the only General taken aback by this hesitance, General Meade also wrote of his expectation that the army would have moved forward on the 18th.¹³⁹ Halleck would write to the President that that movement of the army on the 19th and 20th, the two days following the battle, were a source of disappointment and regret.¹⁴⁰

What McClellan was not prepared for, given his recent success, was that this success would play right into the JCCW's hands. Since the beginning of the war, the JCCW, and all of the radical members of the Republican Party, had urged the President to issue an emancipation proclamation. The President finally sought to do so on September 22 and McClellan was as disposed toward it as the JCCW was inversely so.¹⁴¹ While McClellan issued general orders to his army to enforce the new law, he did so while spreading his contempt in other venues,

¹³⁷ Ibid., 43.

¹³⁸ George Briton McClellan, *The Army of the Potomac: Gen. McClellan's Report of its Operations While Under his Command; with Maps and Plans* (New York City: G.P. Putnam, 1864), 635.

¹³⁹ George Meade, *The Life and Letters of George Gordon Meade, Major-General United States Army* (New York City: Charles Scribner's Sons, 1913), 311.

¹⁴⁰ Bonekemper, *McClellan and Failure*, 144.

¹⁴¹ Ibid., 145.

insinuating that the proclamation was a mistake and that it would eventually be fixed by the American people at the election poles, a possible reference to his own later political ambitions.

McClellan's remaining time in military leadership was coming to a close. With the Emancipation Proclamation's issuance, the political wind was now firmly against him and more time spent refusing to advance his army into Virginia, again under the pretenses that the enemy's strength was too great for his numbers to overcome, meant that Lincoln had come to a place where he was merely waiting for a politically advantageous time to rid himself of McClellan.¹⁴² On November 7th, with the fall elections behind him, Lincoln did just that and, militarily, McClellan would effectively sit out the remainder of the war.

The JCCW's campaign against McClellan had finally given fruit, but some might argue that the committee did not deserve credit for this accomplishment. "Certainly it would give them too much credit to say that their influence brought about McClellan's removal."¹⁴³ Trefousse was a bit more forgiving to the JCCW though, "That the radicals had won a great victory was obvious...In view of the general's military deficiencies, the country was the net gainer."¹⁴⁴ Whether the JCCW was the cause of Lincoln's action or not though, it cannot be denied that they had worked tirelessly to keep the issue of the Young Napoleon's actions alive and at the forefront of the President's mind.

Was the JCCW correct in going after McClellan at all? The answer to this can only be an unmitigated affirmative. With the exception of the times McClellan was called upon to protect the capital, his times as general in chief and commander of the Army of the Potomac were laced with examples of hesitancy and fear holding back the army from accomplishing its goals. On the Peninsula, he came within striking distance of capturing Richmond and removing the

¹⁴² Tap, *Over Lincoln's Shoulder*, 135.

¹⁴³ *Ibid.*, 137.

¹⁴⁴ Trefousse, *The Radical Republicans*, 192.

Confederate capital from the fight in what could very well have been the coup of the whole war. Shortly afterwards, he intentionally sabotaged his fellow general, and cost the army thousands of lives, in order to secure his own career and fame. In between these actions, there were vast stretches of inactivity where the Confederacy was allowed to dictate the course of the war. Certainly General Lee was sad to see McClellan removed, writing, “I fear they may continue to make these changes till they find some one whom I don’t understand.”¹⁴⁵ It does not speak well for a general when your opponents are sad to see you go because they understood you, particularly when the understanding was so clearly not reciprocated.

Then there is the question of McClellan’s loyalty. Beyond the betrayal of Pope’s army, McClellan’s career was infested with accusations of disloyalty. While many of these can clearly be waved off as the standard politicking between leaders, the quantity of them demands consideration, at least in so far as they shed some light upon McClellan’s motivation. Major John J. Key spoke to the President of his observations that McClellan had deliberately failed to capture the Confederate army at Antietam so that the Union would not be able to abolish slavery.¹⁴⁶ According to him, the policy amongst certain army officers was that both sides of the war would exhaust themselves and that time and frustration would force the Union to accept a compromise on the issue of slavery.

Regardless of the value of the theories of conspiracy, time and frustration had almost given the Confederacy just that sort of victory. Pro-peace democrats had increasingly grown displeased with the pace of the war, ironically a pace set by one of their own, and used it to help them secure a number of congressional victories.¹⁴⁷ The wider world was feeling much the same

¹⁴⁵ James Longstreet, *Battles and Leaders of the Civil War: The Invasion of Maryland* (Cambridge, MA: Charles River Editors, 2011).

¹⁴⁶ Trefousse, *The Radical Republicans*, 201.

¹⁴⁷ Tap, *Over Lincoln’s Shoulder*, 138.

as the U.S. and in mid-1862, both France and Great Britain were considering making offers of Confederate recognition and mediation.¹⁴⁸ This consideration was based strongly on the increasingly favored viewpoint that Union armies would be unable to restore the nation by force alone, which worried Europeans as they were starting to feel the lack of southern cotton in their home countries. Given more time, this movement, both home and abroad, could have grown into a large enough faction to have allowed the Confederacy to successfully sue for peace and proclaimed the war a victory. Certainly it represented the Confederacy's greatest hope to win the war.

Who could have replaced McClellan in command? Like President Lincoln stated, he may not like McClellan but he had to have somebody in command. However, the JCCW was not without ideas regarding who should command the Army of the Potomac. First on their list, and recommended before the launch of the Peninsula Campaign, was Major-General McDowell.¹⁴⁹ McDowell, an energetic and intelligent general often down on his luck, had commanded at the disastrous first Battle of Bull Run, where the failure did not result from his plans but with the inexperience of the army to carry out such complex maneuvers.¹⁵⁰ He could have made an effective substitute for McClellan, who would have been better served with a permanent post around Washington, where his admitted expertise in training and defensive warfare would have kept the capitol secure and new recruits well trained. A more aggressive McDowell, in charge of the Peninsula Campaign, might have effectively won the war then and there. Stanton, prior to the Peninsula Campaign, offered the job to Ethan Allan Hitchcock, who turned him down but would

¹⁴⁸ McPherson, *Battle Cry of Freedom*, 546.

¹⁴⁹ Tap, *Over Lincoln's Shoulder*, 106.

¹⁵⁰ McPherson, *Battle Cry of Freedom*, 335.

go on to chair the War Board and act as both Stanton and Lincoln's official military advisor.¹⁵¹ Hitchcock would be largely responsible for developing the bureaucracy in Washington into the body it would need to be to win the war but he turned the job offer down, and the nation was worse for it.¹⁵²

Regardless, that the JCCW was at least partially responsible for the twilight of McClellan's military career is not in doubt, nor is the fact that the nation was benefited by it. With McClellan out of command, the road began to be paved for the likes of more aggressive and skilled generals, such as Ulysses S. Grant, who was eight months away from achieving noteworthiness for his victories in Vicksburg by doing things McClellan repeatedly espoused as impossible, such as living off the countryside while facing a stronger enemy. Their fierce resistance to McClellan helped to force the military into action, inflicting heavy casualties upon the Confederacy and resulting in a situation where the Emancipation Proclamation, another initiative strongly supported by the JCCW, would put the death nail in any chance of European recognition for the Confederacy.¹⁵³ For these results alone, the JCCW stands deserving of recognition for their contribution to the war effort.

¹⁵¹ Allan R. Millett, Peter Maslowski, and William B. Feis, *For the Common Defense: A Military History of the United States* (New York: Free Press, 2012), 202.

¹⁵² Tap, *Over Lincoln's Shoulder*, 115.

¹⁵³ Allen C. Guelzo, *Lincoln's Emancipation Proclamation: The End of Slavery in America* (New York: Simon and Schuster, 2004), 254.

Chapter III

A Righteous Cause: War Crimes of the Confederacy

Giving his testimony before the JCCW, Thomas Adison, a colored private of the 6th United States Heavy Artillery, recounted, “I heard them shoot little children not more than that high, [holding his hand off about four feet from the floor,] that the officers had to wait upon them.”¹⁵⁴ This statement establishes the tempo of the two reports delivered by the Joint Committee on the Conduct of the War (JCCW) during the Thirty-Eighth Congress. While the JCCW had always tried to utilize the power disclosing information from their investigations could bring them to benefit the war effort, these investigations were perhaps their most effective. Where previous investigations, such as those that looked into the Army of the Potomac, could be divisive amongst Union military leaders or controversial on a political scale, these investigations focused entirely on the actions of the Confederacy and their treatment of Union soldiers, both black and white. This made it easier for their reports to have a positive effect on Union morale and determination to win the war, as soldiers are more willing to fight, and potentially die, if their cause is a righteous one and their enemies are villains, which is exactly the picture these reports paint.

The first report, released in May of 1864, focused on the massacre at Fort Pillow, in Tennessee, with much of the testimony coming from the few survivors amongst the soldiers who had been stationed there. Of the 292 black soldiers stationed at Fort Pillow, only twenty-five were taken prisoner.¹⁵⁵ Based on witness testimony, many of these were killed after the fighting had finished and Union forces had surrendered.

¹⁵⁴ Joint Committee on the Conduct of the War, *Fort Pillow Massacre*, 38th Cong., 1st sess., 1864. H. Rep. 65, 20.

¹⁵⁵ Tap, *Over Lincoln's Shoulder*, 193-4.

The second report, also released in May of 1864, details the treatment of returned prisoners of war. Its timing, coming along at the same time as the report on Fort Pillow, is not a coincidence. Secretary Stanton, knowing the effect that such a report could have on Union morale, directly suggested the investigation to the committee.

The enormity of the crime committed by the rebels towards our prisoners for the last several months is not known or realized by our own people, and cannot but fill with horror the civilized world when the facts are revealed.¹⁵⁶

The incidents at Fort Pillow and with the return of prisoners of war were not the first accusations leveled at the Confederacy with regards to war crimes, but they were certainly the most colorful and well documented. Coming hard and fast off of each other, the two reports ultimately served their purpose, a purpose the JCCW had been working toward since the war's inception, preparing the Union to undergo a total war.

Fort Pillow had originally been constructed by the Confederacy to allow them to control a section of the Mississippi River, which it overlooked from the bluffs that it occupied. This ambition had never been realized though, because three months after construction it was forced to be abandoned after the Union capture of Corinth, Mississippi, threatened the forts lines of retreat.¹⁵⁷ The Union never had a great need for it as a military outpost that the Confederacy had hoped to use it as, but it did help to serve as a secure point for a trading outpost that could help to supply soldiers moving into the interior of the Confederacy. This same benefit, according to General Sherman, also made it a tempting prospect for Confederate raiders looking for plunder.

Shifting from a grand battle strategy to one favoring the demoralization of the Confederacy through destruction of infrastructure, General Sherman had originally ordered the fort abandoned so that its garrison could support other elements of Sherman's army for the

¹⁵⁶ Williams, *Lincoln and the Radicals*, 345.

¹⁵⁷ Derek W. Frisby, *Black Flag Over Dixie: Racial Atrocities and Reprisals in the Civil War*, ed. Gregory J. W. Urwin (Carbondale, IL: Southern Illinois University Press, 2005), 107.

Meridian campaign.¹⁵⁸ Major General Stephen A. Hurlbut would disobey those orders, ordering the 14th Tennessee Cavalry to remain behind, along with the two colored artillery regiments, to operate the fort as a recruitment post for African Americans to serve as Union soldiers. The black soldiers that occupied the fort were familiar with the potential consequences of their actions, because the Confederacy had threatened to kill, or worse, any black soldiers serving with the Union military, including a decree by Jefferson Davis that all black Union soldiers would be treated as escaped slaves.¹⁵⁹

On April 12, 1864, 1,500 Confederate soldiers, under the command of Brigadier General James Chalmers (General Forrest's second in command), surrounded the fort and began firing into it from nearby heights.¹⁶⁰ This sniper fire forced the Union soldiers to stay down and prevented them from adequately observing their enemy, who was quickly moving into a position to assault the fort's defenses. With little apparent hope for respite, the fort was given the opportunity to surrender, which its commanding officer, then Major Bradford, refused, despite General Forrest informing him that a refusal to surrender would result in the Confederates giving no quarter.¹⁶¹ Under the flag of truce, the offer for surrender was given two more times, and both times Bradford refused to surrender the fort, perhaps due to the race of the majority of his soldiers.

Besides the immediate threat of no quarter, the Union soldiers knew the threat that hung over their head. The mere act of enlisting African Americans as soldiers was of the utmost controversy within the Confederacy. The official policy of the Confederacy not only refused to

¹⁵⁸ William Tecumseh Sherman, *Memoirs of General W.T. Sherman* (New York City: Library of America, 1990), 470.

¹⁵⁹ Woodworth, *This Great Struggle*, 247.

¹⁶⁰ Frisby, *Black Flag Over Dixie*, 110.

¹⁶¹ Bruce Tap, *The Fort Pillow Massacre: North, South, and the Status of African Americans in the Civil War Era* (London: Routledge, 2013), 45.

acknowledge them as prisoners of war, with all of the albeit meager protections that offered, but instead saw them as recovered slaves, able to be returned to bondage.¹⁶² Their white officers would not have been excluded from this however, since the law would have seen them as fomenting a slave rebellion and would have charged them in court for such, which typically carried the death penalty. Every Union soldier in that fort had more to lose than they might typically have on the battlefield.

In his testimony to the JCCW, Captain Marshall, of the nearby gunboat *New Era*, stated that the Confederates spent the time under truce to move to new positions to better attack the fort.¹⁶³ According to his testimony, the only reason he refused to give the order to fire upon the Confederates, who were in full view of his gunship, was because he feared the result, for the soldiers in the fort, if he were to be identified as having broken the truce. Still, he used the time to better position himself to support the fort should the fighting continue. However, it was not to be, when the Confederates seized the fort, Marshall reported that they immediately turned the fort's gun on him and he was forced to retreat or risk being sunk.¹⁶⁴ His account holds that the Confederates continued firing upon the Union soldiers for at least twenty minutes after the Union flag had fallen.

This hint at brutality matches those testimonies given to the JCCW by other Union soldiers that were there. Lieutenant Leming, who served as the courier between Forrest and Bradford, testified that the men of the fort held out bravely against the Confederate assault, with those soldiers that broke typically being the ones without a commissioned officer left alive to lead them.¹⁶⁵ Eventually the entire defense collapsed and soldiers began running for the river,

¹⁶² Woodworth, *This Great Struggle*, 247.

¹⁶³ JCCW, *Fort Pillow Massacre*, 5.

¹⁶⁴ *Ibid.*, 86.

¹⁶⁵ *Ibid.*, 39.

toward the potential safety of the gunboat, with its powerful guns and possibility of escape.

According to Leming, that was when the Confederates broke from military tradition and continued their assault.

The negroes ran down the hill towards the river, but the rebels kept shooting them as they were running; shot them again after they had fallen; robbed and plundered them. After everything was all gone, after we had given up the fort entirely, the guns thrown away and the firing on our part stopped, they still kept up their murderous fire, more especially on the colored troops, I thought, although the white troops suffered a great deal.¹⁶⁶

Other testimony from witnesses reads similarly. Multiple accounts state that the Confederate soldiers shouted “No quarter” during the battle. Some soldiers, after the surrender, were buried despite being alive, though this could be attributed to them being too successful at playing dead in many cases. Others were shot after dropping their weapons, sometimes at the encouragement of other Confederates. Lieutenant Leming testified of one soldier being shot trying to board a transport after surrendering. “The colored soldier said he wanted to get on the gunboat. The secesh soldier said: “You want to fight us again, do you ? Damn you, I’ll teach you,” and drew up his gun and shot him dead.” Soldiers were in buildings that were burned down. Many of the testimonies were given by soldiers whose survival required them to pretend that their wounds were fatal before making their escape.

The next morning, Captain Marshall came ashore under the flag of truce to help the wounded and bury the dead, his team of ten burying between seventy and eighty men.¹⁶⁷ He claimed to have seen bodies burned in places that did not make sense for a burning building or tent to have caused the damage to their bodies, insinuating that the soldiers had been executed with fire. His testimony also includes his observation that some of the dead looked like hospital

¹⁶⁶ Ibid.

¹⁶⁷ Ibid., 88.

patients, by their clothing and condition, having been killed a mere hundred and fifty yards from the hospital as they attempted to run away.

The most gruesome testimony comes from Eli A. Bangs, acting master's mate of the *New Era*, and Charles Hicks, as well as confirmed by two other crewmen of the *New Era*. They stated that, when having to move bodies for burial, they found several had been nailed to boards and appeared to have burned to death.¹⁶⁸ From such testimony, it is simple to conclude that the men had been nailed down so that they could not escape their death; that they were alive when they were put to the flame.

Little doubt can be had that the report on the massacre at Fort Pillow did not inspire fervor for victory in Washington. While President Lincoln was skeptical of the report, and desired to give the Confederacy time to officially disavow the massacre, his biggest problem with the incident was making certain that the Union did not stain its own hands by committing equally evil acts in revenge.¹⁶⁹ Lincoln's cabinet was split; Stanton, Chase, Seward, the Secretary of State, and Usher, the Secretary of the Interior, were firmly in the camp for retaliation, while Bates, Welles, and Blair, the Postmaster General, were opposed to such an idea on the grounds that it would be both ineffective and without precedent.¹⁷⁰ Stanton, armed with the additional knowledge gleaned from his own investigation as Secretary of War, was the most adamant of the supporters for retaliation, taking it upon his own authority to cut rations to Confederate prisoners by twenty percent.¹⁷¹ Chase desired that immediate reprisals be taken against the highest ranking Confederate prisoners in Union possession.¹⁷²

¹⁶⁸ Ibid., 90-92.

¹⁶⁹ Frisby, *Black Flag Over Dixie*, 121.

¹⁷⁰ Tap, *Over Lincoln's Shoulder*, 200.

¹⁷¹ Ibid., 205

¹⁷² Ibid., 201.

“The effect was predictable. The nation’s determination to overcome the perpetrators of these disasters could only be increased by the committee’s propaganda.”¹⁷³ The report helped to prepare the nation for the total war to come, dehumanizing their opponents. This shift was a difficult prospect for a nation that began the war with the aim of restoring the Union. While previous efforts, such as the JCCW’s investigation into McClellan, had centered on influencing the powerful in Washington toward their perspective, this report helped to influence the common citizen.¹⁷⁴ President Lincoln had resisted General Grant’s insistent requests to utilize harsher measures to bring the war to its conclusion but the shifting perspective on the Confederacy meant that Lincoln’s hand was slowly being forced.

The President would take one immediate action in response to Fort Pillow. Lincoln required the Confederacy to treat black soldiers the same as white soldiers, with regards to prisoner exchanges. The Confederacy refused to accept such demands and, for a time, the exchanges of prisoners between the two nations stopped, leading to overcrowding in Confederate prison camps.¹⁷⁵ This deterioration would cost several Union soldiers their lives, as conditions in those prisons deteriorated as a result.

Many in the military wished to make reprisals upon Confederate soldiers held prisoner. General Chetlain, who was a recruiter of African American soldiers in Memphis, wrote to Illinois congressman Elihu Washburne, “This is the most infernal outrage that has been committed since the war began.”¹⁷⁶ He reported that himself and many of his African American soldiers were eagerly looking forward to news of what the consequences would be for the Confederacy.

¹⁷³ Trefousse, *The Radical Republicans*, 253-254.

¹⁷⁴ Frisby, *Black Flag Over Dixie*, 125.

¹⁷⁵ *Ibid.*, 121.

¹⁷⁶ Bruce Tap, “These Devils Are Not Fit To Live On God’s Earth: War Crimes and the Committee on the Conduct of the War, 1864-1865,” *Civil War History* 42, no. 2 (June 1996): 116.

African Americans had been able to contribute directly to the war effort for some time before Fort Pillow. Lincoln signed the Militia Act of 1862, which allowed African Americans to serve in the army for non-combat roles, though at a significantly reduced pay compared to white soldiers. Critics of this passage saw it as simply a slide toward African Americans in combat roles and, to an extent, they were right.¹⁷⁷ The Militia Act would, as the military situation became more favorable, allow for the Confiscation Act and, eventually, the preliminary Emancipation Proclamation, with each expanding the freedoms of African Americans piece by piece, while demonstrating that the aims of the war were subtly moving in a different direction. The final Emancipation Proclamation would finally authorize African Americans to serve in combat roles, allowing the Union to tap into a previously ignored source of needed manpower.

The news of Fort Pillow influenced African American recruitment substantially.¹⁷⁸ While members of the committee had long been advocates of the use of African-American soldiers, the publication of the report gave fresh and powerful ammunition to recruiters, such as James T. Ayers, who utilized it in their recruitment speeches and borrowed from poetry inspired by the massacre. Newspapers such as *Harper's Weekly*, who was provided copies of the report, used the release of the Fort Pillow Report to challenge the government on its earnestness regarding the use in the war effort and emancipation of African Americans, which it felt the government had been sluggish on up until that point of the war.¹⁷⁹

African Americans were not the only ones motivated to join the war effort by the actions at Fort Pillow, white Americans responded as well. Newspapers across the country were provided copies of the JCCW report and many, including *Harper's Weekly*, published summaries of it for their readers. One citizen, upon reading the JCCW report, stated that it served better than

¹⁷⁷ Tap, *The Fort Pillow Massacre*, 26.

¹⁷⁸ Tap, *Over Lincoln's Shoulder*, 204.

¹⁷⁹ Frisby, *Black Flag Over Dixie*, 122.

the draft or wages as a reason for people to enlist.¹⁸⁰ For some, this was proof that the Confederacy had degenerated enough from the American ideal to be worthy of destruction, or in others the massacre at Fort Pillow stirred a desire to avenge anybody mistreated in the Union uniform.

Regiments in action took to the news of Fort Pillow with a terrible vengeance in mind. African American soldiers took to the habit of yelling “Fort Pillow” as they went into battle and making “Remember Fort Pillow” their regimental motto, to the reported dismay of their opponents.¹⁸¹ Many African American regiments suddenly stopped reporting any prisoners being taken; something George Templeton Strong assumed meant that they were killing them instead. White soldiers, fighting for either the fallen African American soldiers or at least for the uniform they all wore, joined into this practice. One Wisconsin soldier wrote to his wife that:

...twenty-three of the rebs surrendered but the boys asked them if they remembered Fort Pillow and killed all of them. Where there is no officer with us, we take no prisoners... We want revenge for our brother soldiers and will have it... Some of the rebels say they will fight as long as there is one of them left. We tell them that is what we want. We want to kill them all off and cleanse the country.¹⁸²

Clearly the report was having the JCCW’s desired effect on at least some of the soldiers.

Within days of completing the Fort Pillow investigation, the JCCW moved to investigate the condition of returned prisoners of war, gathering testimony from recently returned prisoners, hospital staff, and medical doctors in order to properly ascertain whether the prisoners had been treated by the standards that were expected of prisoners of war. The official investigation by the JCCW was not flattering of the condition of Confederate prisons.

¹⁸⁰ Williams, *Lincoln and the Radicals*, 348.

¹⁸¹ Tap, *Over Lincoln’s Shoulder*, 205.

¹⁸² James M. McPherson, *For Cause and Comrades: Why Men Fought in the Civil War* (Oxford: Oxford University Press, 1997), 154.

The committee members, Senators Benjamin Loan and Chandler, travelled to Annapolis to conduct their interviews. Washington Collins, a Union soldier captured at Chickamauga, testified that, while imprisoned at Richmond, that the majority of food given to them were moldy crackers on the trip to Richmond, with it being replaced with a daily ration of six ounces of light bread, two spoonfuls of worm-eaten beans, and two ounces of rough beef that he struggled to describe.¹⁸³ During the winter, he described Confederates throwing them heads of lice infested cabbage for them to eat. He asserted that the prisoners were stored in a tobacco factory and allowed only the clothing and blankets the Union sent them a shipment of, with their original belongings having been taken.

A surgeon, B. A. Van Derkieft, testified that many of the returned soldiers' suffering would have been from minor illnesses except for their continued exposure to the elements, lack of proper nutrition, and lack of treatment.¹⁸⁴ He stated that, "Very often, though not always, they are robbed, when taken prisoner, of all the good clothes they have on."¹⁸⁵ The prisoners were also described as filthy and, most likely, lacking in opportunities to have washed for weeks or months. Dr. Derkieft relates the story of one patient who was shot because he reached his hand outside of the outhouse to steady himself; his arm had to be amputated after his return.

Abbie J. Howe, a nurse at the hospital, described how the prisoners had developed incredible durability as a result of their time spent as prisoners. "One patient who came in here had the scurvy, and he said: "I can eat anything that a dog can eat. Oh, do give me something to eat;"¹⁸⁶ According to her, one man had typhoid fever but was so desperate to get home that he

¹⁸³ Joint Committee on the Conduct of the War, *Returned Prisoners*, 38th Cong., 1st sess., 1864. H. Rep. 63, 8.

¹⁸⁴ *Ibid.*, 18.

¹⁸⁵ *Ibid.*, 19.

¹⁸⁶ *Ibid.*, 23.

willingly left the hospital he was being treated in at Richmond; this decision may have been partially responsible for his death days after reaching Annapolis.

Reverend H. C. Henries, the chaplain at Annapolis, gave a lengthy and verbose answer when asked to describe the condition of prisoners at the hospital. He attests that they were often deprived of even pants, covering themselves with half a blanket.¹⁸⁷ Many patients were so stricken with depression and traumatized that they could not remember their name, regiment, or other facts about themselves, according to the reverend. Henries related that many of the prisoners believed that these actions were taken intentionally, so that the men could not serve an immediate benefit to the army after being returned to the Union though it certainly could have been attributed to diminishing Confederate resources as well. Much of what the chaplain heard came from the death bed testimonies of returned soldiers.

An amendment to the report, written by a surgeon at Annapolis' west hospital, A. Chapel, was added, with pictures of the returned prisoners attached.¹⁸⁸ The pictures invariably show men at the worst of health, their figures gaunt and weak. The surgeon's accompanying note begs that the pictures be taken with a grain of salt since they did not demonstrate the full depth of the patient's condition.

No one, from these pictures, can form a true estimate of their condition then. Not one in ten was able to stand alone; some of them so covered and eaten by vermin that they nearly resembled cases of small-pox, and so emaciated that they were really living skeletons, and hardly that, as the result shows, forty out of one hundred and four having died up to this date.¹⁸⁹

According to Chapel, it would have been better to have been massacred at such places as Fort Pillow and Lawrence than to have been taken prisoner and have to live through what his patients had lived through.

¹⁸⁷ Ibid., 24.

¹⁸⁸ Ibid., 34-43.

¹⁸⁹ Ibid., 34.

The report was particularly important to Zachariah Chandler, who, acting in both official and personal capacities, regularly visited hospitals in his home state of Michigan to see the condition of wounded soldiers.¹⁹⁰ Chandler would help wounded veterans pay for their bills, or their families pay for burials. He also assisted veterans in filling out their furlough or discharge forms, a task that would often be seen as beneath a sitting senator. For a man who had personally worked with so many of the wounded, to see prisoners of war mistreated by the enemy was heart breaking.

The report on the treatment of prisoners of war had sixty thousand copies printed, which is quite a lot for a congressional report.¹⁹¹ While it was not as popular as the JCCW's reports on Fort Pillow or the Army of the Potomac, its effects were still widely felt across the Union. While the report was hardly the first instance of such accusations being leveled at the Confederacy, the report was a wider investigation than had previously been undertaken, due to having the full authority of a joint congressional committee behind it. It served to highlight the increasing divide that was emerging between how the Union and the Confederacy treated its prisoners of war.¹⁹²

At the beginning of the war, the treatment of prisoners was almost equal on both sides. As the war began to drag on both side began to struggle to maintain the same conditions. However, this was particularly true in the Confederacy where food rations were increasingly cut. The Union, economically more stable, was able to better feed its prisoners. Furthermore, the issue of African American prisoners of war increasingly complicated the issue. During an interview, General Neal Dow described the three months he spent in Libby Prison:

The imprisonment at Richmond was close, severe, and attended by every circumstance of humiliation. Our treatment, in point of food and accommodations, was like that to Negroes-in

¹⁹⁰ Pierson, *Zachariah Chandler*, 28.

¹⁹¹ Tap, *Over Lincoln's Shoulder*, 206.

¹⁹² *Ibid.*, 201.

crowded baracoons, where they are assembled for sale. We experienced nothing from the prison officials but humiliation.¹⁹³

Prisoners being returned were similarly described in an issue of *Harper's Weekly*, on December 5th:

Many were unable to walk, and were carried to the hospital. Those who could walk must have presented a sight never to be forgotten; for, before leaving the rebels not only stripped them of socks, shoes, and blankets, but took from them their shirts and pantaloons, except where the rags could scarce hold together...These men had been on Belle Island (which seems to be a barren waste), without any protection against the weather, except which they had themselves constructed.¹⁹⁴

Many of the reports published in newspapers would align with the similar findings presented by the JCCW.

The JCCW report gave General Grant the justification he had desired to limit the number of prisoner exchanges. While this meant that that many more Union officers remained in Confederate custody, it also meant that the Confederacy was increasingly deprived of officers with leadership experience and veteran soldiers, something they increasingly needed.¹⁹⁵ Perhaps there is a bit of irony here, since many of the testimonies stated that it was Confederate officers that attempted to limit the excesses of their men, while most of the worst events described can be attributed to the common soldier acting without supervision.¹⁹⁶

While the debate on how prisoners of war were to be treated raged in Washington, the JCCW lived on the most extreme end of the scale. Chandler desired that Confederate prisoners be kept on the same amount of rations and care that Union prisoners seemed to be even though this would undoubtedly have resulted in increased illness and death amongst the prisoner and

¹⁹³ Ibid.

¹⁹⁴ Editorial Board. "Union Prisoners At Richmond." *Harper's Weekly*, December 5, 1863, 779.

¹⁹⁵ Frisby, *Black Flag Over Dixie*, 121.

¹⁹⁶ Williams, *Lincoln and the Radicals*, 347.

possible heightened retaliation from the Confederacy on Union prisoners.¹⁹⁷ The Senate introduced numerous resolutions that would have made such a policy official, even putting in clauses that called for the dismissal of any prison official that was unwilling to implement the law. This was done in reaction to Lincoln's unwillingness to act on the information the JCCW report contained, despite his promise to do so. While the passage of the bill was debated heavily for two weeks before passage, pending amendments that removed much of its teeth, the fact that it passed demonstrated the effect the JCCW report had on swaying public opinion against the Confederacy.

Some scholars have expressed doubts about the veracity of the JCCW reports. T. Harry Williams described Wade and Gooch, as they set out to collect reports from the Fort Pillow massacre as "inquisitors" and is quick to point out that eighteen of the seventy-eight witnesses interviewed had not been at the massacre.¹⁹⁸ Bruce Tap wrote that the witness testimony was "...exaggerated and undoubtedly elicited by suggestive, leading questions to witnesses, many of whom were illiterate soldiers, both black and white."¹⁹⁹ These criticisms are both important and, at least to an extent, fair. The outcome of these investigations could have had a critical impact upon the Reconstruction after the war, and it is well within the realm of possibility that the JCCW would have desired to paint the worst possible picture of the massacre in order to give them the political clout to enforce more wide reaching changes to the South once the war was over.²⁰⁰

However, the criticisms of the reports are, at their worst, accusations of exaggeration and impropriety. None of the accusations provide proof that the JCCW had lied in the reports, or that

¹⁹⁷ Tap, *Over Lincoln's Shoulder*, 207.

¹⁹⁸ Williams, *Lincoln and the Radicals*, 344.

¹⁹⁹ Tap, *Over Lincoln's Shoulder*, 198.

²⁰⁰ *Ibid.*, 203.

their facts were inaccurate. In fact, Bruce Tap, perhaps the most fair of all the historians who have written extensively on the JCCW, goes as far as to point out certain facts about the Fort Pillow massacre that were undoubtedly true, including that, "...the consensus among all witnesses at the fort on the day of battle was that Union soldiers were given no quarter even after they individually surrendered."²⁰¹

Additionally, the accusations of leading questions do not match up with the printed reports of the incident. Captain Marshall, of the gunship *New Era*, was simply asked, "Please describe that affair,"²⁰² before giving his testimony that is most often held up as the basis for accusing the Confederates of breaking the truce at Fort Pillow.²⁰³ That is hardly a leading question. Nathan Hunter, a private with the 6th U.S. Heavy Artillery, testified that he had seen a partially buried hand moving still after he had been asked, "Did they bury anybody who was not dead?"²⁰⁴ How else might a person word a question when they are investigating accusations of burying people alive? Thomas Adison, another private in the same regiment, was asked "Do you know of anybody being buried alive?" and simply replied, "No, sir."²⁰⁵ Aaron Fentis was asked about seeing people being buried twice, though the word alive was absent, each time he replied in the negative.²⁰⁶ This demonstrates that the JCCW was not unwilling to leave doubt regarding the action of the Confederates in their report, nor were they willing to paint every Confederate at Fort Pillow as some kind of monster, though they certainly could have attempted to do so.

²⁰¹ Ibid., 199.

²⁰² JCCW, *Fort Pillow Massacre*, 86.

²⁰³ Albert Castel, *Black Flag Over Dixie: Racial Atrocities and Reprisals in the Civil War*, ed. Gregory J. W. Urwin (Carbondale, IL: Southern Illinois University Press, 2005), 92.

²⁰⁴ JCCW, *Fort Pillow Massacre*, 17.

²⁰⁵ Ibid., 21.

²⁰⁶ Ibid., 25.

In the report on returned prisoners, Abby Howe was asked, “What has been their general complaint in regard to their treatment while prisoners?”²⁰⁷ Again, this is hardly a leading question. Despite the innocuous nature of the question, her answer addressed the depth of sickness, malnutrition, and exposure that the soldiers endured and matches up well with the testimony of other soldiers and medical personnel.

General William Sherman did not doubt the veracity of the claims being made at Fort Pillow, after it became known to him that General Hurlbut had disobeyed his order to evacuate the fort. “No doubt Forrest’s men acted like a set of barbarians, shooting down the helpless negro garrison after the fort was in their possession...”²⁰⁸ Sherman attributed their actions to desperation and fear of the Union action of helping escaped slaves to become soldiers. He does not blame Forrest for the massacre, stating that he believed Forrest was most likely too far in the back to have been able to prevent his soldiers from committing their acts, and believed that, though Forrest may have shared many of his soldiers’ feelings, he had always been unusually kind to captured Union soldiers in the past.

The JCCW report on Fort Pillow would be arguably their widest read report, with the second report on prisoners of war being only slightly less so.²⁰⁹ Despite Lincoln’s refusal to allow for reprisals, most likely due to the imminent election cycle and his personal belief on its ineffectiveness, the reports outraged many citizens who demanded vengeance for the dishonor done to their soldiers by the Confederacy. Excerpts of the reports would be published, along with photographs of the returned prisoners, in *Harper’s Weekly*. Poems were written and published in magazines such as *Continental Monthly*, which were dedicated to the victims of Confederate

²⁰⁷ JCCW, *Returned Prisoners*, 23.

²⁰⁸ Sherman, *Memoirs of General W.T. Sherman*, 470.

²⁰⁹ Albert Castel, “The Fort Pillow Massacre: A Fresh Examination of the Evidence,” *Civil War History* 4, no. 1 (March 1958): 37.

actions at Fort Pillow or in their prisoner camps. The JCCW printed twenty thousand extra copies for the Senate, who distributed them around the country.²¹⁰

By the summer of 1864, the Union was becoming increasingly war weary. The movement of Union armies seemed stalled, with Grant struggling through Virginia and Sherman through Georgia without being able to deliver the desired fatal blow despite numerous battles and lives lost. George McClellan had been nominated as the Democrat candidate for the presidency in a challenge to Lincoln, representing the best hope for Confederate victory, or at least independence that late in the war.²¹¹ The party platform, drafted in August, stipulated that the war had been a failure and called for an immediate cease-fire so that negotiations could be undertaken, negotiations that included the prospect of a constitutional convention that would have strengthened slavery enough to allow the Confederacy back into the country. In part, this opportunity had been caused by the malaise that had fallen over the country, which showed that the Union was desperately in need of the passion and zealotry that the JCCW had been trying to instill in them from the conflicts onset, at least if victory over the Confederacy and restoration of the Union was indeed their goal.

More so than their value as a source of recruitment, the reports on Fort Pillow and the treatment of prisoners served to help inspire the nation toward victory. “By exposing rebel barbarities in these two investigations, the committee did stir emotions and possibly bolster northern determination to continue the war, despite the costs.”²¹² Coupled with a string of victories by Sherman, most notably Atlanta, the determination in the Union to see the war through to its necessary, if bloody, conclusion raised enough to appoint Lincoln to his second term, and with it died the last hope of the Confederacy to end the conflict on favorable terms.

²¹⁰ Williams, *Lincoln and the Radicals*, 348.

²¹¹ Woodworth, *This Great Struggle*, 300.

²¹² Tap, *Over Lincoln's Shoulder*, 208.

Chapter IV

The Little Things: Lesser Investigations of the JCCW

The Joint Committee on the Conduct of the War undertook many investigations during its tenure that were far less glamorous than their better known probes into the Army of the Potomac and the Fort Pillow Massacre. Some of the most notable of these were undertaken in 1865 during the Thirty-Eighth Congress. Here the wide sweeping powers of a joint committee were dedicated less toward investigating corruption or policy matters within the military, where such actions can undoubtedly lead to division within the ranks, but toward other matters that, which while less directly involved in the making of war, still demonstrated the positive impact a good and diligent congressional committee could have. Amongst these, four investigations stand out: the Sand Creek Massacre, Naval Heavy Ordinance, Construction of Light-Draught Monitors, and Ice Contracts.

At the behest of Representative Godlove Orth, of Indiana, the JCCW was charged with investigating the rumored attack on a village of Cheyenne Indians, by the 3rd Colorado Regiment, near Fort Lyon, later known as the Sand Creek Massacre.²¹³ As the sun rose on November 29, 1864, over seven-hundred soldiers descended upon the village of about a hundred and fifty natives. The attack, led by Colonel John M. Chivington, a renowned Indian fighter, occurred while the majority of the village's men were out hunting and resulted in the death of many elderly, young, and women.²¹⁴

One of the interviewed was Colorado Governor John Evans. In this one of the advantages of a congressional joint committee is demonstrated since it ensured that their power was

²¹³ Joint Committee on the Conduct of the War, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress*, 38th Cong., 2d sess., 1865. H. Rep. 142., pt. 3, 161.

²¹⁴ Brenda Smiley, "Sand Creek Massacre," *Archaeology* 52, no. 6 (November/December 1999), accessed 2/1/2016, <http://archive.archaeology.org/9911/newsbriefs/sand.html>.

sufficient enough that even territorial governors were required to answer their subpoenas. The governor testified on a number of issues, helping to inform the committee regarding the current make up of native tribes under the governor's jurisdiction, who their leaders were, and what their recent actions had been. He also informed them of the current leadership of the Colorado volunteers, Colonel Chivington, who supposedly did not take action based upon any orders by the governor.²¹⁵

The governor explained that the action was taken in retaliation upon a group of Cheyenne referred to in the JCCW report as Dog Soldiers. These Cheyenne were warriors largely dissatisfied with the leadership of their chiefs, who they saw as too willing to capitulate to the increasingly unreasonable treaties being levied against the Cheyenne.²¹⁶ According to Governor Evan's testimony, the cycle of violence had been increasingly progressing between dissatisfied members of the Cheyenne, along with members of other tribes in the area, and local settlers who accused them of stealing cattle.²¹⁷ The fact that peace overtures by Cheyenne that opposed the violence was met with violence in turn only helped to escalate the situation further.²¹⁸ His testimony further describes a number of attacks between local natives and settlers, including the theft of a hundred and seventy five head of cattle, of which a dozen were recovered by Colonel Chivington, an attack on a Lieutenant Ayes, and the theft of an artillery battery's horses, supposedly done while under the flag of truce.

During the 29th, Chivington's men secured a ridge overlooking the dry creek bed where the Cheyenne had erected their camp. Dispatching some of his men to round up the nearby herds before they could be used to escape, Chivington ordered his men to fire their two howitzers upon

²¹⁵ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 201.

²¹⁶ *Ibid.*, 202.

²¹⁷ *Ibid.*, 205.

²¹⁸ Stan Hoig, *The Peace Chiefs of the Cheyennes* (Norman, OK: University of Oklahoma Press, 1980), 63.

the village, the only time in history that artillery would be fired upon Native Americans in eastern Colorado.²¹⁹ Rifle fire quickly joined in from the northeast and southeast, catching the few defenders in a crossfire. Some accounts hold that men attempted to shield the women and children of the tribe with their bodies while fleeing natives were gunned down by cavalry.²²⁰ Marshall Hunt testified to the JCCW that the fighting lasted for two to three hours and that several soldiers related to him that the attack was, "...being very badly managed, and very murderous."²²¹ Several soldiers admitted to Hunt that they were ashamed of the actions they took that day.

During the fighting, several of the Cheyenne chiefs were reportedly killed, including two advocates for peace: Black Kettle and White Antelope. White Antelope died while approaching the soldiers, attempting to get their attention. Black Kettle was reported to have raised a white flag, and the American flag, over his lodge to communicate his people's peaceful intentions.²²² Despite the assurance of Chivington himself²²³, Black Kettle had not been killed in the fighting, merely ignored, and would die years later during fighting against Custer.²²⁴

The soldiers returned to Denver after the attack, blatantly in possession of grim trophies of war. Marshall Hunt recalled that, "I think they had about 20 of Black Kettle's scalps"²²⁵ along with varied other trophies of their actions, including buffalo robes, spurs, and a medal owned by

²¹⁹ Smiley, "Sand Creek Massacre."

²²⁰ Jerome A. Green and Douglas D. Scott, *Finding Sand Creek: History, Archeology, and the 1864 Massacre Site* (Norman, OK: University of Oklahoma Press, 2013), 18.

²²¹ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 208.

²²² Green and Scott, *Finding Sand Creek*, 18.

²²³ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 212.

²²⁴ Smiley, "Sand Creek Massacre."

²²⁵ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 208.

White Antelope. The buffalo robes were worth between twenty and fifty dollars at the time, quite the ransom in 1865.

Chivington had undertaken his attack on the Cheyenne under the pretense of retaliation for this destruction. Despite that, Chivington has a well-earned reputation as a man looking for an excuse to attack natives. In his own report to headquarters, Chivington displays a portion of his attitude toward natives.

It may, perhaps, be unnecessary for me to state that I captured no prisoners...About five hundred and fifty ponies, mules, and horses were captured, and all their lodges were destroyed, the contents of which has served to supply the command with an abundance of trophies, comprising the paraphernalia of Indian warfare and life.²²⁶

He makes no effort to describe the reason why he took no prisoners, despite numerous accounts stating that he had the opportunity to do so, but writes of the number of animals captured and of the trophies that his men secured.

Marshal Hunt's testimony further incriminates Chivington for the attack, laying the blame on his attitudes toward Native Americans. His testimony was that Chivington's purpose was the extermination of the natives, remarking that the notion was popular in areas where the natives had attacked in reprisal.²²⁷ Chivington held this attitude despite the widely known fact that White Antelope and Black Kettle were considered amongst the most friendly of native chiefs. When pressed on what Chivington's motivation might have been for this specific attack, the Marshal admitted that he felt Chivington was seeking promotion based on the benefits others had wrought after their own exploits as Indian fighters.

²²⁶ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 213.

²²⁷ *Ibid.*, 210.

Other reasons exist for Chivington's attack. Some accused Chivington of initiating the attack in order to bolster his military reputation in preparation for a congressional run.²²⁸ Colorado was up for statehood and Chivington was considering a run for office. Many of these accusations came from his political opponents though, so their prejudice makes them questionable. One witness even suggested that the attack was motivated in part by the possibility that it would make the natives seem like a greater danger and help facilitating keeping Chivington posted in Colorado, away from the harder fighting going on back east.²²⁹

Regardless of his reasons for the attack, the massacre at Sand Creek was almost universally reviled amongst the American people. The JCCW particularly came out strongly against it, using the harshest of language in their report on the subject.

For more than two hours the work of murder and barbarity was continued, until more than one hundred dead bodies, three-fourths of them of women and children, lay on the plain as evidences of the fiendish malignity and cruelty of the officers who had so sedulously and carefully plotted the massacre, and of the soldiers who had so faithfully acted out the spirit of their officers.²³⁰

Despite the governor's testimony, which sought to shift any blame from himself to Chivington, the JCCW noted his complacency. By allowing militias to form for the purpose of fighting the country's enemy, with hostile natives being mentioned specifically, and allowing them the right to keep any property captured in the fighting, it seems like such a massacre was merely a matter of time, hatred, and greed.

The report gives the character of the massacred village in almost saintly terms, noting foremost the history of that village's leaders as peaceful men.²³¹ The Cheyenne had surrendered their arms to Fort Lyon as requested, settled in the place asked of them, informed the local

²²⁸ Robert Scott, *Blood at Sand Creek: The Massacre Revisited* (Caldwell, ID: Caxton Press, 1994), 164.

²²⁹ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 165.

²³⁰ *Ibid.*, 164.

²³¹ *Ibid.*, 162.

officials of acts of violence perpetrated by other bands of natives, and openly stated their desire to live in peace. For this acquiescence, the Cheyenne were rewarded with a surprise attack that destroyed their village, despite the fact that testimony stated the presence of openly hostile natives were within three or four day's march.

The JCCW's report ends with an appeal that the government should remove those responsible from positions of authority immediately, in part so that the nation's honor could be left intact.²³² That would only half occur. Governor Evans would be dismissed for his involvement in the situation, while Chivington, who proved difficult to prosecute once he was no longer in service, found his political ambitions cut short.²³³ In 1865, the Treaty of Little Arkansas promised to pay restitution to the families of those slain at Sand Creek, to expand their reservation size while allowing further hunting rights, and to give them and their chiefs land; this treaty would be one of the shortest held between native tribes and the United States and none of its provisions would ever be implemented.

The report caused an upsurge in anti-military bias with regards to the management of native lands. Generals Sherman and Sheridan, whose military districts included much of the plains, found themselves working to limit civilian casualties, if only to avoid the negative scrutiny it would surely cause.²³⁴ Some in Congress were forced to rethink the idea of military management of these area altogether, though little would come of it.

Despite the efforts of those in the government like the JCCW, the lasting legacy of Sand Creek would be the escalation of the Indian Wars. The Cheyenne, as a people, were steadily losing unity and the loss of so many chiefs together, particularly amongst those looking to establish long term peace, helped to give rise to the political power of the more militant members

²³² Ibid., 166.

²³³ Green and Scott, *Finding Sand Creek*, 21.

²³⁴ Ibid., 23.

of their nation.²³⁵ There was also the increasing distrust of the U.S. Army. After that attack, any attempt by the army to reestablish positive relations was met with understandable suspicion that they would suffer a similar fate. Many natives struck back in retaliation, which helped army officers justify their own expeditions in revenge.

Though the report gave no immediate succor to the families of the dead, it was not without long term benefits that a normal investigation would have come short of achieving. Thanks to the JCCW, Chivington would leave the military in order to avoid a court martial, and without any political prospects, and Governor Evans was asked by Andrew Johnson to step down for his role in attempting to cover up the massacre, both results that likely would not have occurred had anything less than a congressional committee been assigned to the investigation.²³⁶ With the nation distracted by the more immediate issue of the raging Civil War, the report also served to remind them of the increasingly dangerous situation emerging in the West that had been neglected by the desperate fighting.

Senator Wilson, of Massachusetts, requested that the JCCW investigate the manufacturing of ordinance, for both army and naval usage.²³⁷ Specifically, the JCCW was to investigate the methods of manufacture, the costs to the government of purchasing these guns, how well the guns were tested before being sold, what the conditions were for the tests to be satisfied, how many guns were rifled, and why there was such a delay in rifling more pieces of artillery.

The JCCW confined its investigations to three kinds of manufacturing processes, cast iron and cast iron with wrought iron banding, and those guns crafted entirely from wrought iron,

²³⁵ Ibid., 21.

²³⁶ Tap, *Over Lincoln's Shoulder*, 232.

²³⁷ Joint Committee on the Conduct of the War, *Report of the Joint Committee on the Conduct of the War*, , at the Second Session Thirty-Eighth Congress, 38th Cong., 2d sess., 1865. H. Rep. 142., pt. 2, 727.

referring to them as Rodman and Dahlgren guns, Parrott guns, and Ames guns respectively.²³⁸ Each type of gun was investigated for the benefits of its style of manufacture, as well as the potential difficulties that would arise from it.

Both the Rodman and Dahlgren guns were generally smooth bore weapons, but accorded by witnesses as the best cast iron gun available. The Rodman gun was determined to be those manufactured using a typical cast iron process except that it was cooled from the inside, rather than externally. According to testimony, this resulted in a harder interior surface that was more resistance to both catastrophic explosion and to wear and tear from the weapon being fired. “It is generally held by the witnesses that no effective gun of large calibre can be made of cast-iron except upon the Rodman principle, or the principle of cooling from the interior.”²³⁹ The weapon so impressed a visiting French general that he created a similar design upon returning to his country.²⁴⁰ The Dahlgren gun held an unusual shape, considerably wider at the back than front, because the weapon had been reinforced there to give it greater strength at the breach, where a break was most likely to occur when fired.²⁴¹

Parrott guns were made with principals of the process used by Rodman but were more universally rifled, giving them an increase in both accuracy and range.²⁴² Additionally, the committee found that they were the most cost effective of the weapons utilized by the military. These benefits were largely annulled by the incidences of catastrophic failure the guns had developed a reputation for. While these were not abundantly common occurrences, one witness testified that it only took one weapon failing in such a manner to cause the whole crew of a naval

²³⁸ Ibid.

²³⁹ Ibid., 728.

²⁴⁰ Ibid., 736.

²⁴¹ Ibid.

²⁴² Ibid.

vessel to grow demoralized.²⁴³ While the manufacturer attested that these failures were due to faulty ammunition, rather than a faulty weapon, it still stood that even the perception of a dangerous weapon was enough to weaken a crew's performance in combat.

On behalf of the President, the Ames guns were tested by a board, which consisted of Major General Gilmore, Commodore T. A. Hunt, and Major T. T. S. Laidley, the army inspector of cannon, on the 21st of August 1864. The testing consisted of firing the gun seven hundred times, having it rebored, and then fired another seven hundred times before dissecting it for inspection.²⁴⁴ The multiple firings were, in part, because rifled guns needed to be checked to see if the firing wore out the rifling, whereas smooth bore weapons did not have that problem. The JCCW borrowed heavily from the board's own report, using excerpts in their own report and attaching it their other testimony. The board, particularly Mr. Fox, the Assistant Secretary of the Navy, was so taken with the gun that their report recommended that cast iron guns be abandoned altogether in favor of wrought iron manufacturing.

The committee also took a report from artillerist Norman Wiard, who provided further evidence to them on the benefits of wrought iron construction. Material of various types, cast and wrought iron and steel, were subjected to a cycle of heating and cooling, to demonstrate the durability of the material. Wrought iron works could typically survive at least fifteen cycles before showing signs of wear, while cast iron works often only lasted five cycles.²⁴⁵ Amongst the various wrought iron artillery pieces available at the time, Mr. Wiard recommended the

²⁴³ Ibid., 729.

²⁴⁴ Ibid., 731.

²⁴⁵ U.S. Congress, *Communication of Norman Wiard, Addressed to the Joint Committee on the Conduct of the War, Upon the Subject of Great Guns*, 38th Cong., 2d sess., 1865. Mis Doc. No. 47, 7.

Ames gun to the JCCW, due to the quality of the material being used and the method of construction specifically used in the Ames gun.²⁴⁶

Of course, the effectiveness of a weapon is not the only consideration it must go through. A nation that cannot afford a weapon may as well be unarmed. While the Ames gun was considered a superior weapon by the committee, the cost of a two hundred pounder was roughly seventeen thousand, compared to two thousand for a Parrott gun.²⁴⁷ This is compensated somewhat by the fact that Ames did not charge a royalty, manufacturing cost instead incorporating that directly into the costs of the weapon. However, multiple officers who testified before the committee went out of their way to invoke the cost saving benefits of the Parrott gun. “In the first place, I think the Parrott gun a very effective gun when properly used, and in consequence of its cheapness more desirable than the Whitworth or the Armstrong gun.”²⁴⁸

Captain Henry Wise, of the Bureau of Naval Ordnance, was questioned on the testing that guns were subjected to. The guns were tested in multiple ways, including a water test, where the weapon was filled with pressurized water to see what it could sustain.²⁴⁹ Furthermore, Dahlgren guns orders had their first gun tested with a thousand shots and, if that gun was satisfactory, the order was put through with the remaining guns tested with ten shots; previously the guns were fired with double loads of powder but that damaged the guns and was abandoned. Captain Wise’s department also oversaw the quality of metal being used for manufacturer, permitting only metal of a high standard to be used.

Rifling was the direction artillery was moving in during the Civil War. Its increases in accuracy and range made it a superior weapon, particularly against opponents who did not

²⁴⁶ *Ibid.*, 24.

²⁴⁷ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 2*, 731.

²⁴⁸ *Ibid.*, 791.

²⁴⁹ *Ibid.*, 753.

benefit from similar advantages. However, witness testimony cast doubt on the benefits of rifled fire when used in naval applications. “The difficulty of obtaining accuracy of fire upon a vessel in motion renders the rifled gun less efficient when used at sea than when used upon land.”²⁵⁰ Additionally, the round shot used by unrifled guns is more likely to skip upon the water’s surface, meaning that even skilled gunners could potentially aim below their intended target, striking it along the water line and increasing the chance of the enemy taking on water. At the time of Captain Wise’s testimony, only one-fifth of the naval guns in service were rifled.²⁵¹

On land, however, the benefits of rifling fell in line with artillery’s increasing defensive role in warfare. Much of Civil War era artillery tactics centered around the idea of an offensive cannonade, with artillery pieces moving up with infantry and raking the enemy infantry with grape or canister shot.²⁵² However, the advances in rifling for infantry weapons made this a risky proposition, since the artillery would be outranged when attempting to use canister shot and naturally would find themselves under fire while unlimbering. This relegated artillery to the role of support or defense, both of which benefitted from the increased efficiency rifling afforded them. This role was further enhanced by one of the downsides of rifling, the use of smaller canisters that decrease lethality.²⁵³

Rifling served the Union war effort well, with the Confederates writing of experiences at the Battle of Antietam, where rifled Union artillery outranged their own batteries and prevented any kind of effective return fire. “Lafayette McLaws...found that the Federal artillery was “so superior” that “after the first experiments” he would not allow his guns to duel with it.”²⁵⁴ This

²⁵⁰ Ibid., 733.

²⁵¹ Ibid., 754.

²⁵² Grady McWhiney and Perry D. Jamieson, *Attack and Die: Civil War Military Tactics and the Southern Heritage*. Tuscaloosa (AL: University of Alabama Press, 1984), 61.

²⁵³ JCCW, *Report of the Joint Committee on the Conduct of the War, , at the Second Session Thirty-Eighth Congress, pt. 2, 777.*

²⁵⁴ McWhiney and Jamieson, *Attack and Die*, 118.

increase in range, that rifling provided, meant that, should an artillery battery become established, they could effectively dominate a wide swath of the battlefield, particularly in the role of counter battery fire.

The final report of the JCCW on the topic recommended the immediate expansion of the military's armory of wrought iron weapons, in part because the committee saw the potential for the nation to need them in wars with foreign nations. Much of their testimony inquired about the arms abilities of foreign powers, particularly France and Britain, and what direction they were moving their ordinance in, compared to the U.S.'s. Additionally, the testimony showed to the committee that wrought iron weapons were the direction technology was moving in, both because of their more commonly rifled nature and because of the safety of their use. The committee's recommendation helped to move the ordinance of the Union in the direction of better quality weapons that fit their emerging role in warfare.

The investigation into the construction of light-draught monitors came up after the first of a generation of these vessels, the *Chimo*, suffered from being too low in the water.²⁵⁵ That was rather the point of these vessels, whose concept relied upon the use of ballast to lower them into the water so that they possessed a lower target profile. However, later in the ships design process additional armor was added without this being compensated for in the ballast, causing the *Chimo* to be dangerously low, which interfered with the ships rudder and lowered its speed.²⁵⁶ The remaining vessels, of the twenty ordered, would have to be changed while still in construction. Gideon Wells, the Secretary of the Navy at the time, placed the blame on Chief Engineer Stimers, who assured him that the accusations against the new monitors were groundless, though

²⁵⁵ Gideon Wells, *Diary of Gideon Welles, Secretary of the Navy under Lincoln and Johnson*, vol. 2 (Boston: Houghton Mifflin Company, 1911), 52.

²⁵⁶ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress*, pt. 3, 41.

he later admitted that he bore a portion of the blame for not providing enough oversight in the matter.²⁵⁷

The JCCW report itself placed the lion's share of the blame on Mr. Stimers as well. "He had the calculations made by a young man in his office... too young and inexperienced to make all the calculations upon which were to be built twenty vessels, at a cost of several millions of dollars."²⁵⁸ Despite committee's findings though, their image of Mr. Stimers is that of a man who made a series of mistakes when so much was at stake, rather than a man who was acting maliciously or was deserving of any kind of punishment. In part, this was because the JCCW sought to place the blame for the incident on the shoulders of Secretary Wells, who had been a political rival of theirs, despite being in the same political party.²⁵⁹

On the issue of what to do about the remaining vessels, the committee made several recommendations that were acted upon. First, they advised that five of them already finished, or near finished, should be altered into torpedo boats.²⁶⁰ This allowed the heavy rotating turret to be removed and replaced with both a lighter gun and a spare torpedo, a type of long lance with an explosive at the end, with the reduction in weight causing the ship to sit higher in the water but allowing the crew to be more vulnerable to sharpshooters. These alterations would cost the Union roughly fifty to sixty thousand dollars apiece but would maintain the ships usefulness. Secondly, the remaining vessels would have their sides raised; effectively making the vessel taller to compensate for the depth it would sit in. This alteration would cost the Union ninety thousand dollars a vessel, but, again, would at least retain the ships as useful contributors instead

²⁵⁷ Wells, *Diary of Gideon Welles*, 81.

²⁵⁸ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 41.

²⁵⁹ Williams, *Lincoln and the Radicals*, 359.

²⁶⁰ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 42.

of being completely wasted.²⁶¹ Considering the original amount appropriated by Congress for their construction was ten million, it was a worthwhile investment if it allowed the nation to see some return.

Much of the testimony given reiterated the difficulty found in knowing, with certainty, the height a ship would have in the water without actually producing one and placing it in the water.²⁶² Perhaps for this reason, the committee placed the blame on Secretary Wells, who placed the order for twenty vessels without the prototype being finished and tested. Since the investigation caused by the initial ship demonstrated "...a trail of faulty designs, expensive cost overruns, and bureaucratic in-fighting within the department..."²⁶³ it would have been better for the Union war effort if the initial ship had been tested, as similar testing was done for ordinance to ensure its quality, before the remaining nineteen entered into production.

Ice served a number of roles during the Civil War, but perhaps the most important for the war effort was food preservation and medical application. The JCCW undertook their investigation into ice contracts in order to discover if there was any inefficiency or waste taking place in the supply of ice to Union hospitals and to the captured city of New Orleans.

Ice allowed for food to be transported longer distances while being kept fresh. Railcars could be insulated and stocked with ice, which meat and perishables were stacked upon for the transportation.²⁶⁴ Naturally, since the Union had a larger network of rail lines, this means that the Union could better feed their armies with better quality food than their Confederate counterparts.

²⁶¹ Ibid., 30.

²⁶² Ibid., 46.

²⁶³ Tap, *Over Lincoln's Shoulder*, 233.

²⁶⁴ Richard Osborn Cummings, *The American Ice Harvests: A Historical Study in Technology, 1800-1918* (Berkeley, CA: University of California Press, 1949), 65-66.

The Confederacy found itself deprived of effective ice harvesting locations during the Civil War, with most of the ice being produced by northern states.²⁶⁵ The Confederacy attempted to supply their hospitals with ice machines, but that method of ice production was more expensive than natural ice and the machines would not be made efficient enough to compete on the market until after the war was already over. This meant that the Union held another, albeit small, advantage over the Confederacy that could help them to win the war.

Within the medical field, ice was used in the treatment of wounds to reduce bleeding and lower the inflammation in wounds.²⁶⁶ This meant that soldiers treated in hospitals better stocked with ice were more likely to survive their injuries, perhaps even returning to their regiment. Hospital ships were stocked with, in some cases, as much as three tons of ice in order to preserve food, medicine, and to allow for the transmission of cold water throughout a ship.²⁶⁷

The committee's investigation yielded numerous problems with the way ice was being handled. Mr. Addison Gage testified that he had been supplied ice to hospitals in New Orleans on a government contract before it was ended and management of the delivery changed over to a Major Tiffany, another provider of ice himself, who informed Gage that all future contracts would be handled by him.²⁶⁸

Wastage of ice was shown to be high. Mr. Gage testified that ice houses, used as insulated storage rooms for ice, were being opened regardless of the amount of ice being removed, even though the amount of ice wasted by opening the ice house was largely unchanged

²⁶⁵ Ibid. 69.

²⁶⁶ M. M. Manring, et al., "Treatment of War Wounds: A Historical Review." *Clinical Orthopaedics and Related Research* 467, no. 8 (August 2009): 2175.

²⁶⁷ Frank R. Freeman, *Gangrene and Glory: Medical Care During the American Civil War* (Champaign, IL: University of Illinois Press, 1998), 62.

²⁶⁸ JCCW, *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress, pt. 3*, 274.

regardless of the amount removed.²⁶⁹ Additionally, the committee ascertained that private contractors were willing to both store the ice in their own houses, delivering just the amount requested by hospitals daily, and to have the ice deliveries weighed by the hospital, suffering the loss, in ice from heat, themselves, rather than the government paying the costs.²⁷⁰

The cost of supplying ice was also deemed wasteful. Contracts for New Orleans in 1863 cost the Union \$91, 108.30, but could have been provided for no less than \$10,000 plus the costs of labor and ice house rental, asserted one witness.²⁷¹ The committee undertook their investigation, in part, to discover the reason for discrepancies like this.

One issue that consistently emerged during the JCCW's investigation was the curious case of Major Tiffany. In interviewing Henry Johnson, the medical storekeeper and medical purveyor for Washington D.C., the committee uncovered that Major Tiffany, who acquired the contract to supply the government with ice under questionable circumstances, did not seem to be delivering the amount of ice he was supposed to have.²⁷² Conflicting testimony was given to the committee regarding Henry Johnson's stance on whether Major Tiffany's contract was preferable, at any cost, to simply keeping the existing private contract the government already had. During Major Tiffany's contract, the amount of ice delivered increased considerably from previous year.²⁷³

If Major Tiffany's testimony is to be believed, he acquired the contract due to two circumstances. First, the window for the contract was exceedingly low, limiting the amount of competition for the contract to be filled.²⁷⁴ Secondly, Major Tiffany put a bid in that seemed

²⁶⁹ Ibid., 275.

²⁷⁰ Ibid., 284.

²⁷¹ Ibid., 276.

²⁷² Ibid., 308.

²⁷³ Ibid., 316.

²⁷⁴ Ibid., 362.

initially far lower than his competition but included a great deal of waste that would result in a far higher cost to the government in the long run²⁷⁵. While other bidders delivered contracts that stipulated their delivery of ice directly to the hospital, Major Tiffany's proposal, the one that would eventually be accepted, only required him to deliver his ice to the local wharf, with an extra, seemingly minor, charge being applied for additional delivery to the hospital itself, based on weight but not taking into account waste from heat. Additionally, while Major Tiffany was operating under the assumption that the hospital would send the amount of ice they needed in the morning, instead they came at several times of the day for further amounts of ice, necessitating that the ice house be opened again and again, causing further loss. He alleges that he never contacted any other ice distributors to mislead them about the impending government contract.

As Bruce Tap put it, "In these three instances, as in earlier investigations on ice contracts, the [J]CCW demonstrated that congressional committees, when narrowly focused, could achieve worthwhile results."²⁷⁶ The committee, during a year in which they investigated a wide array of issues, focused on specific needs of the country that could, and certainly in the case of the Cheyenne massacre did, have many long term effects on both the war effort and the country's future. Clausewitz, in *On War*, makes several references to the costs of war and, while he was certainly referring to the cost in lives in many instances, the cost in dollars matters as well. No army fights well on an empty stomach, or without weapon in their hands or shoes on their feet. These investigations by the JCCW helped to ensure that the Union had the resources to equip their men with the best possible weapons, who were supported by the best possible gunships, treated in well supplied hospitals should they receive injury, and were able to return home to a

²⁷⁵ Ibid., 364.

²⁷⁶ Tap, *Over Lincoln's Shoulder*, 233.

country with its moral character intact. What greater service could a country ask of its legislative bodies?

Chapter V

Criticisms and Rebuttals

Almost every historian that has written about the JCCW has had understandably negative things to say about the committee and its actions. The great majority of the complaints regarding the JCCW can be lumped together into two overarching arguments, that the JCCW was heavily biased in their work, favoring radical republican solutions to every problem, and that the JCCW was, as a civilian political body, unsuited to the task of overseeing and investigating military matters. In both cases, these criticisms fall short of the full truth.

The very creation of the JCCW demonstrated a degree of bipartisanship. T. Harry Williams referred to the creation of the JCCW as, "...the unnatural child of lustful radicalism and confused conservatism," when describing the committee's inception.²⁷⁷ With this sentence Williams attempts to convince the reader that the creation of the committee were some sleight of hand perpetrated upon Congress by its so-call radical members. Williams deftly points out that the initial bill by Senator James Grimes was to allow the committee to investigate the reasons for lost battles, and that it was only after suggestions and criticisms were offered by Senators Fessenden, who Williams calls a shrew, and Sherman that it was altered to allow the committee to hold general investigative powers on the war effort. The initial bill, however, was panned by many critics, such as Senator Lafayette Foster, an Oppositionist turned moderate Republican, who felt that the bill was, "...an unconstitutional invasion of the president's power as a commander in chief of the military."²⁷⁸ When the bill was altered to expand the authority of the

²⁷⁷ Williams, *Lincoln and the Radicals*, 64.

²⁷⁸ *Ibid.*, 62.

committee, it passed in the senate with only three dissenting votes and the house passed the bill with no debate.²⁷⁹

While it can be argued that the JCCW developed its more radical tendencies after its formation, this demonstrates that the committee was founded as an action approved of across party lines. The debate regarding the committee's formation had been undertaken publicly. Its potential powers were understood. Despite that, only a small minority of senators and congressmen saw fit to oppose its creation.

The committee's membership also speaks of a degree of bipartisanship. While the committee was clearly dominated by republican members, it was never without democrat membership either. The initial roster of the committee included Andrew Johnson, who, while adamantly against secession, was just as strongly against the idea of nullification and felt that any federal attack on slavery was a violation of state's rights.²⁸⁰ Johnson was seen as an adequate counter to the more radical Wade and Chandler.²⁸¹ While Johnson's time with the committee was short, he was replaced by Joseph Wright, the senator from Indiana, and bolstered in the house by the membership of Moses Odel, a democrat congressman from New York. This meant that the committee of seven members had two members from the Democrat Party.

On the surface, this might seem to confirm the partisan bias argument; however, an examination of the congressional make-up during the 37th Congress shows that this balance was appropriate. By the time the membership from seceding states was settled, the Republican Party controlled thirty of the fifty seats in the senate, with an additional seven held by the Unionist Party, which was anti-secession. In the house, the Republican Party controlled 106 seats of the 183 available, with thirty held by the Unionist Party. This left the democrat membership of

²⁷⁹ Tap, *Over Lincoln's Shoulder*, 24.

²⁸⁰ *Ibid.*, 27.

²⁸¹ *Ibid.*

Congress in a clear minority and their position on committees, such as the JCCW, was affected as a result. During the 38th Congress, democrat representation improved in the house and, naturally, the JCCW picked up a third democrat, who served besides only four republicans and an unconditional unionist. Additionally, some republican members of the JCCW, such as Daniel Gooch, a congressman from Massachusetts, came from the party's conservative faction and would not have seen eye to eye with the radical members on all issues.

Bruce Tap suggested that Odell was selected for the committee due to his newcomer status in congress.²⁸² Deprived of the experience and connections that more veteran congressman would have, Odell would not be able to effectively sound the alarm or oppose the likes of Wade and Chandler. This assertion however does not entirely negate any moderating influence that Odell could have had. While Odell might not have had the connections required to alert newspapers or spread information on perceived injustices, he was still represented his party while simultaneously representing his conscience. Odell bucked the radical trend by refusing to sign the committee's report on General Fremont, while joining the committee in their criticism of General McClellan.²⁸³

Despite that, the argument that the JCCW demonstrated too much partisanship in their dealings rests, ultimately, on one assumption, that it was a bad thing. Democrat Andrew Johnson stated, during a speech in Kentucky in 1861, that, "...secession has done more harm today than all the abolitionists in the country put together since we were a nation."²⁸⁴ The Democrat Party was strongest in the South prior to the secession and the Republican Party was the dominant force in Union politics after the Civil War began. Naturally, this lead to some justifiable suspicion of democrat politicians, a suspicion made all the worse by the actions of men such as

²⁸² Ibid., 32.

²⁸³ Ibid., 30.

²⁸⁴ Ibid., 27.

Senator Jesse Bright, a democrat senator from Indiana who wrote a letter to Confederate President Davis introducing him to a previous client of Bright's law service that sold firearms. The suspicion was that Bright was helping to arm the Confederate army.

The Republican Party, during the Civil War, demonstrated its support for many of the measures that are seen today as beneficial to the war effort, including the aggressive war making of such generals as Ulysses S. Grant²⁸⁵ and William Sherman, the passage of the Emancipation Proclamation, and the increase of African-American soldiers in the Union army.²⁸⁶ Without these sort of changes in the war's direction, it is possible that the conflict would have been decided through some sort of compromise, rather than through military conquest, and that the old order, which allowed the institution of slavery to exist, would have persisted in the nation even longer.

Particularly, the JCCW's insistence that the war was as much about slavery as it was the restoration of the Union, a distinctly partisan stance, served the Union war efforts. Much of the Confederate hopes for victory relied upon securing foreign aid, particularly in reopening trade so that the Confederacy's coffers could be refilled. For much of the war, this was a distinct possibility. However, Lincoln's passage of the Emancipation Proclamation, which the JCCW and radical republicans had long supported, greatly diminished the Confederacy's popularity in England, where antislavery sentiment helped to rally more and more British citizens to the Union's cause.²⁸⁷ The presence of African American regiments gave further assurance that the proclamation was not simply a political move and was a genuine change in direction for the nation. After its issuance, any nation that supported the Confederacy did so at the danger of being seen as supporting the existence of slavery.

²⁸⁵ Woodworth, *This Great Struggle*, 245.

²⁸⁶ McPherson, *Battle Cry of Freedom*, 567.

²⁸⁷ *Ibid.*, 567.

When describing the JCCW, Bruce Tap wrote about how the committee lacked any military background, and that this made them ill equipped to effectively understand civil war strategy.²⁸⁸ This is not entirely true. Zachariah Chandler, second only to Benjamin Wade on the committee, had served briefly in the New Hampshire militia, albeit with a poor record which included insubordination, and was attached to the staff of the commanding officer, General Riddle.²⁸⁹ Benjamin Loan, who would join the JCCW during the 38th Congress, in 1864, as a member of the minority Unconditional Unionist Party, which sought the preservation of the Union at any costs. He would later join the Republican Party during his reelection. For the two years prior to his election though, he was Brigadier General Loan in the Missouri State Militia, from 1861 to 1863, when he was honorably discharged, though his experience was largely limited to fighting Confederate irregulars and he participated in no major battles. Andrew Johnson was a member of the JCCW briefly before his appointment as the military governor of Tennessee. He had previously been in the 9th Tennessee Militia regiment, holding the field rank of colonel.²⁹⁰ While this hardly represents a West Point education, or even a thorough military experience, it does show that some members of the committee did possess an inkling of military knowledge that would be further supplemented through their interviews with officers over the course of their investigations.

Basing his reasoning on the JCCW's civilian role, Wilmer Harris proposed that a portion of the JCCW's zeal for the prosecution of the Civil War came from what he saw as their underestimation of the Confederacy's strength.²⁹¹ However, the numbers the committee used in their line of reasoning, as was written previously, came from their own interviews with officers

²⁸⁸ Tap, "Amateurs at War", 1.

²⁸⁹ Pierson, *Zachariah Chandler*, 41.

²⁹⁰ Hans L. Trefousse, *Andrew Johnson: A Biography* (New York: W. W. Norton & Company, 1997), 25.

²⁹¹ Wilmer C. Harris, *Public Life of Zachariah Chandler* (Washington, DC: Library of Congress, 1917), 60.

who should know such things. General McClellan most notably, overestimated the enemy's strength repeatedly. If the committee was guilty of underestimating the enemy's strength, it stands to reason that this was, at least in part, because the committee had become used to Union generals overestimating the enemy's strength and adjusted their views accordingly.

Perhaps the fairest of the historians to write on the JCCW, Bruce Tap, like many others, uses the criticism that the committee was able to fish for desired testimony by asking leading questions. In most cases, this accusation goes unsubstantiated, such as the previously addressed example from the Fort Pillow report. Tap, however, provides a more specific example, quoting the interview between the committee and General Albion Howe regarding General Meade's actions pursuing Lee after Gettysburg. After accusing General Meade of engaging in copperheadism, General Howe is asked, "Do you mean that many of the high officers sympathize with those politicians of the North who are called 'peace men?'"²⁹² While, particularly out of context, this is a leading question, it can also be seen the other way around, that General Howe is attempting to lead the committee. In all likelihood, there is probably a bit of both going on here, with the committee looking for particular evidence to fit their suspicions and General Howe looking to protect himself from criticism.

As was addressed previously, Trefousse, along with Williams and Tap, came to McClellan's defense on the issue of soldiers being held back from the Peninsula Campaign. It bears reasserting here since the committee's interference in military matters is one of the great charges leveled against them. In this specific instance, we see the danger of assuming that the committee was targeting a political opponent. Instead, they were responding to an upstart general not properly communicating with his superior, the Secretary of War, or the President, despite

²⁹² Joint Committee on the Conduct of the War. *Report of the Joint Committee on the Conduct of the War, at the Second Session Thirty-Eighth Congress*. 38th Cong., 2d sess., 1865. H. Rep. 142., pt. 1, 328.

having been given explicit orders that he was seemingly disobeying, in this case the required defensive measures around Washington.²⁹³ In bringing this to the attention of Lincoln and Stanton, the JCCW was not operating as a civilian group inappropriately acting as military decision makers, but were more aptly enforcing the rules established by the President based upon information attained from Brigadier General Wadsworth. If there is criticism to be had here, it rests either upon the shoulders of McClellan, for not adequately communicating his intentions, or on Wadsworth, for not properly understanding the position his superior had left him in.

To truly understand why the JCCW interfered as they did, one should understand the perspective held at the time on the nature of military authority. While the Constitution clearly marks the President as commander-in-chief, and thus the primary decision maker in times of war, Congress alone possessed the authority to both declare and finance a war. In the minds of Congress, it behooved them to use this power wisely, which required that they stay informed of the war's progress, the reasons for defeats and struggles, and the directions that policies were taking the war.²⁹⁴ Congress, not the President, most represents the people of the nation, so the so-called radicals felt it was their responsibility to ensure that their power was being used to create not only victory, but the best possible victory for the country's future, which they saw as one over slavery.

This is important because it goes to the center of both the JCCW's rationale for interfering in military matters and the reason why it was important for them to have done so. Clausewitz is often quoted as having said that, "War is a mere continuation of politics by other means." Civil Wars are perhaps especially so. The nation was not merely defending itself from invasion by some foreign country, where the battle lines are simpler, and the enemy better

²⁹³ Trefousse, *The Radical Republicans*, 194.

²⁹⁴ Williams, *Lincoln and the Radicals*, 63.

defined. Instead it was facing itself over ideological differences. If the nation had been reestablished with those ideological differences still unresolved, then the country would have merely been sending its troubles down the line for future generations to have to solve, with potentially worse consequences.

With that in mind, the JCCW, and the so-call radical republicans, were merely agents of their belief system; one that did not accept the idea that slavery was amiable to the nation's founding ideals. Since it was Congress' job to ensure that their war powers were used appropriately, it followed that they had the responsibility to make certain that those in the position to make reaching decisions were also making the correct political decisions for the country, whether they were civilian, military, or executive. The JCCW would have seen a military victory in the Civil War, that did not result in the destruction of slavery, as just as disastrous as a military defeat. Given the strong association between West Point and the South, it is only natural that the committee would hold officers from West Point with the highest suspicion.²⁹⁵

Lincoln, always a better compromiser than his radical counterparts, might not have seen it this way. "Insofar as a unified society can probably wage war more effectively than one fraught with internal divisions, Lincoln's viewpoint seemed more sensible."²⁹⁶ From the perspective of maintaining a unified nation at all costs, even the costs in human suffering that slavery inflicts, Lincoln was certainly more sensible. With the perspective of forming a "more perfect union" where the blight of slavery was ended and the suffering endured by the current generation, rather than forced onto future ones, the JCCW was more sensible.

²⁹⁵ Tap, "Amateurs at War", 6.

²⁹⁶ Ibid., 16.

Chapter VI

Conclusion

While the JCCW has been criticized for its partisanship on a number of issues, it remains important to see these issues in context. It becomes easy for time to allow scholars to cast even the most well-meaning of historical figures into the role of villain, or even as merely foils for the real hero, such as the JCCW often played for President Lincoln.²⁹⁷ Despite that, the JCCW existed at a time when the nation was undergoing great change, potentially inevitable change over an issue that had been festering in the national character since its very inception. Economics and tradition had long worked in tandem to ingrain the practice of slavery deep into the social character of the South.²⁹⁸

Slave revolts, open fighting in new territories, and the rising tide of abolitionism only served to more starkly polarize the nation on the issue of slavery, with the South repeatedly blaming their difficulties on the spread of Northern ideals to an otherwise contented slave population while the abolitionists grew more radicalized with each passing year. Compromise on the issue only served to kick the can down to the next generation of lawmakers and political adversaries to bridge the divide; a future generation that would ultimately kick the can further down the road. Under such circumstances, it seems likely that no nation could continue on forever and it stands as a testament to the American character that the nation was able to accomplish so much for so long while this sat, like the proverbial elephant in the room, for so long. Despite that, was this an issue that compromise could be found on or was slavery a divide so great that the only way a people could be unified with regards to it was for the entire nation to

²⁹⁷ Trefousse, *Lincoln and the Radicals*, 184.

²⁹⁸ Woodworth, *This Great Struggle*, 6.

be forced to one side or the other? In this case, I propose that the situation was the later, and that agents of compromise and unity only served the role of kicking the issue further down the road.

With that in mind, the JCCW were merely products of their age, raised up to power in a time when men were forced to choose if they were for or against slavery, or if they were willing to fight for peace now at the expense of even greater war later. No historian questions the committee's determination to accomplish their goals. The committee would conduct its investigations both during congressional sessions and in between them, putting in far more hours than typical congressmen of the day.²⁹⁹ They worked, not to win the war with the South, though that was certainly one very important step in their larger goals, but to create a nation after the war that no longer found itself burdened with the great strain that slavery had placed upon it for so long. If this meant that they had to oppose the sitting President, an action far more palatable during that era than we might see today given the more limited role the President had then, so be it. Risking great political divide with loyal democrats was even seen as justified, since any peace garnered by them ran the risk of a unified nation which still had the weight of slavery upon it.³⁰⁰

This is not to mischaracterize the JCCW as saintly beings guided by the hands of angels. They were human beings, full of all the flaws inherent in that, including the habit of seeking division when unity should have been the call for the day, particularly within their own party. Intraparty conflicts almost cost Lincoln the reelection, which would have been a coup for the Confederacy.³⁰¹ Competent generals, otherwise loyal to the Union war effort despite their stance on slavery itself, were cast aside with blind zealotry in favor of less competent generals whose long term ambitions for the nation more closely aligned with the committee's ambitions. An atmosphere was allowed to settle over the military, where soldiers were allowed to be afraid of

²⁹⁹ Tap, *Over Lincoln's Shoulder*, 34.

³⁰⁰ Williams, *Lincoln and the Radicals*, 328.

³⁰¹ *Ibid.*, 329.

their own leadership based purely on the political beliefs of men not holding political office. To say that lives were ruined by the committee would be an understatement and their actions created a divide between the common soldier and those officers trained by that great institution, West Point.³⁰²

At the same time, they accomplished important things for the nation, and could have accomplished more had they been listened to at critical junctures. General McClellan, while instrumental in building up the Army of the Potomac, was a disaster in the field, and the nation would have been better served by a commander more willing to use his army. Even President Lincoln, who served a brief stint as impromptu general while McClellan was distracted, appeared more able to act with aggression when required.³⁰³ Their investigations into the conduct of the Confederacy toward African American soldiers and prisoners of war helped to lift the flagging Union morale during a time when it was desperately needed. Other investigations helped to ensure that no department could be sure that fiscal or morale corruption would be allowed to seep into the government under the cover of the war. Despite their shortcomings, the Union's war effort was benefited by the tireless work of the committee.

³⁰² Bruce Tap, "Inevitability, Masculinity, and the American Military Tradition: The Committee on the Conduct of the War Investigates the American Civil War," *American Nineteenth Century History* 5, no. 2 (July 2004): 20.

³⁰³ Woodsworth, *This Great Struggle*, 119.

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